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OFFICIAL REPORT
(HANSARD)

Wednesday, December 14, 2016

The Honourable GEORGE J. FUREY
Speaker

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, December 14, 2016

The Senate met at 2 p.m., the Speaker in the chair.

• (1410)

Prayers.

THE SENATE

MOTION TO PHOTOGRAPH THE INTRODUCTION OF NEW SENATORS ADOPTED

The Hon. the Speaker: Honourable senators, there have been consultations and there is an agreement to allow a photographer in the Senate Chamber to photograph the introduction of new senators.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Daniel Christmas

Rosa Galvez

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Daniel Christmas, of Membertou, Nova Scotia, introduced between Hon. Peter Harder, P.C., and Hon. Murray Sinclair; and

Hon. Rosa Galvez, of Lévis, Quebec, introduced between Hon. Peter Harder, P.C., and Hon. Grant Mitchell.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the Declaration of Qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Frank Mahovlich, accompanied by his wife Marie Mahovlich.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

NEW SENATORS

CONGRATULATIONS ON APPOINTMENTS

Hon. Peter Harder (Government Representative in the Senate): Colleagues, the season of giving beckons. Hence, it is my pleasure to announce the contribution of two new and highly esteemed members of our ranks, one from the province of Quebec and the other from the province of Nova Scotia.

Rosa Galvez, originally from Peru, is one of Canada's leading experts in pollution control and environmental pollution. Her experience and knowledge in this field are evident across many environmental issues affecting human health, including water pollution, waste and residues, contaminated lands and the impact of economic activities such as mining petroleum transport. Indeed, one of her hallmark research achievements includes the study of the catastrophic oil spill at Lac-Mégantic.

• (1420)

[Translation]

She provided advice to a number of international organizations, such as the Commission for Environmental Cooperation, including on agreements between Canada and the United States and Quebec and Vermont with regard to protecting the Great Lakes and the St. Lawrence River. Her research has led her all around the world to countries such as France, Italy, Belgium, Japan, China, and many others.

Welcome to the Senate, Ms. Galvez.

Hon. Senators: Hear, hear!

[English]

Senator Harder: A lifelong resident of the Mi'kmaq community of Membertou, Dan Christmas has spent two decades playing a leading role in transforming his home community from a First

Nation on the verge of bankruptcy into one of the most successful in Canada. He has worked across a range of fields that include Aboriginal and treaty rights, youth, justice, policing, education, health care and all of the others that go into a successful community.

Earlier, as the Director of the Advisory Services for the Union of Nova Scotia Indians, Mr. Christmas coordinated its political and litigation strategy on Aboriginal and treaty rights and, notably, the Mi'kmaq response to the report on the Royal Commission on the Donald Marshall, Jr., Prosecution.

For 18 years he also chaired a local charitable organization, recognized by the Donner Canadian Foundation as one of the best-run not-for-profits in Canada. He is the recipient of numerous awards and distinctions. Please join me in welcoming Dan Christmas. Colleagues, this is the first Christmas to sit in the Senate, but as Speaker Noël Kinsella will tell us, not the first Noël.

Hon. Senators: Hear, hear!

Hon. Claude Carignan (Leader of the Opposition): I don't know if the Leader of the Government had a chance to read my speech, but I had the same type of comment. The Senate of Canada is very bilingual. Previously we had Senator Noël Kinsella, and now we have Senator Christmas.

[Translation]

Honourable senators, I am pleased to rise today to welcome our new senators. I am especially pleased to see the energy and pride shining through as the family and friends of the new senators here today rejoice in their appointment to the Senate of Canada. We see a lot of love and pride all around you and this honour is also shared by your families.

As these are the last swearings-in before the end of the fall session and the seats are almost all filled, I will now share with you a few more substantial comments that I was saving for the end. I hope that our future colleague, Senator Chochinov, will have a chance to read my remarks soon.

Allow me to begin by quoting Dante, who said, "The secret of getting things done is to act!" This short sentence seems too simple to be a famous quote, but honestly, good intentions are one thing and action is another.

I encourage the new senators to become involved, to not be afraid of debate, and to take part in the discussions. Our deliberations reflect the opinions of Canadians from coast to coast and from every background, as though they were all gathered around one big table.

[English]

Justice should be your greatest interest. Here we all have this common goal, and here we all have pledged to be workhorses for Canadians. Notwithstanding what the newspapers say, you will find yourselves surprised to see that partisanship here is not a problem; it never has been. Senators from —

Senator Cowan: Who wrote that?

Senator Carignan: I don't know. It's not the same person who wrote my speech yesterday, I think.

Senators from all different groups work very well together, and we pride ourselves on our collaborative approach and friendship, as we have seen.

[Translation]

Moving from the general to the specific, I would like to extend a warm welcome to Senator Daniel Christmas, a businessman who has lived in the Mi'kmaw community of Membertou all his life and the first Mi'kmaw appointed to the Senate.

Hon. Senators: Hear, hear!

Senator Carignan: When his community found itself in dire financial straits, he helped transform it into a prosperous First Nations community. Your business skills and your remarkable humanity are sure to enrich our debates.

Senator Rosa Galvez, your career as an environmental geology engineer took you to France, Italy, Belgium, Peru, Chile, Brazil, Mexico, Japan, China and, finally, to Canada, where you established partnerships and participated in environmental engineering projects. I am extremely impressed by your trajectory, Senator Galvez, and I am sure that your extensive knowledge about environmental matters in particular will make for valuable contributions to our debates.

As part of the Senate modernization initiative, we now invite a minister to join us for question period every week, and, as luck would have it, today's guest is the Minister of the Environment, Ms. McKenna. We might do well to put some of our questions to Senator Galvez rather than Minister McKenna to validate different points of view. Please accept our sincere congratulations on your productive career, Senator Galvez. I hope that you will establish equally productive partnerships here in the Senate.

Like every senator in this chamber, you are all free. Free to make choices, free to express your opinions, free to join a caucus or not, free to vote for or against the bills that come before us.

[English]

With this freedom comes great responsibility to Canadians. You will have to weigh in good conscience the intrinsic quality of bills submitted for examination using your personal knowledge and extensive experience for which you have the honour of being appointed to the Senate.

[Translation]

The Senate plays several roles in the democratic life of Canada. However, I do not intend to speak to you today about all these responsibilities. Esteemed new colleagues, you will have ample time to delve into these matters. Still, allow me to highlight one of the most important roles of a senator — protecting minorities.

I am pleased to see that the Senate has a large contingent of francophones, including some from outside Quebec, and members of the Quebec anglophone community. Colleagues, we must never

take for granted that language rights are adequately protected. I encourage all of you to be vigilant and to defend the rights of linguistic minorities.

The role of protecting minorities also extends to other minorities. Members of the House of Commons, who are caught up in the electoral game, will try to fulfil the wishes of the majority of voters. It is in this context that the Senate is called on to serve as the protector of minorities and to ensure that the will of the majority does not violate the rights of the minority.

I am convinced that the government representatives will sometimes ask you to obey the will of those elected by the people. I would ask you to take this argument with a grain of salt. Like the courts, the Senate protects against the abuse of power by a majority government. Naturally, the Senate must exercise this power with care; however, it would be a great disservice to Canadian democracy if we were to abandon it. Finally, I want to remind our new colleagues, and all honourable senators, of the role the Senate must play in defending the interests of Canada's various regions, as Canadians have seen over the past few days with respect to the amendment to Bill C-29.

It is not about senators becoming spokespersons for their respective provincial governments. All parliamentarians should make the interests of Canadians their top priority in their work. However, the Senate must be a place where the concerns of Canadians can be debated, and more particularly, the concerns that are not dealt with in the House of Commons, for all kinds of reasons. I want to underscore the important role of senators from the Atlantic provinces, for instance, in dealing with a government that holds every Atlantic seat in the House of Commons. That is to say nothing of all the work we did during this session to shed light on some of the more problematic aspects of certain bills that interfered in provincial jurisdictions in the area of civil rights and the rights of Aboriginal minorities.

• (1430)

Roll up your sleeves, honourable senators, contribute to the debates, which constitute essential dialogue on behalf of Canadians, try to smile during stressful times, and be bold, meticulous and present at committee. I welcome all of you to the Senate of Canada.

[English]

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, it's beginning to feel like a weekly occasion that we welcome new colleagues to our ranks. Today we have another two senators taking their places in this chamber, and I would like to extend the same warm greeting to them and to each of you that I have to the other newly appointed senators in the last few weeks.

It has been a pleasure to hear the varied and remarkable backgrounds that you each bring to this place, and I'm pleased that we've had the opportunity to turn the tables a bit here as we have paid tribute to the soon-retiring Senator Moore yesterday and will be paying tribute to the soon-retiring Senator Nancy Ruth today. It has been wonderful to give our newest colleagues a glimpse into some of the impressive credentials of those who have recently served in this place, and I include in that description Senator Frank Mahovlich, who is with us today in the gallery.

[Senator Carignan]

Though you are joining us during one of our busier times of the year, I want to assure you that the pace will not always be quite so frenzied. We do work hard — and late into the night, when appropriate — but we have also earned our reputation as a pillar of institutional memory. Unlike the other place, we in the Senate are used to a more considered and longer-term approach in both our examination of legislation and our study of important issues. We have produced many relevant and useful reports over the years, and I urge you to take a look at some of them to get the sense of just how effective our chamber can be. You are joining a team of talented and experienced individuals, and I'm sure you will find that your contribution to our deliberations will be well received.

Senator Christmas and Senator Galvez, on behalf of the independent Liberal senators, I welcome you to the Senate of Canada, and I look forward to the opportunity to work with you.

[Translation]

Welcome to the Senate of Canada. *¡Bienvenidos al Senado!*

Hon. Senators: Hear, hear!

[English]

Hon. Elaine McCoy: Honourable senators, I too am very happy to welcome our two newest senators with open arms and an open heart as well. We've been waiting for you with bated breath. So we're delighted that you're here, and we so much look forward to getting to know you and to working with you.

As I said I think to some of you when you first came in, it never ceases to remind me, when a new senator comes and you're walked up the aisle, as I might say, and then you're introduced to the Speaker and then escorted to your chair, what a thrill that was. When I first came, I think I was in that chair over there, in the back row, of course, you know, very new, and the person right in front of me was an independent. The person to my left, kitty-corner, was from the Conservative caucus; and the person right next to me was from the Liberal caucus. It just seemed to all work out very well. We got along; we exchanged information, and I've never looked back from that. I think it was a little bit of a forerunner of the Senate that we are dreaming of, that you will help to create in the future.

But I also wanted to point out, for all the good words that my colleagues have shared, this is a bit of Canada; we're a bit of a microcosm ourselves. We have Upper Canada, or Ontario, as we now call it, and Lower Canada, or Quebec, and New Brunswick, Atlantic Canada, and Alberta, the West. So on behalf of all of us, plus the territories, we welcome you, and we look forward very much to your participation and the great contributions. We do know your journey has been long and very distinguished.

I did want to add that everything you know, everything you've learned, now it will be called upon. As a senator, you have an opportunity to put everything that is best in you to the service of Canadians, and we will hope to support you as you undertake that kind of work. Thank you very much for coming.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE NANCY RUTH, C.M.

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Opposition, who requests, pursuant to rule 4-3(1), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Nancy Ruth, who will be retiring from the Senate on January 6, 2017. I remind senators that, pursuant to our rule, each senator will be allowed three minutes, and there is a long list of senators who wish to make declarations today.

[Translation]

Is it agreed, honourable senators, that we resume our tributes to the Honourable Senator Nancy Ruth during Senators' Statements?

Hon. Senators: Agreed.

[English]

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I rise today to pay tribute to Senator Nancy Ruth, who is retiring from the Senate on January 6, 2017.

[Translation]

I will be brief because I know that Senator Nancy Ruth is not very fond of tributes.

[English]

Appointed to the Senate in 2005, Senator Nancy Ruth came to our institution with her impressive track record in community involvement. A very active woman, she dedicated herself to a variety of interests: human rights, respect and promotion of the Charter of Rights and Freedoms, feminist issues, minority rights and poverty, to name just a few.

Senator Nancy Ruth brought to the Senate her interest in these issues and defended them vigorously. Most notably, she chaired the Committee on Human Rights and headed several studies on United Nations Resolution 1325 and the implementation of the UN Security Council resolutions on women, peace and security.

[Translation]

A unique and outspoken individual, our colleague has never been shy about speaking her mind to the point where she sometimes left witnesses who appeared before the various committees she was a member of feeling rather dumbfounded.

[English]

If I had to give just one defining characteristic for Senator Nancy Ruth, I would definitely say that she is a free thinker.

Anyone who might propose to change this senator's mind better know where they're going and have very, very solid evidence.

[Translation]

Let's not forget the cold camembert incident, when a very unhappy Senator Nancy Ruth came to see me, during my tenure as the Leader of the Government in the Senate, to sincerely apologize for adding fuel to the fire and putting increased pressure on the Senate at a time when it was already attracting a lot of criticism from the media.

• (1440)

If I had to give just one defining characteristic for Senator Nancy Ruth, I would definitely say that she is a free thinker.

Also, I would be remiss if I failed to mention the exceptional work that she did on the physician-assisted dying file. She showed great compassion for Canadians who want to die with dignity. Whether we agree with her opinion on this delicate subject or not, it is clear that she is very finely attuned to the needs of those who are suffering.

Thank you Senator Nancy Ruth for your contribution to the Senate of Canada and our caucus and for the warm friendship you share with many of us. We will miss your distinctive laugh.

[English]

I wish you a happy retirement. Come back to see us when you feel a little hungry. We'll make sure that you get cold Camembert and broken crackers in our office.

Hon. Peter Harder (Government Representative in the Senate): Senator Nancy Ruth, I want you to know that I'm using one of the stickers you shared with me as I read this speech, which I'm happy to share with you after.

Sixteen years ago, colleagues, Nancy Ruth put her many talents towards seeking elective office in the province of Ontario and lost by just under a thousand votes. For many, perhaps even for the senator, this would have been an unhappy outcome, depriving Queen's Park of a talented individual with much to give. But for the Senate, it was darn lucky she lost. For if Nancy Ruth had won the election, we might have been deprived of her presence in this chamber, and that presence, as my colleague has mentioned, has been marked by activism, by courageous pursuit of legislation that wasn't always popular, and always saying what she meant, often in a fashion that would be translated as "colourful."

I first heard of Nancy Ruth when I worked with Flora MacDonald 38 years ago, and Flora MacDonald said, "Nancy Ruth, I should meet her; she's the much more interesting sister of hell."

Like many of the colleagues, I have gotten to know over these past nine months, and I'm delighted to have had even this brief time with her. Nancy Ruth has helped found many of Canada's outstanding organizations, such as the Women's Legal Education and Action Fund, the Canadian Women's Foundation. She's also a noted benefactor of hospitals and art galleries and has battled for constitutional rights of women and is a recipient of the Order of Canada.

If you go to her website, you will also find that she is “a woman who loves to dance, go to the theatre, kayak and clown around!” These words appear under a photograph of Nancy Ruth wearing something resembling a white cape, arms stretched wide, flashing a big, wide smile.

Of course, since her arrival here, she has added much more to her impressive resumé. This includes releasing reports on urging Canada to help empower Afghan women, chairing the Human Rights Committee, initiating studies on the UN Security Council resolution that has been referenced earlier, and helping to implement Security Council resolutions in this area.

