



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, February 15, 2017

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Wednesday, February 15, 2017

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

Prayers.

### SENATORS' STATEMENTS

#### BLACK HISTORY MONTH

**Hon. Wanda Thomas Bernard:** Honourable senators, I rise today to celebrate and acknowledge this wonderful month of February as Black History Month, or African Heritage Month as it is known in Nova Scotia. I would also like to remind everyone that 2017 is year three of the United Nations Decade for People of African Descent, with the theme: recognition, justice and development.

In commemoration of Black History Month, I was recently asked as a Canadian of African descent what it meant to be a senator. My response was that my presence in the Senate signals great hope, especially to Canadians of African descent. As I reflect on my life and the lives of many African Canadians before and around me, I am reminded that we stand on the shoulders of many ancestors who fought for their rights in this country — the very rights that many of us enjoy today.

African Heritage Month in Canada can be traced to 1926, when Black historian Carter G. Woodson founded Negro History Week. February was chosen because it was the birthdays of Frederick Douglass and Abraham Lincoln, who were both key figures in the emancipation of enslaved Black Americans.

The Nova Scotian theme of Passing the Torch... African Nova Scotians and the Next 150 Years resonates with me as this theme honours past and present legacies of African Nova Scotians while looking forward to the future.

The Honourable Senator Donald Oliver, the first Black man appointed to the Senate, was very instrumental in the permanent recognition of Black History Month in Canada. I recently had lunch with Senator Oliver, which was a passing of the torch occasion for me.

Honourable colleagues, I ask that we celebrate Black History Month or African Heritage Month not just in February but all year round. We must strive and champion causes affecting African Canadians so that we continue to positively impact our communities across Canada. When we do away with systemic racism and discrimination and offer opportunities to all, we build a stronger Canada. Thank you.

#### OCEAN RANGER DISASTER

##### THIRTY-FIFTH ANNIVERSARY

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, I rise today to commemorate the sinking of the *Ocean Ranger*, 35 years ago today off the coast of Newfoundland, and to remember the 84 men who perished that terrible night.

In the second half of the 20th century, when it was clear that the fishery could no longer be Newfoundland and Labrador's economic base, the province's attention turned to oil. The search for oil reserves off Canada's East Coast began in the 1960s and was well in progress by the 1970s. In 1979, oil was found in the Hibernia field.

In 1982, the *Ocean Ranger* was described as the world's largest semi-submersible oil rig. It was approved for unrestricted ocean operations and designed to withstand extremely harsh conditions at sea.

On February 14, 1982, the *Ocean Ranger* was drilling in the Hibernia oil field when at 8 a.m. the rig received a weather report stating that a strong winter storm was forecast to pass over its location later that day and into the night. The *Ocean Ranger* continued to drill until around 4:30 p.m., when it disconnected its drill pipe and retracted it for safety. By 7 p.m. the storm was well under way. There was no indication of trouble at 11:30 p.m. when the *Ocean Ranger* still transmitted its regular weather report.

At 52 minutes past midnight on February 15, a mayday call was sent from the *Ocean Ranger*. Helicopters were alerted and standby vessels were dispatched to provide assistance.

At 1:30 a.m. the *Ocean Ranger* transmitted its last message: "There will be no further radio communications from the *Ocean Ranger*. We are going to lifeboats."

Shortly thereafter, the crew abandoned the platform. The platform remained afloat for another 90 minutes, sinking just after 3 a.m. All of the *Ocean Ranger* sank beneath the North Atlantic. Her entire crew of 84 men perished.

Over the next week, only 22 bodies were recovered from the North Atlantic. Autopsies indicated that those men had died as a result of drowning while in a hypothermic state.

All Newfoundlanders and Labradorians struggled to cope with the loss. In every community in the province people gathered to find comfort. Thousands of Newfoundlanders from all walks of life, at home and abroad, continue to be deeply affected by this tragedy.

Honourable senators, Newfoundland and Labrador is no stranger to the tragedies of the North Atlantic. Please join me in remembering the sinking of the *Ocean Ranger* and the 84 men who lost their lives 35 years ago today.

#### BLACK HISTORY MONTH

**Hon. Terry M. Mercer:** Honourable senators, Canada is a diverse country that embraces many ethnic peoples. This month, February, is Black History Month, a dedicated time when Canadians applaud the contributions made specifically by African Canadians.

In December 1995, the House of Commons officially recognized February as Black History Month following a motion introduced by the Honourable Jean Augustine, an old

friend of mine and the first African-Canadian woman to be elected to the House of Commons and the first to serve in the federal cabinet.

• (1410)

In February 2008, our colleague former Senator Donald Oliver introduced a motion to officially recognize contributions of Black Canadians and February as Black History Month. It was unanimously adopted that March.

Honourable senators, from the early settlers to the Loyalists who came during the American Revolution, among many others, African-Nova Scotians are one of the largest groups of African-Canadians in the country. African-Nova Scotians, both past and present, have made quite an impact on Nova Scotia and indeed Canada: Mayann Francis, the first African-Nova Scotian and the second woman to serve as Lieutenant Governor of Nova Scotia; Donald Oliver, the first African-Canadian man to be appointed to the Senate; indeed, Senator Cools is the first African-Canadian person and woman to be appointed to this chamber; George Elliott Clarke, our Parliamentary Poet Laureate; the late Daurene Lewis, the first African-Canadian woman mayor and the first African-Nova Scotian woman to run in a provincial election; the late Graham Downey, the first African-Nova Scotian alderman, councillor and deputy mayor of the City of Halifax; the late Portia White, renowned opera singer and aunt of former Senator Oliver, and the great-aunt of our poet laureate, George Elliott Clarke; the late Reverend William A. White, the first African-Canadian officer in the British Empire and also the father of Portia White; and the late Viola Desmond, the African-Nova Scotian businesswoman who challenged racial segregation, who will finally be recognized and be the first woman to be featured on a Canadian banknote.

Honourable senators, we have here amongst us another first for Nova Scotia. In October, the Prime Minister announced the appointment of Dr. Wanda Thomas Bernard to this chamber. A recipient of the Nova Scotia Human Rights Award, the Order of Nova Scotia and the Order of Canada, Dr. Bernard is the first African-Canadian to hold a tenure track position at Dalhousie University and to be promoted to full professor.

**Hon. Senators:** Hear, hear!

**Senator Mercer:** I am proud to welcome her and, of course, all new senators to the Senate.

During Black History Month, we remember the sacrifices and contributions made by African-Canadians. We applaud the impact of those who are doing so much now to make this country a better place.

We also encourage and look forward to the next generation of African-Canadian leaders, who will no doubt continue that proud history of contributing to a better tomorrow.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Lesley Hogg, Clerk and Chief Executive of the Northern Ireland Assembly of the United Kingdom and Northern Ireland.

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

**Hon. Senators:** Hear, hear!

#### SERBIA

##### STATEHOOD DAY

**Hon. Larry W. Campbell:** Honourable senators, I rise today to pay tribute to the Canadians of Serbian descent on the anniversary of the Statehood Day of Serbia, the country of their origins. It is a day that plays an important role in Serbian heritage, as it commemorates the Serbian struggle for statehood, sovereignty, integrity and democracy. Today, modern Serbia is 214 years old.

A sizeable Serbian community lives in Canada today, and it is now successfully integrated into the Canadian way of life, giving a considerable contribution to the establishment of Canadian society and at the same time contributing to the development of the relationships between our two countries.

Today, our countries enjoy a stable and productive relationship based on strong people-to-people relations and extensive social ties, shared commitment to international peace and stability and a healthy economic relationship based on investment.

Serbia, Canada's great ally during both world wars, is a dynamic, democratic society firmly engaged on its path to a full European Union membership and undivided commitment to democracy, respect for human rights and the rule of law.

Last year, our two countries marked the 75th anniversary of the establishment of diplomatic relations between Ottawa and Belgrade during the visit of the First Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Serbia, His Excellency Ivica Dacic to Ottawa.

Today, I invite all honourable senators to join me in congratulating Serbia for its Statehood Day.

