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Thursday, December 14, 2017

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

Thursday, December 14, 2017

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 26 of "Telling our Story."

In 1997, Paul Pinhorn, Trevor Decker and Rick Young of TriNav had the idea of developing a publication strictly dedicated to the fishing industry of Newfoundland and Labrador. They convened a meeting with former CBC Radio host Jim Wellman and Ray Andrews, who was former deputy minister of fisheries for Newfoundland and Labrador, and there was full agreement of the need for such a publication. Within a few days, Ted Warren, who formerly worked at *The Telegram*, joined the team, and within a few weeks a brand new fisheries magazine made its debut.

In the past two decades, *The Navigator* has grown from covering the issues of the fisheries in my home province to where it is today — arguably the voice of Atlantic Canada's fishing industry. In every issue you will find trusted, reliable and fact-based reporting on the important issues that affect the day-to-day lives of the people who make their living from the sea. Whether it is a public discussion on the Northwest Atlantic Fisheries Organization, quotas, licensing, processing, raw material shares, CETA or aquaculture — or, for that matter, anything related to the fishery — you will find a fair and informative analysis in the pages of *The Navigator*.

I have to admit that the "Final Voyages" segment, by contributor Jim Wellman, is a favourite of mine. Jim has the distinct honour of being the only person who has written in every single edition of *The Navigator* — all 239 of them.

The Navigator has what I do believe is the most loyal and dedicated readership in the world of printed publications. It is easily found in the wheelhouse of many a fishing boat, the lunchroom of a local fish plant or the doctor's office.

On a recent revisit to my 27-year-old son's home in Harbour Breton, Newfoundland, I found the latest edition and several others on his coffee table. Now a whole new generation is part of the growing *The Navigator* readership.

The Navigator provides diverse regional coverage and has become the leader in marine reporting in Atlantic Canada.

Twenty years ago, the fishing industry was in dire need of a reliable information source, and I truly believe that *The Navigator* is more needed and more relevant today than it has ever been.

As Chair of the Senate Fisheries Committee, I find *The Navigator* magazine has become a great resource for me where I know I will get the facts and the real news.

What started 20 years ago as a concept has become a mainstay today. I want to take this opportunity to congratulate Paul, Rick and Trevor and the entire *Navigator* team for casting their net into the unknown 20 years ago and successfully capturing the essence of this most important industry to the people of my province and Atlantic Canada.

Congratulations to all on creating another Newfoundland and Labrador success story. Here's to 20 more years!

Hon. Senators: Hear, hear!

CURRENT AND FORMER SERVICEMEN AND WOMEN

EXPRESSION OF THANKS

Hon. Pamela Wallin: Honourable colleagues, the Christmas holiday season is a time to enjoy special moments with our loved ones, to celebrate with friends and family and to be thankful for all that we have. However, not all Canadians have the luxury of spending the holidays with family. The men and women who put their lives on the line, both here at home and in far-flung places, are away from those they love — our soldiers, sailors, airmen and women, special forces heroes and the amazing search-and-rescue techs. These courageous individuals protect the freedom not only of Canadians but also of our allies and those many souls at risk and in need of help around the world. Through war fighting, humanitarian aid, training and capacity building and security operations, they make a difference.

In Canada and North America we have Armed Forces on the job responding to everything from forest fires and floods to security and communications in the Far North — enforcing our sovereignty and patrolling from sea to sea to sea.

Around the world, our folks are on operations in the Caribbean and the eastern Pacific.

Across the Atlantic, we have men and women in Kosovo, the Baltic Sea and NATO operations throughout Europe. There is Operation SNOWGOOSE, and Cyprus, and capacity-building operations in Ukraine.

Across Africa, we are in the Congo, Niger and South Sudan, and there are counterterrorism and maritime security missions in the Middle East, the Red Sea, the Gulf of Aden, the Indian Ocean and the Sinai Peninsula. There are operations in Florida, Qatar, Bahrain, Kuwait, Jordan and, of course, Iraq and Syria. These men and women are a special breed.

I have had the opportunity to visit Afghanistan several times and I have travelled to most of our bases here in Canada, including Alert at the North Pole, so I know whereof I speak when it comes to praising the people who give their all.

In our communities across Canada, we are also lucky to have thousands of first responders who keep us safe — and our loved ones, our neighbours and our homes, too. From police to paramedics and firefighters, their dedication to public service on behalf of their fellow citizens should fill us all with a deep sense of pride.

• (1340)

But there is more that each and every one of us can do to bridge the military-civilian divide, sometimes by simply saying thank you.

A special word for our Parliamentary Protective Service members. They become friends over the years, but we also know they always have our backs. Thank you for doing so.

So, while we enjoy this holiday season, let's give thanks to all those serving our country. Let's recognize and remember their sacrifice and commitment to keeping us safe.

One hundred and fifty years of Canada; 150 years since the first sitting of the Senate. These men and women have made our democracy possible. It makes our work possible.

Colleagues, I ask now that you join me in wishing our current servicemen and women, our vets, our first responders and their families a very Merry Christmas and a Happy New Year. To those nearly 2,000 Canadian Forces on foreign soil, safe travels home.

Hon. Senators: Hear, hear!

THE HONOURABLE DENISE BATTERS

CONGRATULATIONS ON 2017 CENTRE FOR ADDICTION AND MENTAL HEALTH DIFFERENCE MAKER AWARD

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to honour our colleague Senator Denise Batters on her 2017 Centre for Addiction and Mental Health, CAMH, Difference Maker Award.

The CAMH Difference Maker is a national initiative started in 2017. It asked Canadians to nominate a person with lived experience — a caregiver, a family member, a health professional, a researcher, an advocate, a philanthropist or anyone making a difference in small or big ways, in local or international circles, or in public or private lives, with respect to mental health.

The response was overwhelming; 3,700 changemakers were nominated, of which the CAMH selected 150 Canadians currently making a difference and engaging their communities in discussions on mental health, a fitting tribute during Canada's sesquicentennial anniversary.

In October of this year, Senator Denise Batters was honoured with the award and was named as one of the 150 leading Canadians for mental health.

Hon. Senators: Hear, hear!

Senator Martin: Many colleagues, including me, who know Senator Batters, understand exactly why she was chosen for this award. She is a champion of mental health and suicide prevention. Her tireless fundraising efforts and advocacy for this cause have been admired by many of us in this place. I can only imagine the strength it must take to advocate for a cause that took the life of her dear husband and former Member of Parliament Dave Batters in 2009.

After his passing, Denise Batters began organizing an annual charity golf tournament in Dave's honour and has raised nearly \$200,000 to date. The funds are used to promote mental health awareness through television marketing campaigns. In 2012, she advocated for a national suicide prevention strategy, appearing before the Standing Committee on Health, in the other place, on several occasions.

She has spoken, and continues to speak, to community groups, schools, workplaces, first responders and health care providers on the importance of mental health.

Most importantly, she has shared her personal story, using every platform available, giving people who are struggling with mental illness and their families the assurance that they are not alone in their battles.

Honourable senators, every one of us in this place has a cause that is close to our hearts. Senator Batters' is one that affects millions of Canadians of all ages. More precisely, one in five people in Canada will personally experience a mental health problem in any given year.

Thank you, Denise, for your courage, strength and invaluable advocacy.

Honourable senators, please join me in congratulating our colleague Senator Denise Batters on being named Centre for Addiction and Mental Health Difference Maker of 2017.

Hon. Senators: Hear! Hear!

PARTICIPACTION

Hon. Douglas Black: Honourable senators, who in this chamber has not heard of ParticipACTION, the Canadian organization that has partnered with the Government of Canada since 1971, dedicated to getting Canadians involved in physical activity? All of us senators should pay particular attention to this.

Yet, ParticipACTION faces losing its government funding of \$10 million per year in Budget 2018 unless parliamentarians get active to remind the government of the benefits of physical activity and the costs to Canadian society of not encouraging activity for all, and the pivotal role ParticipACTION has played in informing and motivating Canadians for 30 years.

As I think we all know, regular movement used to be a part of all of our lives, but as the world has progressed rapidly in advancing our technology and our ways of life, society has inadvertently engineered daily physical activity out of our lives. We live in a modern life that doesn't support or encourage us to do one of the basic things that makes us all healthy — move!

Physical inactivity is now the fourth leading cause of death worldwide. In Canada, 82 per cent of Canadian adults are not active enough, and 64 per cent of Canadian children are not active enough. This cuts across all facets of society — school, health care, urban design, workplace policy, transportation and community infrastructure.

We need to consider the benefits of physical activity. It improves mental health, lowers the risks of stroke and heart attack, and improves sleep.

It also is a vehicle to address a range of community priorities, including indigenous and youth engagement, newcomer settlement, social inclusion and conflict resolution.

Even a modestly more active country would reduce health costs in this country by \$2.6 billion and inject another \$7.5 billion into the Canadian economy by 2040, according to the Conference Board of Canada.

So I urge all honourable senators to get active, to reach out to your colleagues in the Government of Canada, particularly in the Department of Finance, to urge that ParticipACTION gets the support they need, and we require, in Budget 2018.

THE HONOURABLE MARILOU MCPHEDRAN, C.M.

CONGRATULATIONS ON BEING NAMED TO GENDER
JUSTICE LEGACY WALL

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to congratulate our colleague Marilou McPhedran for a recent international achievement. Senator McPhedran was recognized by the Women's Initiatives for Gender Justice for her dedication to legal and human rights advocacy for women's issues. Women's Initiatives has created a Gender Justice Legacy Wall in New York, which names the work of various advocates for women's justice. Last week, Women's Initiatives named our distinguished colleague Senator Marilou McPhedran as an honoree for the Gender Justice Legacy Wall.

Senator McPhedran has many notable achievements, including, but not limited to, being cofounder of the Women's Legal Education and Action Fund, the Metropolitan Action Committee on Violence Against Women and Children, and the Gerstein Crisis Centre for homeless discharged psychiatric patients. Senator McPhedran has worked tirelessly to end gender-based violence, empower women and girls and advocate for indigenous and LGBTQ communities.

Honourable senators, this accomplishment reflects her dedication to women, youth and indigenous communities, as well as her passion for developing gender justice and women's rights worldwide.

Honourable senators, at different times, the media has some very negative stories floating around about the Senate and actions of senators. This achievement is a time to share and to pay homage to the very positive work being realized by this chamber on behalf of all Canadians. Senator McPhedran has dedicated her life to improving the legal and health care systems to better the lives of all people.

It is my honour to congratulate you, Senator Marilou McPhedran, on this international recognition and to thank you for inspiring us to continue our work on an international platform.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO HAITI, MAY 19-23, 2017—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Parliamentary Delegation of the Senate, led by the Speaker of the Senate, that travelled to Port-au-Prince, Haiti, from May 19 to 23, 2017.

PARLIAMENTARY DELEGATION TO FRANCE AND LATVIA,
SEPTEMBER 10-15, 2017—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Parliamentary Delegation of the Senate, led by the Speaker of the Senate, that travelled to France and Latvia, from September 10 to 15, 2017.

[Translation]

TREASURY BOARD

BENEFITS AND COSTS OF SIGNIFICANT FEDERAL REGULATIONS
AND IMPLEMENTATION OF ONE-FOR-ONE RULE—
2016-17 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the annual report to Parliament on Benefits and Costs of Significant Federal Regulations and the Implementation of the One-for-One Rule for the fiscal year ended March 31, 2017, pursuant to the *Red Tape Reduction Act*, S.C. 2015, c. 12, s. 9.

[English]

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT

BILL TO AMEND—TWELFTH REPORT OF ENERGY, THE
ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE PRESENTED

Hon. Rosa Galvez, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 14, 2017

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act, has, in obedience to the order of reference of Wednesday, December 6, 2017, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

ROSA GALVEZ
Chair

(For text of observations, see today's Journals of the Senate, p. 2859.)

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

(Bill placed on the Orders of the Day for third reading later this day.)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—TWENTY-SECOND REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 14, 2017

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-SECOND REPORT

Your committee, to which was referred Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate), has, in obedience to the order of reference of June 8, 2017, examined the said bill and now reports the same with the following amendments:

1. *Long title, page 1:* Replace the long title with the following:

“An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate)”.

2. *Clause 1, pages 1 and 2:*

(a) On page 1,

- (i) replace line 7 with the following:

“Parliamentary Visual Artist Laureate, the holder of which is an”,

- (ii) replace lines 11 to 18 with the following:

“Parliamentary Visual Artist Laureate from a list of three names, reflecting Canada's diversity, submitted in confidence by a committee chaired by the Parliamentary Librarian, and also composed of the Director of the National Gallery of Canada, the Commissioner of Official Languages for Canada, the Chairperson of the Canada Council for the Arts and the President of the Royal Canadian Academy of Arts, or their designates.

(3) The Parliamentary Visual Artist Laureate holds office for a”, and

- (iii) replace line 22 with the following:

“(4) The mandate of the Parliamentary Visual Artist Laureate is”; and

(b) On page 2, replace line 1 with the following:

[English]

“(5) In carrying out his or her mandate, the Parliamentary Visual Artist”.

Respectfully submitted,

ART EGGLETON
Chair

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

(On motion of Senator Eggleton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[Translation]

OFFICIAL LANGUAGES

BUDGET—STUDY ON CANADIANS’ VIEWS ABOUT MODERNIZING
THE OFFICIAL LANGUAGES ACT—SIXTH REPORT OF
COMMITTEE PRESENTED

Hon. René Cormier, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, December 14, 2017

The Standing Senate Committee on Official Languages has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Thursday, April 6, 2017, to examine and report on Canadians’ views about modernizing the Official Languages Act, respectfully requests funds for the fiscal year ending March 31, 2018.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

RENÉ CORMIER
Chair

(For text of budget, see today’s Journals of the Senate, Appendix, p. 2881.)

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

(Report placed on the Orders of the Day for consideration later this day.)

[Senator Eggleton]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-SECOND REPORT OF COMMITTEE TABLED

Hon. Larry W. Campbell: I would like to thank Senator Galvez for moving Bill S-17. My mind was somewhere in British Columbia, so I appreciate it very much.

Honourable senators, I have the honour to table, in both official languages, the twenty-second report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Financial Statements*.

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT CANADA NOT-FOR-PROFIT CORPORATIONS ACT COMPETITION ACT

BILL TO AMEND—NINETEENTH REPORT OF BANKING, TRADE
AND COMMERCE COMMITTEE PRESENTED

Hon. Douglas Black, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 14, 2017

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

NINETEENTH REPORT

Your committee, to which was referred Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act, has, in obedience to the order of reference of November 23, 2017, examined the said bill and now reports the same with the following amendments:

1. *Clause 13, page 5:*

(a) Replace line 31 with the following:

“(6) Despite subsections (2), (3) to (3.2) and (5) and subject to subsection (6.1), if direc-”; and

(b) add the following after line 34:

“(6.1) If an incumbent director who was a candidate in an election held in accordance with subsection (3.4) was not elected during the election, the director may continue in office until the earlier of

(a) the 90th day after the day of the election; and

(b) the day on which their successor is appointed or elected.”.