Let me sum up by saying that those of us you leave behind will do our best to follow through on the work you have championed and that you have launched in this chamber — not to be predictive of the outcome — like the bill to make the lyrics to the national anthem gender neutral as reflective of one of the legacies you leave, and the constant asking about GBA. I can assure you that that will not be something that leaves with you but stays as a result of the work you’ve done.

Again, I thank you for the eternal supply of sticky notes that will be much appreciated by colleagues as I send them around.

Hon. Joseph A. Day (Leader of the Senate Liberals): Senator Nancy Ruth has described herself as a feminist, a feminist philanthropist and a social activist. This, along with her training and convictions as a United Church minister is what brought her here to the Senate in 2005 and guided all of her work as a senator here.

As a feminist, Senator Nancy Ruth was involved in the drafting of the equality provisions of the Charter of Rights and Freedoms. She then went on to become one of the founding mothers of the Women’s Legal Education and Action Fund, or LEAF, established in 1985 to ensure that the courts protected and upheld those equality provisions.

Senator Nancy Ruth is a force of nature. In 1991, she turned her attention to the creation of the Canadian Women’s Foundation. Over the years that foundation has invested over \$40 million in charitable support to community groups and organizations across Canada, the focus of which is women and girls.

As a feminist philanthropist, Senator Nancy Ruth provided significant seed money to the Canadian Women’s Foundation when it was established and continued to donate very generously to a wide variety of charitable causes.

I could continue well beyond my allotted time with numerous examples of her philanthropy, such as when KAIROS, a church-based aid organization, lost its government funding. And I could provide many more examples of her feminist activism, such as her championing gender-based analysis for government decision making. But I want to conclude by speaking of our colleague’s independence.

Senator Nancy Ruth, a lifelong Progressive Conservative partisan, was summoned to the Senate on the recommendation of Liberal Prime Minister Paul Martin. She initially chose to sit

with the small, unofficial, independently minded Progressive Conservative caucus; however, a year following her arrival she concluded that she could be a more effective senator as a member of the Senate Conservative Party caucus, and formally changed her status. But in joining that caucus, she did not abandon her personal convictions and, when appropriate, she voted against her own government — the best example being the final vote on Bill C-377, legislation which concerned unions, as honourable colleagues will recall.

Independence was and is more than just a word for Senator Nancy Ruth. As a self-described social activist, independence has always been a part of her very soul. The Senate was not about to change that, nor do we expect Senator Nancy Ruth will change upon her retirement from this place.

We certainly hope you don’t change, senator.

My lasting image of Senator Nancy Ruth will always be of her sitting across the aisle as the sun would shine in. With that wide-brimmed hat and the big glasses she looked like Jackie Onassis sitting there.

Good luck, senator.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Dear colleagues, being Nancy Ruth, as in *Being John Malkovich*, it’s difficult to get into Nancy Ruth’s mind, who, as she said, loves to dance, go to theatre and clown around.

Not many people know that before she became a senator, much before, Nancy Ruth was a United Church minister and has a diploma in theology.

I don’t know much about Nancy Ruth, but I know enough to stand up today, honourable senators, to tell you how much I appreciated working with her in the Senate and how much I like her. She is one of the most genuine and authentic people I have ever met — and eccentric too.

Yes, she has abandoned her last name. Being herself: That may be one of the reasons why she dropped her family name. Nancy Ruth was born Nancy Ruth Rowell Jackman. I was very impressed and curious about her when she told me, while we were sitting in a Finance Committee meeting, that she is related to Newton Rowell, the famous Liberal politician who co-signed the Rowell-Sirois report in the late 1930s.

• (1450)

As everyone here today knows, Senator Nancy Ruth is a feminist activist who puts her money where her mouth is. As my colleague just said, she has founded or co-founded many women’s organizations, and she also likes to give to organizations supporting the equal rights for women enshrined in the Charter of Rights and Freedoms. She is also a big supporter of the arts and has been the benefactor of several galleries.

She is the kind of person who would sell her Harris or Emily Carr paintings to help community groups that had lost their

government funding. I think it was the Kairos Group, in that case.

She was appointed to the Order of Canada in 1994, and to the Senate in 2005 as an independent Progressive Conservative. Independent she has been in all her years in the Senate, and she remains a Red Tory.

Aside from Bill C-210, An Act to amend the National Anthem Act (gender), one of her last battles in the Senate was the assisted-dying bill. She was a member of the Special Joint Committee on Physician-Assisted Dying. She was, and is, deeply convinced that assisted-dying legislation should include provisions for advance notice. She believes that if a proper gender-based analysis had been done when this issue was being considered, Canadians would have understood that women are especially affected by end-of-life issues. They often survive their husbands and are more likely to suffer from dementia. Advance notice provisions would address many of those concerns. She is what she defends.

Dear Nancy Ruth, let me conclude by saying that I share your concerns about gender-based analysis. In fact, I am in favour of using what is now called GBA+ to assess how public policy captures the realities of women and others to achieve the objectives being pursued.

May you enjoy your retirement from the Senate and continue to rock the boat. I will certainly miss you.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I'm certainly enjoying all of the tributes and the whole perspective we are getting on our dear colleague, Nancy Ruth, through your lens.

I rise today in honour of our colleague, the Honourable Nancy Ruth, on the occasion of her upcoming retirement from the Senate of Canada on January 6, 2017.

Nancy Ruth has served in the Senate of Canada over an 11-year period, and I know that she has served with distinction, as we have already noted in various tributes. Her record of achievement in the Senate is in the archives, so I won't go into the specifics of all of her achievements and the things that she has inspired others to do and champion along with her.

But I will underscore the fact that she is a true activist and a leader for women's rights, and she has worked tirelessly to invoke social change for women and girls not only in Canada but around the world, as evidenced by a long list of her active participation in and support of various religious, professional, political, educational and non-profit organizations in Canada, Britain, the United States and beyond.

In recognition of her strong advocacy and good work, she has been awarded the Order of Canada, the South African Women for Women Friendship Award, the Government of Ontario's Award for Outstanding Achievement in Human Rights, the Charles Sauriol Greenspace Award from the Conservation Fund of Greater Toronto, to name only a few.

She has also received several honorary doctorates.

On a personal level, I have been the recipient of Nancy Ruth's generosity on more than one occasion. She asked me once, "Do you collect anything? Does your husband?" And I said, "Well, I used to collect stamps and my husband definitely loves to collect coins and such." And before I knew it, in, I think, a subsequent sitting, she put on my desk a tall stack of albums in these envelopes. And when I took them home to show my husband, we went through many hours just looking at these collections of stamps that she had inherited from her family and her father, and that she had generously given to me and my husband. We still have them in our home, and every once in a while we look at these colourful pieces of history.

I have also received the beginnings of a fund. Nancy asked me if I would be going to the PyeongChang Olympics with my family, and I said, "That's a few years away, but I suppose I should." Before I could stop her, she ripped the back page of our Order Paper and put a crisp \$100 bill there and said, "This is for your family's fund for the PyeongChang Olympics. Take your children." I couldn't refuse, because no one can refuse Nancy Ruth — just like the stickies you have, senator. And so that began a special fund that I hope will grow so that we can take my nieces and nephews to Korea.

We have talked about Nancy's colourful commentaries and the spoken words that may also be in other archives, but they're also the words that she whispers to you when she comes very close and looks you square in the eye. Those are the comments of encouragement, conviction and passion.

The Hon. the Speaker: Sorry, senator. Your time has expired. I will give you 10 seconds.

Senator Martin: Nancy Ruth, thank you for your generosity, and all the best in your retirement.

Hon. James S. Cowan: Colleagues, I welcome the opportunity to add my words of thanks and appreciation to Senator Nancy Ruth as she approaches her retirement from the Senate.

She and I are "classmates." We were appointed the same day on the recommendation of the Right Honourable Paul Martin.

Although we never served together in caucus, we have made common cause together on many issues and share many of the same values. Indeed, more than once I have felt that she would be much more comfortable sitting with us than where she was, but I know that she is and always has been a proud Conservative, and I respect that choice.

Senator Nancy Ruth, as we've heard, has pushed us all to be more sensitive to issues of gender equity. Her insistence that legislative initiatives be viewed through that lens and subjected to a rigorous gender-based analysis has made a real difference in this place. She describes herself as an activist and a feminist, and that she has always been. She has founded and supported, with her time and money, a number of organizations dedicated to the protection and equality of the disadvantaged and marginalized.

To say that Nancy Ruth is unique would be an understatement. To say that she is incomparable would be more accurate. If ever there was a senator unafraid to speak her mind, that senator is

Nancy Ruth. She has never backed down from expressing her views, rooted as they are in deeply held values of justice and equality.

In her June 30 profile of Senator Nancy Ruth in *The Globe and Mail*, Jane Taber recounts that that she was:

... so vexed by the Conservative government's decision to cut funding to the church-backed aid organization Kairos that she took down a Lawren Harris painting that she had on her office wall, and one by Emily Carr, too — and sold them.

After taxes, they fetched about \$500,000, which she gave to Kairos.

"My mother gave me the paintings, and she would have approved of it. So that's what I did."

Now that is putting your money where your mouth is, and that is Nancy Ruth.

Some Hon. Senators: Hear, hear!

Senator Cowan: Senators Joyal, Ogilvie, Seidman and I were privileged to work with her earlier this year on the Special Joint Committee on Physician-Assisted Dying. Her contributions to the work of that committee were significant and made many members of the other place realize the real value that senators can bring to a debate on sensitive and difficult issues of public policy. And as you can imagine, she did all of that with a flair that none of the rest of us would even try to match.

Throughout her life, Nancy Ruth has been an activist, a feminist, a crusader, a reformer and a philanthropist. She has never been content to be a spectator. She has left her mark on every cause and every organization or institution with which she has been associated — and that includes the Senate of Canada.

None of us has heard the last of Nancy Ruth.

I am proud to call her my friend and to wish her a long, happy and healthy retirement.

• (1500)

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to pay tribute to my dear friend Senator Nancy Ruth and her unflinching commitment to equal rights for women. To most of you, she is a senator from Toronto. But for me, she is also a very loving and loyal friend with whom I share a lot in common. We both are daughters of strong men and politicians. We are both lawyers and much more.

However, most important among the traits we share is we have both fought hard for women's rights, often at a personal cost.

Rather than taking the easy path, we devote our lives to equality for women.

As many of you know, Nancy Ruth has put tremendous energy towards achieving equality for Canadian women. Unlike many, she walks her talk. Instead of spending money on her comfort, she chooses to donate millions to support the rights of women. Nancy Ruth is also relentless in fighting for women's rights. She has fought to make our museums portray lives of Canadian women; she has fought to appoint more women in our institutions; and she has fought especially hard in pushing for gender-based analysis of legislation.

During Mr. Harper's government, she was and still is persistent in asking all people defending legislation whether they have carried out a gender-based analysis, especially when the budget is concerned. This persistence has earned my friend a nickname of "Ms. Gender-Based Analysis."

Senator Nancy Ruth has never taken the easy path. To this day, I still marvel at how hard she has worked over the years to get the Canadian national anthem changed. Even during her very last day here in the Senate, she still works to achieve equality between men and women in our national anthem.

Senator Nancy Ruth, I am truly proud to call you my friend. You have been a friend that has always tried to be there for me. You have always known when I am facing challenges. You have walked into my office saying you have come to eat my popcorn when you were really there for me. As my colleague and my friend, you have always watched my back, given me good counsel and, most of all, made me laugh.

While your time at the Senate may end this year, I know our friendship will endure for the rest of our lives. Senator Nancy Ruth, thank you for your love and friendship. I will truly miss you.

Hon. Frances Lankin: Nancy Ruth: Much has been said and I've been striking those things from my notes. I don't need to re-say those.

I first came across the phenomenon of Nancy Ruth in the 1980s. It was during a raging debate in the feminist movement about pornography and censorship. You remember those days, Nancy Ruth, of Varda Burstyn and Susan Cole and all of the polarized positions. Nancy had a strong position and was very outspoken about it. I don't know if that surprises you or not. She wasn't susceptible to group think. That might be something that also is not a surprise to her Conservative caucus mates. I agreed with her position. But the fact that she was outspoken and independent-minded is a hallmark and a trademark of Nancy that has followed her through all of the things that she has done in her life, things that I since learned she did before and things that I have observed since.

Of course, I watched her and other feminist leaders during the constitutional debates and the rights for women debates and the Charter debates, and I am so grateful on behalf of women and girls and all Canadians for the change and the difference that she has made in our country, in our lives and beyond.

[Senator Cowan]

I was around during the founding of the Legal Education and Action Fund and the Canadian Women's Foundation, organizations that have had and continue to have a positive impact on women and girls. Again, I am so grateful.

I think it was actually in the early 1990s that I first met Nancy Ruth. I think it was at an event at the Brick Works. She was a candidate running for provincial office, a PC candidate, and I was a minister of the Crown in the provincial NDP government. We have a photo that commemorates that moment. I have it right here. I can't raise it because I'm told it would be a prop. This photo was given to me by Nancy when I arrived here, I might say among many, many other generous gifts for which I am incredibly grateful. But this is a very special photo.

I know it was special to Nancy, too, because she told me she had had it hanging in her bathroom. I don't know what that means; I don't know what that says. But she obviously doesn't cherish it much because she gave it to me. I have it now, and I am still considering where I'm going to hang it.

That picture means a lot to me because it says something important that I believe Nancy and I and honourable senators in this Senate strive to achieve, and that is the recognition that much more unites us than divides us. I believe that that is Nancy Ruth.

I turn to her time in the Senate, and I have spent the last few days reading reams of committee debates and Senate debates where Nancy participated. I can't speak to them all, but it is an incredible gift, contribution and legacy.

I have one last thing to say to you; there are many other things I will say privately. I have here a gift of bread and roses. It's a traditional feminist gift. I have the poem of James Oppenheim to give you. On behalf of women and men who seek equality in this chamber and in this country, we give you bread and roses.

Hon. Salma Ataullahjan: Honourable senators, I rise today to pay tribute to my dear friend and colleague Senator Nancy Ruth. When I first came to the Senate in 2010, Nancy took me under her wing. I think perhaps I might have been too big of a bird, and I mean that literally, to fit under that wing as I flew on my own journey here in the Senate of Canada. While this may be the case, it never changed for me how much I valued her friendship, encouragement and guidance in those early days of mine in this place. I still value it to this day, even if we may butt heads and disagree from time to time.

Nancy has been on a journey with me that no one else here has. She has been places with me that no one else has. Even though the world is terrified of visiting Pakistan, Nancy Ruth had the courage, which she does not lack, to visit me while I was in Pakistan. My family was excited to host my friend Nancy. We travelled across Pakistan, meeting people from all walks of life who were impressed by her humility, compassion and her wicked laugh.

Even in Pakistan, Nancy did not waiver in her commitment to human rights of women and children. We visited schools and met with women NGOs. The image of Nancy driving my father's ATV around the gardens is still imprinted in my mind and in the minds of my father's staff. They were thoroughly impressed as you

whizzed around the flower gardens. Nancy, you had said that that photograph I took of you would become your Christmas card. I am still waiting.