#### BLACK HISTORY MONTH

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about Black History Month.

During Black History Month, we recognize the history and the contributions of people of African descent to Canada. Too often in Canadian history, we forget to bring the stories, lessons, struggles and accomplishments of Canadian minorities. Black History Month allows to us highlight this history.

Yesterday, Senator Meredith, Senator Mégie and I co-hosted an evening on Parliament Hill in celebration of Black History Month. I would like to thank Senator Meredith and Senator Mégie for their work to promote contributions of people of African descent and showcasing them on the Hill. I would also like to thank Senator Meredith's staff, Nicole Waldron, Raul

Romero and Dwain Rattray, for the exceptional work they did in organizing the evening. Your hard work allowed for us to truly showcase our community. Finally, I would like to thank Senator Dean, Senator Dupuis, Senator Saint-Germain and Senator Wetston for their support. The events of the night truly captured the spirit of Black History Month. Kathy Jacob and Sarah Onoyo provided us with thoughtful words and the context and history and teaching us as they introduced each person who took the stage.

Last night, we were also able to hear from Senator Cools. I would like to recognize Senator Cools this year and her very long list of contributions to our country, including being the first Black senator, being an innovative social worker and ally, a leader in the fight against domestic violence and a mentor and adviser to students. Senator Cools, your experience is the Canadian experience and the Canadian story, and we truly benefit from having your voice here in this chamber. Senator Cools, thank you for your dedication and for your example.

Honourable senators, we were also able to enjoy music from local musicians, including Reverend R.J. McEwan and Ian Forts, both of whom showed us their beautiful creative talent and made our spirits soar through the music.

Finally, the night concluded with the words of Minister Ahmed Hussen, who congratulated us on how much we have accomplished and how much we still have to do.

Honourable senators, Canada, our home, flourishes as its entire people feel they are included. It is our responsibility as protectors of minorities in Canada to go forward from this month and every day to include and recognize our fellow Canadians.

Yesterday, as we celebrated Black History Month and remembered the lessons, struggles and accomplishments of the past, we were all also very proud to call Canada our home.

[*Translation*]

## ROUTINE PROCEEDINGS

### FOREIGN AFFAIRS

#### REGULATIONS AMENDING THE SPECIAL ECONOMIC MEASURES (UKRAINE) REGULATIONS TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, a copy of Regulations Amending the Special Economic Measures (Ukraine) Regulations, pursuant to the Special Economic Measures Act. This document was tabled in the House of Commons on December 5, 2016, but because of a delivery error, I am tabling it in the Senate now.

[ Senator Jaffer ]

[*English*]

## THE SENATE

### NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON FEBRUARY 28, 2017

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, February 28, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

• (1420)

[*Translation*]

## ADJOURNMENT

### NOTICE OF MOTION

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

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 28, 2017 at 2 p.m.

[*English*]

### RECOGNITION OF CHARLOTTETOWN AS THE BIRTHPLACE OF CONFEDERATION BILL

#### FIRST READING

**Hon. Diane Griffin** introduced Bill S-236, An Act to recognize Charlottetown as the birthplace of Confederation.

(Bill read first time.)

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

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

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CURRENT AND EMERGING ISSUES RELATING TO THE BANKING SECTOR AND MONETARY POLICY IN THE UNITED STATES

**Hon. David Tkachuk:** 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 study and report on current and emerging issues regarding:

- (a) the regulation of the banking sector in the United States, including in the context of the *Dodd-Frank Wall Street Reform and Consumer Protection Act* (the Dodd-Frank Act);
- (b) monetary policy in the United States, including expected increases in the target range for the federal funds rate;
- (c) bilateral economic relations between Canada and the United States that affect each country's commerce;
- (d) the manner in which changes in these economic relations and regulatory measures, and monetary policy in the United States might affect Canada's economy and financial sector; and

That the committee submit its final report to the Senate no later than June 30, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY WITH CLERK DURING ADJOURNMENT OF THE SENATE.

**Hon. Richard Neufeld:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the transition

to a lower carbon economy, between March 7 and March 9, 2017, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

[*Translation*]

### NATIONAL FINANCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE DESIGN AND DELIVERY OF THE FEDERAL GOVERNMENT'S MULTI-BILLION DOLLAR INFRASTRUCTURE FUNDING PROGRAM WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Larry W. Smith:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between February 27 and March 10, 2017, a report relating to its study on infrastructure, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

## QUESTION PERIOD

### FINANCE

#### FINANCIAL INFORMATION

**Hon. Claude Carignan (Leader of the Opposition):** My question is for the Leader of the Government in the Senate. It is about the long-term economic and fiscal projections provided by the Minister of Finance, Bill Morneau. We recently learned that the Minister of Finance was deliberately hiding important financial information from Parliament and Canadians when he delivered his November economic update. Two days before Christmas, the Department of Finance discreetly posted on its website an update to the government's long-term economic and fiscal projections, but as it turns out, the minister had those numbers almost two and a half months earlier, on October 12, 2016.

Leader of the Government, the minister's mandate letter, which is signed by the Prime Minister, states the following:

We have also committed to set a higher bar for openness and transparency in government. It is time to shine more light on government to ensure it remains focused on the people it serves. Government and its information should be open by default.

Could the Leader of the Government explain to the honourable senators and all Canadians why the Minister of Finance kept this information secret for so long?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I want to assure the honourable senator and all senators that the transparency the Prime Minister has asked of his ministers extends even to the Minister of Finance.

The Minister of Finance has made public his projections at a time of extreme volatility in the economic market. He has engaged in broad public consultations in advance of a budget, which I would anticipate will be forthcoming in the reasonably near future. That will give another opportunity for the minister to update all Canadians, including the Senate and the House of Commons, on the government's economic forecast.

[Translation]

**Senator Carignan:** Leader of the Government, you have not answered my question. However, I had already realized that this is a question period and not an answer period.

I will nonetheless ask you another question. The projections indicate that the federal budget will not be balanced before 2055. However, during the election campaign, the Liberals promised to balance the budget in 2019. According to the government's own data, a child born today will not see a balanced budget before he or she turns 38. When this child turns 14 in 2031, the federal debt will in all likelihood surpass the \$1 billion mark.

From the outset, this government has shown that it is a master at spending. The Finance department's report is a brutal reminder for all Canadians of the actual situation and the government's philosophy. The Prime Minister has said that the budget will balance itself and this report proves that he is wrong.

Why should Canadians have confidence in the Liberal government's economic management when it is hiding information from them?

[English]

**Senator Harder:** Again, I thank the honourable senator for his question, and I appreciate the sympathy he has for my answers given that he was in the same position of having Question Period before me.

I do appreciate the question, and I want to assure all senators that the Minister of Finance is working diligently to bring together his next budget, which will give an opportunity for these issues to be debated publicly and on the floor of this chamber and elsewhere.

I do think it's important to point out the significant achievements over the last year with respect to economic performance even though the global economy has been challenged, and, of course, it wouldn't go amiss to celebrate the passage of the CETA in Europe as another example of economic opportunity that this government has been able to conclude with this agreement, and hopefully with early ratification in this chamber, to demonstrate that economic growth, and Canadian economic growth in particular, comes from agreements such as this.

## INFRASTRUCTURE AND COMMUNITIES

### INFRASTRUCTURE PROJECTS

**Hon. Elizabeth (Beth) Marshall:** Leader, my question also relates to disclosure of financial information. Last week, when the Minister of Indigenous Affairs was here, I asked her about the disclosure of the infrastructure projects that had been approved by her department. There are 31 agencies and departments that have infrastructure projects.

Infrastructure Canada discloses theirs. Minister Bennett has made a commitment for her department.

When will the government publicly disclose the infrastructure projects for the other 29 departments and agencies?

**Hon. Peter Harder (Government Representative in the Senate):** I would be happy to find out and report to the honourable senator.

• (1430)

## PUBLIC SAFETY

### RCMP—COLLECTIVE BARGAINING

**Hon. Daniel Lang:** Honourable senators, my question is to the government leader.

Last October 25, 2016, Senator Carignan inquired about the status of Bill C-7, the legislation that would provide for the collective bargaining rights of members of the RCMP.