2. *Clause 24, page 10:*

[Translation]

- (a) Replace lines 3 to 5 with the following:

“(2) The corporation shall provide the information referred to in subsection (1) to each shareholder, except to a share-”; and

- (b) replace lines 7 to 9 with the following:

“they do not want to receive that information, by sending the information along with the notice referred to in subsection 135(1) or by making the information available along with a proxy circular referred to in subsection 150(1).

(3) The corporation shall concurrently send the information referred to in subsection (1) to the Director.”.

3. *Clause 59, page 20:* Add the following after line 37:

“(10.2) Despite subsection (3) and paragraph 84(1)(b), if an incumbent director who was a candidate in an election held in accordance with subsection (10.1) was not elected during the election, the director may continue in office until the earlier of

(a) the 90th day after the day of the election; and

(b) the day on which their successor is appointed or elected.”.

Respectfully submitted,

DOUGLAS BLACK
Chair

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

Senator Black: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on Orders of the Day for consideration later this day.

Some Hon. Senators: No.

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

(On motion of Senator Black, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

**SALARIES ACT
FINANCIAL ADMINISTRATION ACT**

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act.

(Bill read first time.)

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

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

**EXPUNGEMENT OF HISTORICALLY UNJUST
CONVICTIONS BILL**

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

(Bill read first time.)

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

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

• (1400)

**L'ASSEMBLÉE PARLEMENTAIRE DE
LA FRANCOPHONIE**

MEETING OF THE PARLIAMENTARY AFFAIRS COMMITTEE
OF THE APF, MARCH 24-26, 2017

Hon. Éric Forest: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the *Assemblée parlementaire de la Francophonie* (APF) respecting its participation at the meeting of the Parliamentary Affairs Committee of the APF, held in Ho Chi Minh City, Vietnam, from March 24 to 26, 2017.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NEW AND EMERGING ISSUES FOR CANADIAN IMPORTERS AND EXPORTERS WITH RESPECT TO COMPETITIVENESS OF CANADIAN BUSINESSES IN NORTH AMERICAN AND GLOBAL MARKETS

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

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on new and emerging issues for Canadian importers and exporters with respect to the competitiveness of Canadian businesses in North American and global markets; and

That the committee submit its final report no later than Friday, September 28, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY GENERALLY

Hon. Art Eggleton: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(3), I give notice that, later this day, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology, in accordance with rule 12-7(9), be authorized to examine and report on such issues as may arise from time to time relating to social affairs, science and technology generally, including:

- (a) cultural affairs and the arts, social and labour matters, health and welfare, pensions, housing, fitness and amateur sport, employment and immigration, consumer affairs, and youth affairs;
- (b) elements related to its mandate or to previous reports of the committee that are found in the ministerial mandates of the Minister of Canadian Heritage, the Minister of Employment, Workforce Development and Labour, the Minister of Families, Children and Social Development, the Minister of Health, the Minister of Immigration, Refugees and Citizenship, the Minister of Infrastructure and Communities, the Minister of Innovation, Science and Economic Development, the Minister of Science, and the Minister of Sports and Persons with Disabilities; and

That the committee report to the Senate no later than December 30, 2018.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

QUESTION PERIOD

FINANCE

TAX FAIRNESS

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, what an honour to be able to ask the Leader of the Government in the Senate, or representative, a question before we break, hopefully, for the Christmas and the holiday season.

Senator Harder, the Minister of Finance is set to impose tax changes on small businesses. We saw his press conference yesterday. We also have the press conference with the National Finance Committee dealing with income splitting with family members — in less than three weeks from now, on January 1. Not only did he release the details of his tax changes yesterday, but as we all know, Minister Morneau announced tax changes early in the summer, in July, for hundreds of thousands of hard-working small business owners. He is doing it a second time during the same season, 2017.

Why did the minister keep small businesses in the dark so long with respect to the specifics of the tax changes? And where is the so-called tax fairness in providing such little advance notice of details of tax changes, which impact small businesses right across the country?

I checked with three or four major accounting houses, and the partners that I spoke to were all in agreement. They're in shock with the idea of having to handle such a large volume of work in such a short period of time.

Hon. Peter Harder (Government Representative in the Senate): I thank the Honourable Leader of the Opposition for his question and I, too, look forward to not hearing questions from him over the following number of weeks — God willing.

Let me simply remind colleagues that the Minister of Finance set out in a discussion paper a series of measures that the government was contemplating with respect to tax fairness. As he indicated, that was in July.

In October, in the context of his economic update, he made certain further refinements to the approach the government was taking on income sprinkling after a series of consultations that he had with stakeholders across the country, and he continued to have those conversations. What he tabled yesterday is yet again greater clarity of pinpointing the issue of tax fairness with respect to how the CCPCs work, where fewer than 45,000 — or less than 3 per cent — of Canadian controlled private corporations are a target of the measures, to ensure that there is respect for and tax fairness in the tax code.

For example, let me indicate that if an individual under the current tax rules was earning \$300,000 with a spouse and two children and using a private corporation, he or she could get savings amounting to roughly what the average Canadian earns at \$48,000 of income. That is a question of tax fairness. What the minister undertook through this consultation process is a targeted set of measures that would, as I said, target about 3 per cent of the CCPCs.

The measure that he announced has certain further exclusions, just to set the mind at ease for those who might think that while holding CCPCs, they are in the 3 per cent. Let me just put that on the record for the house.

The changes will automatically exclude individual members of a business owner's family who fall into the following categories: business owners spouses, provided that the owner is age 65 or older and contributes to the business; adults aged 18 or over who have made a substantial labour contribution, generally an average of at least 20 hours per week, to the business during the year or during any five previous years adjusted for seasonal operations, such as farms and fisheries; adults aged 25 or over who own more than 10 per cent of the corporation, as long as the corporation isn't significantly based on a professional corporation; and individuals who receive capital gains from qualified small business corporation shares and qualified farm or fishing properties. This is designed to ensure that this instrument of tax fairness is appropriately targeted to the 3 per cent or roughly 45,000 CPC corporations.

Senator Smith: How much do I enjoy asking you questions, Senator Harder? It is a true experience for me at this time of the year.

We saw in the States in the last couple of days that the Trump administration is moving forward with agreement — and I know another step needs to be taken — on reducing taxes to the extent that the wealthy people will go from 39 per cent to 37 per cent and at the low end it will go to 20 to 21 per cent. Obviously, the purpose of lowering taxes is to create wealth, to create opportunity and to build the economy. Now that we're trying to get more tax money out of people, I really have a concern when it is targeting the rich.

• (1410)

Somebody earning \$300,000 a year is not necessarily rich. It's the people earning \$500,000, \$1 million, \$1.5 million and who have big corporations and tax havens in other countries that are the real wealthy people that, hopefully, we go after.

What's your opinion of the possible implication of the U.S. move on Canadians and the Canadian economy?

Senator Harder: I thank the honourable senator for his question. It's a very legitimate and timely question.

With respect to his preamble, let me remind colleagues that this measure that the minister spoke to is about tax fairness, not about getting the rich. It is to ensure that those who are using CCPCs inappropriately are treated fairly with those workers who are at \$48,000, let's say, as my example cited. It's about tax fairness.

With the principal aspect of the question that the senator asked, competitive tax regimes are always in the minds of finance ministers. When the Minister of Finance was here, he spoke to that in a question that anticipated the actions in the United States.

I think we have to always be vigilant about our tax competitiveness. That is why the business rate for taxes was lowered by this government. I'm sure the minister, as he contemplates going forward, is very much looking at the tax competitiveness and how we keep our economy appropriately resourced and balanced, but also how we ensure that the quality of programs, the objectives of Canadian public policy, which are different from those of the Trump administration, are appropriately resourced.

Senator Smith: We exchanged ideas about people earning \$200,000 to \$300,000 and the perception that they are potentially not dealing effectively with the present tax structure. I have a problem when we call some of these people tax cheats, because they have been following the rules the whole way through. I don't think it's helpful for the Minister of Finance to make those types of declarations.

My second point is that the National Finance Committee did an outstanding job. There was a question even from the minister yesterday about why all the members weren't there. People have the right to be there or not, but the people were there during the actual study, and the study basically says to scrap this system or else implement it in 2019, or at least do a study to check and verify the economic analysis. I'm wondering what your comments are on that.

It appears that this Minister of Finance doesn't necessarily like to listen to thousands of Canadians. I believe there were 138 witnesses over a large cross-section of Canada that gave us feedback. Why not listen to what Canadians say?

Senator Harder: Senator, if that's a quick question, I'd hate to see a long one. Let me respond to the series of questions that you have posed.

First of all, I want to emphasize that this is about tax fairness. I'm happy to engage in a debate at some point, but let's make this a Question Period if we can.

I want to repeat that: tax fairness.

Second, with respect to the report that the committee tabled in public two days ago, let me reiterate what I said when the report was launched: The government was quite prepared to participate in the study, if that's what the committee wished. The minister himself appeared. The minister has followed the committee report and the hearings of the committee, and the minister is well aware of the recommendations.

I should point out that the minister does not, obviously, agree with the first recommendation of the report, but not all the committee members agreed with that either. There are other consultations that the minister has been more personally involved in. I'm not suggesting there are competitive consultations, but this government has, as the minister has, an obligation to hear directly from Canadians. That is why he and other ministers have

been across the country consulting on the document that he put forward and has continued to respond to those voices of concern, which got us to where we were yesterday.

Finally, your question with respect to the timing of the measures for the next tax year, I'm informed by the Department of Finance that the process launched in this regard is completely normal.

JUSTICE

JUDICIAL APPOINTMENT PROCESS—COURT DELAYS

Hon. Paul E. McIntyre: My question is for the Government Representative. On October 27 of this year, the minister announced appointments to the Judicial Advisory Committee for the Tax Court of Canada, a full year after the minister dismantled all 17 of the Judicial Advisory Committees across Canada. That said, there are currently three judicial vacancies at the Tax Court of Canada.

In an interview published on Monday, the former Chief Justice of the Tax Court of Canada, Gerald Rip, stated that another tax court judge is expected to leave in February. Could the Government Representative please make inquiries and find out when the Minister of Justice intends to fill the judicial vacancies at the Tax Court of Canada?

Hon. Peter Harder (Government Representative in the Senate): I would be happy to do so.

Senator McIntyre: The former Chief Justice warned that the government's small-business reasonableness test for income splitting with family members will substantially increase the number of cases going before the Tax Court. As well, the current Chief Justice reportedly stated last month that the shortage of judges could force the Tax Court to reduce the frequency of its sittings and the number of communities around Canada to which it travels to hear cases.

In speaking with the minister, could the Government Representative please make inquiries and tell us if the government has a plan to help the Tax Court of Canada deal with the growth in the number of cases it will hear due to the government's small-business tax changes?

Senator Harder: I would be happy to do so.

FINANCE

RECUSAL OF MINISTER ON MATTERS OF CONFLICT OF INTEREST

Hon. Denise Batters: My question is for the Leader of the Government in the Senate. Senator Harder, in October I asked you a very straightforward question: How many times did Finance Minister Bill Morneau recuse himself from discussions at the Litigation Management Cabinet Committee because of a conflict of interest?

After an incomprehensible six weeks, I have finally received a delayed written response from you. It contains one paragraph on what the Litigation Management Cabinet Committee is, information I had already mentioned in the original question I asked you, and one line about how you cannot answer because of cabinet confidences.

Minister Morneau stated in a press conference on October 19 that he had recused himself from cabinet "at least twice" in order to avoid a conflict of interest. Clearly, he didn't consider revealing that information publicly to be a betrayal of cabinet confidences, so why did it take you six weeks to still not answer whether any of his recusals were from the Litigation Management Cabinet Committee table?

Does the extreme length of time it took to produce your non-answer on this simple question telegraph that Minister Morneau recused himself more than twice?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. It may not be the answer that the honourable senator would wish, but it is the answer of the Government of Canada.

IMMIGRATION, REFUGEES AND CITIZENSHIP

CITIZENSHIP REGULATIONS

Hon. Victor Oh: My question is for the Government Representative in the Senate. I recently heard about the case of Abdoul Abdi while reading *The Toronto Star*. Abdoul was granted permanent residency under the sponsorship refugee program in 2005 and became a permanent ward of the state by the age of nine. Before turning 18, Abdoul lived in more than 20 foster homes and group homes and was subject to abuse in at least one of them. He also came in contact with the criminal justice system, as many children placed in the care of the state do.

If he had become a citizen while he was a minor, Abdoul would today enjoy the full rights and protection afforded to each of us as citizens. However, because no one applied on his behalf, today Abdoul faces the risk of being removed from Canada on the basis of criminal inadmissibility.

• (1420)

Could the Leader of the Government in the Senate please find out if the current government is working on any legislation that will address the situation of individuals such as Abdoul Abdi, to whom the child welfare authorities so obviously failed by not submitting an application for citizenship on their behalf while they were in their care?

Question two, could you please share with us as soon as possible what specific steps the government has taken to date to ensure that child welfare authorities across the country submit an application for citizenship on behalf of eligible minors placed in their guardianship, especially now that our laws have been amended to make this process even easier?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Let me begin by complimenting the senator for his ongoing advocacy for children that are captured unfortunately in various aspects of the immigration process.

He references the changes that were recently made and those changes that he was very instrumental in bringing to this chamber and subsequently to the house. Let me take the question on advisement, and I will get back to the honourable senator with respect to the questions that he has posed.

With regard to the particular case, I may be limited by the ability of the government to respond on a case that is active, but certainly generically, I would be happy to seek an answer.

NATIONAL REVENUE

DISABILITY TAX CREDIT

Hon. Jim Munson: My question is for the Government Representative in the Senate. This issue was brought up last week by Senator Housakos dealing with the arbitrary decisions by CRA on giving out money for tax disability and registered disability credits.

Last week, Senator Housakos asked about the inconsistency between approvals and denials of families with children on the autism spectrum. Since that time, we saw the reinstatement of a Disability Advisory Committee, which is an essential step. We gave recommendations to the minister's office. We were asked to do that, but the autism community was ignored, yet Diabetes Canada and 11 other groups are now sitting on that advisory board. Could you explain why autism groups were ignored?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I do know that the Minister of Health has been made aware of this concern and has undertaken to speak directly to her colleague, the minister responsible for the CRA. I make that undertaking on your behalf as well.

Senator Munson: I appreciate that very much because it's the autism community that has been hit hard by this. There are grandparents and parents who have been receiving credits to help out their grandchildren when they were gone and now they are being denied. It's not just one or two; it's many. It seems to me it represents a disconnect with the tax credit evaluation forms and the disability itself.

Something which is really important for CRA to understand is that autism is not a mental health disability, yet that's where it's listed and there are still no autism groups on that advisory committee.

This is a message not for you, Senator Harder, but for CRA. For the record, autism is a neurodevelopment disorder. It is an intellectual disability, characterized by social interaction, verbal and non-verbal communication, and restricted and repetitive behaviour, amongst many other symptoms. You know all that. So how can there be any fairness on the Disability Advisory Committee for those with autism when all specific organizations

that represent these Canadians were left out? How can we be reassured that Canadians with autism will not be overlooked in the future?

Senator Harder: Again senator, I make a commitment to ensure that your concerns and the concerns of others in this chamber, expressed here as well as elsewhere, are brought to the attention of the minister concerned.