Nancy, the love and affection that you left behind in Pakistan still resonates with everyone to this day. Every time I visit, I am constantly asked, "How is Nancy Bibi?" Referring to someone as "Bibi" is a mark of the highest respect in my culture. You are considered one of the extended family.

When you go, my friend, this place will be losing a thoughtful and dedicated advocate that will not be easily replaced. You never lacked the courage to speak your mind. We will always have and continue to have a deep connection and passion for global human rights.

And remember, my friend, this is not goodbye. Thank you for your friendship and God bless.

Hon. Linda Frum: Honourable senators, I too am very sad to have to bid farewell to my dear friend and colleague Senator Nancy Ruth on the occasion of her retirement. Dubbed in some circles the "Cher" of the Canadian Senate, she is the only person in this chamber as far as I'm aware who has ever been known on a first-name basis only. Life here will certainly be less interesting and less colourful without her.

• (1510)

When she was appointed to the Senate by Prime Minister Paul Martin in 2005, there could have been no doubt in anyone's mind, particularly not Senator Nancy Ruth's, whom she was sent here to serve. By her own styling, she was not simply a senator for Ontario, but a senator for "girls and women." Senator Nancy Ruth has been one of this chamber's greatest advocates ever on behalf of the rights of women and girls, the indigent and the disenfranchised.

Her Senate appointment only capped what had already been a lifetime of leadership and achievement in advancing the causes and organizations she cares about so passionately.

We have heard what they are already. I won't list them again. I will add one more, which is Egale, an organization dedicated to LGBTQ rights that senator Nancy Ruth introduced me to and which we co-chaired a gala for in 2012, which I remember fondly.

Early upon my arrival in the Senate in 2009, Senator Nancy Ruth pitched me on her mission to have the lyrics to Canada's national anthem changed to a gender-neutral version. That was almost eight years ago, and I am so sorry that she is leaving here today without seeing that legislation pass through to Royal Assent.

However, when Bill C-210 does eventually pass the Senate, it will at least give us an excellent excuse to welcome her back and celebrate with her, as she is truly the godmother of the campaign for a gender-neutral Canadian anthem, and she has shown all of us the value of perseverance when fighting for the causes we believe in.

My friendship with Senator Nancy Ruth began in the Senate, but my favourite memory comes from a summer lunch visit I made to her beloved island retreat in Georgian Bay. My visit required Nancy Ruth to generously make a 30-minute journey back and forth, four times, between her island and the mainland to pick me up and drop me off.

For those who know Georgian Bay, the waters are rough and the waterways are rocky. I have a searing memory of clutching onto the sides of Nancy Ruth's 30-year-old beat up tin boat, unsure I would ever see my children again, as my 70-year-old captain plowed full speed and, I might add, gleefully into the whitecaps.

I don't want to say she was reckless, because she was in full, confident command, but she was certainly fearless, which is why it is such a fond memory for me.

More than any other quality, I believe my friend Senator Nancy Ruth is defined by her fearlessness, and I think there is consensus on that in this chamber. It's that which I most admire about her, and it's the reason, in my opinion, she has accomplished so much in her life. It is her greatest strength, combined with her compassion and her intellectual curiosity.

Senator Nancy Ruth was granted many blessings and privileges in her life. She could have chosen any path or lifestyle, but she chose public service. She chose to dedicate her talents and her abilities to serve the needs of others: socially, religiously and politically.

The list of her achievements is long. I see that my time is coming to a close here, but I want to say that she will serve as an example and a role model for generations of feminists and poverty activists yet to come.

We will really miss you here, Senator Nancy Ruth. I will miss your kind heart, and I will miss your feistiness which, as a member of the Conservative leadership team, could sometimes be directed straight at me, but it's okay.

I look forward to seeing all the great things you accomplish next.

There is no evidence that age or even failing eyesight will ever slow you down. You are a force. I will miss bumping into you on our commute back and forth from Toronto. It will take quite a while before I stop looking for you out of the corner of my eye.

I wish you and Elizabeth a well-earned and enjoyable retirement. Be well, my friend.

The Hon. the Speaker: Honourable senators, there is still a long list of senators who wish to join tributes. Unfortunately, we have gone overtime. It is now time to call upon the Honourable Senator Nancy Ruth.

Hon. Senators: Hear, hear!

THE HONOURABLE NANCY RUTH, C.M.

EXPRESSION OF THANKS

Hon. Nancy Ruth: Well, there were senators without, and this one is waiting to get out. I will shorten my speech because I think you have said just about everything in it.

To talk about some of what Senator Elaine McCoy spoke about to the new senators who came in today about needing a moral compass — I've got to find my magnifying glass; Senator Frum, all I can say to you is I'm glad you came to visit then and not when I'm going blind, because I still like to go full bore over the whitecaps — to keep your moral center in this place. You can go crazy with the compromises, the ups and downs, the swingabouts, the stabs in the back and the joy and laughter of it all. So keep it firm and stay tight to it.

I have a friend called Catharine MacKinnon, who is an American litigator. She always says, "Make sure you ask the questions that aren't asked. Listen to those who don't speak." I encourage you to do that, too.

There are many questions I've asked. You have heard me endlessly ask the GBA Plus. But keep asking those questions. On the GBA question, we don't get an answer. There must always be answers to questions. Push for the answers. Shove it to them, get it back and keep it rolling down the line.

That's about all. It has been 12 years. It has been a blast. So long, it has been good to know you.

Your Honour, I want to thank my wonderful staff: Debbie McGee and Beth Atcheson. I couldn't have done it without you.

Debbie, more than anyone, kept me financially honest and out of the Auditor General's pages. When I would come up with one of my highfaluting plans like asking the Minister of Status of Women for a billion dollars for second-stage housing for women, she would say, "I'm a taxpayer. That's a good idea but think about it." I'm a taxpayer, too. Debbie, thank you.

To Beth, who has written countless speeches, motions and driven me to many paths that you have all heard about today, I owe you a ton of thanks.

Beth and I have worked together for nearly 40 years now. We went through the Charter fight together, and we came through here together. We have all survived it all. Thank you.

To my partner, Elizabeth, who kept the home fires burning, thank you, too.

That's it. Bye-bye, folks!

Hon. Senators: Hear, hear!

• (1520)

[Translation]

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, December 14, 2016

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

THIRD REPORT

Pursuant to rule 12-7(2)(a), your committee recommends that the *Rules of the Senate* be amended by:

1. replacing rule 4-13(2) by the following:

“Consideration of Government Business

4-13. (2) Except as provided in subsection (3), Government Business, including items on notice, shall be called in the following order, with Senate bills preceding Commons bills within their categories; bills, motions and inquiries being called in numerical order within their categories; and all other items being called in their categories in the order in which they were placed on the Orders of the Day:

- (a) Bills — Messages from the House of Commons;
- (b) Bills — Third Reading;
- (c) Bills — Reports of Committees;
- (d) Bills — Second Reading;
- (e) Reports of Committees — Other;
- (f) Motions;
- (g) Inquiries; and
- (h) Other.”;

2. replacing rule 4-14 by the following:

“Consideration of Other Business

4-14. Except as otherwise ordered by the Senate, Other Business shall be called in the following order, with bills, motions and inquiries called in numerical order within their categories, and any other items within their categories in the order in which they were placed on the Orders of the Day:

- (a) Bills — Messages from the House of Commons (with Senate bills preceding Commons bills);
- (b) Senate Public Bills — Third Reading;
- (c) Commons Public Bills — Third Reading;
- (d) Private Bills — Third Reading;
- (e) Senate Public Bills — Reports of Committees;
- (f) Commons Public Bills — Reports of Committees;
- (g) Private Bills — Reports of Committees;
- (h) Senate Public Bills — Second Reading;
- (i) Commons Public Bills — Second Reading;
- (j) Private Bills — Second Reading;
- (k) Reports of Committees — Other;
- (l) Motions;
- (m) Inquiries; and
- (n) Other. “; and

3. updating all cross references in the Rules, including the lists of exceptions, accordingly.

Respectfully submitted,

JOAN FRASER

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

COMMITTEE OF SELECTION**FIFTH REPORT OF COMMITTEE PRESENTED**

Hon. Donald Neil Plett, Chair of the Committee of Selection, presented the following report:

Wednesday, December 14, 2016

The Committee of Selection has the honour to present its

FIFTH REPORT

Pursuant to the order of the Senate of December 7 and December 12, 2016, your committee submits herewith the list of honourable senators nominated by it to serve on the following committees:

Standing Senate Committee on Aboriginal Peoples

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Beyak	Dyck	Boniface
Enverga	Lovelace Nicholas	McCoy
Patterson	Moore	McPhedran
Raine		Meredith
Tannas		Pate
Oh		Sinclair

Standing Senate Committee on Agriculture and Forestry

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Beyak	Mercer	Bernard
Dagenais	Merchant	Gagné
Maltais	Tardif	McCoy
Ogilvie		Petitclerc
Oh		Pratte
Plett		Woo

Standing Senate Committee on Banking, Trade and Commerce

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Enverga	Day	Black
Greene	Massicotte	Campbell
Plett	Tardif	Moncion
Smith		Ringuette
Tannas		Wallin
Tkachuk		Weston

Standing Senate Committee on Energy, the Environment and Natural Resources

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Lang	Massicotte	Black
MacDonald	Fraser	McCoy
Mockler	Day	Griffin
Neufeld		Omidvar
Patterson		Meredith
Seidman		Weston

Standing Senate Committee on Fisheries and Oceans

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Enverga	Hubley	Omidvar
Manning	Munson	Forest
McInnis	Watt	Gold
Poirier		Hartling
Raine		McCoy
Stewart Olsen		Sinclair

Standing Senate Committee on Foreign Affairs and International Trade

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Andreychuk	Downe	Bovey
Ataullahjan	Cordy	Cools
Housakos	Dawson	Gold
Eaton		Marwah
Ngo		Saint-Germain
Oh		Woo

Standing Senate Committee on Human Rights

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Andreychuk	Munson	Bernard
Ataullahjan	Hubley	Hartling
Ngo		McPhedran
Martin		Omidvar
Unger		Pate

Standing Committee on Internal Economy, Budgets and Administration

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Batters	Cordy	Campbell
Housakos	Downe	Dupuis
Marshall	Jaffer	Lankin, P.C.
Smith	Munson	Marwah

Tannas	McCoy	Seidman	Day	Dupuis
Tkachuk	Mitchell	Tkachuk		Gold
Wells	Omidvar	Wells		Lankin, P.C.
		White		Ringuette

Standing Senate Committee on Legal and Constitutional Affairs

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Batters	Baker, P.C.	Boniface
Boisvenu	Jaffer	Dupuis
Dagenais	Joyal, P.C.	Omidvar
McIntyre		Pate
Runciman		Pratte
White		Sinclair

Standing Senate Committee on National Finance

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Andreychuk	Baker, P.C.	Black
Eaton	Cowan	Cools
Marshall	Day	Forest
Mockler		Moncion
Neufeld		Pratte
Smith		Woo

Standing Senate Committee on National Security and Defence

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Beyak	Jaffer	Boniface
Carignan, P.C.	Kenny	Lankin, P.C.
Dagenais		McPhedran
Lang		Meredith
White		Saint-Germain

Standing Senate Committee on Official Languages

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Maltais	Tardif	Bovey
McIntyre	Fraser	Cormier
Mockler		Gagné
Poirier		Mégie
Seidman		Moncion

Standing Committee on Rules, Procedures and the Rights of Parliament

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Batters	Fraser	Bellemare
Frum	Jaffer	McCoy
McInnis	Joyal, P.C.	Cools

Standing Senate Committee on Social Affairs, Science and Technology

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Frum	Eggleton, P.C.	Cormier
Neufeld	Merchant	Dean
Ogilvie	Day	Demers
Raine		Mégie
Seidman		Meredith
Stewart Olsen		Petitclerc

Standing Senate Committee on Transport and Communications

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Boisvenu	Dawson	Bovey
Doyle	Eggleton, P.C.	Cormier
Greene	Mercer	Omidvar
MacDonald		Griffin
Runciman		Hartling
Unger		Saint-Germain

Special Senate Committee on Senate Modernization

Conservative Party of Canada	Independent Liberals	Independent Senators Group
Frum	Joyal, P.C.	Bellemare
Greene	Eggleton, P.C.	Dean
McInnis	Massicotte	Dupuis
McIntyre	Tardif	Forest
Stewart Olsen		Gagné
Tkachuk		Lankin, P.C.
Wells		McCoy

Pursuant to rule 12-3(3) of the *Rules of the Senate*, the Government Representative (or Legislative Deputy) and the Leader of the Opposition (or Deputy Leader) are *ex officio* members of all committees except the Committee of Selection, the Standing Committee on Ethics and Conflict of Interest for Senators and the joint committees.

Pursuant to the motion adopted on December 7, 2016, the Legislative Deputy to the Government Representative (or Government Liaison) and the Leader of the Opposition (or Deputy Leader) are *ex officio* members of the Committee of Selection.

For greater certainty, your committee recommends that because the order adopted by the Senate on December 7, 2016 introduces a comprehensive system for committee membership changes covering all senators, letters that may have been sent to the Speaker prior to December 14, 2016, to authorize one of the whips to make membership changes for senators, should no longer be considered valid.

Respectfully submitted,

DONALD NEIL PLETT

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Plett, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, January 31, 2017 at 2 p.m.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY, JULY 1-5, 2016—
REPORT TABLED

Hon. Vernon White: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Twenty-fifth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Tbilisi, Georgia, from July 1 to 5, 2016.

AUTUMN MEETING OF THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY, SEPTEMBER 29-
OCTOBER 3, 2016—REPORT TABLED

Hon. Vernon White: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary

Association respecting its participation at the Autumn Meeting of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Skopje, Former Yugoslav Republic of Macedonia, from September 29 to October 3, 2016.

ELECTION OBSERVATION MISSION OF THE
ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
NOVEMBER 5-8, 2016—REPORT TABLED

Hon. Vernon White: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Election Observation Mission of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Washington, D.C. and Raleigh, North Carolina, United States of America, from November 5 to 8, 2016.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY ISSUES RELATING TO THE HUMAN RIGHTS
OF PRISONERS IN THE CORRECTIONAL SYSTEM

Hon. Jim Munson: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report issues relating to the human rights of prisoners in the correctional system, with emphasis on the federal system, and with reference to both national and international law and standards, as well as to examine the situation of vulnerable or disadvantaged groups in federal prisons, including indigenous people, visible minorities, women and those with mental health concerns;

That the committee submit its final report no later than October 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

THE SENATE

NOTICE OF MOTION TO CALL UPON THE
GOVERNMENT TO RECOGNIZE THE GENOCIDE OF
THE PONTIC GREEKS AND DESIGNATE MAY 19TH
AS A DAY OF REMEMBRANCE

Hon. Pana Merchant: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call upon the government of Canada:

- (a) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and
- (b) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the

[Senator Plett]

over 353,000 Pontic Greeks who were killed or expelled from their homes.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY A NEW RELATIONSHIP BETWEEN CANADA AND FIRST NATIONS, INUIT AND METIS PEOPLES

Hon. Lillian Eva Dyck: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on a new relationship between Canada and First Nations, Inuit and Metis peoples, including, but not limited to:

- (a) the history of the relationship between indigenous people and newcomers;
- (b) the main principles of a new relationship; and
- (c) the application of these principles to specific issues affecting indigenous people in Canada.