Minister Goodale stated in response to the question:

I expect to be meeting once again with the President of the Treasury Board in the next short while to determine the exact nature of our response to the recommendations that the Senate has put forward.

Six months have passed since that commitment was made to meet with your colleagues. Today, the media is reporting that RCMP members are being denied basic rights to engage in discussions about authorization of their private time and are being denied access to opportunities for such discussions within the workplace when they are on their off-hours.

Those allegations reported today were brought forward to our committee a week ago by representatives of the various associations.

My question is: Would the Leader of the Government tell us if he condones the intimidation of the RCMP members who are seeking to exercise their Charter rights, as affirmed by the Supreme Court, to obtain representation for the purpose of meaningful collective bargaining, and what will he do about this deplorable situation that has been facing the members for quite some time?

**Hon. Peter Harder (Government Representative in the Senate):** I will be happy to bring the concerns of the honourable senator to the attention of the minister responsible.



I want to take this time to assure the honourable senator, and all senators, that I would expect the ministers responsible for Bill C-7 to be bringing forward their response to the bill that is now before the cabinet.

**Senator Lang:** That was going to be my follow-up question to the honourable Leader of the Government.

In view of the obvious numerous reports of harassment within the RCMP, I would like to know what specific consultations have and are taking place within the RCMP with the rank and file and the membership of the RCMP. Most importantly, when will Bill C-7 come back for debate both in the House of Commons and here?

It has been over six months. It has been eight months since the passage of that bill when we amended it. We were told in no uncertain terms by the Supreme Court that there was urgency to that bill, that we only had a very short time frame to deal with that bill. Yet eight months have now passed since its passage.

I ask the government leader: Why has the government allowed this time to pass on such an important issue, such as the RCMP?

**Senator Harder:** Again, I want to repeat my commitment that I undertook in October, and repeated a few minutes ago. I expect the government would be coming forward with its response to the bill as presented by this chamber to the other side in the very near future.

The government has undertaken, as you would expect, appropriate deliberations in response to the Senate amendments and will be making its determination public soon.

## NATIONAL REVENUE

### CANADA REVENUE AGENCY—TAX GAP

**Hon. Percy E. Downe:** Senator Harder, as you are probably aware, the Conference Board of Canada released a public document yesterday indicating that the tax gap, the amount of uncollected taxes in Canada, could be as high as \$47 billion. Think of what the government could do with that money, the programs it could fund, deficits that would disappear. Still, we have the Canada Revenue Agency refusing to follow the example set by the Prime Minister on transparency, openness and evidence-based decision making. Nothing is more evidence-based decision making than estimating the tax gap, the difference between what the Canada Revenue Agency collects and what they should be collecting.

The second part of measuring the tax gap, as you know, is that it recognizes the efficiency of the revenue agency. Countries around the world do it, including the United States, the United Kingdom, and the list goes on. Still, the Canada Revenue Agency refuses to give the information that the Parliamentary Budget Officer requested from them. Five or six years ago, I asked then-PBO Kevin Page for the information. He requested it from the agency. It was not personal information about individuals, but overall statistics, and he indicated he could estimate the tax gap and tell Canadians what it is.

Still today the Canada Revenue Agency refuses. When will the government force the Canada Revenue Agency to follow the Prime Minister's instructions and be transparent and open?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question.

I had the opportunity to meet with the minister this morning, and amongst the issues I raised, in anticipation that at some point that you would ask this question, was indeed the question you've just raised. I urged the minister to respond in a more public fashion to the concerns that you have raised.

## JUSTICE

### JUDICIAL APPOINTMENT PROCESS— COURT DELAYS

**Hon. Paul E. McIntyre:** Honourable senators, my question is for the Government Representative in the Senate.

*The Globe and Mail* reports today that following the Supreme Court's *Jordan* decision last year, over 800 motions to stay charges have been brought forward across the country due to delays in getting cases to trial.

As a result of the *Jordan* decision, we have already seen cases dismissed involving serious charges. In the last weeks in Ottawa, two cases involving alleged child abuse were dismissed due to court delays. As a matter of fact, as of February 1, there were 60 judicial vacancies across our country waiting to be filled.

When will the Minister of Justice fill those vacancies as legal experts, victims and their families and even the Supreme Court itself have been demanding for months?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I want to make two points and they were made by the Minister of Justice when she appeared here during Question Period.

One, of course, is that the effectiveness of the criminal justice system is a priority for the minister. She has raised the issue of delays with her federal, provincial and territorial counterparts in various meetings, including as recently as last fall when they had their regular, most recent meeting. With respect to appointments, you will know there have been a series of appointments made since the minister was here and I would anticipate that those appointments of judges would continue to be announced in the near future.

**Senator McIntyre:** In speaking with the Minister of Justice, could you also undertake to find out how many cases have been delayed because of these vacancies, and also what are the additional costs being borne by the province's legal aid programs?

**Senator Harder:** I will.

[Translation]

PAROLE—COMPLAINTS FROM VICTIMS  
OF CRIME

**Hon. Pierre-Hugues Boisvenu:** February 24 marks the second anniversary of the Canadian Victims Bill of Rights, considered by the families of murdered and missing individuals, and by victims of crime, as a historic event in Canada's legal history.

I have two questions for the Leader of the Government in the Senate, concerning the Department of Justice, the Parole Board of Canada, and the Canadian prison system. Could the government provide us with the number of complaints filed by victims of crime through the complaints process of each of these three entities? Next, could the leader of the government tell us how many complaints were dismissed and why?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question and for his ongoing activism in this important area, and I would be happy to inquire of the minister with respect to the questions he has asked.

ENVIRONMENT

CLIMATE CHANGE COMMITMENTS

**Hon. Richard Neufeld:** Honourable senators, my question is to the Leader of the Government in the Senate.

During the election campaign, the Liberal Party promised that it would provide national leadership and join with the provinces and territories to take action on climate change, put a price on carbon and reduce carbon pollution, and that it would work together to establish national emissions reduction targets. These targets have been set: Canada needs to reduce its greenhouse gas emissions by 30 per cent below 2005 levels by 2030. That translates into eliminating 219 million tonnes of emissions from our economy.

• (1440)

Is the Trudeau government still committed to meeting its climate change commitments and meeting its 2030 GHG target, or is this another promise it intends to break just like the backtracking of its promise to have a new electoral system by the next federal election?

**Hon. Peter Harder (Government Representative in the Senate):** I want to assure the senator and all senators that the government remains committed to the view that action on climate change is not antithetical to economic growth; that they are part of the same challenge we face as a country of transitioning our economy to a lower carbon-based economy and one in which sustainable growth is achievable.

That continues to be the basis on which the ministers responsible are engaging their provincial counterparts. The premiers in the first minister's meetings have now not only

embraced the approach but are working diligently to fulfill the commitments made.

**Senator Neufeld:** Leader, as I'm sure you're aware, the Standing Senate Committee on Energy, the Environment and Natural Resources is currently studying the effects of transitioning to a low carbon economy. I would like to draw your attention to the testimony of a witness, Mr. Eddy Isaacs of the Council of Canadian Academics, an organization created and funded by the federal government. Created in 2005, the council undertakes independent, evidence-based, expert panel assessments to inform public policy development in Canada.

When asked if we can meet the federal government's 2030 greenhouse gas emission reductions target without totally destroying our economy, Mr. Isaacs said flatly, "No." This assessment has been echoed by many other subject matter experts who have appeared before our committee. This smells like it could be another broken promise.

Mr. Leader, when will the government acknowledge what the experts are saying? When will the government face the music and realize that these targets are simply too ambitious and meeting them would destroy our economy?

**Senator Harder:** Again, I thank the honourable senator for his question, and I look forward to reading the final report of the Senate committee on this matter, as I'm sure the government itself is.