FOREIGN AFFAIRS

DIPLOMATIC RELATIONS WITH IRAN

Hon. Linda Frum: Leader, yesterday Iran's foreign minister issued a press release indicating that Iran and Canada will be holding expert-level meetings to discuss re-establishing diplomatic ties between our two countries. Canadian officials, however, have not made any statements about these meetings. Leader, surely you would agree that Canadians shouldn't have to go to Iranian news sources to learn about the activities of our Department of Global Affairs.

Can you confirm that these meetings are taking place? If so, can you tell us why the Iranian government is being more transparent about them than the Trudeau Liberal government?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I cannot confirm that because I am unaware, but I will certainly make inquiries.

Senator Frum: In the same press release that the Iranians issued, a spokesman for the foreign minister is quoted as saying:

We hope that the Canadian government now sees Iran's effective role in combating terrorism and stabilizing the region . . .

Is it the position of the Liberal Government of Canada that Iran, the leading state sponsor of terror and human rights abuses, is in fact combating terrorism and stabilizing the region, because that seems to be the predicate to how the Iranians agreed to these meetings with Global Affairs?

Senator Harder: I can assure you that the Government of Canada doesn't take its policy from press releases of any foreign government, particularly that of Iran.

I can confirm what ministers have said for the last number of months, which is the Government of Canada is wishing to pursue a diplomatic engagement with Iran to the mutual benefit of Canada, Iran, and our ability to manage some of the difficult issues that we face multilaterally. That is the policy of the Government of Canada. The pace of pursuing that will be governed by behaviour both diplomatic and otherwise.

Senator Frum: You will ascertain whether or not these meetings are in fact taking place and you will report back to this chamber on that matter?

Senator Harder: Yes, of course. I implied that with my first answer, but I should have been more precise.

PRIVY COUNCIL

NUNAVUT—APPOINTMENT OF COMMISSIONER

Hon. Dennis Glen Patterson: To the Government Representative in the Senate, it has been 20 months by my count since the Government of Nunavut made recommendations for the appointment of a Deputy Commissioner for Nunavut. When will this important post be filled?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for bringing this to my attention. I will make inquiries and report back.

[Translation]

TRANSPORT

NATIONAL SHIPBUILDING STRATEGY

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Yesterday, when the Prime Minister wished members of the other place happy holidays, he asked that they all come back safe and sound.

At the Davie shipyard, 1,300 employees and subcontractors are hit by job losses. They will attempt to leave the shipyard safely, but they will not be able to return as per the termination notices they received.

Can the Leader of the government tell us what Prime Minister Trudeau's plans are for the holidays? For example, does he plan to work or grant contracts to the Davie shipyard?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his questions. A number of senators have raised this issue.

The Government of Canada is always concerned when there are layoffs in the industrial sector, and this is a particularly large and challenging one. The government has taken active measures to ensure workers are aware of the programs to which they are entitled.

With respect to the other issues raised both in the National Assembly of Quebec and amongst senators here, particularly senators from the Quebec division of this place, I want to assure you that I will bring those concerns to the attention of the government. I am certain that the government is actively reviewing what options there are in this situation and will be making announcements appropriately.

• (1430)

[Translation]

Senator Carignan: One of the options the federal government is dangling is the prospect of other contracts worth a total of \$2 billion. However, if we take a closer look at the fine print for these contracts, we can see that the Davie shipyard will only be eligible for a contract of up to \$25 million, because of the criteria set by the government. Would the Government of Canada be prepared to amend the criteria in order to give Davie access to these contracts, given that Canada's other two major shipyards are currently swamped with work?

[English]

Senator Harder: Again, senator, I cannot at this time commit the government to respond positively to the options that you are putting forward, but I can assure you that I will bring those options to the attention of the government.

FINANCE

SMALL BUSINESS TAX REGIME

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is for the government leader in the Senate, and it concerns the small business tax changes for income sharing with family members.

As the President of the Canadian Federation of Independent Business noted in a statement yesterday:

How our government expects small businesses to understand the new rules and make any needed changes to their corporate structures in two and a half weeks is beyond me.

The CFIB is calling on the federal government to delay any tax changes for income splitting by one year, to January 1, 2019. As well, the Standing Senate Committee on National Finance is also calling on the government to delay its tax changes by one year, should the government choose to proceed with them.

Leader, will the government respond to the valid, serious concerns of small business as well as to our own Standing Senate Committee on National Finance and postpone these tax changes?

Hon. Peter Harder (Government Representative in the Senate): The government will not be postponing.

Senator Martin: There is much uncertainty and confusion regarding the timelines associated with these tax changes, and the government has not left much time for these local businesses across Canada to prepare for them.

I know you have been answering questions on this, leader, but would you explain why the government is taking away the ability of small-business owners to properly plan for such tax changes, which could have a serious impact on their bottom line?

Senator Harder: Again, I thank the honourable senator for her advocacy on behalf of small businesses.

Let me just reiterate that the tax measures the minister spoke to yesterday represent about 3 per cent of the CCPCs in Canada, and it is a very targeted approach that the government is taking. It is not unusual for tax measures of this kind to be announced in the time frame in which they are, as this affects tax year 2018. I am sure a significant amount of work will be done across the country to ensure that the small group of CPC holders that are affected here are appropriately adjusting their business arrangements.

Senator Martin: I tend to react to phrases like “it’s just 3 per cent” or “it’s just 1 per cent.” It may be 3 per cent, but that 3 per cent represents individual businesses. For each of them, two and a half weeks is not a lot of time. It does equal far more than that, but I am just speaking about these businesses that have little time to adjust to these changes.

I ask again: Is there no way for these businesses to be given more time and the opportunity to make these adjustments?

Senator Harder: Again, let me reiterate that it is the view of the Government of Canada that these measures ought to and will be going forward for the year 2018.

ANSWER TO ORDER PAPER QUESTION TABLED

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—TRANSFERS UNDER THE TERMS OF THE INTERNATIONAL TRANSFER OF OFFENDERS ACT

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 60, dated October 18, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting transfers under the terms of the *International Transfer of Offenders Act*.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions: the response to the oral question of September 28, 2017, by the Honourable Senator Cormier, concerning Canadian heritage and the new cultural policy; the response to the oral question of October 18, 2017, by the Honourable Senator Carignan, concerning national defence and the icebreaker fleet; the response to the oral question of October 26, 2017, by the Honourable Senator Downe, concerning national revenue and the transparency of tax system; the response to the oral question of November 8, 2017, by the Honourable Senator Downe, concerning national revenue and tax avoidance; the responses to the oral questions of November 9, 2017, by the Honourable Senators Downe and Duffy, concerning national revenue and Liechtenstein — offshore tax havens — tax

recovery; and the response to the oral question of November 9, 2017, by the Honourable Senator Maltais, concerning transport and the St. Lawrence Seaway.

CANADIAN HERITAGE

CULTURAL POLICY

(Response to question raised by the Honourable René Cormier on September 28, 2017)

Creative Canada is an ambitious new vision to growing Canada’s creative economy. It renews the Government’s important commitment to linguistic duality, cultural diversity and a renewed relationship with Indigenous Peoples. As the Government moves forward to implement Creative Canada, it will do so in a manner that is consistent with these principles.

The review of the *Copyright Act* will be conducted by Parliament in the coming months. In the short term, the Government’s aim is that the Copyright Board reform contributes to making the copyright framework more efficient, transparent and predictable. That being said, the Government is committed to ensuring that the considerations you raise are taken into account as work progresses.

The Government committed to reviewing the *Broadcasting Act* and the *Telecommunications Act* in Budget 2017. The review will look to examine issues such as telecommunications and content creation in the digital age, net neutrality and cultural diversity, and how to strengthen the future of Canadian media and Canadian content creation. More details on the review are expected to be announced this fall.

The Department of Canadian Heritage and the Department of Innovation, Science and Economic Development will be collaborating on these important initiatives, as well as the Creative Industries Council that was announced as part of Creative Canada.

NATIONAL DEFENCE

ICEBREAKER FLEET

(Response to question raised by the Honourable Claude Carignan on October 18, 2017)

According to the United Nations, 90% of the world’s trade travels by sea. Canada has the world’s longest coastline, and water is one of our most important resources. The Canadian Coast Guard is a key contributor to Canada’s success through the provision of essential marine navigation and safety services. At the core of its mandate, and central to Canada’s economy, the Canadian Coast Guard provides icebreaking services to ensure the continued flow of marine traffic, providing ships winter access to Canada’s eastern ports year-round.

Canada's icebreaking services are delivered through the strategic deployment of 15 icebreakers in southern Canada during the winter. Up to seven of these 15 icebreakers are deployed in the Arctic in the summer to maintain Canada's sovereignty while also supporting the annual resupply to northerners and northern developments. Furthermore, Canada's icebreakers play a critical role by taking Canada's scientists to sea to enable climate change impact studies, monitor ocean conditions and fish stocks, and survey Canada's seafloor.

The Canadian Coast Guard is fully committed to ensuring continued icebreaker services so that their important contribution to Canada's economy and the protection of its environment continues to be upheld.

As per the Minister's mandate letter commitment, the Canadian Coast Guard works closely with Public Services and Procurement Canada to deliver on the commitments made for new Coast Guard vessels as pursuant to the National Shipbuilding Strategy. Significant progress is being made to deliver the first of the three Offshore Fisheries Science Vessels. Work on the construction of the other two vessels is also well underway, and will be followed by the construction of the Offshore Oceans Science Vessel. Construction of Canada's first Polar Icebreaker will then take place immediately following the construction of the Royal Canadian Navy's Joint Support Ships.

Canada's icebreakers have been well maintained over the years to ensure the continuity of the vital services that they provide to our economy. The Canadian Coast Guard is cognisant that its fleet of icebreakers is aging and will need to be replaced in the medium to long term, and that the recapitalization of its icebreaking fleet will take time. The Coast Guard is taking action to fill any potential gaps with several temporary measures.

The Canadian Coast Guard has recently completed a Request for Information (RFI) from the marine industry seeking proposals to complement its icebreaking services on an interim basis and is in the process of evaluating approximately 15 submissions for temporary measures.

On October 31, 2017, Public Services and Procurement Canada, on behalf of the Coast Guard, issued two Requests for Supply Arrangements (RFSA) which include icebreaking services — one for the St. Lawrence River and one for the Great Lakes — which will be used when necessary to complement the Coast Guard's capacity and maintain the flow of marine activity this winter.

The information received as part of the RFI, as well as input received from Coast Guard clients regarding their evolving requirements, is now being used to update the Coast Guard fleet renewal plan, which is expected to be completed in 2018.

NATIONAL REVENUE

TRANSPARENCY OF TAX SYSTEM

(Response to question raised by the Honourable Percy E. Downe on October 26, 2017)

Tax Gap

The Canada Revenue Agency (CRA) is committed to using every tool at its disposal to ensure that Canadians and Parliamentarians have confidence in the fairness of the tax system.

As such, and as part of the Government's commitment to estimate the tax gap, the CRA has a dedicated team studying the topic and has released three reports on the tax gap since 2016.

The first tax gap report examined key considerations for tax administrations undertaking tax gap estimation. The second report examined the tax gap for Canada's Goods and Services Tax/Harmonized Sales Tax (GST/HST). It estimated that on average, between the years 2000 and 2014, 5.6% of potential GST/HST revenues were foregone due to non-compliance.

The third tax gap report, released in June 2017, examined the personal income tax gap. The report found that the personal income tax base is largely at a low risk of non-compliance and estimated the domestic personal income tax gap to be about \$8.7 billion or 6.4% of personal income tax revenues in 2014.

The CRA is now carefully studying the international component of the tax gap and has committed to producing a study on the issue in 2018.

Offshore Compliance Activities

Following the 2016, Standing Committee on Finance (FINA) report entitled "*The Canada Revenue Agency, Tax Avoidance and Tax Evasion*", the CRA committed to take action on all recommendations and in its two subsequent progress reports to FINA, the CRA demonstrates that its commitments have been met.

Aggressive tax avoidance audits identified over \$2 billion and over \$1.8 billion in fiscal years 2015-16 and 2016-17 respectively. In 2016-17, over \$44 million in penalties was levied against promoters of abusive tax schemes.

In 2013 the Auditor General of Canada stated that the CRA had appropriately managed those named in the Liechtenstein list; \$24.6 million was reassessed and 46 audits completed.

CRA is committed to reviewing all international electronic funds transfers to and from four jurisdictions and financial institutions of concern annually and as of September 30, 2017, the CRA had 990 audits and

42 criminal investigations, related to offshore activities underway. Regarding the Panama Papers, 123 taxpayers are under audit and several criminal investigations are ongoing.

The Agency continues to work with international partners; in 2018 Canada will exchange financial account with treaty partners under the new common reporting standard and will also exchange income and profit information on large multinationals.

TAX AVOIDANCE

(Response to question raised by the Honourable Percy E. Downe on November 8, 2017)

The Canada Revenue Agency (CRA) remains open to providing the requested information to the PBO in a format that protects taxpayer confidentiality, in accordance with the law.

Should the Parliamentary Budget Officer request confidential taxpayer information for any matter, the CRA is constrained by the confidentiality provisions of the *Income Tax Act* (ITA) and the *Excise Tax Act* (ETA) with respect to disclosing data that could directly or indirectly identify individual taxpayers.

While the *Parliament of Canada Act* authorizes the Parliamentary Budget Officer to obtain financial or economic data from departments, expert legal advice confirmed that the legal framework surrounding the sharing of taxpayer data is such that this authority does not extend to access to confidential taxpayer information as stated in Section 79.4 (2). Accordingly, the CRA is unable to disclose data that could directly or indirectly identify individual taxpayers to an institution not specified in the ITA and the ETA.

Acting on the Government's commitment to estimate the tax gap, the CRA has a dedicated team studying the topic and has released three reports on the tax gap since 2016. The CRA has committed to producing a study on the international component of the tax gap in 2018.

LIECHTENSTEIN—OFFSHORE TAX HAVENS— TAX RECOVERY

(Response to question raised by the Honourable Percy E. Downe on November 9, 2017)

With the Liechtenstein list, the Canada Revenue Agency (CRA) completed 46 audits, resulting in reassessments totaling approximately \$24.6 million in federal tax, interest, and penalties. A number of cases are currently in federal court and litigation is ongoing. The information gathered from these audits has enabled the CRA to seek unnamed persons requirements in order to identify other taxpayers with offshore interests in Liechtenstein and other countries.

In fall 2013, the Auditor General of Canada stated the "Agency had managed its compliance actions for those named on the Liechtenstein list appropriately", including the use of non-prosecution agreements.

While there have been significant compliance actions taken in Canada, it is difficult to compare CRA's actions to those taken in other tax administrations as they are governed by different laws and processes.

Regarding HSBC, the CRA reviewed all of the information that was provided on HSBC account holders and conducted additional research where needed. As a result, the CRA was able to close many of the cases where it was found taxpayers were deceased or where they had been fully compliant and paid all taxes owed.

The CRA was also able to close cases that could not be linked to a Canadian resident and cases where there was no financial information available. Where the CRA suspected non-compliance, audits were initiated and the Agency issued reassessments.