That the committee submit its final report no later than October 31, 2018 and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 12-18(2)(b)(i), the Standing Committee on Foreign Affairs and International Trade be authorized to meet in January 2017, even though the Senate may then be adjourned for a period exceeding one week.

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Catherine McKenna, the Minister of Environment and Climate Change appeared before honourable senators during Question Period.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, today we have with us for Question Period the Honourable Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change. On

behalf of all honourable senators, minister, I welcome you to the Senate of Canada.

Honourable senators will know that the process of having ministers here for Question Period is a relatively new one. I wish to inform senators that we will have meetings in the New Year to look at how we can refocus and improve Question Period so that more senators can participate. For now, we'll stay with the rules that we have been following for the previous number of weeks, and that is that senators will ask one question until we get through the whole list. Then we will go back to supplementary questions, time permitting.

• (1530)

[Translation]

ENVIRONMENT AND CLIMATE CHANGE

ENERGY TARGETS—ENERGY ALTERNATIVES

Hon. Claude Carignan (Leader of the Opposition): Minister, welcome to the Senate of Canada. On a more personal note, I would like to congratulate you on the exceptional quality of your French. I am always impressed when I hear you speak during an interview or press conference. Congratulations!

My question concerns the different ways to reduce carbon emissions. We all know that we would reach the ambitious targets set at the 2015 Paris Climate Conference more quickly by reducing the use of coal as an energy source.

Minister, do you believe that natural gas is a desirable transitional energy source? Should we encourage heavy energy consumers to use natural gas instead of coal? With that in mind, should we encourage Canadian provinces to develop their shale gas production like the Obama administration did in the United States over the past eight years?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you for the question, honourable senator. It is a great honour for me to be with you today to answer your questions on matters under my responsibility. We have had a very full session in both chambers.

I am very pleased to be back from China, where I had the opportunity to take part in a clean technology mission. We signed a pan-Canadian agreement on climate change. It was an honour for me to be involved in that initiative. I am very pleased with the cooperation among the provinces, the territories and the Prime Minister that resulted in the signing of this agreement. We all worked very hard, and I am pleased to share that with you.

Honourable senators, with respect to natural gas, we definitely find ourselves in a period of transition towards an economy marked by much less carbon consumption. That is extremely important to our planet's future and our ability to offer a cleaner and healthier future to our children and grandchildren. At the same time, this also represents an important economic opportunity, because the economy and the environment go hand in hand.

Of course, we need to get on with the job of lowering our greenhouse gas emissions but, unfortunately, that won't happen overnight. This year our government approved some pipeline projects that were part of our commitments to the resource market. We also established carbon pricing and approved a liquefied natural gas project in British Columbia.

All projects submitted to our government go through a science-based analysis, and we make sure that those projects are carried out in a safe and responsible manner. We are always studying ways to improve our resource development during this period of transition.

As I said, this transition will not happen overnight, and we are taking the time needed to examine all projects to determine their impact on the environment and on greenhouse gas emissions. That is part of our analysis.

We announced transitional principles, we will study all projects that are submitted to us and our decisions will be based on science and evidence.

[English]

HUMAN RIGHTS—CLIMATE CHANGE

Hon. Mobina S. B. Jaffer: Thank you very much, minister, for being here. I want to take this opportunity to thank you for your responses to the many letters I've written to you on climate change being recognized as a human right. I have appreciated your courtesies.

As you know, rising seas threaten the residents of island nations, melting glaciers affect freshwater resources in South America and the Himalayan communities, and low-altitude communities are having their groundwater supplies contaminated by rising seawater levels. Finally, Arctic peoples like those in our territories are at risk as melting snow and ice hurt the food supply and security.

Some states in the U.S. have found that climate is a human right. I'm working with a community environmental legal defence group from Pennsylvania, and they're also looking at how we make climate a part of human rights. The UN Framework Convention on Climate Change and the UN Human Rights Council have recognized that climate change is not only an environmental issue but also a human rights issue, especially for those experiencing these devastating impacts.

To prevent further harm, the UN Framework Convention on Climate Change has explicitly recognized the need to protect human rights in all climate action.

Minister McKenna, what is your government's stance on the need to protect human rights in climate action?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator, for your advocacy with respect to human rights.

[Ms. McKenna]

We certainly recognize the grave impact that climate change has on so many people. On the indigenous people in the Arctic, it's not just an inconvenience; it's impacting their way of life. We have hunters who have hunted in a traditional way for decades who have always been able to tell the thickness of the ice, and now they're falling through and dying. This is a devastating impact on traditional ways of life.

I'm working closely in the international context with Mary Robinson, who I know you know, honourable senator, to advance the agenda when it comes to gender and climate. We know there's a disproportionate impact of climate change on women in particular in developing countries, and we need to be mindful of that. We need to make sure we consider the gendered impact.

Women are often the ones out looking for food and going great distances looking for water. With the impacts of climate change, that's much more difficult. Climate change also often brings conflicts, and there are gendered impacts in that case as well.

We are looking at how we can bring more women in as negotiators in the climate discussion. I've committed that Canada will train females from developing countries as negotiators. We're fortunate, in fact. A great majority of our climate negotiators are women.

In terms of the question of human rights and climate change, there's clearly a link. I look forward to working with you on this issue.

CARBON PRICING—COMPETITIVENESS

Hon. Douglas Black: Minister, thank you very much for being here.

I am a senator from Alberta. You undoubtedly would know that Alberta business and certainly I have long been proponents of a measured carbon tax. As Canada moves forward with taxing carbon and enhanced environmental regulations, the U.S. appears to be moving in the opposite direction. Perhaps not, but these early indications are that a Trump Administration will not put the same value on environmental regulation and a tax on carbon, as we might.

Minister, have you and your colleagues considered the effects of this potential divergence on Canada's competitiveness?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator, for that question. The answer is absolutely. You understand the benefits of carbon pricing, as do most premiers across the country, as do the business leaders who have signed on to our Carbon Pricing Leadership Coalition. These are the biggest businesses in Canada, including the major energy companies, many based in Alberta; the five major banks; as well as consumer goods companies.

Competitiveness is the key. That's why we're working very closely with all provinces and territories to help them design a system that makes sense for their province or territory, as well as the trade-exposed sectors.

• (1540)

We already have 80 per cent of Canadians living in a jurisdiction where there is pricing on pollution. We have a direct price in British Columbia and Alberta, and we have a cap and trade system in Quebec and Ontario. We're working with the other provinces to help them determine what system makes sense for them, looking at competitiveness issues. As I often repeat, the revenues stay with the province and the provinces are best able to determine what system makes sense for them.

With respect to what's going on internationally, in the United States, California, which has the world's sixth-largest economy, has a cap and trade system. I was just in China. Next year, China will have a national carbon pricing system. Obviously, this will be the largest carbon pricing system in the world. I see this as a game changer. This is really about competitiveness and how Canada becomes more competitive. This is why businesses say, "Put a price on pollution. We will reduce our emissions, innovate and create good jobs."

I am committed to ensuring that Canadian companies that develop made-in-Canada solutions have opportunities to export those solutions abroad so that we can create greater wealth for Canadians, expand our economy and create good jobs.

CARBON TAX

Hon. Denise Batters: Minister McKenna, it is now crystal clear that Saskatchewan will not enact a carbon tax. Under your plan, this means that the Trudeau government will be imposing a carbon tax on Saskatchewan.

Minister, could you please outline the details of the national carbon tax that will be enacted in Saskatchewan? Exactly what items will this carbon tax be applied to and exactly what exemptions will there be in areas like agriculture? Could you please also provide us with a written outline of the Trudeau government's carbon tax plan as it will apply in Saskatchewan?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator, for your question.

We've worked extremely hard with all provinces and territories over the past year. I've worked very closely with my colleagues. I've had two colleagues from Saskatchewan, most recently Minister Moe. I was very pleased about advances we were able to make with respect to an early phase-out of coal and finding an equivalency agreement.

Saskatchewan is committed to most elements of our plan. They're committed to investments in adaptation. We know that the impacts of climate change are being felt in Saskatchewan, where flooding and droughts are very real issues. They are very committed to investments in innovation, as are we, and we will be supporting Saskatchewan when it comes to innovation and mitigating emissions from a whole range of different sectors. We're going to continue working with Saskatchewan.

When I was in China I brought information on the carbon capture and storage knowledge centre. It's a partnership between SaskPower and BHP Billiton. There's great interest in this internationally. The interesting thing about carbon capture and storage is that there are economic challenges with the model right now. However, if you bring a price on pollution, it actually makes it far more economic. Pricing pollution makes sense because it enhances the cost competitiveness of innovations like Saskatchewan's solution: carbon capture and storage.

I hope that we can find a solution. I'm committed to continuing to work in Saskatchewan because I believe Saskatchewan, like all the other provinces that have signed on, is much better placed than the federal government to determine what makes sense.

I've had many conversations explaining that Saskatchewan might take a model that resembles, for example, that of B.C. British Columbia has a revenue-neutral carbon pricing system where money is given back to consumers; fuels and the agriculture sector are excluded. I think that's the kind of model that Saskatchewan may determine is best for Saskatchewan.

We're looking at a 2018 expectation that provinces and territories will have a price on carbon pollution. We believe it's extremely important. It's part of any credible plan. All the premiers, including the Premier of Saskatchewan, signed on to Canada meeting its international targets and signed on to pricing pollution being an important element of it. We're going to continue to work with all provinces and territories because we believe this is about making us more competitive, about making Saskatchewan more competitive and about creating good jobs and economic growth in Saskatchewan, too.

ALTERNATIVE FUEL OPTIONS— NUNAVUT

Hon. Dennis Glen Patterson: Minister, I represent Nunavut in the Senate. Nunavut has signed your government's Pan Canadian Framework on Clean Growth and Climate Change, which will result on a price or tax on carbon in 2018.

I know carbon pricing is designed to push us away from fossil fuel. Nunavut is probably — "poster boy" may not be the best term — the worst offender for carbon pollution in Canada, I'm sure, because all 25 of our communities rely on diesel 100 per cent — dirty, black diesel — for heat and power, and 17 of our 25 plants are aged, beyond their designed service life. A couple of weeks ago, Rankin Inlet went on rotating power because three of their five Gensets went out.

Frankly, our residents fear that the cost of everything in this region, which has the highest cost of living in Canada, will go up even more with carbon pricing.

I did look at the annex for the collaboration that Canada has promised to do, but could you outline, please, how will Canada help Nunavut, with its small, scattered population? We can't afford to build a hydro dam or sustain it. We can't afford even to buy more efficient diesel Gensets. We can't carry the burden of funding a transmission line that we dream of linking with Churchill.

How will Canada help Nunavut, with its small, scattered population, to develop alternatives to the diesel fuel that we must, sadly, rely on for power and heat?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator. Thank you for raising a very important point. We need to be very mindful of the situation in the North, in particular in Nunavut. I know economic insecurity and acute poverty are major concerns, and the North is disproportionately impacted by climate change. The rise is more than double of that in the rest of the world.

We're absolutely committed to working with the government and the territories moving forward. I was also very pleased to be with Natan Obed, the head of ITK. It's really important that we find solutions that work for the people of Nunavut. Getting off diesel is a huge priority. We made a commitment in our budget to do that. The Prime Minister made a personal commitment as well. We recognize that we have an opportunity here. We have an opportunity to work with the people of Nunavut to ensure that they have a proper supply of energy, but much cleaner energy.

We will be looking at renewables and what opportunities are there, including what opportunities are there for jobs. We've made a commitment when it comes to pricing pollution that we absolutely need to be mindful of the effects. We cannot be asking people who have very little money, and who are feeling huge impacts of climate change already, to pay more.

In the case of the territories, we recognize the situation, and we will be working extraordinarily closely with the premier. I will be working with my counterpart. We will be working with ITK, with the people of Nunavut and with other organizations to find a path forward. Clean power also ensures that we move forward in a way that will create greater opportunities. I've heard about the transmission line. We're also committed to looking across the country with regard to how we can get clean power. This is a vision for our country. It's a real opportunity. We've committed to historic investments through our Green Infrastructure Fund and also the Canada infrastructure bank. I think there may be opportunities there. We will look at what makes sense. I'm committed personally, as is the Prime Minister, to working with the Government of Nunavut and the people of Nunavut.

CLIMATE CHANGE INITIATIVES

Hon. Serge Joyal: Welcome, Madam Minister, to the Senate. I think we cannot underestimate the obstacle and the roadblocks that Canada will have to face in the next four years when we consider the new administration south of the border and the people who will be responsible for environmental policy. Some of them deny the impact of the human role in the degradation of the environment; others want to go back to the exploitation of resources that in Canada we want to get rid of. Your government has announced initiatives with respect to that, and I have applauded those initiatives.

• (1550)

Now we are faced with an administration that will not be the partner of Canada, on the basis of which you have developed, with the present outgoing American administration, initiatives to

favour green technology, research and a shared commitment to satisfy the objectives of the COP 21 in Paris and COP 22 in Marrakech. How will you be able, as a government, to maintain the level of development of those green technologies and research if the American administration works totally contrary to that kind of effort? Canada will have to either slow down in its objectives or totally reinvent its approach to the means that it will have to implement to reach those objectives that were shared by a majority of Canadians. I don't really sense that the government has measured the new challenges that are ahead of us if we really want to maintain and satisfy the objectives that have been agreed to internationally and to which Canada is committed.

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator. That's a very good question. You need to, obviously, work with any administration. There's a new administration coming in in the United States. I was in Washington a few weeks ago to talk to different people, Republicans, Democrats and Conservative think tanks. I think we're going to need to wait and see. We do know that the next administration is committed to clean air and clean water. Those are all areas that we certainly have in common. When it comes to tackling climate change, there are co-benefits when it comes to health.

I think the broader and the very important point to keep in mind is that, when 195 countries, just over a year ago this week, signed on to the Paris agreement, it sent a signal to the markets. It sent a signal to the markets that we're moving to a cleaner future. We're moving to a low carbon future. If you want to position yourself well, if you want to create jobs, jobs of today — we have 50,000 jobs in the clean tech sector, the jobs of the future — if you want to create growth and foster innovation, you should be investing in that space.

Just this week, it was great to see that Google, Jeff Bezos, Bill Gates, many other leading entrepreneurs, announced a \$1 billion clean tech fund in the U.S. that is intended to invest in clean technologies that could support developing countries. A group of 350 companies sent a letter to President Obama and President-Elect Trump, asking for continued support for the Paris agreement, for continued action on climate change. Why? First, because I think they care about their children and grandchildren, but, second, because they know business. They see this as a business opportunity.

At the end of the day, we need to do what we believe is right for Canada and for Canadians, being mindful of competitiveness, but this is the opportunity. That is why you saw, on the stage with the Prime Minister, every province and every territory and the three national indigenous organizations, saying, "We believe climate change is real. We know we need to act, and we're going to act together, providing flexibility for provinces to determine systems and actions that make sense for them but moving forward." I'm certainly very committed to that.