Having ambition is not something that the government is shying away from at all. This is an important subject, one that all Canadians are seized of and one that the government needs all orders of government to align with. The stakeholders who are involved in the carbon economy and the decarbonization of the economy need to be growing in the same direction. That is the objective of the work that is under way by the responsible ministers.

PUBLIC SAFETY

PAROLE OF INDERJIT SINGH REYAT

**Hon. Ratna Omidvar:** This is a bit traumatic for someone who is from my community. Today, we read that the only person ever convicted of the most serious crime of terrorism against Canadians, the only person who was ever convicted of killing 329 people on Air India flight 182, was released. I am a believer in our justice system. I believe if you've done your time, that's fine. I believe if the National Parole Board says you are ready to be released in the community, I have to accept that.

I want to be assured, though, that he will be properly supervised and accounted for in his movements. I need to tell you, this is a wound that breaks open every time you hear about that.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. It's an important one both with respect to the specific case that she raises and more generally with regard to the appropriate role for the Parole Board

to make its decisions and for society as a whole to deal with parolees and persons who are being reintegrated back into society.

While I'm hesitant to talk about a specific case, I want to assure all senators and Canadians that the Parole Board's independent decision making is what has happened here. It's a process that is highly deliberative, with all of the appropriate considerations being made. All of the guarantees of reintegration and supervision that are appropriate are in place.

## JUSTICE

### BILL C-16

**Hon. Frances Lankin:** To the Government Representative, I've been sitting here thinking about Senator Lang's question and about what I think is an unreasonable delay in bringing that bill forward and determining whether the amendments from the Senate will be accepted. It has me thinking about unreasonable delays.

You spoke in this chamber about Bill C-16, the predecessor bills and the length of time this is taking. I know myself, having taken over from Senator Nancy Ruth the sponsorship of "O Canada," the number of years it has taken for this bill has come forward and out of committee. Bill C-16 twice has not reached a vote in the Senate.

I think about private members' bills. One is a government bill and one is a private member's bill. I think about the conversations we've had about honourable senators' bills that couldn't get to committee.

Bill C-16 is a bill that is ready to go to committee. It's a government bill and the government has to decide how we get it to committee. I realize I'm putting you on the spot, but you have spoken passionately about this. A number of us in this chamber want to hear people come forward, examine and testify to the bill. It feels like we're being prohibited from that. So I ask: What steps can we take, or can we expect any steps?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. In my comments yesterday, I sought to express my sense of undue delay on advancing Bill C-16. As I've come to learn, there are procedures that are unique to the government in bringing forward time allocation or closure on matters. As I said yesterday, my preference would be not to, but for the Senate itself to acknowledge that our regard for sober second thought doesn't mean undue delay. We have a right and an obligation to debate and deliberate, but also to decide.

In the case of Bill C-16, a bill that was tabled in November in its most recent iteration, not to advance it to committee is dilatory. I would engage in conversations both in the chamber now and outside the chamber on how and in what framework the best actions could be taken to advance this bill appropriately.

My interest in advancing it is not to avoid discussion, debate and difference but to ensure that difference is actually before the chamber. Then a bill is advanced to hear from witnesses, and then

the committee does report back. Then we are again engaged in a deliberative process.

I would hope that we have within our hearts the willingness to move this bill either in a traditional way or otherwise.

I would also think that this is an opportunity — not necessarily Bill C-16, but generally with bills — to do some experimentation. We had a program in motion with respect to Bill C-14 that I think all sides would acknowledge was an effective way of having the Senate debate an issue and also to ensure that we debated, deliberated and decided in a fashion that was both transparent and respectful of different perspectives.

Perhaps there are bills coming where one could expect that we could have a similar approach, not to stifle debate but to channel debate in a more thoughtful and deliberative fashion.

I am open to all these suggestions and have had some discussions with leaders. I would like to have more broadly based discussions with all senators so that we can do our job and show Canadians that we are doing our job effectively, deliberately and thoughtfully and are also able to reach decisions.

**Senator Lankin:** Thank you. I appreciate you raising Bill C-14, because it was on my mind as well.

• (1450)

I am personally not in favour of using hammers if there are other means forward, and I think that's what you've just said. I think that time allocation closure motions, even in situations where we have denied adjournment because of frustration out of feeling that it wasn't about people having time to bring forward their views but about people stopping the progress of a bill, it doesn't sit well in terms of how we operate. An alternative means would be better.

One of the special things about the debate on Bill C-14 was that after second reading, much testimony was heard at committee and amendments were moved, some accepted, some defeated. But people were allowed to bring those amendments forward in an orderly way, discuss them, give full airing to them and have a discussion about a major public policy issue. I see Bill C-16 in that manner. I know there are very polarized views and we should have an orderly way to progress through that.

To me it would make sense, obviously, to get the bill to committee, maybe without having that kind of process, but it means engaging the other leaders and getting agreement from the groups that would facilitate getting it to committee.

I'm going to ask you if you would engage the other leaders one more time on this and report back to this chamber on how this bill can move forward. If there is no agreement, report that back too.

**Senator Harder:** I would be happy to do so. I do that on a regular basis, as recently as yesterday, and I would be happy to report back as appropriate.

I share the honourable senator's view, but I would add one technical point. On Bill C-14, it was after first reading, so it included how we would manage second reading. But nonetheless,

the whole notion of having a motion that would guide the Senate's deliberation on a particular bill is one that served us well, and I don't see why it shouldn't be used as an opportunity to have some experimentation on bills that come before us.

**Hon. Donald Neil Plett:** I have a supplementary to the question about Bill C-16. Leader, have you spoken to your whip? Have you spoken to the sponsor of this bill? Are you aware that we have been negotiating a timeline for speaking on Bill C-16?

I clearly identified that to our caucus in our caucus, and I'm surprised to hear this. I was surprised yesterday in your speech that you voiced frustrations about delays on this bill.

I am working very aggressively and diligently on a bill, albeit a private member's bill, that has been in this chamber since April, and I'm hoping that we're going to get to clause-by-clause consideration. I have explained to your whip and the sponsor of this bill the dilemma I have and that I need to get a few things done, and I assured him of when this would be done.

For people to sit here and look across when they are suggesting that this bill is being delayed — it has not been delayed by me. As a matter of fact, there was debate on this bill yesterday and there was debate on this bill last week, so I'm not sure where this bill has been delayed. As long as debate is continuing, surely we don't want to cut that off.

Leader, before you say that someone or even insinuate that someone is delaying things, I think you should look back to your whip and ask him whether or not we agreed to a certain timeline.

**Senator Harder:** I will take it from the intervention of the honourable senator that he looks forward to an early disposition of the bill.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Leader of the Government in the Senate, you seem to be saying that the bill has been delayed. Could you explain, then, why you did not talk about Bill C-16 until yesterday?

[English]

**Senator Harder:** As the senator will know, I have raised the pace of legislation with him and with other leaders on a regular basis. I continue to do that and will do that in the future.

What I do know from the sense of this chamber is that there is a high desire to get on with things.

[Translation]

**Senator Carignan:** Leader of the Government in the Senate, you did not answer my question. Why did you wait until yesterday to speak to Bill C-16?

[English]

**Senator Harder:** I think that this bill and all bills deserve appropriate deliberation and decision.

[ Senator Harder ]

## POINT OF ORDER

### SPEAKER'S RULING RESERVED

**Hon. Donald Neil Plett:** Honourable senators, I am rising today on a point of order. Yesterday in this chamber, a senator in her maiden speech, her first speech in the Senate, accused me of bigotry, a charge that is so incredibly insulting, offensive and, of course, inaccurate that I struggle with even dignifying the comments with a response.

This was done yesterday, of course, Your Honour, and I wasn't in the chamber yesterday, so this would be my first opportunity to rise on this issue.

I do want to make it abundantly clear, Your Honour, that I have never made comments of a bigoted nature in this chamber, and I will never do so. To attribute such a serious charge as bigotry to the phrase "these people" is preposterous, and I will read what I said so that we are all clear. This was in reference to Senator Wetston's speech last week. I had a question, and the question was this:

Thank you, senator, for allowing this question. You spoke at the end of your very eloquent speech about gender diversity and gender parity, ethnic parity. In light of that, have you given consideration to what Bill C-16 is going to do as far as gender diversity and expression? When you talk about gender parity, and there is a male who identifies as a female, or a male who identifies as no gender, or an ethnicity that identifies as no ethnicity, where do we put these people in the realm of gender parity?