Confidentiality provisions prevent the CRA from providing details on specific cases, however, the CRA can confirm that audits of more than 300 taxpayers are complete or currently underway. To date, over \$50 million in federal taxes and penalties have been reassessed and the CRA continues to pursue numerous audit files.

(Response to question raised by the Honourable Michael Duffy on November 9, 2017)

The Canada Revenue Agency (CRA) is committed to protecting Canada's revenue base and takes any allegation of non-compliance very seriously. The facts of each case would be considered individually, however, the CRA can use any lead to initiate a compliance action to determine if all reporting obligations have been met.

As is the case with any lead, the CRA will verify and substantiate the lead or document by obtaining any original documents or information through other sources such as information exchanges with foreign partners, directly from banks where accounts may be held, and through its powers under the *Income Tax Act* to compel the production of documents required to ensure compliance with the Act.

TRANSPORT

ST. LAWRENCE SEAWAY

(Response to question raised by the Honourable Ghislain Maltais on November 9, 2017)

The Canadian Coast Guard icebreaking program uses its resources as appropriate according to its fleet deployment plan, the advertised Icebreaking Levels of Services (link below) and finally according to a cooperative approach between our three regions, Coast Guard headquarters and the industry.

The Coast Guard also ensures the efficient movement of maritime traffic by providing information on ice conditions and in positioning icebreakers strategically based on existing ice conditions near the maritime corridors of the estuary and the Gulf of St. Lawrence in order to provide assistance, if necessary, to ships transiting in ice-infested waters during the winter months.

In order to minimize delays in service and to ensure safety of navigation when we receive a high volume of service requests or to cover periods of unplanned maintenance involving one of our ships, the Canadian Coast Guard is seeking temporary short-term supply arrangements from external suppliers of marine services for the St. Lawrence and the Great Lakes, for this winter. Any owners of icebreaking capable ships that meet the terms of the RFSA (Request for Supply Arrangement) may participate in the procurement process for these services. These St. Lawrence targeted services include icebreaking, removal of ice from buoys, assisting vessels in difficulty, towing and environmental response. This interim Capacity will allow the Canadian Coast Guard to maintain its service to Canadians.

http://www.ccg-gcc.gc.ca/eng/Ccg/wm_Levels_Of_Service_Document

ORDERS OF THE DAY

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT

BILL TO AMEND—THIRD READING

Hon. Larry W. Campbell moved third reading of Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act.

He said: Honourable senators, I am pleased to rise today on the traditional territory of the Algonquin people to speak at third reading of Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act, also known as YESAA.

As honourable senators are now aware, Bill C-17 seeks to repeal four contentious amendments to YESAA which were passed in 2015 through Bill C-6. These provisions include legislated time limits on the review process, exemption provisions regarding project reassessments, powers for the federal minister to provide binding policy direction to the Yukon Environmental and Socio-economic Assessment Board and the ability of a federal minister to delegate duties or functions under the act to the territorial government.

While the vast majority of these changes implemented through Bill S-6 were reached by consensus, these four provisions were very controversial at the time and remain so.

During the hearings at the Standing Senate Committee on Energy, the Environment and Natural Resources, senators heard testimony from a number of self-governing First Nations in the Yukon that they strongly believe these four provisions had not been part of the broader consultations that resulted in the many consensus provisions in Bill S-6 and that those four provisions reached their final land claim agreements.

As Teslin Tlingit Council Chief Sidney made clear during his testimony:

We and other Yukon first nations need to continue to strive for respectful, effective relationships with industries throughout Yukon, and encourage sustainable development and positive growth for our citizens and all Yukoners, but to achieve our vision and respect our beliefs and values, we must ensure that our agreements are fully understood and recognized.

In fact, on October 14, 2015, in response to the passage of those four contentious amendments, three Yukon self-governing First Nations challenged those provisions in the Supreme Court of Yukon. That litigation is ongoing, and although hearing dates have been delayed to allow for Bill C-17 to work its way through the parliamentary process, the First Nations were clear at committee that their litigation would continue unless those four provisions were repealed.

• (1440)

During committee hearings, Teslin Tlingit Council Chief Sidney said:

... there were four amendments, in particular, that Yukon First Nations asserted were breaches of the final agreements. The litigation has been placed in abeyance while Bill C-17 is being considered by Parliament.

The First Nations representatives were also clear this litigation would be dropped once Bill C-17 is passed. Dave Joe, legal counsel for Champagne and Aishihik First Nations told the committee:

The short answer is it will be dropped by way of instruction. It would take a phone call, which can be very quick once the bill is passed and proclaimed into effect.

Bill C-17 is focused on re-establishing trust with Yukon self-governing First Nations and restoring legal certainty for responsible resource development in Yukon.

As I pointed out at second reading, there is tremendous consensus in Yukon regarding the passage of Bill C-17. A unanimous motion supporting this bill was passed by the Yukon legislature last spring.

Further, as I referenced in my previous speech, the Council of Yukon First Nations, Government of Yukon and the Yukon Chamber of Mines issued a joint letter in March urging the passage of Bill C-17, without change, as soon as possible. All signatories to that letter continue to support that position.

The Government of Canada also understands that the support of industry groups is not unconditional. They have made it clear that issues including reasonable time limits for environmental assessments and criteria for reassessments of projects require further discussion and clarity.

During this week's committee study, senators learned that the government has been working with the Yukon Chamber of Mines and other partners to lay the foundation for the important and necessary work.

Concerns expressed by industry will be addressed through other policy mechanisms shortly after the passage of this bill.

The minister also informed the committee that she will be travelling to Yukon this week to celebrate a new memorandum of understanding between Canada, the Council of Yukon First Nations, the 11 self-governing First Nations in the Yukon and the Government of Yukon.

This MOU sets a framework for how the parties will work together in full partnership to collaboratively implement and improve the Yukon assessment process. It also creates a structure to work with industry and other partners to ensure that their voices are part of the process.

The MOU commits the parties to establishing an oversight committee consisting of senior officials to oversee the development and assessment process in Yukon.

Mr. Johnston, Grand Chief of the Council of Yukon First Nations, told the Standing Senate Committee on Energy, the Environment and Natural Resources:

The parties of the MOU will meet January 12, 2018, to move the MOU from concept into practice, and it is another tool the parties are using in connection with Bill C-17 to improve the implementation of YESAA.

He went on to say:

As I stated in my discussion, January 12 will be the first meeting that will start that dialogue and will address what some of the concerns may be from the participants to YESAA.

The MOU also commits Canada to discussing funding arrangements with the Council of Yukon First Nations to address capacity requirements for the various engagements contained in it.

Bill C-17 is not only essential to support reconciliation in Yukon but is necessary to bring the assessment regime back in line with the principles of collaboration, joint management and respect articulated in the Yukon Umbrella Final Agreement.

As the joint letter from the Council of Yukon First Nations, Government of Yukon and Yukon Chamber of Mines conveyed so well, passing Bill C-17 is essential so that:

... the Yukon economy can benefit from the certainty established by the final and self-government agreements in the Yukon.

I urge all honourable senators to support passage of Bill C-17.

Hon. Dennis Patterson: Honourable senators, as the critic for Bill C-17, I rise to speak to it.

The context is this: The mining industry is cyclical and volatile. The key to success is knowing when to invest, when to lay low, and where to go to maximize your profit. When assessing these options, I understand that mining companies look at a variety of factors that include the quality of the deposit and also, most important in this discussion, the governance structure of the jurisdiction, the regulatory regime in the jurisdiction. I believe that this legislation, without transition measures or replacement language, will negatively impact the latter in the eyes of potential investors.

Bill C-17 seeks to repeal four provisions that were introduced in the previous government's Bill S-6 following a comprehensive five-year review of that legislation that amazingly took eight years to complete.

When I spoke during second reading in this chamber, I discussed the need for regulatory consistency across all jurisdictions but more specifically throughout the North. The removal in Bill C-17 of mandated timelines and the removal of the provision that exempts previously assessed portions of a project to be reassessed due to a minor change are non-issues in the N.W.T. and Nunavut where corresponding legislation and regulations are in place. The same is true of every other jurisdiction in Canada today. I said that without replacement language, the removal of timelines and reassessments for minor changes will bring uncertainty to the mining industry in Yukon, negatively impacting investment, jobs, benefits and opportunities for all Yukoners until new regulations and policies are negotiated and put in place.

So I take no pleasure in reporting back to this chamber today that my fears have been heightened rather than allayed after study of this bill at committee.

Three issues arose during your committee's study: the lack of a timeline for mutually agreed upon replacement language; the lack of transition language; and a new issue — thank you for mentioning it, Senator Campbell — the lack of capacity for First Nation involvement.

Firstly, the removal of timelines by the provisions of this bill. Not one of the witnesses who appeared before the committee could provide an answer as to when we can expect the conclusion of the collaborative process to develop replacement language, which involves the Government of Yukon, the Government of Canada, First Nations and industry.

Minister Bennett told the committee in her remarks that, with regard to the collaborative process, the outstanding issues of timelines and reassessment:

... will be dealt with through other policy mechanisms shortly after the passage of this bill.

Senator Neufeld quite rightly asked Minister Bennett and her officials to define what “shortly” meant, but the answer we received was evasive, with a senior official stating that:

We work at the pace of our other partners also. They’re at the table with us and it’s a collaborative process.

That answer, for me, did not instill much confidence that the process would proceed quickly and efficiently. After all, as I noted earlier, the same parties — Canada, the Yukon territorial government and the Council of Yukon First Nations — took eight years to undertake the mandated five-year review of this legislation, and Council of Yukon First Nations even said at committee yesterday that the review process still was not complete in their view.

What Mr. Mike McDougall, President of the Klondike Placer Miners’ Association, told the committee is that:

Should Bill C-17 pass as it stands, there will absolutely be a period of uncertainty in the interim, and it’s our view that the investment climate and opportunities for Yukon citizens will suffer as a result.

He continued, stating that:

The rescinding of the timeline and reassessment provisions without having replacement language in place beforehand will be a step backwards in public policy.

He asked for a “mechanism to hold all parties accountable” to the conclusion of the collaborative process.

• (1450)

Mr. Brad Thrall, President of Alexco Resource Corporation, also echoed that sentiment, stating to the committee that:

If set back to the previous legislation, uncertainty will prevail, and investment, jobs and benefits and opportunities for residents and communities will be compromised.

Ranj Pillai, Yukon’s Minister of Energy and Mines and Resources and the Minister of Economic Development, when asked about the timeline for concluding the process, put the ball back in the federal government’s court, saying:

... we want to work with our stakeholders here right away to ensure that we can look at our regulation in the Yukon and how we can improve ...

... at the federal level that would be a different conversation altogether.

It is due to these statements of uncertainty about how long the process of developing replacement language would take that I recommended that the committee make an observation in its report to the Senate, urging the government to work with its partners to complete this process as expeditiously as possible.

I was pleased by all members of the committee supporting and participating in the fine-tuning of that observation; I thank them for that and for their support in asking the minister to return to the committee and report on the progress of the collaborative effort after 10 months.

The next issue is the lack of transition language in this bill. The government was clear that once Bill C-17 is proclaimed, sections 49.1 and 56(1), which had allowed for exemptions for reassessment due to minor project changes and established timelines, will automatically cease to apply to projects currently going through the process, regardless of what stage they are at.

I understand there are some major projects that are now enmeshed in the process. They do not have to restart the process, we were advised by federal officials, but they will also be subject to any policies in place governing these issues prior to Bill S-6.

Colleagues, that leads me to seriously consider what the implications would be for a proponent that has budgeted and planned their submissions based on these rules the government is now seeking to repeal. How does that make those proponents’ investors feel? How will that make prospective investors feel?

When I raised this issue at committee, Mr. Gilles Binda, the Acting Director of INAC’s Natural Resources and Environment Branch, told us that:

... the board will assess that portion of the project that has changed since the last environmental assessment.

Yet that differs greatly from today’s testimony from Mr. Brendan Marshall, Vice President of Economic and Northern Affairs at the Mining Association of Canada. Mr. Marshall described the regime prior to these provisions we are looking at repealing by providing us with an example that I would like to share with my fellow senators. Mr. Marshall told us:

MAC is aware of one mine, a YESAA permitted mine, where the following areas that had already been assessed required reassessment under the former law when that company sought an expansion under the former YESAA process. These include socio-economic impacts, hydrogeology, geochemical characteristics of current tailings and waste rock, current operational water management and an entire access road that had been in place for over 20 years.

The consequences were significant. The surface mining operation was interrupted for more than six months, resulting in layoffs. The company in question experienced reputational damage in local communities and significant economic damages due to lost time and start-up costs, which were magnified by market losses due to the persistent drop in copper prices during the period when the mine was inactive. Most significantly, however, it resulted in reputational damage to Yukon and Canada as a destination for mineral investment, a memory the industry

acutely recalls and which serves as a basis for our concern with the proposed legislative package and the prospect of a return to this regime.

Honourable senators, the repeal of these provisions does create a gap that needs to be addressed immediately.

Chief Richard Sidney of Teslin Tlingit Council stated that:

... Canada, Yukon and the First Nations have agreed that YESAA regulations would define which projects are subject to assessment. Therefore, discussions about the regulations are an appropriate forum for addressing exemptions and inclusions of projects from assessment.

This only underscores the importance of having replacement language developed and implemented as expeditiously as possible.

The final issue that was raised during the committee's study pertained to First Nation capacity funding. Peter Johnston, Council of Yukon First Nations Grand Chief, told me that:

... screenings by the executive committee —15 months and panel reviews at 18 months — do not provide adequate time to complete assessments of complex projects that will be subject of these assessments.

We heard today from the Yukon Government Minister Pillai, when I expressed my concerns about timelines, that in his view, in order for First Nations to participate in this next stage of regulation and policy development and to build capacity to do the assessments, First Nations would need appropriate resources.

Since this has been identified as a potential barrier to the efficiency of the collaborative process to develop replacement language and the ability to fully engage in the regulatory process, your committee also recommended in our observation that the federal government address the capacity funding issue as a priority.

Honourable senators, Minister Pillai told our committee that Yukon wants to become one of the most competitive jurisdictions in this country, and I understand they are currently developing a mineral development strategy to help them achieve that goal in the next 10 years.

However, this period of uncertainty, with a lack of mandated timelines and the removal of the exemption from reassessment for minor changes, threatens to slow down the recent surge of interest in Yukon as a viable mining jurisdiction.

Senator MacDonald asked some interesting questions and found that Yukon has received a 2.3 per cent increase in territorial formula financing transfers from the federal government while, at the same time, it has seen an 18.4 per cent decrease in own-source revenue from the mineral, oil and gas and forestry sector.

Should we not be enacting legislation and policies that encourage Yukon to generate more own-source revenue and ultimately become less dependent on federal transfers that make up anywhere from 85 to 90 per cent of their annual budget?

In conclusion, honourable senators, I would like to be clear and leave you with this: I will certainly not be so bold as to recommend that we amend or delay a bill that the Government of Canada, the Government of Yukon and the Council of First Nations have asked us to pass quickly and without amendment. I agree with Senator Campbell that the bill should be passed without amendment.

However, I will ask you to accept the observations that our committee has adopted and to help us ensure that the collaborative process for developing replacement language is concluded promptly. Thank you.