I will continue to work with the next administration, of course. I will work closely with other countries like China, where China is absolutely committed on climate change. When I was there last week with my friend the Chinese climate negotiator, he said, "We

are only moving forward.” They are investing trillions of dollars. The former Governor of the Bank of Canada has called China a \$30 trillion opportunity. Canada does not want to miss out on that. It’s also the right thing to do for our kids.

Some Hon. Senators: hear, hear!

PARKS CANADA—PRINCE EDWARD ISLAND—
PROVINCE HOUSE

Hon. Diane Griffin: Province House in Charlottetown is undergoing a \$40 million restoration by Parks Canada. Prince Edward Islanders are very proud of this iconic structure, which opened in 1847, and it is a centrepiece in downtown Charlottetown. It attracts many visitors annually to the Confederation Chamber, where the Fathers of Confederation met in 1864 to initiate the discussion on political union that eventually led to the formation of Canada.

The P.E.I. Legislative Assembly chamber is also in Province House, but, during the restoration work, it is operating from a temporary chamber in a nearby building. There is some speculation that perhaps the legislature should be out of Province House on a permanent basis.

Can you give me an indication of the future role of Parks Canada for this national historic building? And what does Parks Canada see as its programming future there in interpreting the Confederation message?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator, for your question. I’m very excited that, next year, I’ve invited my U.S. and Mexican counterparts to host our annual meeting in Prince Edward Island. I also found it fitting. It’s Canada’s one hundred and fiftieth birthday. Prince Edward Island is where the Fathers of Confederation met. This would be a great place for me to bring them.

It’s also exciting. Everyone is welcome to come to visit our parks and national historic sites, which are free next year. This is a symbol of how important parks and national historic sites and marine conservation areas are to Canadians. I will certainly come back to the honourable senator with more information about Province House.

NEW BRUNSWICK—CLIMATE CHANGE PLAN

Hon. Paul E. McIntyre: Thank you, minister, for being here today and answering our questions. I’m a senator from New Brunswick. Last week, the New Brunswick provincial government announced its climate change plan. Included in that plan was the pledge to phase out coal as the source of electricity. As you know, the only coal-burning power plant in New Brunswick is located in Belledune. However, there is a condition attached to the plan, the condition being that the province receives the necessary support from other partners, such as the federal government, NB Power, and local stakeholders. That said, could you inform us if your government is in the process of negotiating a package deal with New Brunswick that will determine the future of the Belledune coal-burning power plant? If so, what will the package include? Will it include green infrastructure projects?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator. I was very pleased that we were able to work with the four coal-burning provinces to find agreements with all of them and a path forward. We’ve had many discussions. I’ve had many discussions with my New Brunswick provincial counterpart. We’ve had many discussions with the Premier of New Brunswick, as well as officials. There are opportunities to move forward.

We’re going to be continuing to work out the details, but we have made a commitment. We understand there are job implications. There are economic opportunities, and we certainly want to make sure that it’s a very positive development and a move forward as we move to a low carbon future.

UNITED STATES—CARBON TAX

Hon. Michael L. MacDonald: Thank you, minister, for being here. I must say, as somebody who witnessed China build 230 coal-fired plants last year, it’s great to see they’ve changed their tune on this matter.

Our economy, with the U.S., is the tightest economy in the world in terms of what we share. Over 75 per cent of our trade, over 90 per cent of our population is within 100 miles of the U.S. border. I’m curious, with the new administration coming in, with their indication they’re going to cut business tax from 35 to 15 per cent and with the realization that the previous government, the previous Obama administration, did not talk about a carbon tax. Did our government do any analysis on the impact of a Canadian-imposed carbon tax in the absence of one in the U.S.?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator, for your question. I would start by saying that, in terms of China, they’ve just announced that they’re going to put a cap on emissions from coal. They are the single largest investor in Canadian solar; a Canadian company is doing extraordinarily well there. I had a chance to ride Ballard fuel cell buses that are doing better in China than they are in Canada. I think their commitment is real. Their challenge is also real, but they are really all in.

• (1600)

When it comes to the United States, I absolutely agree with you. For 35 states, Canada is the largest export market. We are very united at a state level, at a national level, at a municipal level and in terms of people. We need to, as I said, be mindful of competitiveness, and this is on a whole range of files. Our government is working extraordinarily hard to build links or enhance links that we already have at all levels of government in the United States. We will continue to do this.

We want to build a positive relationship with the new administration. In life, you don’t always agree on everything, but I think there are certainly many things on which we agree. We have an interlinked economy. I think there are real opportunities, and we’re going to continue moving forward with our agenda. We’re going to push our interests very hard and we will find areas where we can work together.

It's not just in terms of the new administration that we have links. We have links, as I said, at the state level. We have interties between states and provinces; we have pipelines between states and provinces. We will continue our relationships there.

I think there are real opportunities to have a North America energy plan because we can see the opportunities when it comes to clean power. Canada has clean hydropower going to the U.S., and there are greater opportunities — New Hampshire is looking at clean power from the East Coast — across the country.

There is certainly more that unites us. We will work hard to find areas of common interest, but also advocate for Canada.

PARKS CANADA—PARK PASSES

Hon. Percy E. Downe: Minister, again, thank you for being here, as others have indicated.

As Senator Griffin indicated, in her question, the importance of Parks Canada to Prince Edward Island, not only do we have the facilities in Charlottetown, but we have Greenwich and the national park in Cavendish, which has been there for many years. One of the questions I received over the weekend actually came from two different people inquiring: If the parks are free next year, why do we have to apply to get a pass to get into them? These people went online, and the system originally crashed. They eventually got on over the weekend, apparently. They tell me you can order as many as you want. It's unlimited, but people are wondering because it seems excessively bureaucratic if it's free.

Are you collecting the names and email addresses to notify people of upcoming park activities over the next number of years, or will they simply be set aside and not used? Why do we have to have a pass for something that is free? This was a question asked to me, and I look forward your answer so I may pass it on to the people who asked me.

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you, honourable senator. That's a very good question, and I initially asked it myself.

Part of the reason it's important is that we're going to have historic numbers of people visiting national parks and if you have your pass already, it will just save time at the gates. Canadians can still get park passes at the gates. I think we're all looking forward to next year because it's a real opportunity to showcase our natural beauty.

In terms of my priorities for parks, you may be excited to hear that we're working hard to get an app finished so that you can actually just get a pass through that, and we won't have to send things to people. I'm hopeful that will happen soon and you can all benefit from it.

I think our commitment to getting more people into our parks is very important. I am very committed to getting new Canadians into our parks, as well as young people and under-represented and often less-wealthy Canadians who don't have that opportunity. Also, I shouldn't leave out our amazing national historic sites.

I think it's really critical. Right now we live in an age where everyone is so busy and we don't have time or the opportunity to spend time in nature and learn about our history. This is just an

opportunity, for all of us, in 2017 — you all have parks and national historic sites in your area — to celebrate Canada's heritage, history and natural beauty, and I encourage you to do so.

On the first day when we announced we had these free passes, you might think that people wouldn't bother going online, but 10,000 people went online in the first day. That's historic. It exceeds the interest on a one-day basis by I don't know how many times, but by a significant amount. I think there is just a lot of excitement in Canada.

I have never been to Prince Edward Island, but I am looking forward to getting there this coming year.

[Translation]

FRANKLIN EXPEDITION

Hon. Claude Carignan (Leader of the Opposition): Minister, my question is also about access to Canada's natural assets. Thanks to investments from the Government of Canada, over the past few months, artifacts from the Franklin expedition have been found in the Canadian Arctic archipelago.

What does the government intend to do to make these recently discovered artifacts accessible to Canadians?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: That is a very good question. I was pleased to learn that the Parks Canada underwater archeological team has confirmed that the wreck that was discovered off the coast of King William Island in Nunavut is indeed the HMS *Terror*.

I think it is important to make these discoveries accessible to Canadians. The government intends to work with the people of Nunavut and the British government on this.

These discoveries provide an opportunity to showcase the knowledge and tools that were used at the time. This priority reflects the government's commitment to reconciliation with Indigenous peoples, in this case the Inuit people.

CARBON PRICING

Hon. Paul J. Massicotte: Minister, I would like to commend you and your government for the excellent program that you put in place last Friday. I wanted to congratulate you because I believe that carbon pricing is a critical issue.

[English]

But as you know, you're only starting the process. There is an immense challenge ahead of you, and we cannot fail; the impact is too important.

Having dealt with that, I am particularly worried about Canada's largest employers, those who have high, intensive GHG emissions and which are trade-exposed. We may be competing against a neighbouring country which is going to impose a much lower carbon price on their product than we do here in Canada.

I know in your package you are talking about helping those firms. I sit on the Energy Committee. We visited many of those firms, and it is critical that we provide for that.

My second, related question would be: What are you doing about imports from countries that have a lower carbon price? Obviously, our firms will be less competitive against those. Will you impose an import tariff on those firms and their products?

Hon. Catherine McKenna, P.C., M.P., Minister of Environment and Climate Change: Thank you to the honourable senator, and thank you for the congratulations. I am very proud of what everyone has accomplished, working together. It has showed that our federation really does work.

In terms of the largest employers and the impact on trade-exposed sectors, that's critical. We need to be very mindful. As I mentioned, we had Canada's largest companies standing with us, once again, in another example of Canadians coming together. They said, "Put a price on pollution; we will innovate. It is the most efficient way to reduce emissions, and we will create good jobs."

Having said that, every province has trade-exposed sectors. They need to be mindful of that. We are working with them to design a system that makes sense.

British Columbia has a system wherein they have considered different sectors. Alberta has a system, and when they announced their climate plan, they were standing with industry, indigenous leaders and with civil society. So I think that's the path forward.

• (1610)

We have committed with the Prime Minister, working with the finance minister, doing a review of competitiveness and review of carbon pricing to look at this issue, because I think it is really important going forward. Assuming that we are mindful of the impacts, I think it will make us more competitive. It will create more jobs, and it will position us well for other opportunities in Canada as well as abroad.

Teck Resources is one of the companies that is working with other industry members as well as environmental groups on the competitiveness piece, and we're certainly working with them.

You raised an important point that there are products from other countries that would not be subject to a price on pollution. That is quickly changing around the world. As I said, China is bringing in a national price on pollution. You have got California, so you have the second and sixth largest economies in the world, Europe and other economies.

I think that looking at the international trade agenda and at border carbon adjustments going forward is important. There is an opportunity. Canada has played a very good role in international trade negotiations and moving forward on the trade agenda. I think we want this competitiveness; we want to reduce emissions; we want to create jobs. I think that making sure there is a level playing field is important.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm certain honourable senators would opt to join me in thanking Minister McKenna for being with us today.

Thank you, minister.

ORDERS OF THE DAY

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT INCOME TAX ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Griffin, for the third reading of Bill C-26, An Act to amend the Canada Pension Plan, the Canada Pension Plan Investment Board Act and the Income Tax Act.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today at third reading of Bill C-26, An Act to amend the Canada Pension Plan, the Canada Pension Plan Investment Board Act and the Income Tax Act.

The legislation before us which passed committee on division, but unamended, proposes to increase benefits available through the Canada Pension Plan beginning in the 2050s and 2060s. In today's dollars, this expansion would amount to an increase in the Canada Pension Plan from the current maximum payout of \$13,000 to just under \$20,000.

To pay for this, premiums will increase for Canadian workers and businesses beginning in 2019. At the maximum contribution levels, this will eventually mean an extra \$1,100 per year for Canadian workers and a matching \$1,100 for Canadian employers.

These increases will have a negative effect on Canadian workers and their employers, and as with any financial hit, it will hurt the poorest workers and the smallest businesses the most.

The money taken from these increased payroll deductions will be held in a newly created separate account called the "Additional Canada Pension Plan Account," informally known as CPP2. It is expected that this account will transfer money to the Canada Pension Plan Investment Board to invest, and we hope it will get a good return for Canadian taxpayers.

At second reading, I focused on the increase in premiums and the damage this will do to jobs and economic growth as well as the doubtful effect this will have on helping our poorest seniors and low-income workers.

During our committee hearings, the Minister of Finance confirmed that we have generally been successful at decreasing the number of seniors in poverty, and the Fraser Institute confirms this, stating that the percentage of low-income seniors has decreased by 87.2 per cent since 1976 due in large part to a stable and well-run economy.

The minister also noted that this legislation was not planned with the generation sitting at the negotiating table in mind. There is nothing in Bill C-26 for today's seniors, some of whom, tragically, live in poverty.

Seniors are more vulnerable to poverty than others. The Fraser Institute notes that seniors are:

... less able to take steps that will get them out of [poverty] ... for instance they are more likely to have health issues that prevent them from working and they may find it harder [generally] to secure employment.

I'm personally disappointed that the government, while planning so far into the future, is doing so little to help those in need now.

I oppose this bill, but do not mistake this as an opposition to the Canada Pension Plan.

Senators, I believe that all Canadians have the right to retire in dignity with enough income that they are not worrying about keeping the lights on or where their next meal will come from. The Canada Pension Plan, Old Age Security and the Guaranteed Income Supplement, along with private savings, are important tools in ensuring this.

As I outlined at second reading, when the Canada Pension Plan was conceived, it was never intended to be the sole guarantor of a secure retirement. Private savings were always meant to be the primary vehicle for securing the retirement of Canadians.

The Pearson government understood when they created the Canada Pension Plan that for some people their savings would not be enough. Our economy was booming at the time, unemployment was at a historic low, but nonetheless, more than a third of seniors were living in poverty.

Senators, this was the reason behind the introduction of the Guaranteed Income Supplement, which was directly targeted at providing immediate and permanent relief to seniors who are in the most need.

I am reminded of this situation when I approach the legislation before us. One of the government's stated intentions behind many of the measures in this bill is to assist Canadians who are struggling to save for retirement. One-third of Canadian families, they say, are not saving enough, and I think there is much that the government can do to help them, but I don't think this legislation is that help. A benefit that pays out in the 2050s does nothing for this generation of families.

When this bill was before the House of Commons Finance Committee, the Quebec Employers Council noted:

... it is important to encourage people to save for retirement, a universal solution does not meet the needs, and on the contrary could have a negative impact on economic activity, employment and salaries.

Canadians need more money in their pockets and better or increased savings vehicles. The government can assist them by reducing taxes with an emphasis on low-income workers and expanding, not decreasing, contribution limits on Tax-Free Savings Accounts.

The government could also look into creating more savings vehicles to help encourage Canadians to put more money away for retirement.

As we saw with Bill C-2, the government took the opposite approach by cutting contribution space in half for Tax-Free Savings Accounts and adjusting tax rates without any provision for Canadians who earn less than \$45,000 per year.

Before the summer adjournment, in Bill C-15 the government went further and eliminated a number of tax credits targeted at students, Canadian workers and their families.

I worry for low-income Canadians who will be affected by the damage this increase in Canada Pension Plan premiums will do to our economy. As I noted at second reading, Finance Canada's projections show that higher CPP premiums will hurt the economy. Employment will fall by 0.04 to 0.07 per cent. The GDP will shrink by 0.03 to 0.05 per cent and private savings will be reduced by 7 per cent over the long run. Finance Canada has admitted internally that the economic drag caused by the increase in premiums will last until 2034.

These numbers are an abstraction for some, but for me, they are real Canadians, their jobs, and their savings and their hopes for a brighter future.

• (1620)

The government responded to these doubts by pointing out that this legislation has a two-year notification period before increased premiums kick in, after which workers and businesses will have five years of gradually increasing payroll deductions.