When proponents of the legislation I was asking about said, "These people have waited long enough," or "These people deserve equal protection under the law," I trust that the senator would not insinuate that those comments were of a bigoted nature. They have waited long enough, and these people have rights under the law.

I have been in this chamber for eight years. I have disagreed with many senators throughout that time. Debate and respectful discourse is quite literally the nature of our responsibilities as senators.

Colleagues, this is not about me. This is about this chamber and the comments that were disparaging to this chamber.

Many of us were here when we debated Bill C-14, the assisted suicide bill. I said, in my last speech on assisted suicide that in my years in the Senate, this was the most respectful debate that we had had in this chamber. We had passionate views on that issue. I wanted no assisted suicide. To me, this bill went too far. Senator Joyal didn't think the bill was open enough and he wanted it more open, and we debated that. I have the highest regard for Senator Joyal. I do not believe he would call me bigoted for anything that I said in those debates, nor anyone else here.

We debated passionately because of how we felt; our values were being talked about — my values and yours.

While I welcome Senator McPhedran to this chamber as a colleague from Manitoba, along with my other Manitoba colleagues, I have not had the opportunity to personally meet

her, and that is certainly my fault, and I apologize for that. I should have reached out and welcomed her. Apparently she said yesterday that she knew me. Well, I'm sorry; I will get to know her, I'm sure. But nevertheless, when I know her or not, these comments were out of line.

I would like to kindly remind the senator and all of us that this type of discourse — personal attacks — is not how we do things in this chamber. Personal attacks have a lasting impact. We cannot put the genie back in the bottle. Hansard is a public document in which our grandchildren — yours and mine — and future generations will have the opportunity to read about the important work we have done in this chamber, work that I am sure we are all proud of.

- (1500)

On a personal note, it bothers me tremendously that my grandchildren and my great grandchildren will read that I was accused of bigotry on the chamber floor.

I will not ask for a personal apology because not only are solicited apologies insincere but an apology is not owed to me. It is owed to this chamber.

Senator McPhedran disrespected the chamber with her unparliamentary language and should withdraw her comments forthwith.

Your Honour, pursuant to Rule 6-13:

All personal, sharp or taxing speeches are unparliamentary and are out of order.

Accusing someone of bigotry is a personal attack of the highest order, and, as such, Your Honour, it is my assertion that these comments in fact were out of order.

**Some Hon. Senators:** Hear, hear.

**Hon. Joan Fraser:** There are good reasons why our Rules — Rule 6-13(1) — provide that all personal, sharp or taxing speeches are unparliamentary or out of order, as we have just seen that the climate created when people believe that they have been personally and unfairly attacked does not help in our deliberations.

I do not believe that Senator McPhedran actually intended this to be a personal, sharp or unduly taxing speech. I mean, some taxing rhetoric is common in political debates, but I do not believe she intended to go over the line here.

Her words, if I may quote her, were:

... Senator Plett referred to “these people” or “those people,” and, to my ears, I heard “othering.” Othering can be understood as an indicator of bigotry. Colleagues, bigotry does not strengthen an inclusive democracy.

She did not say that Senator Plett was a bigot. She suggested that his language could be woundingly interpreted. In turn, I think we have seen very clearly that her language has been, so to

speak, woundingly interpreted, but I do believe that we need to accord some latitude, in particular, to maiden speeches, to people who are new to this chamber, and give them the benefit of assumption that their intentions are honourable and parliamentary.

My acquaintance with Senator McPhedran, although we first met many years ago, is, in fact, more recent, but I have never had any reason to believe that she was the kind of parliamentarian who would launch wilfully and knowingly unparliamentary attacks.

Rule 6-13 says that “A senator who has used unparliamentary words and who does not explain or retract them or offer an apology acceptable to the Senate shall be disciplined as the Senate may determine.” In other words, it is perfectly possible for a senator who is found to have used unparliamentary words, even if the intention was not unparliamentary, to make an apology, and the Senate can then accept that apology or not, as the case may be.

We all have sympathy with a senator who feels that he or she has been unduly attacked. In the heat of debates, sometimes it has happened to many of us. I do not think that this matter rises, however, to the level of a Point of Order. If Your Honour suggests that it does, I have suggested a remedy.

**Hon. Leo Housakos:** Colleagues, I think we're not questioning the intent of the senator in this particular instance. I think what Senator Plett is questioning is the result of it. I think that, clearly, the language was unparliamentary, and I will, of course, allow the Speaker to rule on that. I have to weigh in, as a former Speaker, and remind all colleagues that the most unparliamentary act that was conducted here yesterday was referring to a senator who wasn't present in the chamber.

That in itself, as we all know, is the biggest breach of the parliamentary basic rules and principles we have in this chamber. We don't refer to a colleague when that colleague particularly isn't present.

**Hon. Marilou McPhedran:** Your Honour, thank you for this opportunity. I'm very sorry to hear that Senator Plett feels that I called him a bigot. I did not. My comment was addressed to a practice that can slip into many a debate, either here or elsewhere, of othering, and the damage that can happen when that becomes a practice. I've reviewed both the language that Senator Plett used last week that I referred to and some of the other comments of some other senators who have expressed concerns about transgender rights, such as impact on their ability to use a bathroom, impact on their ability to express themselves.

When I said that — and I do appreciate the observation from Senator Fraser — I wanted to be very clear that it was as much tone as it was word. To my ears, I heard othering.

I then went on to indicate that it “can be” — I did not say that it “was” in this instance — an indicator of bigotry. And that, in a very general statement, was what I intended.

Then I went on to say that bigotry does not belong in an inclusive constitutional democracy.

Again, my intention was a general statement. What I was trying to do was to bring my own perspective as a human rights specialist, wanting to respect individual senators and the debate but also wanting to make a general observation about language that can slip into a damaging territory, perhaps not even with intent.

Senator Plett, actually, we have met. We have met on more than one occasion. What I would like to say to you, though, senator-to-senator, is that I do regret the experience that you've had from my words, and I hope that the clarification that I'm offering as to the general nature of my comment will be helpful in reducing the hurt that you've expressed.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Your Honour, yesterday, I made the error of referring to a senator who was not in the chamber. As Deputy Leader, when I rose to make note of what I had heard and how it appeared to me, the end of Senator McPhedran's speech was just very unsettling.

I had wanted to rise on a Point of Order during her speech, but, out of respect, I remained seated only because, on the item that was called, which was the Throne Speech, when Senator McPhedran began, very eloquently, in her speech and then as she began to talk about Bill C-16, which we had previously adjourned because it is an item that is currently on the Order Paper, it seemed out of reach of what she was speaking about at the time within the item of the Throne Speech.

• (1510)

I'm very sensitive to language, as we all are, but on a personal level, as someone of ethnicity, with a very closeknit community that at times can be quite ethnocentric, married to a Caucasian male who has been, on occasion, confronted about his cultural sensitivity, and yet sometimes reverse racism or reverse prejudice has occurred.

I am very sensitive to the fact that we are all, especially as senators, held to the highest standard of decorum and parliamentary behaviour, and what we say in this chamber is permanent; it is recorded. At the end of the senator's speech what was left was a very unsettling feeling, because what I heard was an unfair use of combined words that implied an attack which the senator has explained was not intended, but that's how it was perceived. I rose at the end of it to put that on record.

I rise and stand with Senator Plett on his point of order today, as he expressed in his response, that what he read had taken place in this chamber was unparliamentary. I encourage this chamber to stand with Senator Plett and encourage our new members to think about their words and how impeccable we must be. Those words should be withdrawn from our record because the combination of those words was an unfair characterization of an honourable member of our chamber who has been passionate and fair. We don't always agree, but I respect everyone in this chamber to have those differences of opinion.