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?

Some Hon. Senators: Agreed.

Senator Neufeld: On division.

(Motion agreed to and bill read third time and passed, on division.)

The Hon. the Speaker: Ordered, that a message be sent to the House of Commons to acquaint that House that the Senate has passed this bill, without amendment.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Omidvar, for the second reading of Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts.

Hon. Claude Carignan: Honourable senators, I rise today to speak to you about Bill C-46, An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts.

[English]

First, I think it is important to note that the government tabled Bill C-46 in the wake of the bill proposing to legalize the use and possession of cannabis, Bill C-45, which we will study soon.

It is meant to respond to Canadians' concerns about the jump in the number of cases of drug-impaired driving, concerns which have been increasing with the government's plan to legalize marijuana.

There is a real danger of trivializing driving under the influence of marijuana.

[Translation]

Last weekend, a skier told me that he had seen a group of young people drive away from the ski hill after consuming marijuana in the parking lot. This evidence is not anecdotal; it reflects young people's total lack of awareness of the negative effects of marijuana-impaired driving.

• (1500)

On alcohol- and drug-impaired driving, Bill C-46 seeks to modernize the provisions of the Criminal Code on impaired driving and add new provisions that pertain specifically to drug-impaired driving. I would like to focus on that aspect of the bill in particular.

Like my bill, Bill S-230, which was introduced in the fall of 2016 and, I would remind senators, was passed unanimously by the Senate but was unfortunately defeated at second reading by the government in October 2017, Bill C-46 amends the Criminal Code to authorize peace officers to use drug screening equipment to test saliva samples. If police officers have reasonable grounds to believe that a driver is impaired by a drug, they can demand that the driver provide a saliva sample that will be tested on site, on the side of the road, using a federally approved screening device. If the test indicates the presence of drugs in the driver's system, the individual will then be taken to the police station where they will have to undergo further testing by the evaluating officer in order to determine whether they were driving while drug impaired.

The bill also indicates that a blood sample could be taken by a doctor or qualified technician as soon as practicable in order to determine the concentration of drugs in a person's body. Under the bill, either of these measures could be taken. It would be a good idea for the committee to look at the criteria that law enforcement officers would be using to determine which measure would be taken. I therefore urge the committee that will examine this bill to look at that aspect.

I had the opportunity to talk to an evaluating officer, and she wrote the following comments on this subject:

"Section 254(3.1): Everything seems to suggest that patrol officers will be able to decide whether to consult an evaluating officer or proceed directly to blood sampling. My take is that police officers won't go to evaluating officers anymore. They'll be responsible for explaining that the signs and symptoms are the direct cause of the incident, whereas we, as evaluating officers, are trained to explain our observations and establish that the suspect is intoxicated by a given class of drug. Will this provision eliminate the need for evaluating officers?"

Regarding the same provision, if police officers take their suspect directly for blood sampling, qualified physicians will have to be designated to be available at all times to receive us at a moment's notice. That's not the case at present. When an accident happens and we have to transport a suspect to hospital and rely solely on blood samples to

estimate how much the suspect consumed, about two to three hours can go by before we finally get to see a doctor and request a blood sample. The doctor then gets to decide whether to take the sample immediately. This situation will not be improved by this bill."

Bill C-46 creates three separate drug-impaired driving offences. I will quote the relevant passages:

(3) Subject to subsection (4), everyone commits an offence who has within two hours . . .

— I will draw your attention to the words "within two hours" —

. . . after ceasing to operate a motor vehicle or vessel or after ceasing to operate or to assist in the operation of an aircraft or of railway equipment or after ceasing to have the care or control of a motor vehicle, vessel, aircraft or railway equipment

- (a) a blood drug concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by regulation;
- (b) a blood drug concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by regulation and that is less than the concentration prescribed for the purposes of paragraph (a); or
- (c) a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation for instances where alcohol and that drug are combined.

Specifics of the government's plan with respect to these crimes are revealed in the October 14 *Canada Gazette*. Let us review them individually. According to the regulations, the limit would be five nanograms or more per millilitre of blood. For the offence listed in proposed paragraph (b), the concentration would be between two and five nanograms per millilitre of blood. Lastly, the third offence would be driving a motor vehicle under the influence of drugs and alcohol combined at levels of more than 2.5 nanograms of drugs and of more than 50 milligrams of alcohol per millilitre of blood.

By explaining the three new offences to you, honourable senators, I have also shown that, unlike drunk driving offences, they will not be codified in the Criminal Code. Instead, they will be defined by regulations.

That brings me to another question we must ask ourselves. Are we willing to let Parliament turn its power to legislate criminal offences over to the Minister of Justice, who will be able to change what constitutes a criminal offence based on some study or other? We need to give that some serious thought. Let's not forget that the purpose of parliamentary debate is, obviously, to improve legislation, but also to bring this legislation to the

public's attention, to debate it, and to hear from witnesses appearing before the committees of both houses, the House of Commons and the Senate.

These offences and the upcoming changes will never be publicly debated and will simply be imposed by a minister. Are we not depriving Canadians of crucial information they might need in order to help them remain within the law?

[English]

While ignorance of the law is no excuse, parliamentarians must at least ensure the transparent flow of information on the creation of new criminal acts, which will not necessarily be the case with a simple publication in the *Canada Gazette* without any further debate.

[Translation]

Furthermore, every scientific study shows that everyone reacts differently to the effects of THC, depending on their frequency of use and their constitution. Therefore, some individuals could have a blood THC concentration of two nanograms without any impairment whatsoever.

Physical tests are therefore even more important in demonstrating whether someone is impaired by the drug. Under the current version of the bill, police officers could order suspects to provide a blood sample without asking them to undergo the series of tests that demonstrate impairment. The committee needs to examine this more closely, as well.

Frequent users can have more than two nanograms of residual THC in their system even if they haven't used the substance for several weeks. Does this mean that those individuals will be driving illegally until they abstain for months?

I went over the wording of the offences with you because I wanted to draw your attention to the two-hour timeframe in which an individual must not have the drug in their body after having driven a motor vehicle.

Careful reading of the bill revealed an inconsistency that I can't quite explain. When it comes to giving police officers the authority to make an arrest, subclause 3(3) reads as follows:

(2) If a peace officer has reasonable grounds to suspect that a person has alcohol or a drug in their body and that the person has, within the preceding three hours, operated a motor vehicle . . . the peace officer may, by demand, require the person to comply with the requirements of either or both of paragraphs (a) and (c)

How can a peace officer arrest a person and order that they produce a sample if the time limit will have passed and the person can't be found guilty of the offence?

An arrest in the third hour would be illegal. I urge my colleagues who will be studying this bill to address this matter.

• (1510)

I would also like to discuss with you another aspect of Bill C-46, and that is the new provision authorizing police officers to do random testing for alcohol impairment, but not drug impairment. Yet, Bill C-46 is a response to the legalization of marijuana. Until now, police officers who decided to test for blood alcohol levels could only do so if they had reasonable grounds to suspect that a driver was driving under the influence of alcohol.

[English]

Therefore, if police officers observe that an individual is driving erratically, is red-eyed and exhibits disorganized behaviour, and that there is the smell of alcohol inside the car, they can reasonably suspect drunk driving and are allowed to ask the driver for a breath sample. If the driver fails the test, the police will have reasonable grounds to believe that an offence has been committed and could arrest the driver and bring them to the station to administer a Breathalyzer test to determine the level of alcohol in the person's body.

From now on, with the change proposed by the government, police will be allowed to ask any driver for a breath sample, whether or not the driver shows any signs of recent alcohol consumption. These are called random or mandatory controls in Bill C-46. It is easy to see that this new power given to police officers will raise many legal and constitutional issues.

[Translation]

Certain constitutional experts told the other chamber that, even if this provision breaches sections 9 and 10 of the Canadian Charter of Rights and Freedoms, it would stand up in court because it constitutes an example of minimal impairment under section 1 of the charter, which would be justified in a free and democratic society. At this stage of the bill, you will understand that it is imperative that this bill to address alcohol-impaired driving be scrutinized to determine whether it is constitutional, especially with respect to the provisions on arrest and seizure without cause. What will be the consequences if during an arrest without cause the police discover other facts that raise suspicions that crimes have been committed? Will they be able to go ahead with other incidental seizures? Will these seizures be considered legal? Is there a risk of abuse when the power to control alcohol consumption is used as a pretext to conduct broader searches or detain more people? What are the risks of engaging in racial profiling by targeting certain groups?

I was surprised to learn that the government was seeking to expand law enforcement's power to do random testing when alcohol is present, but not when drugs are. How can legislation so closely related to the cannabis legalization bill so completely ignore the whole notion of random drug testing? When I asked Senator Boniface that question, she replied that the reason had to do with the fact that the devices that screen for drugs in drivers' systems are unreliable. With all due respect to Senator Boniface, that answer is even more surprising. The government is introducing into the Criminal Code the use of drug screening devices when peace officers have reasonable grounds to suspect drug-impaired driving. If the devices are inaccurate in one situation, why would they be more accurate in another?

[English]

Now, Bill C-46 seems to have been created strictly for driving but in fact applies to all motor vehicles — cars, planes, trains, boats, trucks, buses, tractors, et cetera — as stated in section 253 of the Criminal Code.

The issue of testing for the presence of alcohol or drugs among aircraft pilots, train engineers, and drivers of buses, passenger transport vehicles or tractor trailers gives me a lot of concern, especially given the lack of random drug testing. In fact, on November 2, 2017, the Transportation Safety Board tabled its report on the crash of a Carson Air Ltd. aircraft that occurred on April 13, 2015, in British Columbia. Following its investigation, the board concluded that the pilot had a blood alcohol level much greater than allowable limits and that he was impaired by alcohol.

[Translation]

In fact, his blood alcohol level was 0.24, or three times the allowable limit for automobile drivers. Airplane pilots are not allowed to consume alcohol in the eight hours preceding their flight. Again, the pilot of that aircraft had a blood alcohol rate of 0.24. The effects felt at that rate range from confusion, to impaired visual perception, decreased pain sensation, impaired balance, staggering gait, and slurred speech.

The TSB report found, and I quote:

People with alcohol use disorder are at a 60 to 120 times greater risk of suicide than members of the population without a psychiatric illness. Suicide accounts for 20% to 33% of the increased death rate among those with alcohol dependence compared with the general population.

In the report of its investigation into this accident, the Transportation Safety Board theorized that the crash was probably deliberately caused by the pilot. That was one of the three theories developed by the TSB. The pilot and first officer were both killed in the crash. Fortunately, this was not a passenger flight, unlike the Germanwings Airbus A320 that had crashed into a mountainside about 20 days earlier, killing all 150 people on board. In the case of the Germanwings crash, it was proven that the co-pilot had acted deliberately. It has been clearly demonstrated that in countries that have introduced random testing for impairment, the number of accidents caused by this scourge has dropped significantly.

Would it not be appropriate, honourable senators, to apply this measure to passenger vehicle operators? I believe that aircraft pilots and co-pilots, locomotive engineers, and bus drivers should all have to undergo random drug and alcohol testing on an ongoing and sustained basis. I therefore urge the committee that will be studying Bill C-46 to pay special attention to the Transportation Safety Board's recommendation that random testing be implemented for persons engaged in safety-sensitive functions, such as aircraft pilots and other passenger vehicle operators.

The TSB's report ends on the following recommendation:

Existing laws, regulations, standards, and guidance may be effective at mitigating some of the risks associated with substance use among pilots and others in safety-sensitive functions; however, there continue to be occurrences in which impaired individuals are not identified or prevented from operating an aircraft. If there is no regulated drug- and alcohol-testing requirement in place to reduce the risk of impairment of persons while engaged in safety-sensitive functions, employees may undertake these duties while impaired, posing a risk to public safety.

[English]

Therefore, the Board recommends that the Department of Transport, in collaboration with the Canadian aviation industry and employee representatives, develop and implement requirements for a comprehensive substance abuse program, including drug and alcohol testing, to reduce the risk of impairment of persons while engaged in safety sensitive functions. These requirements should consider and balance and the need to incorporate human rights principles in the Canadian Human Rights Act with the responsibility to protect public safety.

• (1520)

[Translation]

I think an amendment to the bill that implements the recommendation in the Transportation Safety Board report would be reasonable. It would promote public safety, and who can argue with that? We also need to consider this kind of random drug testing as a way to prevent train conductors from using drugs.

[English]

I would like to bring your attention to the accident that occurred on April 3, 2016, in Philadelphia when an Amtrak train carrying 330 passengers and seven crew members crashed into two rail workers who were working on the tracks. The National Transportation Safety Board's investigation concluded that the engineer who was operating the locomotive was under the influence of marijuana, while the two workers had used cocaine.

[Translation]

In my opinion, when public safety is at stake and an accident caused by a person operating an aircraft, train, vessel, or any other mode of public transportation could trigger a catastrophic event, random drug testing is essential. Bill C-46 simply must include random drug testing, at least for these kinds of vehicles and modes of transportation.

When we study Bill C-46, we will see that a customs officer is a peace officer with the power to test a pilot getting off an airplane if there is reason to suspect the pilot flew the plane with a higher-than-normal THC level. That same customs officer does not, however, have the power to test the pilot before he or she gets on the plane.

The committee will have many other issues to consider, including the practical consequences of passing Bill C-46. How many drug recognition experts are able to do this work? What training do they have? How many laboratories are equipped to study and analyze the samples collected?

An increasingly dominant trend of jurisprudence has established that just over one hour is a reasonable time frame for detaining someone between the initial screening conducted by the peace officer and the beginning of the testing done by a drug recognition expert. It is already hard to respect that time frame, at the moment. What happens when there are more screening mechanisms as a result of the legalization of marijuana and these new offences are created? These questions are crucial, because there is a risk that Bill C-46 could appear enforceable on paper but, in reality, would turn out to be completely dysfunctional, and its application could be suspended because of too many constitutional challenges. This would create a false sense of security, because it would make it seem that we have the necessary tools to screen for drug-impaired driving, when we actually don't.

In closing, I will support Bill C-46, with considerable reservation, so that it can be referred to the Standing Senate Committee on Legal and Constitutional Affairs for a careful and thorough examination. Legalizing cannabis in Canada, if the bill does pass, will amount to a massive change for our society. That is why we need to take all necessary precautions to limit the harmful effects of this measure. Effectively controlling impaired driving is one measure that must be implemented judiciously.

Bill C-46 is a step in the right direction. Nevertheless, this bill is obviously incomplete, vague in some respects and possibly unconstitutional. It also contains some contradictions that could cause confusion, in terms of enforcement. It is the Senate's duty to examine bills passed in the House of Commons. We must take the time needed to have a thorough and sober second look at this bill and, as we do, we must keep in mind that the safety of Canadians is at stake. Thank you for your attention.

Some Hon. Senators: Hear, hear!

Hon. André Pratte: Would Senator Carignan take a question?

Senator Carignan: Yes, of course.

Senator Pratte: Senator Carignan, you mentioned a number of times how Bill C-46, which is now before us, relates to Bill C-45 on the legalization of marijuana. Could we at least agree on the fact that, regardless of the existence of Bill C-45, it is imperative that Canada pass legislation that will help us better screen for drug- and alcohol-impaired driving?