The Canadian Federation of Independent Business fears that rather than mitigating the negative effects of the increase, this notice period will end up freezing hiring and investments as small business people prepare their balance sheets for the burden of this new tax.

In plain language, senators, this means that we will see two years of nervous business owners holding back rather than expanding.

This concerns me, especially given the great need our economy has for any form of growth right now. We are effectively hitting ourselves while we are down and claiming that we will be better off.

People used to believe that the best cure for a dog bite was placing the hair of the dog that bit you into the wound. I know this sounds ridiculous, but is it really any less ridiculous that we try to cure a problem caused by deficit spending and tax increases by throwing more taxes and more deficit spending into the wound?

The analogy goes further when we consider the many questions raised by the creation of the proposed Additional Canada Pension Plan Account and its ties to the Canada Pension Plan Investment Board.

The government has not really explained why it is better that the government invest your savings rather than you having a plan of your own that you can manage and direct toward your own priorities.

The general argument for using the Canada Pension Plan is that when you deal with individuals, there is a level of risk that the investments they make will not be enough, that they will run out of money. When these individuals are grouped together, this risk is shared with everyone and thus lowered for individuals.

Honourable senators, the Canada Pension Plan can cover the individual risks for workers, but the fund itself has systemic risks based on the investments it makes. More than 40 per cent of the Canada Pension Plan fund right now is invested in private equity, meaning unlisted companies or roads and other infrastructure projects, which can be difficult to evaluate because they are not traded on public markets.

The nature of these investments make for high returns in good times, but if something goes wrong, there is a significant level of loss for the investors.

The C.D. Howe Institute noted at committee:

Looking at historical returns as a guide, the chief actuary's assumed portfolio does yield average returns over the long run superior to the required threshold. But one must not lose sight of the fact that this result requires an asset mix embodying a fair amount of investment risks and uncertainty. And with risk and uncertainty comes a likelihood of lower returns or higher returns.

Senators, we must ask ourselves what happens if the returns are lower. Who bears the risk? The answer is not provided in Bill C-26, but we all know the people who will take on the burden of this are the Canadian workers and Canadian taxpayers.

The investors in the Canada Pension Plan Investment Board are not rich bankers or international financiers. They are average working Canadians who are forced to contribute to these investments without any say.

In a way, this is doubly concerning, because in a normal investment plan, risky products are priced appropriately. If you take more risk, you pay a bit less or a bit more depending on the circumstances. Since Canadians are forced to pay and their contributions are fixed by law, it is difficult to say if the investment fund is receiving the right signals to adjust its investments or not.

Some say that it is even unclear if the Canada Pension Plan fund is healthy, as the investment board reports. In the past 10 years, the CPP Investment Board has beaten the market benchmark it measures itself against in six years, but it has underperformed in four.

The CPP Investment Board has acknowledged that, in the past, the benchmark they use is a bit misleading since it is less risky than the fund's actual portfolio. In other words, if you adjust for the risk, maybe the fund is a bit less solid than we are led to believe.

The government's background on this legislation suggests that the new CPP 2 benefits will be fully funded. To most people, as the C.D. Howe Institute suggested at committee, this "implies an ability to pay obligations with assets on hand."

Bill C-26, however, does not use this term. It does, as the C.D. Howe Institute noted, require that "... projected contributions and investment income are sufficient to fully pay the projected expenditures. . ."

I am deeply concerned about the risk because it suggests to me there is a chance that Canadians may not get the benefits they have been promised. No one can say with certainty what the markets or state of the government's finances will look like in the 2050s.

It has been suggested by some that the CPP 2 fund will be used as an investment vehicle for the government's proposed infrastructure bank.

Mark Machin, Chief Executive Officer of the CPP Investment Board, suggested, when asked by the *National Post* last month, that the CPP Investment Board is hopeful they will find suitable infrastructure investments in Canada now that the federal government is moving forward on rolling out the infrastructure bank.

I fear that the CPP Investment Board will become just another bloated Crown agency used to fund the government's commitments in a kind of shell game that is being kept from the Canadian taxpayers.

Senators, we simply do not know what is going to happen. The legislation has not passed yet, the regulations have not been drafted, and we are 50 years away from seeing the first benefits being paid out.

We are past the point of changing this bill. But, in closing, I urge the government to follow New Brunswick's approach to its public pension plan regime.

As we learned at committee, before making investments, New Brunswick runs thousands of simulations with the portfolio, rejecting the ones which do not come out with a base benefit that is protected 97.5 per cent of the time.

While 97.5 per cent is not 100 per cent, it does reassure New Brunswickers who pay in that they will get what they have paid for.

The government has promised Canadians a secure benefit, and it is incumbent on them to deliver and to do so in a clear and transparent way that makes all the risks clear.

Hon. Frances Lankin: Senator, will you take a question?

Senator Stewart Olsen: Yes.

Senator Lankin: Thank you very much. I was interested in the concern that you put before us that Canadians who pay into this may not recognize a guaranteed benefit on return. In the world of pension plans and workplaces, one of the only guarantees that you can get is if it's a defined benefit pension plan, and then, of course, things can go wrong there. We have seen corporations become bankrupt and pension plans dissolve.

The trend that we have seen in business is to move away from defined benefit pension plans to defined contributions, and all the risks rests now with the employee, the contributor, and not with the employer, which is where the risk lies with the defined benefit.

That world of risk is great and is growing greater as a number of these plans convert. It seems to me the track record over the years for the Canada Pension Plan has been much more secure than the world of defined contribution.

When I think of concerns, what concerns me even more is the growth of precarious employment and the number of workplaces that have no pension, no retirement savings, not even group RRSPs, that there is no saving for the future. This is what this is designed to do.

I am wondering if you could articulate on the balance of risk, why the risk of the CPP not returning benefit is greater than the risk of being in a defined contribution workplace scenario or, more to the point, in the majority of places, where the risk is you will get no pension at all from your work.

Senator Stewart Olsen: Thank you, Senator Lankin, for the question.

In some instances, I would agree with you. As I said, I am not damning the Canada Pension Plan. In fact, I support the Canada Pension Plan. What I am doing is raising questions about transparency and the obligation of the government to make sure that what they have promised is going to happen or as best they can.

I agree with you that in today's economic market, we can't guarantee anything.

• (1630)

It is important that as legislators we do our very best to ensure that we keep the government honest and that we see transparency in what they're doing, in the funds and in the keeping of records. In five or ten years from now I would love to see the Senate ask for an update and keep a regular rolling update on everything.

[Senator Stewart Olsen]

That is one of our main jobs, analyzing and assessing, not damning what they're trying to do, but saying, "I would like to see this, and this might be better," just trying to keep it on track so that we can be certain that, yes, indeed, this investment plan is doing well and that Canadians are going to benefit from it.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Martin, for the third reading of Bill S-230, An Act to amend the Criminal Code (drug-impaired driving), as amended.

Hon. Murray Sinclair: Honourable senators, I rise in order to address Bill S-230, which deals with amendments to the Criminal Code, introduced by Senator Carignan, and at the end of my comments I have an amendment I would like to introduce, having had an opportunity to have a discussion with Senator Carignan and Senator Baker.

This bill has been amended already as a result of the efforts of Senator Baker.

The issue of roadside screening devices for those who are driving while impaired is one that the country is going to have to address very quickly and very soon, because it's a growing phenomenon in other jurisdictions as well.

In the United States, the committee that studied this matter was made aware that there are a number of jurisdictions around the world that have now undertaken to establish and utilize roadside screening devices to determine who is driving while impaired by a drug or by a drug and alcohol.

Canada lacks such a device and lacks authorization in law for such a device to be utilized. The particular bill introduced by Senator Carignan addresses that anomaly and situation.

A number of witnesses who testified before the committee talked about the issues that are related to the utilization of such a device, and in comparison with the roadside screening devices that are in place in Canada for alcohol, also pointed out some of the differences that might exist and might need to be considered when establishing this law.

Having had an opportunity to discuss with Senator Carignan the concern that I had, let me put it before you and explain the amendment that I'm about to introduce.

Under the provisions of the law, at present, when an individual is stopped by a peace officer and a breath demand is made, the peace officer cannot require a sample of blood be given because

the Supreme Court of Canada, in prior decisions, has ruled that that's too invasive a process for it to be justifiable under section 1 of our Constitution.

Accordingly, the government and authorities who are advising the government indicated that, on the basis of Supreme Court decisions, it would be reasonable to allow a peace officer to require an individual who is caught driving with alcohol in his system to give a breath sample and to accompany the peace officer for that reason.

In discussion with Senator Carignan and Senator Baker, it became apparent that the intention of this particular bill was to put in place a provision in law similar to the roadside screening devices for alcohol to be utilized for drug impairment as well. Therefore, we had to also be cognizant of the limitation upon peace officers being able to require blood samples.

I expressed my concern to Senator Carignan that the bill, as drafted, and even after amendment by Senator Baker, still allowed a peace officer to require that a blood sample be given.

Though there is some evidence before the Senate that a blood sample may not be able to detect all drugs, nonetheless it is a useful means by which the individual could be called upon to provide evidence of impairment. I suggested that we should look for a way to change this bill to remove from the peace officer the authority to require that a blood sample be given in order that it would comply with the Charter and case law.

Senator Carignan was quite willing to take a look at the matter, and with the assistance of his office and his advisers, looked at helping to draft an amendment that would address that concern.

MOTION IN AMENDMENT

Hon. Murray Sinclair: Therefore, honourable senators, the following amendment has been prepared with the assistance of the Law Clerk, and I move:

That Bill S-230, as amended, be not now read a third time, but that it be further amended in clause 2,

- (a) on page 2, by replacing lines 32 to 41 with the following:

“(3.4) If a peace officer, based on the physical coordination tests provided for in paragraph (2)(a) and the results of the analysis provided for in paragraph (2)(b), or an evaluating officer, based on the evaluation conducted under subsection (3.1), has reasonable grounds to believe that a person's ability to operate a motor vehicle, a vessel, an aircraft or railway equipment is impaired by a drug or by a combination of alcohol and a drug, the peace officer may require the person, by demand made as soon as practicable, to comply with paragraph (a), or the evaluating officer may require the person, by demand made as soon as practicable, to comply with either or both of paragraphs (a) and (b).”; and

- (b) on page 3,

- (i) by replacing lines 1 and 2 with the following:

“(a) to provide, as soon as practicable, a sample of either oral fluid or urine that, in the peace officer's or evaluating officer's opinion, will enable a proper analysis to”, and

- (ii) by replacing line 5 with the following:

“(b) to provide, as soon as practicable, samples of blood that, in the opinion of the quali-”.

• (1640)

The intention of the amendment is to allow evaluating officers who still have the authority to demand a blood test to continue to have that authority, because they are qualified to make that demand, but to remove from peace officers the authority to demand a blood sample so that their more limited ability to detect impairment is recognized in their more limited ability to demand certain tests. Peace officers will be allowed to require urine samples and saliva tests, but not blood samples.

Senator Carignan and I agree that this meets my concern. Senator Baker also agrees that this meets my concern. So I would move that amendment, Your Honour.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Sinclair, seconded by the Honourable Senator Baker, that Bill S-230 be now not read a third time but that it be amended in clause 2 —

Hon. Senators: Dispense!

Hon. George Baker: I think we're very fortunate to have Senator Sinclair in this chamber. Going back and forth, I watched him. I think I counted five times that he went back and forth with the mover of the motion, across the floor and then out behind the curtains, and so on, to get the wording right. The Criminal Code, especially this section, is very complex. There are the words “as soon as practicable,” for example. It doesn't mean immediately, but there's a meaning for that in the Criminal Code. Within the three hours is absolutely necessary.

We're very fortunate to have him here because he has adjudicated these matters, of course. The provincial courts in Canada hear 95 per cent of all criminal cases, and he has dealt with this wording over the years. We are very fortunate, as we are dealing with this in a hurried manner. Normally these matters are very involved. They go back and forth to the legal authorities in the provinces and territories for final approval and then for approval as to its constitutionality. Here it's being done by the Leader of the Opposition, together with the Law Clerk. I've heard it mentioned many times by officials in the Department of Justice, whom I've known over the years, how competent the legal authorities are here in the Senate. We have the Law Clerk and his team, who are quite remarkable and held in very high esteem as far as this wording is concerned.

Senator Sinclair made one final note to us outside the chamber. He said the word “peace officer.” I said “Yes?” He said, “There are definitions of that in the Criminal Code.” Yes, he said “police

officer,” but it could be a corrections officer, a pilot, a mayor, and so on. Then he said, “It could even be a dog catcher.” A “peace officer,” by definition — I was just reading it in the Criminal Code — includes a “police officer.” Some of the most recent changes that have been made in law define “police officer” and not just “peace officer.” Now, here it’s being kept “peace officer” to coordinate with the other portions of that section, sections 253 to 258 of the Criminal Code, but it’s something to keep in mind in future for bills that originate in the Senate, namely that we should really define “police officer” as a police officer and not as a peace officer, knowing full well that a dog catcher could be receiving incredible authority from a bill that commences in the Parliament of Canada.

With that, I think Senator Carignan has done an excellent job. He has introduced something that’s badly needed. It stands in conflict with a bill that is in the House of Commons. If we approve this today and send it to the other place, it will alert the House of Commons to the fact that this is what’s needed in their drug-impaired driving legislation that is now at committee stage in the House of Commons. If they aren’t going to accept this piece of legislation, then they should incorporate it into the bill that’s presently in committee in the House of Commons. So I congratulate Senator Carignan, but especially I congratulate Senator Sinclair and repeat how fortunate we are to have him in this chamber.

[Translation]

Hon. Renée Dupuis: I would like some clarification on that, and I was wondering if I could ask Senator Baker a question.

Hon. Claude Carignan (Leader of the Opposition): The senator can speak about the amendment, which would allow her to ask me a question.

Senator Dupuis: I was under the impression that I could ask Senator Baker a question.

Some Hon. Senators: Yes.

Senator Dupuis: That is how I have understood things to work since I arrived in the Senate a month ago.

I just want to make sure that I understand what is being proposed here. Senator Baker, could you explain again the difference between paragraphs (a) and (b) when we are talking about a peace officer or an evaluating officer?

[English]

Senator Baker: A peace officer, under this section of the Criminal Code, has certain powers. First of all, they have the power to reasonably suspect that somebody is impaired by a drug or alcohol. That involves certain indicia of behaviour: driving, talking, your facial expressions, your ability to produce your documents, and so on.

When the most recent change was made to the Criminal Code on this section, it was called the drug-impaired driving legislation, brought in by the previous government. They introduced an evaluation expert, a DRE. The DRE is a specialist police officer who has gone through training, through various schools. Senator

Dagenais is the only expert we have here on Parliament Hill — a certified expert in equipment that’s used to judge whether or not somebody is impaired. The drug evaluation expert is someone who has been specially trained and is able to conduct a 12-step procedure at the police station. If he then has reasonable grounds to believe, then he or she can demand a blood sample or urine sample, or whatever. That’s the difference between paragraphs (a) and (b); namely, paragraph (a) is your peace officer. We should say “police officer” in the future. Paragraph (b) is your expert, who may not be present — as Senator Carignan has pointed out, we don’t have them in every single police station in Canada — so you’re left with a police officer who has to form reasonable grounds. That’s the distinction between paragraphs (a) and (b).