I urge you, Your Honour, to consider this point of order and rule in favour of our colleague, Senator Plett.

**Hon. André Pratte:** As much as I very often disagree with Senator Plett on many things, including on Bill C16, and I'm anxious to hear Senator Plett to understand why he disagrees with

Bill C16, I feel the need to say that I have absolutely no reason to think that he is what he was described as being in the Senate yesterday.

I'm not an expert. In fact, I'm a newbie in procedure. So, Your Honour, I would not pretend to tell you whether or not this is a valid point of order. Even though there was subtlety in the words, I certainly perceived this as unparliamentary language. I know that if I had been the target of those words, I would have felt very unsettled and profoundly insulted. I understand Senator Plett's feelings today.

**Hon. Elaine McCoy:** Thank you, Your Honour. Let me say, first, that from a procedural point of view, frankly I do not believe this is a point of order. I think it goes beyond the procedural matter. What is obvious to all of us, as we sit here, is the power of language, and the power of language is in how we hear it.

Senator Martin just told us an example of her listening to words, and she had taken a perception from words that were spoken yesterday. Senator Pratte said he took a perception from words that were said. Senator McPhedran took a perception from words that were said last week. I'm sure she went back and checked the record, as Senator Plett did. Senator Plett has also taken that perception.

It's very true that the rule about unparliamentary language is there for a reason. We are not here to cast aspersions upon the character of one another. We are here to reinforce the respect that an honourable senator should be given. We are here to have a competition of ideas, and that competition, we hope, is vigorous and wellbased.

What I would hope we can do is use this as a learning experience and move forward. If the senator wishes to withdraw comments that were made yesterday, that would be a very generous gesture. But I do receive her explanation as to her intent as a gesture from the heart, and if we go forward I would invite all of us to back away from the abyss, if I can say that, and to take this as a moment to remind us, as we are debating several bills in the next few weeks that are very important and are going to touch our hearts as well as our brains, of how we will deal with one another in a way that gives us full scrutiny and exploration of legislation with the hope to improve it for the betterment of all Canadians.

**Senator Fraser:** Two quick points, Your Honour. There are various ways to handle matters when we believe that we have been wronged. When I had not been here very long, I was literally reduced to a flood of tears in this chamber by a personal attack from a member of the opposite side which was, believe me, completely unfounded. After I was able to dry my eyes, I did not raise a point of order; I wrote her a letter. And that seemed to be the end of that.

On a small point, for the record, in this matter of referring to senators who are not in the chamber, it is my understanding that it is a practice, a tradition that we not refer to the absence of someone who is not in the chamber, but we may refer to that senator's words, speeches or acts. What happened yesterday was that Senator McPhedran referred to a speech by a senator, then Senator Martin referred to the fact that that senator was not in the chamber.

I don't propose to raise a point of order for her. You'd probably throw it out. I just wanted new senators, in particular, to get that distinction straight.

**Hon. Daniel Lang:** Colleagues, I've been listening to the debate. We had better cut to the chase here. I think Senator Pratte said it very well. It's very easy to watch a senator being attacked personally and to sit here and rationalize why another senator would do this.

Quite frankly, what's happened is totally unacceptable. I would ask, as a senator, to my new friend, Senator McPhedran, to stand up in her place and withdraw her remarks.

**Senator McPhedran:** Let me just say that the general point I was making about othering can stand without reference to any individual senator, that the language that is othering can be understood as an indicator of bigotry, and bigotry has no place in an inclusive democracy. I'm certainly prepared, given what I've heard from Senator Plett, to ask if any reference to Senator Plett could be removed that would be the first two sentences and leave a general statement about language that is othering.

I hope that that will be experienced as sufficient to make it clear that there is no evidence in the words that I spoke yesterday that I called Senator Plett a bigot. I did not. May I suggest that by removing any reference to Senator Plett and leaving the point I was trying to make about the power of language and about the way in which we can even unintentionally use language in a very damaging and negative way, it could be left without any reference whatsoever to Senator Plett.

• (1520)

**The Hon. the Speaker:** I believe I've heard enough, Senator Lang.

I want to thank all senators for their input into what is a very important issue that has been raised. I will take the point of order under advisement. I will review the transcripts of today and yesterday. I assure senators that I will render a decision in due course.

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## ORDERS OF THE DAY

### THE ESTIMATES, 2016-17

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (C)— MOTION IN MODIFICATION

On Motion No. 66 by the Honourable Senator Bellemare:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2017.

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 510(1), I ask leave of the Senate to modify the motion by adding the following:

That the committee be authorized to meet for the purposes of its study of the expenditures set out in Supplementary Estimates (C), even though the Senate may then be sitting, with the application of rule 1218(1) being suspended in relation thereto.

**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, as modified?

**Hon. Senators:** Agreed.

(Motion agreed to, as modified.)

### NATIONAL STRATEGY FOR SAFE AND ENVIRONMENTALLY SOUND DISPOSAL OF LAMPS CONTAINING MERCURY BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Jane Cordy** moved second reading of Bill C-238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury.

She said: Honourable senators, I am pleased to rise today in support of Bill C238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury. For clarity, when this bill mentions lamps, it is referring to energy efficient light bulbs and fluorescent tubes containing mercury. I use the terms interchangeably in my speech today.

With support from the Liberal, Conservative, Green and NDP members in the other place, Bill C238 is before us today.

I would also like to acknowledge my member of Parliament, Darren Fisher, who introduced this bill in the other place. Prior to his election in 2015 for the riding of Dartmouth-Cole Harbour, Mr. Fisher served on the Halifax Regional Council and was a member of the city's Environment & Sustainability Standing Committee. As a member of this committee, Mr. Fisher was motivated to address the issue of mercury contamination after visiting an innovative recycling facility in Dartmouth that safely breaks down and recycles every part of a lamp that contains mercury.

As a member of Parliament, he was fortunate enough to have the opportunity to introduce the bill we have before us today. This bill will lead to measures being taken to divert the majority of lamps containing mercury from ever entering our landfills.

Bill C238 calls upon the Minister of Environment and Climate Change, in cooperation with the provinces and territories as well as other vested stakeholders, to develop a national strategy for the safe and environmentally sound disposal of lamps containing mercury. This national strategy will identify best practices for the safe disposal of these products and will establish guidelines for

facilities that will process these products at the end of their life cycle. It is also essential that the strategy include an outreach component to bridge the knowledge gap of the public so that Canadians become more aware of the hazards of these products.

The bill also requires the environment minister to table the national strategy in Parliament within two years of the act receiving Royal Assent. Finally, the bill will require the minister to follow up with regular reporting to Parliament every five years on the effectiveness of the national strategy.

Honourable senators, mercury is a powerful neurotoxin and is appropriately listed as a toxic substance under the Canadian Environmental Protection Act. Particularly susceptible to the effects of mercury exposure are pregnant or nursing mothers and their developing children. Mercury can cause delays in walking and talking, lack of coordination, blindness and seizures. In adults, extreme exposure can lead to health effects such as personality changes, tremors, changes in vision, deafness, loss of muscle coordination and sensation, memory loss, intellectual impairment and even death.

Mercury is a common element that is found naturally in the environment. However, historically, consumer waste and industry byproducts are the major contributors of dangerous levels of mercury released into our ecosystem and food chain.

The health issues related to mercury contamination have become a major global issue and have led Canada, along with 137 other nations, to sign the Minamata Convention on Mercury in 2013. The Minamata Convention on Mercury, signed by the previous Conservative government, is a global treaty which strives to protect both human health and the environment from the adverse effects of mercury. Controlling the releases of mercury throughout its life cycle has been a key factor in shaping the obligations under the convention.

Bill C238 deals specifically with the development of a national strategy for the proper disposal of mercury contained in fluorescent tube lights and energy efficient light bulbs. The bill calls on the Minister of Environment and Climate Change to develop a national strategy through engaging her provincial, territorial and municipal counterparts. The development and implementation of a national strategy will be a shared responsibility between all jurisdictions.