Senator Carignan: Obviously, Senator Pratte. I sponsored Bill S-230 to authorize the use of screening devices. I am emphasizing this point because the bill did not create new

offences. Bill C-46 creates new offences, which will require different debates on various issues that should be examined by the Standing Senate Committee on Legal and Constitutional Affairs.

I was very disappointed with the vote in the House of Commons that struck down Bill S-230 at second reading. Had this bill passed, we would already have drug screening devices on the roads today. That would have been particularly helpful in this month of December when there is a spike in impaired driving.

Senator Pratte: I understand your disappointment over the defeat of Bill S-230. Meanwhile, Bill C-46 also introduces a new comprehensive regime that deals with both alcohol- and drug-impaired driving. Would you agree that marijuana-impaired driving is already a major problem and that we still do not know whether the legalization of marijuana will result in an increase in marijuana-impaired driving?

Senator Carignan: I believe the principle of proportionality applies. As the number of consumers increases, so does the risk of people driving under the influence of drugs. It is difficult to ascertain how the situation is evolving in other countries, given that Canada will be the first country in the world to legalize marijuana in the way the government intends to do it. The states of Colorado, Oregon, and Washington only legalized marijuana recently, so it is difficult to identify trends.

At first glance, it seems that there has been an increase in impaired driving. However, I am taking care to only compare apples to apples. In the state of Oregon, for example, it is rather difficult to spot the trends because a great deal of consumption was linked to the grey market, or the illegal sale of legally produced cannabis. You are aware that Oregon, under its medical marijuana program in rural areas, has allowed possession of 99 plants for personal consumption. That has been allowed for many years. People are saying that legalization did not necessarily lead to an increase in Oregon. However, that may be because there had already been greater consumption as a result of medical marijuana being used for other purposes.

Honourable Serge Joyal: Would the honourable senator agree to take more questions?

Senator Carignan: Yes, of course.

Senator Joyal: Thank you, Senator Carignan, for your presentation, which raises points that the committee will have to examine. I have three questions. First, you stated that the Minister of Justice or the Attorney General of Canada could be given the power to define new offences. To your knowledge, are there other sections of the Criminal Code that give the minister the same privilege?

• (1530)

Senator Carignan: I did not go through the entire Criminal Code, but the minister is responsible for the technical aspects, the screening devices and forms, that is, all the procedural matters involved in the implementation. The blood alcohol level provisions are in the Criminal Code. The legislation includes the ministerial power to change the blood alcohol levels, which means creating a new criminal offence, but I saw nothing of the kind.

Senator Joyal: When it comes to the accuracy of the screening devices, you said it yourself: the results from the devices currently available are not conclusive. If these devices are ineffective or inconclusive, doesn't the Minister of Justice have to come up with another way to prove the presence of drugs, in a scientific manner, without having to rely on the capacity of the device to produce results?

Senator Carignan: That is a good question. In my bill, the purpose of the device was to screen for the presence of drugs, which would provide reasonable grounds for calling in a drug recognition expert. This would be a first step in determining quantity. It is a much more difficult problem, both in terms of the availability of the devices and the time it takes to determine quantity.

For example, we know that the level of THC in the blood drops very quickly after consumption. The maximum level is reached after 10 or 15 minutes. Then it drops rapidly, making it quite challenging to establish a meaningful link between the THC level at the time of sampling and that at the time of arrest.

To sum up, devices that measure quantity are not terribly reliable at the moment, but the procedures involved in determining exact blood levels at any given moment are extremely tricky.

Senator Joyal: I have one last question. I don't want to prolong the debate beyond what is reasonable. The other aspect you talked about was random stops, in other words, random police checks near a night club, for example, or somewhere where alcohol is consumed. In such cases, officers wait nearby and stop everyone to check whether they have used drugs or alcohol.

Have the courts not ruled on the conditions required for police forces to exercise this power to stop people, subject them to tests and then, as you said, detain them and conduct additional searches?

Senator Carignan: Yes, that is one of the powers allowed under common law. There are lines of jurisprudence. It would be interesting to examine the new section under the lens of that jurisprudence. It seems as though the government focused on impaired driving, while overlooking an entire area where random testing could be used, particularly for drugs, when it is in the greater interest of public safety.

All of these criteria need to be considered when assessing that particular power. When it comes to alcohol, at least on the face of it, this appears to violate the charters. Can it be justified?

Perhaps. Generally speaking, I have some reservations, but if we look more closely at certain aspects, this may have a better chance of succeeding.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read second time, on division.)

[English]

REFERRED TO COMMITTEE

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

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

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO
CONSIDER SUBJECT MATTER OF BILL C-45—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:

That, without affecting the progress of any proceedings relating to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, at 3:30 p.m. on Tuesday, February 6, 2018, the Senate resolve itself into a Committee of the Whole to consider the subject matter of the bill;

That the committee receive:

- (a) the Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada;
- (b) the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Health;
- (c) the Honourable Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness; and
- (d) Mr. Bill Blair, M.P., Parliamentary Secretary to the Minister of Justice and the Attorney General of Canada and the Minister of Health;

That the witnesses be accompanied by officials;

That the Committee of the Whole report to the Senate no later than two hours after it begins;

That television cameras and photographers be authorized in the Senate Chamber to broadcast and photograph the proceedings with the least possible disruption of the proceedings; and

That the provisions of rule 3-3(1) be suspended on Tuesday, February 6, 2018.

Hon. Tony Dean: Good afternoon, honourable senators. I am standing here today to talk about Senator Harder's motion to meet in Committee of the Whole on Bill C-45. This is pretty simple, straightforward stuff, really, isn't it?

Senator Patterson: Not really.

Senator Dean: I am hoping we can move it along.

First, Senator Carignan's ski hill, cannabis and driving story is important. I was pleased to hear it. It's demonstrative of the here-and-now challenge that we have with cannabis, isn't it? Kids getting into a car, smoking cannabis on a ski hill. It's not future-oriented; it is not something that is going to be a result of the passage of a piece of legislation.

That is really important, and here is why. I get a sense that there are some people in here who would like to pretend that we don't have a problem with cannabis today.

Senator Plett: No, we know we do. That is why we want to outlaw it.

Senator Dean: Who would somehow suggest that the problem with cannabis will start when and if Bill C-45 is approved.

Just for the record, here is a very quick remainder of the uncontested facts about cannabis in Canada today.

Young Canadians are today among the highest users of cannabis in the world. You know that. Cannabis is easily available and frequently used by young Canadians. The early, frequent and heavy use of cannabis by young Canadians has demonstrated harms, and those harms exist today and have existed for decades.

We know that cannabis is drawn exclusively from a \$7 billion illicit market that is untested for contaminants and potency.

We know that drivers are using cannabis today.

I think we finally have to face up to the fact that criminalizing cannabis has been a failure in tackling the widespread use of the drug.

These are the facts about cannabis today. They are here-and-now problems with cannabis, and I think it is important that we address them.

I simply say this, and I won't keep restating it because I suspect that you're getting tired of it.

Senator Martin: Speak to the motion, please.

• (1540)

Senator Dean: I simply want to say this: If there is anyone in here who contests those facts about cannabis, if there is anybody who contests that there are issues with cannabis today and that there have been for some time, let me know. Raise your hand, send me a signal, tug your ear. Just let me know, and we will talk about it.

Other than that, if that is not in dispute —

Senator Martin: Sorry, Your Honour. On a point of order, I know this is debate on the motion about the Committee of the Whole, so —

Senator Patterson: It is not about the bill.

Senator Martin: Senator, I am getting confused as to where you are going with this.

Senator Dean: I will tell you exactly where I am going. I am responding to comments made yesterday on the same motion about cannabis use.

Senator Plett: No. He has to —

Senator Dean: Let me carry on; I'm moving to the motion.

Senator Plett: Speak to the motion. Good idea.

The Hon. the Speaker: I believe I just heard Senator Dean say he is moving to the motion. Is your point of order to the comments that pertain to the motion? If so, I believe Senator Dean will now speak to the motion.

Senator Plett: Now you don't know what you want to talk about.

Senator Dean: I believe that yesterday, uncontested with a point of order, Senator Andreychuk talked about the consultation with municipalities. I want you to know, very quickly, that I checked with some municipalities in Ontario that feel fully consulted by the Province of Ontario on Bill C-45.

Now —

Senator Neufeld: That is not the motion, either.

Senator Dean: Now back to Senator Harder's motion.

Senator Plett: Oh, good.

Senator Dean: I support the motion because, over two months ago, on October 3, I rose in this chamber to speak to Senator Wallin's inquiry that supports more and better planning, and scheduling and grouping of debates over several consecutive days. The motion is about organizing debates in this place.

I am merely linking the chain of events that gave rise to this motion. I would appreciate having the ability to do that.

Senator Plett: Please. Go ahead.

Senator Dean: I rose to talk to Senator Wallin's inquiry, which supports more and better planning, scheduling and grouping of debates over several consecutive days. I followed my October 3 statement with bilateral meetings with group and caucus leaders on organizing a different way of doing Senate business for Bill C-45, and I sent a written proposal for their consideration shortly afterward.

Beyond that there has been total silence, for the most part.

This motion is a basic proposal, based on your experience with your highly successful Bill C-14 process as you considered medical assistance in dying. That had a number of components, but right now, we are focusing on the most basic and simple of them — one that has been tried and tested many times in this place — one that would provide more predictability for senators interested in Bill C-45 and ensure some organization of separate debate on major areas of interest. It is kind of good policy-making — just some basic organizing and planning.

But, honourable senators, Committee of the Whole is by far the most timid of my proposals. It has been used widely and successfully in this place. It fits within the rules. You have made a terrific success of bringing sponsoring ministers in here to talk at Committee of the Whole. It would allow honourable senators to pose important questions to the legislators who tabled Bill C-45.

I kind of wonder why any senators would express reluctance about adopting a motion that would bring more transparency, accountability and accessibility to the chamber on an important issue that greatly affects Canadian society.

I said before that, like any other organization that finds a winning formula with its clients, as you did in Bill C-14 — and our clients are citizens, aren't they? — when we find a winning formula — something that is successful, and something that attracts positive attention to the Senate and the good work that senators do, as you did with Bill C-14 — most organizations would look to replicate that. They want to find the next opportunity to just do that again because it works.

You know what? That is kind of what Senator Harder is suggesting.

Here are a couple of things that happened during my two-month wait for the discussion today. I heard that we have done it this way for 150 years, and there is no need to change now. I also heard that this isn't an organization; this is the Senate. I wouldn't like to explain that to Canadians, but you give it a try if you can.

In light of Bill C-45's significance and the experience with Bill C-14, it is my hope that Senator Harder's motion to organize Committee of the Whole is adopted. This is about the easiest decision in front of us that we have had for some time.

I am kind of patient. I threw a couple of ideas out of there. I have waited for a couple of months for an answer to a very simple and straightforward proposal: better managing, organization and planning of our debates.

I would ask that you do not delay this further. Any further delay would be completely unnecessary, and it would kind of make me worry that we are getting into delay for the sake of delay.

Honourable senators, let's vote on Senator Harder's motion on Committee of the Whole and get on with our work. Thank you so much for listening, and don't forget there is still time for a tug of your ear if there are any issues about the current issues with cannabis that you don't quite understand. Thank you.

[Translation]

Hon. Claude Carignan: Honourable senators, I listened to the speech that Senator Harder gave on this motion yesterday. I also heard what Senator Dean had to say about this motion today. Other senators talked about the importance of hearing from ministers on the principle of the bill. We must remember that we are at second reading, where we are supposed to debate the principle of Bill C-45, and that the Leader of the Government in the Senate is suggesting in his motion that we invite certain ministers to appear before our Committee of the Whole to talk about the principle of the bill.

I do not have a problem with hearing from ministers, but I am concerned about hearing from them all at the same time. I think that it would be too chaotic to hear them all at the same time and that Senator Harder's suggestion would not have the intended results.

Senator Harder mentioned the process used with Bill C-14, where the Minister of Justice and the Minister of Health appeared before our Committee of the Whole. I actually looked into how that process worked. At the time, it was decided that each minister would appear alone and answer our questions for two hours. Each minister was not accompanied by two or three other ministers. The ministers answered our questions and we were able to examine the issues in greater depth. We welcomed the Minister of Justice first and then the Minister of Health.

Bill C-45 covers a myriad of issues. I spoke about some of them earlier in my speech on Bill C-46. Some aspects of the bill affect transport, while others affect employment. Yesterday, senators also raised aspects of the bill that affect Indigenous peoples and reserves. It is important that the Senate pay particular attention to those issues.

• (1550)

Since we must go through this process, why not be thorough and by the book? Why not proceed systematically and invite the key ministers involved and ministers whose departments will or may be affected by Bill C-45? We could question them about potential consequences and the measures they are preparing to introduce in response to this bill.

That is why I am proposing an amendment to add other ministers to those listed in the motion. In my opinion, Minister Carolyn Bennett should be on the list, as should Minister Marc Garneau, Minister Patty Hajdu of Employment, Workforce Development and Labour, and Minister Scott Brison, President of the Treasury Board.

MOTION IN AMENDMENT

Hon. Claude Carignan: Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended:

1. in the first paragraph, by inserting, after the year “2018,” the words “Wednesday, February 7, 2018, Wednesday, February 14, 2018, and Thursday, February 15, 2018,”;
2. by replacing the words “That the committee receive” by the words “That on Tuesday, February 6, 2018, the committee receive the following witnesses separately, for up to two hours each”;
3. by adding the following new paragraph after point (b) in the current list of witnesses:

“That on Wednesday, February 7, 2018, the committee receive the following witnesses separately, for up to two hours each.”;
4. by changing the designation of points (c) and (d) in the current list of witnesses to points (a) and (b) respectively;
5. by adding the following new paragraphs immediately before the paragraph starting with the words “That the witnesses”:

“That on Wednesday, February 14, 2018, the committee receive the following witnesses separately, for up to two hours each:

- (a) the Honourable Carolyn Bennett, P.C., M.P., Minister of Crown-Indigenous Relations and Northern Affairs; and
- (b) the Honourable Marc Garneau, P.C., M.P., Minister of Transport;

That on Thursday, February 15, 2018, the committee receive the following witnesses separately, for up to two hours each.”;

(a) the Honourable Patty Hajdu, P.C., M.P., Minister of Employment, Workforce Development and Labour; and

(b) the Honourable Scott Brison, P.C., M.P., President of the Treasury Board.”;

6. by replacing the paragraph starting with the words “That the Committee of the Whole report” by the following:

“That on each day the Committee of the Whole meets it report to the Senate after it has heard from the witnesses.”; and

7. That the final paragraph be replaced by the following:

“That the provisions of rule 3-3(1) be suspended on each day the committee meets, and that the provisions of the order of February 4, 2016, respecting the time of adjournment on Wednesday also be suspended on Wednesday, February 7, 2018, and Wednesday, February 14, 2018, until the committee has reported.”.

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

Hon. Senators: Question!

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Andreychuk, that the motion be not now adopted, but that it be — may I dispense?

Hon. Senators: Yes.

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

Hon. Senators: Agreed.