Hon. Joan Fraser: I think I should have put this question to Senator Sinclair, but I’m slow on the uptake.

I’ve been trying to wrap my mind around the (a)s and the (b)s and in the long paragraph, that is, the first substantive paragraph in this amendment. I’m sure this is just confusion on my part, but you’ll see in the third-last line of that paragraph the requirement to comply with paragraph (a). To which paragraph (a) do we refer?

Senator Baker: That would be provided for in paragraph 2(a), which would have come before subsection (3.4).

• (1650)

If you go back to 2(a) in the Criminal Code, which I don’t have time to actually go back to, 2(a) and 2(b) would be where the officer has reasonable grounds to suspect; in other words, where the officer initially confronts this person. Senator Carignan is now at that point in time, the initial stopping of the person at roadside. You can now have an instrument to assist by taking a saliva sample. That came earlier on in this section of the Criminal Code. It’s not in this section because it can’t be used as evidence to convict somebody; it can’t be. It’s just something to assist the officer in developing a reasonable suspicion.

Senator Fraser: In that case, should we not say, in the third-last line, “to comply with paragraph 2(a)” and, in the last line of that paragraph, “to comply with either or both of paragraphs 2(a) and 2(b)?”

Senator Baker: I’m sorry. Would you repeat that?

Senator Fraser: Feast your eyes upon the last three lines of the long paragraph, the one starting out (3.4.), “. . . demand made as soon as practicable, to comply with paragraph (a)” is the language we have now, and I’m asking if it would not be possibly more appropriate to say “to comply with paragraph 2(a),” which is what I think I heard you say this means. No?

Would it be possible for Senator Sinclair to make a comment on Senator Baker’s remarks?

Senator Baker: He can ask me a question.

The Hon. the Speaker *pro tempore*: Senator Fraser, why doesn’t Senator Sinclair stand up and comment on Senator Baker?

[Senator Baker]

Senator Fraser: That is what I was suggesting.

Senator Sinclair: I couldn't quite figure out what rule allowed me to wave or stand up or just shake my head. I'm sure that, somewhere in the Rules, there's something that addresses that.

To go back to Senator Fraser's original question, the (a) that is referred to in that third line is actually the (a) in the second-last paragraph. So what it is is that the peace officer can require the individual to accompany him and comply with paragraph (a), which is:

... to provide, as soon as practicable, a sample of either oral fluid or urine.

So that's the (a) that is referred to. The evaluation officer can require compliance with either (a) or (b).

The reference that Senator Baker made with regard to paragraph 2(a) is a different test. It's a physical coordination test under 254(2)(a). Don't go there. Thank you.

That's the code? Okay, I got it. Thank you very much.

The Hon. the Speaker pro tempore: Senator Baker, do you understand now?

Senator Baker: If I didn't understand it before, I now understand it.

The Hon. the Speaker pro tempore: I'm glad we're all clear.

Senator Fraser: May I thank all senators for their patience with my lack of understanding. I too now understand.

The Hon. the Speaker pro tempore: Senator Joyal, of whom do you wish to ask a question, Senator Fraser?

Hon. Serge Joyal: No, Senator Baker.

Considering the question raised by Senator Fraser on the opaqueness of the reading of that long paragraph, would it not be better to qualify the number that the (a) refers to so that nobody would be at a loss to say to what we are referring here? Are we referring to the first encounter with the officer, with the peace officer, and then are we not referring to *l'agent évaluateur*? It seems to me that it will help the comprehension and would not change anything of the meaning to provide for 2(a) or 2(a) and (b) in the last line. It seems to me that that would make it exactly the same way that Senator Sinclair is proposing and everybody would understand immediately to what we are referring.

Senator Baker: Yes. I can see the honourable senator's point. In other words, what the senator is suggesting is that, in the third-last line of (3.4.) it should read "to comply with paragraph (3.4) (i)," with (a) after.

The Hon. the Speaker pro tempore: I see Senator Sinclair wants to ask you a question very badly.

Senator Sinclair: Thank you, Your Honour.

Thank you, senators, in particular Senator Joyal for his question because it does raise and make us now well aware of how difficult it is to read amendments to bills. That's what the problem is here.

When you put all of this together, it reads very logically because subparagraph (a) in the second-last paragraph of the amendment and (b) are part of (3.4), which is the previous paragraph. So when you read that entire paragraph together, it is clear that (3.4) will read as, in the third-last line, a reference to the subsequent (a) of that paragraph, of that section.

It actually looks good when you have it all together. I'm sorry I didn't bring the text of the full section with me. I should have so that I could read you the full text, but the full text does have a very logical sequence to it. If we start inserting references to 2(a) and 2(b) and whatever at this point in time, it would ruin the flow. Can I ask you just to trust me that it looks good? The law clerk has actually very carefully looked at this and has suggested this particular wording.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker pro tempore: No? Senator Day?

Hon. Joseph A. Day (Leader of the Senate Liberals): I'm confused here. I've been trying to follow this, and it looks to me like what you're saying in that third —

The Hon. the Speaker pro tempore: Are you on debate?

Senator Day: Yes, I'm on debate here, but I'm hoping he'll comment.

Senator Baker: He's going to ask me a question.

Hon. Donald Neil Plett: The question needs to be to Senator Baker.

Senator Day: On debate?

The Hon. the Speaker pro tempore: On debate, Senator Day.

Senator Day: Do you mind if I participate in debate?

Senator Plett: I don't mind.

Senator Day: You don't mind? I thought you just told me I had to ask Senator Baker a question.

The Hon. the Speaker pro tempore: Listen, excuse me. Senator Day is on debate. Can we be respectful? I know we're all tired and want to get home for Christmas, but let's get through this.

Senator Day, the floor is yours.

Senator Day: Thank you.

Colleagues, I think part of the problem is we're trying to do this too quickly, and we're not understanding. I confess that I'm not understanding, and only Senator Plett understands.

We're going to be meeting tomorrow. Is there a reason why we have to do this today? This is part of why I'm on debate here, but the alternative I'd like you to think about, because a number of suggestions have made, is that in the first paragraph, the new (3.4.) I think what we're saying is "to comply with paragraph (a) hereof." It's the (a) of that particular paragraph, and then there would be another "hereof" after "both paragraphs (a) and (b)." Then (a) and (b) would come in the amendment later on.

Rather than putting in (3.4)(a), which is repeating the paragraph we're in, you're saying "(a) hereof" of that particular section. That would be my suggestion. If that's the case, I would think that the ideal way to handle this would be for us to adjourn this matter and be able to see the wording you're proposing.

Senator Baker: In other words, what you're suggesting, senator, is that before the (a), you have (i) in brackets — (i)(a). That's what you're suggesting because (i)(a) is what you're referring to as (a); (ii)(b) would be (b). That's exactly what you're saying. So what you're suggesting would require the inclusion of (i) before the (a) and (ii) before the (b).

• (1700)

Is that exactly what you're suggesting?

Senator Day: Not exactly. But that may be another alternative, which is another reason why I think we should adjourn this and get the proper wording here tomorrow.

(On motion of Senator Day, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Cordy, for the third reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

Hon. Paul E. McIntyre: Honourable senators, I am pleased to speak on the third reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

First, I would like to thank the members of the committee for their diligent work in reviewing this private member's bill.

I would also like to highlight the important contribution of Senator Dyck on this important question related to the lives of Aboriginal women and girls in Canada, and their place as victims in the criminal justice system. Her commitment to raise awareness about the issues faced by victims and their families and to take action in order to strengthen the Criminal Code deserves to be recognized in this chamber.

A *Juristat* study published by the Canadian Centre for Justice Statistics indicates that Aboriginal women in the 10 Canadian provinces are more likely than non-Aboriginal women to be victims of violence.

During study in committee, we heard very interesting testimonies from all sides on this debate. I would like to salute the contribution of each of the witnesses who came to testify, more specifically Ms. Heather Bear, Fourth Vice Chief, Federation of Sovereign Indigenous Nations; Mr. Solomon Friedman, a criminal defence lawyer; Ms. Francyne Joe, President of the Native Women's Association of Canada; Ms. Marilee Nowgesic, Special Advisor and Liaison, Native Women's Association of Canada; Mr. Edward Prutschi, a criminal defence lawyer; Mr. William Trudell, Chair of the Canadian Council of Criminal Defence Lawyers; and of course, Senator Dyck, sponsor of this bill.

Bill S-215 amends the Criminal Code to require a court, when imposing a sentence for certain violent offences, to consider the fact that the victim is an Aboriginal woman to be an aggravating circumstance.

Section 718.2 is the sentencing provision in the code that lists a certain number of aggravating factors that the court must consider at sentencing. In fact, subsection 718.2(a) of the code sets out a number of sentencing principles, including the principle that a sentence should be increased or reduced to reflect any relevant aggravating or mitigating factors.

Some of the statutory aggravating factors listed in the code include subparagraph 718.2(a)(i), evidence that the offence was motivated by bias, prejudice or hate, based on race, ethnic origin, language, colour, sex or any other similar factor; subparagraph 718.2(a)(ii), evidence that the offender in committing the offence abused the offender's spouse or common law partner; subparagraph 718.2(a)(ii.1), evidence that the offender in committing the offence abused a person under the age of 18 years; subparagraph 718.2(a)(iii), evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim.

Judges can consider non-statutory factors as well. Principles of denunciation and deterrence in the Criminal Code support tougher sentencing for crimes against vulnerable persons like Aboriginal women.

In addition to aggravating mitigating factors, a judge can also consider the factors at sentencing: the use of violence, the use of a weapon, and a victim impact statement or other victim impact information.

It is important to underline that when the offender is Aboriginal, section 718.2 and the Supreme Court of Canada have stated in *Gladue* and in *Ipeelee* that judges should pay

attention to the circumstances of Aboriginal offenders and take into consideration all available sanctions other than imprisonment that are reasonable in the circumstances.

We heard very interesting and deep discussions in committee on the interaction between these two important Supreme Court decisions that I mentioned and the amendments contained in Bill S-215.

Undoubtedly, one of the practical problems as raised by the legal experts at the committee level is the conciliation between the proposed amendments in Bill S-215 and subsection 718.2(e) and the *Gladue* principle. Each single change in the wording of the Criminal Code is often an exercise of careful balance between the rights of the offenders and the rights of the victims.

Honourable senators, I leave you with these thoughts as I close my speech on Bill S-215.

The Hon. the Speaker *pro tempore*: Senator Plett, question?

Hon. Donald Neil Plett: No, on debate. I will take the adjournment.

I do want to say before I do that I have talked to the sponsor of this bill. I know there was some wish that this would be finished today. I thought we were speaking tomorrow. I have spoken to Senator Dyck and she is agreeable. I will speak to this tomorrow.

(On motion of Senator Plett, debate adjourned.)

CANADA EVIDENCE ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Martin, for the second reading of Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources).

Hon. Joan Fraser: Colleagues, this bill that Senator Carignan has presented — he is very busy these days, I must say — is designed to achieve a good and important goal. That goal is the protection of journalists from abusive police searches, searches that may be physical or electronic, and they would be conducted in order to discover confidential sources.

As both Senator Carignan and Senator Pratte have pointed out, this is not a theoretical problem. We have seen in Quebec that long, dreadful list that Senator Pratte gave us of journalists who have been subject to electronic surveillance by the police. There are other cases of abuse of police searches in their quest to find out who was supplying journalists with information.

Testimony from CSIS certainly sounds to me as if they have been engaging in similar surveillance in that if they haven't, then why don't they just say so? It is a really serious matter, colleagues.

Confidential sources of journalists are among the most important elements of some of the most important functions of journalism. I would quote the Supreme Court of Canada, Mr. Justice Binnie, in the 2010 case of *R. v. National Post*.

• (1710)

Mr. Justice Binnie wrote:

... an important element in the news gathering function (especially in the area of investigative journalism) is the ability of the media to make use of confidential sources.

He went on to say:

... the law should and does accept that in some situations the public interest in protecting the secret source from disclosure outweighs other competing public interests — including criminal investigations. In those circumstances the courts will recognize an immunity against disclosure of sources to whom confidentiality has been promised.

Of course, the reason why we believe those sources need to be protected is because, without those sources, stories, reports and news that is clearly in the public interest — usually of some kind of abuse, frequently by a public figure — would never become public, would never be known, if the journalists could not promise confidentiality to the sources who may be putting their livelihoods or sometimes even their lives at risk.

There are many good elements in this bill. Let me mention two. One is that authority to conduct such searches could not be given simply by warrants issued by Justices of the Peace.

In discussion with Senator Baker, I gather that this particular element may already exist in the Criminal Code. However, I am not sure that there is anything wrong with having it reiterated in a purpose-specific bill of this nature.

Another element that I like very much is the proposed careful safeguarding of seized material, after the warrant has been issued and the police have done the searches, until the journalist or the journalist's employer has had time to respond before the court. The police could not use or even examine the material until the journalist has had an opportunity to make their case.

This is quite similar to what the law provides already to safeguard solicitor-client privilege if police seize material where that privilege might be involved. It is a fine safeguard to build in if we're going to pass a bill like this.

I have, however, serious concerns about some of the specific language of this bill and, most particularly, about its definition of a journalist.

Defining journalism, as Senator Pratte suggested, is an extremely thorny and delicate thing to tackle. I'll try to explain why.

First of all, if a law sets out to protect someone, it has to say, relatively specifically, who is going to get that protection. In this case, the people who would be benefiting from the protection are

journalists and their confidential sources. We have to define who is a journalist.

Here is the other side: Having government, legislators, parliamentarians and politicians define who is and who is not a journalist, as this bill will do, can set us, collectively, on a most dangerous path. That is because the first function of a free press is to be a watchdog on governments, parliaments and politicians. We do not normally ask the people who are to be watched over to determine who is going to do the watching. That's essentially what any attempt to define a journalist in law does.

I think that the tension between these two requirements is why the Supreme Court of Canada has never made a general definition of who is a journalist, nor has Canadian law, as far as I know. Indeed, the Supreme Court has avoided giving any blanket definition even of who is covered by the freedom of the press guaranteed in the Charter.

In that same *National Post* decision, Justice Binnie had the following striking remarks:

... the protection attaching to freedom of expression is not limited to the 'traditional media', but is enjoyed by 'everyone' (in the words of s. 2(b) of the *Charter*) who chooses to exercise his or her freedom of expression on matters of public interest whether by blogging, tweeting, standing on a street corner and shouting the 'news' at passing pedestrians or publishing in a national newspaper. To throw a constitutional immunity —

This particular case was a constitutional case.

— around the interactions of such a heterogeneous and ill-defined group of writers and speakers and whichever 'sources' they deem worthy of a promise of confidentiality and on whatever terms they may choose to offer it ... would blow a giant hole in law enforcement and other constitutionally recognized values such as privacy.

That was the Supreme Court speaking. Instead of giving blanket protection, the Supreme Court has always studied these matters on a case-by-case basis.

Of course, very few cases make it to the Supreme Court. Fighting such cases is extremely costly, takes a long time, and before you fight the case, you have to know that the search was conducted. If it's an electronic search, you may not know that. Meanwhile, while a case does wind its way through the courts, if it ever does, the damage, too often, has been done.