Honourable senators, according to a 2014 Statistics Canada survey, 50 per cent of urban households disposed of their mercury-containing light bulbs in the garbage. Many of these lamps ended up in landfills where the mercury was easily released into the environment. Of course, we know that the farther from urban areas you are, the fewer opportunities there are for proper disposal and recycling of those products.

• (1530)

As this bill pertains specifically to the safe disposal of lamps containing mercury, I must point out that nearly 98 per cent of the materials in the lamps, including mercury, can be recycled. Since becoming sponsor of this bill, I learned that one of only a few facilities in Canada equipped to recycle these products is located in Dartmouth, Nova Scotia. DanX Recycling Limited was founded in 2009 by Dave Hall and Dana Emmerson to provide a

service to recycle all mercury-containing lamps, thermostats and other mercury containing devices. It is Nova Scotia's first mercury lamp recycling facility. The mercury-containing lamps are sent through a state of the art processing plant that separates the phosphorus powder, aluminum endcaps and glass for reuse in other applications.

Honourable senators, there are similar facilities in Alberta, Quebec, Ontario and British Columbia.

I believe that a successful national strategy would create room for this green industry to grow, providing job opportunities across Canada.

The Province of British Columbia has established a nation leading outreach program called LightRecycle. Over 12.5 million lighting products have been diverted from British Columbia landfills since 2010 through this program. In 2010, about 10 per cent of British Columbia's mercury lighting was safely disposed of through this program. However, in 2013, that number skyrocketed to 74 per cent. LightRecycle clearly illustrates that a successful model already exists.

Honourable senators, even though recycling facilities will be essential to any national strategy, an "if you built it, they will come" strategy will not work on its own. The national strategy must include public outreach initiatives.

The program in British Columbia illustrates this point clearly. When the public became more aware of the LightRecycle program, the uptake in participation increased significantly. Between 2009 and 2012, the Canadian government, through Environment and Climate Change Canada, committed to developing and implementing national extended producer responsibility regulations. These regulations require manufacturers and importers to implement programs to collect and manage light bulbs containing mercury at their end of life.

In the end, however, the government did not follow through on this commitment. Bill C238 aims to foster a productive partnership with the provinces and territories to move forward on the commitment made by the previous government.

Since 2009, all provinces have committed to implementing a Canadawide action plan on extended producer responsibility and now have in place the necessary authorities to implement plans to divert mercury light bulbs from landfills and to increase capabilities to recycle such products. Four provinces British Columbia, Manitoba, Quebec and Prince Edward Island have extended producer responsibility regulations in place, while Ontario has a voluntary industry led takeback program for these lamps.

The territories and Northern Canada face unique challenges and obstacles when it comes to hazardous waste management, and I'm certain they will provide excellent insight during a national dialogue.

Aside from consulting with provincial, territorial and municipal counterparts, Bill C238 would require the minister to engage environmental groups, indigenous groups, industry and other groups identified as stakeholders in the development of safe and responsible management of lamp products containing mercury.



The minister's role will be to facilitate dialogue, to identify gaps and to identify best practices to develop a made in Canada, panCanadian strategy.

Of course, an essential aspect of a national strategy plan must include an awareness campaign. Canadians should understand the importance of proper disposal of mercury light bulbs. They should also know how and where they can safely dispose of mercury products.

The national strategy will not be a "set it and forget it" solution, as the bill calls upon the minister to provide followup reporting to assure the national strategy is maintaining best practices and is identifying and addressing deficiencies. The bill requires the Minister of the Environment to table a review report on the effectiveness of the national plan every five years after the tabling of the plan in Parliament.

Honourable senators, there have been commitments from every province on this issue to implement a panCanadian plan to divert mercury from our landfills, and every province has established the necessary authorities to implement such a plan. As I mentioned earlier, Quebec, British Columbia, Manitoba and Prince Edward Island have already established extended producer responsibility regulations, and Ontario promotes an industry led initiative.

It is time to have all the provinces and territories working together on this initiative. A national strategy will ensure that lamps containing mercury are diverted from landfills and incinerators, and are disposed of safely in an environmentally responsible way.

Canada has been and continues to be a strong supporter and advocate for the controlling and phasing out of mercury products internationally. It is time to lead here at home as well and to work with our provincial and territorial partners.

Honourable senators, I look forward to further study of this bill in the chamber and at committee.

(On motion of Senator Martin, debate adjourned.)

## SENATE MODERNIZATION

### SECOND REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wells, seconded by the Honourable Senator Enverga for the adoption of the second report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Omnibus Bills)*, presented in the Senate on October 4, 2016.

**Hon. Vernon White:** Honourable senators, this item is currently adjourned in Senator Bellemare's name for the balance of her time. I intend to move an amendment, but I ask that she retain the balance of her time. Once the amendment has been dealt with, then we're back on the motion for the adoption of the report.

I wish to propose an amendment to the second report of the Special Senate Committee on Senate Modernization entitled *Senate Modernization: Moving Forward (Omnibus Bills)*. Language in this report states that the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to develop a process. It is very unusual for the Senate to direct a committee to do specific things, and this amendment will make sure this is not seen as a precedent.

Last week, we heard from the chair of the committee, the Honourable Senator Fraser, voicing her concern on this question.

### MOTION IN AMENDMENT

**Hon. Vernon White:** Therefore, honourable senators, I move:

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

1. by replacing the words "the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to develop a process" by the words "the Standing Committee on Rules, Procedures and the Rights of Parliament develop and propose to the Senate a process for inclusion"; and
2. by replacing the words "

That when" by the words ", including provisions to ensure that when".

Thank you.

**The Hon. the Speaker:** In amendment, it was moved by the Honourable Senator White, seconded by the Honourable Senator Dagenais, that the report be not now adopted but that it be amended shall I dispense?

**Hon. Senators:** Dispense.

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

**Some Hon. Senators:** No.

**Hon. Elaine McCoy:** I have not had an opportunity to see the amendment, and I could barely hear the Honourable Senator White. I'm sure he had something profound to say, but I was unable to hear him, so I now need a moment to consider the amendment that is being put forward.

**The Hon. the Speaker:** Are you moving the adjournment, Senator McCoy?

**Senator McCoy:** No.

**Hon. Joan Fraser:** If Senator McCoy really does only need a moment, perhaps I could inform the chamber that I believe this amendment is in order, in conformity with Senate traditions and is desirable.

As senators may recall, the problem, in my view, is that it is not desirable for the Senate to fall into the habit of directing committees to do in fine detail X, Y and Z. We all have the Modernization Committee's report. The Rules Committee has already begun consideration of those reports, and has indeed presented to the Senate a couple of its own reports that are the direct result of the Modernization Committee's reports.

• (1540)

I'm not trying to suggest that, in any way, one wishes to delay, block and obstruct progress on this file, but I do think it is desirable, in a Parliamentary sense, to avoid, except in cases of strict urgency, a requirement that the Senate direct a committee to do something. Refer to the matter to the committee, set a deadline, if you will, for the committee to report back but I would prefer us to avoid, when possible, that formulation of directing a committee to do something.

**Senator McCoy:** I have now read the proposed amendment. I understand it is this very subtle but nice distinction in the wording as to how we send our requests to the Rules Committee. I agree with this 100 per cent.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion in amendment agreed to.)

**The Hon. the Speaker:** The report as amended will stand adjourned in the name of Senator Bellemare.

(On motion of Senator Bellemare, debate adjourned.)

FIFTH REPORT OF SPECIAL COMMITTEE—MOTION IN AMENDMENT NEGATIVED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Ringuette, for the adoption of the fifth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Caucus)*, presented in the Senate on October 4, 2016.