Hon. Senators: No.

[English]

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed, please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it. I see two senators rising.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on the bell?

An Hon. Senator: Thirty minutes.

The Hon. the Speaker: The vote will take place at 4:25.

Call in the senators.

Harder

• (1620)

Motion in amendment of the Honourable Senator Carignan negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	McIntyre
Batters	Mercer
Beyak	Mockler
Boisvenu	Munson
Carignan	Neufeld
Dagenais	Ngo
Doyle	Oh
Dyck	Patterson
Eaton	Plett
Frum	Poirier
Housakos	Seidman
Joyal	Smith
Lovelace Nicholas	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Unger
Marshall	White—37
Martin	

NAYS
THE HONOURABLE SENATORS

Bellemare	Hartling
Black	Lankin
Boniface	Marwah
Bovey	McCallum
Brazeau	McCoy
Campbell	McPhedran
Cordy	Mégie
Cormier	Mitchell
Coyle	Moncion
Dean	Omidvar
Duffy	Pate
Dupuis	Petitclerc
Eggleton	Pratte
Forest	Ringuette
Fraser	Saint-Germain
Gagné	Sinclair
Galvez	Tardif
Gold	Wallin
Greene	Woo—39

ABSTENTIONS
THE HONOURABLE SENATORS

Cools

Richards—2

• (1630)

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 14, 2017

Mr. Speaker,

I have the honour to inform you that Mr. Stephen Wallace, Secretary to the Governor General, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 14th day of December, 2017, at 3:40 p.m..

Yours sincerely,

Emmanuelle Sajous
Deputy Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, December 14, 2017:

An Act to give effect to the Anishinabek Nation Education Agreement and to make consequential amendments to other Acts (*Bill C-61, Chapter 32, 2017*)

A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures (*Bill C-63, Chapter 33, 2017*)

An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act (*Bill C-17, Chapter 34, 2017*)

[English]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO
CONSIDER SUBJECT MATTER OF BILL C-45 ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:

That, without affecting the progress of any proceedings relating to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, at 3:30 p.m. on Tuesday, February 6, 2018, the Senate resolve itself into a Committee of the Whole to consider the subject matter of the bill;

That the committee receive:

- (a) the Honourable Jody Wilson-Raybould, P.C., M.P., Minister of Justice and Attorney General of Canada;
- (b) the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Health;
- (c) the Honourable Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness; and
- (d) Mr. Bill Blair, M.P., Parliamentary Secretary to the Minister of Justice and the Attorney General of Canada and the Minister of Health;

That the witnesses be accompanied by officials;

That the Committee of the Whole report to the Senate no later than two hours after it begins;

That television cameras and photographers be authorized in the Senate Chamber to broadcast and photograph the proceedings with the least possible disruption of the proceedings; and

That the provisions of rule 3-3(1) be suspended on Tuesday, February 6, 2018.

Hon. Joan Fraser: Just for the record, colleagues, I support this motion, but for reasons that I think are diametrically opposed to those expressed by Senator Dean.

I take the Leader of the Government in the Senate at his word when he says that the invitation to the ministers named in this motion is by no means — his words — an attempt to limit the normal procedure of study and consideration that the Senate would engage in on any major bill. I appreciate the notion that hearing from those ministers before we have concluded our second reading debate might be very helpful. Indeed, had Senator Carignan proposed hearing from even more ministers, but in a relatively compressed time frame, I might have supported that. Had he said, for example, let's all come back on a Monday and devote the whole day to hearing from ministers, I would have

thought that was a very interesting concept. I did not support the proposal that he did make. I do support Senator Harder's proposal, but not as an attempt to limit or curtail Senate procedures.

Hon. Yuen Pau Woo: Honourable senators, in the spirit of what Senator Fraser said, let me also provide some elaboration on this motion and provide some context since I was party to the discussions that leaders had concerning the Committee of the Whole.

First of all, I can confirm that what Senator Harder told us yesterday is accurate. He and all the leaders have been discussing the idea of a Committee of the Whole, as was proposed by Senator Dean and others, for a number of weeks now, not just at our last meeting but at least three weeks before today. There was unanimous agreement that the idea of a Committee of the Whole was a good one. There was also agreement that we would have a Committee of the Whole as soon as we got back from our holidays in the winter and that Senator Harder would endeavour to find a date that would work for all of us.

I believe he also told us that he proposed a date initially that some of the leaders were uncomfortable with because we felt that the original date was too early in our return to Ottawa. We needed some time to re-acclimatize and get our brains in gear. Senator Harder, very graciously I thought, took it under advisement and checked with the ministers and quickly came back with the alternative date, which is the one you see in the motion today.

• (1640)

I recount this history mostly to let colleagues know that there were many opportunities to talk about different ways in which we could collaboratively come to a decision on how we organize a Committee of the Whole and whom we invite to that meeting. The names of the four ministers in the motion were clearly spelled out, and at the time there was no discussion about the need for other ministers to be invited.

I am pleased that this amendment we just voted on was defeated, but again, perhaps not for the reasons you might think. I share many of Senator Fraser's sentiments in that the amendment that was proposed was impractical in many ways and would have caused, I think, unnecessary delays. It imposed what one might call a one-size-fits-all approach to this idea of Committee of the Whole. Setting aside two hours for some ministers might make sense but not for all the ministers that were included in the list of the amendment.

One area that I do agree with — and I think I speak on behalf of many of my colleagues in the Independent Senators Group because we had a chance to discuss this just down the aisle a few minutes ago — is that we do feel there is a need to hear from Minister Bennett, who is responsible, of course, for Crown-indigenous relations and northern affairs. Rather than move another amendment, I want to first give you my assurance, for what it's worth, that I will undertake in the context of a leaders' meeting when we get back, and even before, to press the Government Representative to make every effort to invite Minister Bennett to either join the meeting that we hope will

happen — now on February 6 — or at another time because I think there is a sentiment in this chamber that we need to hear from her as a Committee of the Whole.

As for the other ministers, I also agree with members of the Conservative caucus and others that we need to hear from some, maybe not all of them, and that we should make every effort to have them come to the committee that is studying this bill in detail.

Colleagues, I strongly encourage you to vote for this motion for Committee of the Whole. I cannot speak for the other leaders, but I suspect they will also share with me the interest and desire to press the Government Representative to hear from the Minister of Crown-Indigenous Relations and Northern Affairs at Committee of the Whole.

The Hon. the Speaker: It was moved by the Honourable Senator Harder, seconded by the Honourable Senator Bellemare, that without affecting the progress of any proceedings — may I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on the bell?

Some Hon. Senators: Now.

The Hon. the Speaker: Am I correct in assuming there is an agreement to vote now?

Some Hon. Senators: Now.

Some Hon. Senators: Fifteen minutes.

The Hon. the Speaker: Honourable senators will know that without leave it will be one hour. We require unanimous consent from senators for anything other than one hour. Is there an agreement for anything less than one hour?

Senator Plett: We’ll do 15 minutes.

The Hon. the Speaker: Fifteen minutes? Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 4:59 p.m. Call in the senators.

• (1700)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Bellemare	Lovelace Nicholas
Black	Marwah
Boniface	Massicotte
Bovey	McCallum
Brazeau	McCoy
Campbell	McPhedran
Cools	Mégie
Cordy	Mercer
Cormier	Mitchell
Coyle	Moncion
Dean	Munson
Duffy	Omidvar
Dyck	Pate
Eggleton	Petitclerc
Forest	Pratte
Fraser	Richards
Gagné	Ringuette
Gold	Sinclair
Greene	Tardif
Harder	Wallin
Hartling	Woo—43
Lankin	

NAYS THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	McIntyre
Batters	Mockler
Beyak	Neufeld
Boisvenu	Ngo
Carignan	Oh
Dagenais	Patterson
Doyle	Plett
Eaton	Poirier
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen

Maltais
Manning
Marshall
Martin

Tannas
Tkachuk
Unger
White—32

[English]

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—SEVENTH REPORT OF FISHERIES AND OCEANS
COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Housakos, for the adoption of the seventh report of the Standing Senate Committee on Fisheries and Oceans (*Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins), with amendments*), presented in the Senate on October 31, 2017.

Hon. Jim Munson: I would like to call the question on this bill.

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

Some Hon. Senators: Question.

Hon. Yonah Martin (Deputy Leader of the Opposition): Which one?

The Hon. the Speaker: It was moved by the Honourable Senator Manning, seconded by the Honourable Senator Housakos, that this report be adopted.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Dennis Glen Patterson: Your Honour, could we be told what bill this report involves, please?

Senator Munson: This is Bill S-203 dealing with the issue of former Senator Moore's bill on whale captivity.

Senator Plett: Absolutely not. Not a chance. We will be here all day tomorrow, now.

Senator Munson: Oh, good. Stick around, senator.

There were 17 committee meetings. This began with Bill S-203 on December 8, 2015 — two years ago. The committee report, with amendments, was reported back to the Senate on October 31. That was almost six weeks ago. The chair did speak to the amendments, and it has been two weeks since he spoke.

Since I believe, and I think all senators believe, that this is not a house of delay, it is a house of debate, I wish to call the question. Thank you.

Some Hon. Senators: Hear, hear!

Some Hon. Senators: Question.

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

ABSTENTIONS THE HONOURABLE SENATORS

Nil

ADJOURNMENT

NOTICE OF MOTION CONCERNING THIS FRIDAY'S SITTING WITHDRAWN

On Government Business, Motions, Order No. 155, by the Honourable Diane Bellemare:

That, notwithstanding rule 3-1(1), when the Senate adjourns today, it do stand adjourned until Friday, December 15, 2017, at 9:30 a.m.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(2), I ask that government Notice of Motion No. 155 be withdrawn.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(Notice of motion withdrawn.)

[Translation]

MOTION CONCERNING JANUARY 30, 2018, SITTING ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 13, 2017, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, January 30, 2018, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

Senator Plett: I would like to adjourn the debate.

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Poirier that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say “yea”.

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: One-hour bell. The vote will take place at 6:10.

Call in the senators.

• (1810)

Motion negatived on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Mockler
Batters	Neufeld
Beyak	Ngo
Boisvenu	Oh
Dagenais	Patterson
Eaton	Plett
Housakos	Seidman
MacDonald	Smith
Manning	Stewart Olsen
Marshall	Tannas
Martin	Tkachuk—25
McInnis	

NAYS THE HONOURABLE SENATORS

Bellemare	Marwah
Black	Massicotte
Boniface	McCallum
Bovey	McCoy
Campbell	McPhedran
Cools	Mégie
Cordy	Mercer
Cormier	Mitchell
Coyle	Moncion
Dean	Munson
Dyck	Omidvar
Eggleton	Pate
Forest	Petitclerc
Fraser	Pratte
Gagné	Richards
Greene	Ringuette
Harder	Sinclair
Hartling	Tardif
Lankin	Woo—39
Lovelace Nicholas	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, it is now past six o'clock, and pursuant to rule 3-3(1), unless there is agreement to not see the clock, I must leave the chair until eight o'clock, at which point the sitting will resume.

Is it agreed, honourable senators, not to see the clock?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Honourable senators, just to be perfectly clear, if we agree to see the clock, I must leave the chair and the sitting will be suspended until eight o'clock when it will resume.

Is it agreed we not see the clock? It requires unanimous consent.

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a “no.” I’m required to leave the chair. The sitting will be suspended until eight o'clock.

(The sitting of the Senate was suspended.)

• (2000)

(The sitting of the Senate was resumed.)

The Hon. the Speaker: Honourable senators, the sitting is resumed. We're resuming debate on the motion of the Honourable Senator Manning on Bill S-203.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Your Honour, with leave, I would move the adjournment of the debate.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(On motion of Senator Mercer, debate adjourned.)

FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Enverga, for the second reading of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Housakos, I believe this is at day 15.

Hon. Leo Housakos: I would like to take the adjournment in my name, with leave of the Senate.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(On motion of Senator Housakos, debate adjourned.)

[Translation]

OFFICIAL LANGUAGES

BUDGET—STUDY ON CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Official Languages (*Budget—study on Canadians' views about modernizing the Official Languages Act—power to hire staff and to travel*), presented in the Senate on December 14, 2017.

Hon. René Cormier moved the adoption of the report.

He said: Honourable senators, I move the adoption of the report on the budget request that will allow us to travel to Manitoba for the second part of the study by the Standing Senate Committee on Official Languages.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[English]

THE SENATE

MOTION TO URGE THE GOVERNMENT TO TAKE THE STEPS NECESSARY TO DE-ESCALATE TENSIONS AND RESTORE PEACE AND STABILITY IN THE SOUTH CHINA SEA— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Cowan:

That the Senate note with concern the escalating and hostile behaviour exhibited by the People's Republic of China in the South China Sea and consequently urge the Government of Canada to encourage all parties involved, and in particular the People's Republic of China, to:

- (a) recognize and uphold the rights of freedom of navigation and overflight as enshrined in customary international law and in the United Nations Convention on the Law of the Sea;
- (b) cease all activities that would complicate or escalate the disputes, such as the construction of artificial islands, land reclamation, and further militarization of the region;
- (c) abide by all previous multilateral efforts to resolve the disputes and commit to the successful implementation of a binding Code of Conduct in the South China Sea;

(d) commit to finding a peaceful and diplomatic solution to the disputes in line with the provisions of the UN Convention on the Law of the Sea and respect the settlements reached through international arbitration; and

(e) strengthen efforts to significantly reduce the environmental impacts of the disputes upon the fragile ecosystem of the South China Sea;

That the Senate also urge the Government of Canada to support its regional partners and allies and to take additional steps necessary to de-escalate tensions and restore the peace and stability of the region; and

That a message be sent to the House of Commons to acquaint it with the foregoing.

Hon. Elaine McCoy: Is this the right time to reply on this motion? Is this a substantive motion?

The Hon. the Speaker: If Senator Ngo speaks now, it will be a final reply and there will be no opportunity for other senators to speak. If other senators wish to speak, the proper thing to do now would be to move the adjournment.

Senator McCoy: I'll take the adjournment in my name.

The Hon. the Speaker: It was moved by the Honourable Senator McCoy, seconded by the Honourable Senator Dean, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on a bell?

It will be a one-hour bell. The vote will take place at 9:08.

Call in the senators.

• (2110)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Bellemare
Black
Boniface
Bovey
Campbell
Cools
Cordy
Cormier
Dean
Duffy
Eggleton
Forest
Fraser
Gagné
Harder
Hartling

Lankin
Marwah
McCallum
McCoy
Mégie
Mercer
Mitchell
Moncion
Munson
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Sinclair
Woo—32

NAYS THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Beyak
Boisvenu
Dagenais
Eaton
MacDonald
Marshall
Martin

Mockler
Neufeld
Ngo
Patterson
Plett
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk—20

ABSTENTION THE HONOURABLE SENATOR

Dyck—1

MOTION TO STRIKE SPECIAL COMMITTEE ON THE CHARITABLE SECTOR—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Fraser:

That a Special Committee on the Charitable Sector be appointed to examine the impact of federal and provincial laws and policies governing charities, nonprofit organizations, foundations, and other similar groups; and to examine the impact of the voluntary sector in Canada;

That the committee be composed of eight members, to be nominated by the Committee of Selection, and that four members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than September 28, 2018, and retain all powers necessary to publicize its findings until 60 days after the tabling of the final report.