Now let me turn to Senator Carignan's attempt to square this circle by providing a legislative remedy. I applaud him for wanting to tackle this, for trying to tackle it.

Here is how his bill defines a journalist:

... **journalist** means a person who contributes directly, either regularly or occasionally, to the collection, writing or production of information for dissemination by the media, or anyone who assists such a person.

This is actually very close to the definition that was used in Bill C-426. That's a private member's bill presented in the other place in 2007 by the former MP Serge Ménard, a man for whom I have very great respect. That bill was not passed. I have to tell you that I'm just as glad it wasn't.

The problem is that this definition is very broad, in my opinion. It could too easily protect people who should not be protected.

Let me stress, before I go on, that this is not a matter of freedom of expression. Under the Charter, everyone has freedom of expression, including freedom of the press and other media of communication. That means that subject only to normal laws like libel or hate-speech laws, everyone has freedom of the press. Everyone has the freedom to start a newspaper, a blog, a Twitter account or whatever method of expression they choose.

The issue with this bill is not who has freedom of the press in general. The issue here is who gets to claim special legal protection for confidential sources.

This bill's definition is so broad that it could apply to all kinds of people, even, say, to people who sell ads for on-line peddlers of drugs or child pornography. It could apply to a web technician who posts false news and claims protection for a so-called confidential source. It might be their own imagination, but they would claim protection for a confidential source.

Another problem is that the bill does not define the media to which it refers. The explosion of technology and social media that we live with means that the question of who would benefit from this bill becomes increasingly murky.

In our time, in these days of what has become known as the post-truth age, these are not academic questions. Consider a few recent widely publicized phenomena. They are all, as it happens, American examples, but sobering nonetheless.

Consider the President-elect of the United States, who tweets regularly. Sometimes he tweets opinion. Fine. I may not share his opinions, but he has the right. Quite often in his tweets, which are quite regular, he makes factual assertions, and those whose business it is to verify these matters have sometimes found that the veracity of his factual assertions is dubious.

Are we going to give him confidential source protection, or somebody else less eminent but who, nonetheless, makes dubious and damaging assertions about other persons, calling them crooks or liars?

• (1720)

Another example: This month in Washington, a man from North Carolina walked into a pizzeria and started shooting. It's a merciful blessing that no one was killed. But the reason he started shooting was because he had been reading reports on social media that this pizzeria was the centre of a child abuse operation involving prominent persons, notably Hillary Clinton. There was no truth whatsoever to the allegations. They had been completely fabricated, but this man acted on them. Should we be giving legal protection to some imaginary confidential source who fed the electronic media? I have a little trouble with that.

Then there is the case of what we believe to be Wikipedia and the Russians. American intelligence authorities say that the Russians have been hacking American political parties' computers and leaking the material, presumably selectively, to Wikipedia. Wikipedia, as far as I know, has not confirmed that the Russians are its source. But it is a very serious matter when allegations end up being made and are not verifiable and nobody can be held responsible.

The Supreme Court of Canada has given some recognition to the concept known as "responsible journalism," which might bring some discipline to the practical implementation of this bill. I must acknowledge and stress that Senator Carignan's bill has been drafted to take into account — to reinforce, if you will — the Wigmore principles. Those principles exist in law and have been summarized thus:

(1) the relationship must originate in a confidence that the source's identity will not be disclosed; (2) anonymity must be essential to the relationship in which the communication arises; (3) the relationship must be one that should be sedulously fostered in the public interest; —

This is perhaps the most important one.

— and (4) the public interest served by protecting the identity of the informant must outweigh the public interest in getting at the truth.

Those are really good principles, and the fact that they are in that bill would give me considerable comfort.

I do remain troubled. I would be happier if this bill included an updated version of the definition of "journalist" that now exists in the State of New York's shield law. That law defines a professional journalist — I have trouble with the word "professional, but that's another dispute:

"Professional journalist" shall mean one who, for gain or livelihood, is engaged in gathering, preparing, collecting, writing, editing, filming, taping or photographing of news intended for a newspaper, magazine, news agency, press association or wire service or other professional medium or agency which has as one of its regular —

The Hon. the Speaker: Senator Fraser, your time has expired.

Senator Fraser: May I have two more minutes?

The Hon. the Speaker: Honourable senators, two more minutes, agreed?

Hon. Senators: Agreed.

Senator Fraser: I will continue:

— functions the processing and researching of news intended for dissemination to the public; such person shall be someone performing said function either as a regular employee or as one otherwise professionally affiliated for gain or livelihood with such medium of communication.

Among other things, that does narrow the field of application of protection down to actual news. That has its own intrinsic value.

All that said, however, I want to acknowledge that this bill is a serious attempt to address a serious problem; therefore, I believe it deserves to be sent to committee for careful study, and I shall vote accordingly.

When the committee does that careful study, I hope it will call upon legal experts and experts in the field of journalism and communications so that the committee will be able to consider the points I have raised and maybe others have raised. I would be delighted to be proved wrong, but I would really like that study to be done thoroughly and carefully.

Thank you, colleagues.

The Hon. the Speaker: On debate, Senator Joyal.

Hon. Serge Joyal: Thank you, Your Honour. I would like to commend the Honourable Senator Fraser for her reflection on and study of this bill.

I have a concern I want to share with you about this bill so that we understand quite clearly the implications of such a bill.

As honourable senators know, a democratic Constitution is a way of balancing the power among various entities so that there is a counterweight to the exercise of power so that one of the groups of power doesn't have an advantage over another. It's the delicate exercise of defining how you diffuse power among Parliament, among the executive, with the court, and with the fourth power, which is the media, the press.

When we are dealing with an issue related to journalism generally, we're dealing with an essential element of the composition of our democratic system. There are many ways to juggle those various parts. You could give less power to the court and more power to the supremacy of Parliament, that is, the capacity of Parliament to make any legislation it wants.

You might have, as we do in Canada, a democratic parliamentary system whereby there are limits to the supremacy of Parliament. In parallel, so it is with the media. We can approach the media's role as a counterweight with unlimited restraint and let them publish whatever they want. Or we can devise a system whereby there are parameters to the media, as much as there are parameters to the court. The court doesn't come into Parliament to tell us how to rule our affairs. Similarly, we don't go into the courts to tell the judges how to rule their own institutions.

The same with the journalists. We can conceive a system, as we are facing now, where one element of the executive, the police — the police is an arm of the executive of the government — gives unlimited access to the media, which is a way in fact to limit the capacity of the media to exercise their counterweight to the capacity of government to decide what is the public good.

In this bill we are faced with something fundamental, in my opinion. We will be redefining the capacity of the media as the

fourth power to exercise its responsibility to keep the executive in check.

This bill does much more than say, “Oh, let’s give the journalists a capacity to do their job.” It’s more than that. We are venturing into the fundamental role of a Constitution.

We are caught presently with a review of Bill C-51 in the other place. There they are tackling how to reassess the exorbitant power that was voted by the previous Parliament into the hands of the police. In that bill, we gave the police a very large and broad capacity to look into data and metadata, which police used in those days to try to picture the way citizens exercise their freedom in our democratic society.

In the coming months, we will be called to look into those reports. The journalists are now caught in that. They are the first ones to be subjected to the new environment in which we find ourselves, considering that we are “at war with terrorism.”

• (1730)

When we are at war with an enemy, it changes the dynamics of the exercise of our democracy. This is a clear example of what has been raised by Senator Carignan and supported by Senator Pratte, that by studying this bill we will have to also take into account how the police forces have been invested with additional power to evaluate and to keep an eye on all of the other citizens who exercise their freedom normally, with nothing to reproach. They go on with their daily lives with the light conscience of the honest person, the honest man and the honest woman. But you can be caught in that web of being watched, being spied on, without even knowing it.

Honourable senators, in my opinion, this bill has to be understood in light of that approach and a re-evaluation of the power that we give to the police forces and that we need in the system. They are requesting additional power. The police are now resisting a recent decision rendered by the Federal Court and the Supreme Court recently whereby the police cannot look into your computer, by means of your IP number or whatever other access they have, to know more about you without you knowing. That’s the trigger. Journalists have been caught in that by a different means but with exactly the same result.

When we send this bill to the Standing Senate Committee on Legal and Constitutional Affairs, as I think has been proposed, the first thing that we should do is put our minds to this to understand the overall picture in which we will be proposing that Parliament legislate in relation to that very segment of the role of the media in our democracy, in a world whereby terrorism is part of the most important responsibility of the government, which is to keep our country secure and to make sure that everybody can go about daily life without Big Brother behind his or her back, in the context that we need to maintain the counterweight of the media against the executive. Don’t fool yourself. This is what it is.

Senator Pratte has given us examples of the sponsorship deal and whatever else, but there is also the Maher Arar affair. This is terrorism; this is within the context of the fight against terrorism. There are very serious issues there. It’s not just to catch the crooks who put money in their back pocket, and it makes a good movie. That’s not at all what we’re dealing with here. We are dealing here

with the fundamentals of our democratic system, which is broad and which involves the way that we balance those different components of our democratic system.

Honourable senators, when we reflect upon those bills and each one of us is called to make a decision in relation to that — and I hope the bill is going to be referred to the Legal and Constitutional Affairs Committee — we will have that as the broad parameters of what we want to do in relation to the proposal that Senator Carignan is putting forward, which I think is totally welcome. We’ve come to the point where, considering what we have to face as challenges to the security of Canada, we have to take into account that when we’re touching one element, in fact we’re triggering a reaction somewhere else in that kind of balance we have to keep.

Honourable senators, that’s the only element I wanted to share with you because reflecting upon this is a very important fundamental constitutional challenge, in a way, that we will have to address in this session. It touches not only the freedom of journalists to go around and chase whoever they think they should chase, but also on the capacity of each and every one of us to go about our daily responsibility with a free mind, knowing that nobody is trying to check on our freedom to participate in the democratic life of our country.

That’s essentially what I wanted to share with you, senators, because it was one element of what has been proposed by Senator Carignan and elaborated upon by Senator Fraser and Senator Pratte.

Hon. Pierrette Ringuette: Would the honourable senator take a question?

Senator Joyal: Yes.

[Translation]

Senator Ringuette: Senator Joyal, I cannot thank you enough for reiterating the link that exists between spying in the media through the use of telephones and the Internet — the root cause of the storm we find ourselves in now — and the bills we passed in the third and fourth years of the previous Parliament, bills that gave the authorities greater flexibility on this type of spying, which, in short, is spying on private citizens, if I can put it that way.

At the time, we were also asked to provide greater flexibility on the use of wiretapping and the use of the Internet. I clearly remember that the CRTC was also asked to collaborate, at the request of the previous government, on the communications networks file.

You seem to be suggesting that we should be studying the bill before us concurrently with the bill that will be sent to us from the other place, because there is a link between the two.

Before moving on to third reading of the bill, if possible, and without knowing in what form the committee will send it back to us, don’t you think that in the interest of making it easier for mere mortals and Canadians to understand we should wait and see what the other place sends us?

[Senator Joyal]

[English]

Senator Joyal: I don't know if I am over my time, but may I have two minutes to answer the honourable senator?

I think the honourable senator has raised a very strategic question. Senator Pratte proposed that there be a joint committee of both houses to study this issue. It didn't seem that it received favourable reception from the government. Even though we will adopt this bill tomorrow at third reading and send it to the other place, I'm not convinced that the government would deal with it with the most favourable eye.

My suggestion would be that we start the debate and the study because there are a lot of implications in that bill. Senator Fraser's definition of journalists is not a new issue. The professional order has been wrestling with that, and it's a very complex issue. We cannot solve it in an afternoon and say, "We have heard two witnesses; it's over."

There are many implications with this bill that need to be ventilated before we come to the last step, which is voting on it at third reading. In the meantime, the other place is considering a bill, and the Minister of Public Security is having consultations now, which, as you know, are open to Canadians, and perhaps both of those will have progressed to a point where we could be in a position to know generally the direction they are taking and could be enlightened as to whether the options we will be favouring will be realistic. I don't want to waste my time on the Legal and Constitutional Affairs Committee, no more than Senator Pratte or Senator Carignan wants to. We want to make something useful.

• (1740)

I suggest we start the study and debate of the bill at the appropriate time, and we keep on the horizon the other bill and what the other place is doing, so that at a point in time we will have a complementary approach and not have gaps between the objectives of the other bill and what we try to achieve with this one.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill referred to the Standing Senate Committee of Legal and Constitutional Affairs.)

[Translation]

BUDGET IMPLEMENTATION BILL, 2016, NO. 2

MESSAGE FROM COMMONS—SENATE AMENDMENT

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures, to acquaint the Senate that the House of Commons has agreed to the amendments made by the Senate to this bill, without amendment.

TAX CONVENTION AND ARRANGEMENT IMPLEMENTATION BILL, 2016

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement, and acquainting the Senate that they have passed this bill without amendment.

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF OPPORTUNITIES FOR STRENGTHENING COOPERATION WITH MEXICO SINCE THE TABLING OF THE COMMITTEE REPORT ENTITLED: *NORTH AMERICAN NEIGHBOURS: MAXIMIZING OPPORTUNITIES AND STRENGTHENING COOPERATION FOR A MORE PROSPEROUS FUTURE* WITH CLERK DURING ADJOURNMENT OF THE SENATE

Leave having been given to proceed to Motions, Order No. 153:

Hon. A. Raynell Andreychuk, pursuant to notice of December 13, 2016, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between January 3 and February 3, 2017, a report relating to its study on Free Trade Agreements, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON
STUDY OF RECENT POLITICAL AND ECONOMIC
DEVELOPMENTS IN ARGENTINA IN THE CONTEXT OF
THEIR POTENTIAL IMPACT ON REGIONAL AND
GLOBAL DYNAMICS WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Leave having been given to proceed to Motions, Order No. 154:

Hon. A. Raynell Andreychuk, pursuant to notice of December 13, 2016, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between January 3 and February 3, 2017, a report relating to its study on Argentina-Canada relations, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

**RULES, PROCEDURES AND THE RIGHTS
OF PARLIAMENT**

SECOND REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Other, Order No. 2:

The Senate proceeded to consideration of the second report (interim) of the Standing Committee on Rules, Procedures and

the Rights of Parliament, entitled *Broadcasting of Senate Proceedings*, presented in the Senate on December 13, 2016.

Hon. Joan Fraser moved the adoption of the report.

She said: Honourable senators, this is the report that the Rules Committee passed and presented here yesterday. It has to do with our obedience to the eighth report of the Modernization Committee, which was adopted last week by the Senate. A portion of that report instructed the Rules Committee to examine and, if necessary, propose changes to the rules to facilitate broadcasting.

The rules already provide for broadcasting. They do not require broadcasting, but they permit broadcasting of proceedings, both in this chamber and in committee. However, as we looked at the rules, particularly the one about proceedings in the Senate, which is rule 14-7(1), it seemed to have a slightly archaic turn of phrase, because it says that public proceedings in the Senate may be recorded or broadcast but only through the use of audio facilities that are installed for that purpose in the Senate Chamber.

Limiting it to audio does seem a bit old-fashioned. Your committee has recommended in its second report that we remove the word “audio” from that rule, and it is the only change that we propose to that rule.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

(The Senate adjourned until Thursday, December 15, 2016, at 1:30 p.m.)

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