MOTION IN MODIFICATION

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion so that it reads as follows:

That a Special Committee on the Charitable Sector be appointed to examine the impact of federal and provincial laws and policies governing charities, nonprofit organizations, foundations, and other similar groups; and to examine the impact of the voluntary sector in Canada;

That the committee be composed of nine members, to be nominated by the Committee of Selection, and that four members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than December 31, 2018, and retain all powers necessary to publicize its findings until 60 days after the tabling of the final report.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered. Resuming debate on the motion as modified. Senator Mercer.

Senator Mercer: Honourable senators, this amendment brings this motion in line with the motion that created the Special Committee on the Arctic in terms of the numbers of senators and quorum. It also extends the reporting time in order for the

committee to have a full and complete debate. I believe there is support for this amendment, and then to approve the amended motion so that we can get started on this study.

Every other day, it seems we hear news of declining donors, volunteers and the like. I believe it is time to lay everything on the table that has to be done and possibly that has not been done, and make recommendations for some action on this file. Too many Canadians rely on the works of charities, non-profits and volunteers for us to do less. Thank you, honourable senators.

Hon. Donald Neil Plett: Would Senator Mercer take a question?

Senator Mercer: Certainly.

Senator Plett: As whip of one of the caucuses, I have concerns about committee rooms, meeting times and so on. Have you given some thought as to when this committee would meet?

Senator Mercer: Yes, I have, Senator Plett. Looking at the schedule, I understand how difficult it is. I'm looking at Monday evenings, the actual hour to be determined by the committee itself, once the committee is formed. It certainly shouldn't be Monday afternoons to allow for people from Western Canada to be able to get here for Monday evenings. So that would be my point.

Senator Plett: Thank you, Senator Mercer, for clarifying that. Thank you for making the amendments that you and I discussed and that are in keeping with the amendments that were put forward on the Arctic Committee.

Colleagues, as I have said as the whip, there are always problems with meeting times and so on, but I want to say, after the amendments that Senator Mercer has put forward, I would encourage us to support this motion and support this committee, so that Senator Mercer can start doing some groundwork over the holidays before we get back to officially organize the committee.

[Translation]

Hon. Pierrette Ringuette: Honourable colleagues, given that the motion was amended, I need to reflect on that amendment. Accordingly, I move the adjournment of the debate in my name.

The Hon. the Speaker: It is moved by Honourable Senator Ringuette, seconded by the Honourable Senator Hartling, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

[English]

The Hon. the Speaker: All those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” were louder, but the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on the bell?

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 10:20. Call in the senators.

• (2220)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Bellemare	Hartling
Black	Lankin
Boniface	Marwah
Bovey	McCallum
Campbell	McCoy
Cools	Mégie
Cordy	Mitchell
Cormier	Moncion
Dean	Munson
Duffy	Omidvar
Dyck	Pate
Eggleton	Petitclerc
Forest	Pratte
Fraser	Ringuette
Gagné	Sinclair
Harder	Woo—32

NAYS THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Neufeld
Batters	Ngo
Beyak	Oh
Boisvenu	Patterson
Dagenais	Plett
Eaton	Seidman
MacDonald	Smith
Marshall	Tannas
Martin	Tkachuk—21
Mercer	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF NATIONAL SECURITY AND DEFENCE POLICIES,
PRACTICES, CIRCUMSTANCES AND CAPABILITIES

Hon. Gwen Boniface, pursuant to notice of December 12, 2017, moved:

That, notwithstanding the order of the Senate adopted on Tuesday, January 26, 2016, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on Canada's national security and defense policies, practices, circumstances and capabilities be extended from December 31, 2017, to December 31, 2018.

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?

Hon. Senators: Agreed.

(Motion agreed to.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF THE PRESENT STATE OF THE DOMESTIC AND
INTERNATIONAL FINANCIAL SYSTEM

Hon. Douglas Black, pursuant to notice of December 7, 2017, moved:

That, notwithstanding the order of the Senate adopted on January 27, 2016, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the present state of the domestic and international financial system be extended from December 31, 2017 to December 31, 2018.

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?

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF ISSUES CONCERNING VETERANS' AFFAIRS

Hon. Gwen Boniface, pursuant to notice of December 12, 2017, moved:

That, notwithstanding the order of the Senate adopted on Thursday, January 28, 2016, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on the services and benefits provided to members of the Canadian Forces; to veterans; to members and former members of the Royal Canadian Mounted Police and their families be extended from December 31, 2017, to December 31, 2018.

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?

Hon. Senators: Agreed.

(Motion agreed to.)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON THE STUDY OF THE REGULATORY AND TECHNICAL ISSUES
RELATED TO THE DEPLOYMENT OF CONNECTED AND
AUTOMATED VEHICLES

Hon. David Tkachuk, pursuant to notice of December 13, 2017, moved:

That the Standing Senate Committee on Transport and Communications be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the regulatory and technical issues related to the deployment of connected and automated vehicles between December 18, 2017, and January 29, 2018, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (2230)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING
TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY
GENERALLY

Hon. Art Eggleton, pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology, in accordance with rule 12-7(9), be authorized to examine and report on such issues as may arise from time to time relating to social affairs, science and technology generally, including:

- (a) cultural affairs and the arts, social and labour matters, health and welfare, pensions, housing, fitness and amateur sport, employment and immigration, consumer affairs, and youth affairs;
- (b) elements related to its mandate or to previous reports of the committee that are found in the ministerial mandates of the Minister of Canadian Heritage, the Minister of Employment, Workforce Development and Labour, the Minister of Families, Children and Social Development, the Minister of Health, the Minister of Immigration, Refugees and Citizenship, the Minister of Infrastructure and Communities, the Minister of Innovation, Science and Economic Development, the Minister of Science, and the Minister of Sports and Persons with Disabilities; and

That the committee report to the Senate no later than December 30, 2018.

He said: Honourable senators, we had a discussion in the Social Affairs Committee earlier today about studies that we would do. Any major study we do will require very specific terms of reference from the Senate. This motion is a general term of reference. Some committees already have these if we want to do a small study that might involve one to three meetings. That's what this motion is to help facilitate. This is all in accordance with the mandate of the committee and agreed to by all parties who were present at the Social Affairs Committee this morning.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

EXPRESSIONS OF GOOD WISHES FOR THE SEASON

The Hon. the Speaker: Honourable senators, before moving to the adjournment motion, I will, with leave of the Senate, call upon the leadership to say a few words of hopefully Christmas cheer.

Hon. Peter Harder (Government Representative in the Senate): Thank you, Your Honour. I was hoping you would say “brief words of Christmas cheer.”

Colleagues, this is the end of a long day, of a long week, of a relatively long session, so let me simply say a few words of thanks.

Thanks to those who aren't in the chamber — our staff, the security people, the translation staff, all of the people who contribute to the support on which we are able to rely on a daily basis to do our work.

Thank you to our personal staff, to the table officers, and I would be remiss if I didn't acknowledge the presence of our Acting Clerk and all of the table officers who have supported us in the last number of months.

Honourable senators, I'd also like to thank all of you, and in particular I would like to thank the leadership, with whom I've had the pleasure of working. This is a new leadership team in this season, from both the Leader of the Opposition, from the Leader of the Independent Liberals and the Facilitator of the Independent Senators Group, and it has been a pleasure, as we work together and get to know each other. But I also want to thank everybody in the Senate.

What I've come to realize, colleagues — look around. This is a small group of people. It's a privileged group, a privileged opportunity, and we have the obligation to get along even when we disagree. We've had that experience over the last number of days, hours, perhaps more than we would have wished. But my message is we are all here to serve Canada in our own expression of that, and let's appeal to our higher —

Some Hon. Senators: Hear, hear!

Senator Harder: Let's appeal to our higher instincts and reflect on that as we take a break. From the point of view of the Government Representative, we've achieved the government's business in this period, and I thank you for that, and I will go out of my way to make that point when asked about the pace and work of the Senate. I appreciate that we have been able to accomplish this because I do think we are here primarily, and first of all, to legislate the government's business, to prosecute, to debate, to criticize, to amend or otherwise accept the government's agenda, and we've done that for the most part. I accept and thank you all for that cooperation.

Over the next period of time we've got a number of bills that have arrived, that will arrive, that will test our willingness to listen to each other, and I hope we take the experience of this fall to commit ourselves and redouble our commitment to working together, listening to each other, and to doing the people's business that brings credit to the Senate. Thank you.

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour. It's hard to follow the words of Senator Harder because they were so eloquently stated. I'm very proud to be part of the Senate, amongst all the members. I'm very proud to be in a position to assist our Conservative caucus that was kind enough to appoint me as their leader, and I'm very proud of the fact that we have a solid group of people. It's important, as the

opposition, people say, “Well, you're there to oppose.” We are in opposition, but our job is to do the best evaluation of the laws that come before us so that we can provide the positive — and I say “positive” — but we can provide the feedback that's required to make legislation better. That's what I believe our role is, and I'm very proud of having a group that's so unified and stands together. Because when you're in leadership, very often, as you know, people can turn pretty quickly from one side to another if the team isn't meshed together, and we do have a good team.

I'm also very proud to work with the new group of independent senators, because we have a group of people who are highly qualified and we're in a situation, of course, where if you look at today's example, there was a lot of frustration amongst some of our members. But one thing I noticed in terms of the human dynamics is there's always a willingness to talk and there's always a willingness to try to compromise in terms of the feelings because the feelings can get quite heated. The only difference between this and playing professional football is that you have the same heated feelings and in a sport you have somebody who hits you. Thank goodness no one hits each other here.

I would like to commend everybody today, especially because it was the last day. I remember the last day in university was always that day when you wanted to get home and you wanted to get out of there after your final exams. I always get that same feeling here. It reminds me of being in university on that last day. But everybody acted in such a way that we got through it, we had our disagreements, but at the end of the day we made it work.

Going to what Senator Harder talked about, our job is to make Canada a better place, and I truly believe that each and every one of us —

[Translation]

Each and every one of us in the Senate has the obligation and the opportunity to make a difference and contribute to the betterment of our country, Canada.

[English]

We all have that opportunity. And as Senator Harder said, we have some big work in front of us. The legislation in front of us may be, for many of us, the most important legislation that we have in our careers in the Senate. I look forward to it.

[Translation]

I hope that you will all get some down time to spend with family and friends.

[English]

Have fun, be safe and we look forward to seeing all of you back in the Senate in the new year. Thank you.

Hon. Yuen Pau Woo: Thank you, Your Honour. I was saying to some colleagues that I haven't had the experience of sitting till midnight and I'm going to speak for an hour and 20 minutes so I can have that experience.

Senator Campbell: You'll never make it that long. You have five minutes and then you're gone.

Senator Woo: When people ask me what I enjoy most about this job, I tell them that it is the opportunity to be part of a group of senators representing all caucuses and parliamentary groups in modernizing and improving the effectiveness, building on the strengths and the values and the credibility of the Senate so that it becomes an institution that is even more beneficial for the people of Canada. I say to my friends and relatives and colleagues that this is an opportunity that very few people have in a lifetime, and we have it here, colleagues, in our lifetime, and we have the opportunity to work together to provide a change, to reform this Senate beyond any change and any reform that has been contemplated in 150 years. That is an enormous privilege that we have and one which certainly drives me to relish every day of my work here in Ottawa.

• (2240)

I want to add my thanks to those that have already been offered by Senator Harder and Senator Smith, first and foremost to the staff and all the personnel of the Senate and of the Parliamentary Precinct. On an evening like this, when we're sitting so late, I'm particularly mindful of the support staff up in the balcony, downstairs in the reception and in this chamber, who are not able to go back to their families as early as they would have wanted to or thought that they would. I salute them and thank them for their dedicated service.

I want to thank my colleagues in the Independent Senators Group for the trust they've put in me and in Senator Saint-Germain as the deputy facilitator, for their solidarity and for their commitment to our collective mission of making the Senate a better place, a more independent chamber. It is much appreciated.

I want to thank colleagues in all the other groups as well for, first and foremost, the collegiality you've shown me personally, the advice you've given me and the corrections sometimes when I've made mistakes — and I've made quite a few of them. It's deeply appreciated.

Finally, I want to thank especially the leaders, who have accepted me in their group, the newbie. They have been patient with me and have listened to my ideas and suggestions, even if they've been unconventional. They've been a very big reason why I think my first few months as facilitator have been so pleasant.

Let me now take the opportunity to wish all of you very happy holidays. I hope you get the rest that you deserve, that we all deserve. Stay safe and spend time with your loved ones. I look forward to seeing all of you when we return at the end of January.

Some Hon. Senators: Hear, hear!

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable colleagues, this is a very special time of the year, a special time for families. I think of your families as we leave here tonight that will have the pleasure of having you home for an extended period of time. Enjoy that, because when you come back, of course, we've got a lot of work to do.

I also want to thank the people around this place. I want to thank the security people who protect us and protect these facilities. I want to thank the translators who have a difficult time of interpreting what I have to say into the other language. I want to thank the reporters who diligently sit here every day. I want to thank the people who clean this place and keep it neat and tidy for us. I want to thank the staff in the cafeterias in all the various buildings on the Parliamentary Precinct. I want to thank the staff of all of your offices who have been so kind to me as I've called on them or sought them out for various things. I want to thank the management at the table, and I particularly want to thank the acting clerk for a job well done. It looks really good on your resumé.

Some Hon. Senators: Hear, hear!

Senator Mercer: I want to thank all the new senators who have arrived. I want you to learn a whole bunch of things. I told some new senators earlier this week, don't jump at things. Take your time. Learn the ropes. I have a saying about this place. It's when you know where all the washrooms are that it's time to leave. I've been around here for 14 years and I discovered a new washroom last week, so I'm getting closer to the end.

I'd like to thank everyone. I particularly want to thank the Speaker for his kindness and patience in managing the debate in here. I also want to thank my colleagues in the other groups, in the Independent Senators Group and in the Conservative caucus and the other independents in the place.

Importantly for me, I want to thank the members of the independent Liberal caucus, my colleagues. We have hung together as a group for a few years in what has been undoubtedly very difficult times for us. When all of us came here, this isn't where the plan was going for us. We've managed to survive it and we've managed, I think, to do a darn good job. I'm proud to sit at this seat as the deputy leader of this gang of people. It's my pleasure to do that, and I want to thank everyone for that. I also want to finish by saying —

[Translation]

Merry Christmas and Happy New Year!

[English]

The Hon. the Speaker: Honourable senators, if I may be allowed before we adjourn and return to our families and friends, to extend my very best wishes to all of my colleagues, to our very dedicated, hard-working staff — not just in our offices but all the staff throughout our whole Senate family.

[Translation]

Many thanks also to our pages. We wish you the best of luck on your exams.

Hon. Senators: Hear, hear!

[*Translation*]

[*English*]

Happy holidays!

The Hon. the Speaker: Colleagues, may you, all your friends and families have a very safe, happy and well-deserved restful season.

(At 10:46 p.m., the Senate was continued until Tuesday, January 30, 2018, at 2 p.m.)