And on the motion in amendment of the Honourable Senator Tannas, seconded by the Honourable Senator Plett:

That the fifth report of the Special Senate Committee on Senate Modernization be not now adopted, but that it be amended:

(a) by replacing the words “That the Senate direct the Committee on Rules, Procedures and the Rights of Parliament and the Committee on Internal Economy, Budgets and Administration to draft amendments to the *Rules of the Senate* and the *Senate Administrative Rules* by 30 November 2016 respecting the following:” in the third paragraph with the following:

“That the Clerk of the Senate and the Law Clerk and Parliamentary Counsel be instructed to prepare and recommend draft amendments to the *Rules of the Senate* and the *Senate Administrative Rules* respecting the following, respectively, to the Standing Committee on Rules, Procedures and the Rights of Parliament and the Standing Committee on Internal Economy, Budgets and Administration, respectively, and that each Standing Committee examine and consider the draft amendments and report to the Senate:”; and

(b) by replacing the fourth paragraph, starting with the words “That the Senate direct the Committee on Internal”, with the following:

“That the Law Clerk and Parliamentary Counsel be instructed to prepare and recommend to the Standing Committee on Internal Economy, Budgets and Administration draft amendments to the *Senate Administrative Rules* to provide all groups (caucuses) of senators with funding for a secretariat and research projects, regardless of whether the groups (caucuses) are organized with or without political affiliation, and that the Standing Committee examine and consider the draft amendments and report to the Senate.”.

**Hon. Pierrette Ringuette:** Honourable senators, I do wish to speak.

[Translation]

I understand that we have to stop at 4 p.m. today. First, I would like to remind honourable senators of Senator McInnis's inspiring speech, which sought to encourage this chamber to continue working, without delay, on the recommendations that we already have before us.

With regard to the fifth report, members of the special committee made four specific recommendations on two different topics. Most importantly, when the report was tabled on October 4, 2016, it recommended that the Internal Economy Committee and the Rules Committee share their recommendations on how to modernize the Rules with the Senate by November 30, 2016, in order to comply with the recommendations of the Senate Committee on Modernization. I think that is completely reasonable. At the November 26 sitting, I indicated that this report required the two committees in question to report to the Senate by November 30, 2016. No one responded, and no one reacted. Since I am not a member of the committee and the submission of these recommendations is extremely important for the modernization of our institution, I was very disappointed.

Last week, Senator Tannas proposed an amendment that I and those I consulted believe makes major changes to how the Internal Economy Committee and the Rules Committee make

recommendations to the Senate. First, Senator Tannas' amendment removes the deadline by which these two committees must make their recommendations to the Senate. I have a real problem with the amendment that Senator Tannas proposed last week because the committees are four months late in meeting the initial deadline set out in the report.

The other problem I see relates to the fact that the Senate committees are responsible for carrying out the work, based on their areas of expertise, and for ensuring that this amendment tasks the Clerk of the Senate and the Law Clerk of the Senate to make changes to the Rules. The result is that the committee is then confined to the changes proposed by these two Senate officers. The committee would therefore only be able to accept or reject what is presented to it by these officers of our institution. This is the first time in 14 years that I have seen this sort of measure. I have sat on the Rules Committee over the past few weeks, and I am very proud of that. In my opinion, this committee has an enormous amount of work to do over the next few months, but it is well positioned to accomplish it.

For the reasons that I mentioned, the deadline by which the committees must report to the Senate so that it can continue its work on modernization was removed. This was done through Senator Tannas' amendment, which gives a directive not to the committees in question, but to officers of this institution, meaning that these officers can simply say to the Rules Committee and the Internal Economy Committee, "Here are our proposals, just say yes or no." There is very little flexibility or leeway for senators who sit on those committees.

I had an excellent discussion with Senator Tannas. He understands the arguments that I have just made and he told me that that was not what he had intended. After hearing Senator McInnis's speech, he wanted to make sure that the Senate moved forward with these documents, which were tabled about five months ago. Honourable senators, given the arguments that I have just made, I propose that we put the question on the amendment put forward by Senator Tannas.

[English]

**The Hon. the Speaker:** Are senators ready for the question on the amendment proposed by Senator Martin?

**Hon. Senators:** Question.

• (1550)

**The Hon. the Speaker:** It was moved by the Honourable Senator Tannas, seconded by the Honourable Senator Plett, that the fifth report of the Special Senate Committee on Senate Modernization be not now adopted but that it be amended —

May I dispense?

**Hon. Senators:** Dispense.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** Oh, oh.

**The Hon. the Speaker:** Let me explain to the chamber so we all know what we're voting on. Senator Tannas has moved an amendment to the fifth report. Senator Ringuette spoke to that amendment and is asking for the question to be called on Senator Tannas's amendment. Are senators ready for the question?

**Hon. Senators:** Question.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I take that as a no. The amendment is defeated. Senator Ringuette.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Sorry, Your Honour. So Senator Tannas's amendment, is gone?

**The Hon. the Speaker:** Senator Tannas's amendment has been defeated. We're resuming debate on the motion of the fifth report.

**Senator Ringuette:** Thank you, honourable colleagues, for agreeing with the arguments that I have put forth with regard to the necessity for this institution to move on and for both the Rules Committee and the Internal Economy Committee to be able to do their jobs

#### MOTION IN AMENDMENT

**Hon. Pierrette Ringuette:** Therefore, honourable senators, I move the following amendment:

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

1. by replacing the paragraph starting with the words "That the Senate direct the Committee on Rules" by the following:

"That the Senate direct the Standing Committee on Rules, Procedures and the Rights of Parliament and the Standing Committee on Internal Economy, Budgets and Administration to draft amendments to the Rules of the Senate and the Senate Administrative Rules, and to report thereon to the Senate by May 9, 2017, respecting the following:"; and

2. by replacing the paragraph starting with the words "That the Senate direct the Committee on Internal" by the following:

"That the Senate direct the Standing Committee on Internal Economy, Budgets and Administration to prepare amendments to the Senate Administrative

Rules, and to report thereon to the Senate by May 9, 2017, to provide all groups (caucuses) of senators with funding for a secretariat and research projects, regardless of whether the caucuses are organized with or without political affiliations.”

I would like the opportunity to briefly say that this amendment does two things.

**The Hon. the Speaker:** Senator Ringuette, we’ll move the motion in amendment first, and then you can enter into debate.

It was moved by the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy, that it not now be adopted but that it be amended —

May I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Speaker:** On debate, Senator Ringuette.

**Senator Ringuette:** Essentially — and I will be very brief — the intent of this amendment is to do two things, to bring back the wording of the Modernization Committee with regard to this report to its original words and to provide a timeline for both Internal Economy and Rules to report to the Senate accordingly, on May 9.

(On motion of Senator Martin, debate adjourned.)

SEVENTH REPORT OF SPECIAL COMMITTEE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Moore for the adoption of the seventh report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Regional interest)*, presented in the Senate on October 18, 2016.

**Hon. Vernon White:** Honourable senators, this item is currently adjourned in Senator Plett’s name for the balance of his time. I intend to move an amendment but would ask that he retain the balance of his time once the amendment has been dealt with and we’re back on the motion for the adoption of the report.

Honourable senators, I wish to propose an amendment to the seventh report (interim) of the Special Senate Committee on Senate Modernization, entitled, *Senate Modernization: Moving Forward (Regional Interest)*.

As explained with the amendment brought forward for the second report, the language in this report states that the Senate direct the Senate Committee on Rules, Procedures and the Rights of Parliament to consider and recommend. Again, it is very unusual for the Senate to direct a committee to do specific things, and this amendment will ensure that it is not seen as a precedent.

[ Senator Ringuette ]

MOTION IN AMENDMENT

**Hon. Vernon White:** Therefore, honourable senators, I move the following amendment to adjust that language:

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

1. by replacing the words “the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to consider and recommend” by the words “the Standing Committee on Rules, Procedures and the Rights of Parliament develop and propose to the Senate”; and
2. by replacing the paragraph relating to the Standing Committee on Internal Economy, Budgets and Administration by the following:

“That the Standing Committee on Internal Economy, Budgets and Administration develop and propose to the Senate processes to ensure that sufficient funds are available for committees to travel to all regions of the country when studying bills with potential regional impacts or when considering issues with potential regional impacts where significant or important.”

**The Hon. the Speaker:** In amendment, it was moved by the Honourable Senator White, seconded by the Honourable Senator Patterson, that the report be not now adopted but that it be amended:

(1) by replacing the words — May I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Speaker:** Senator White, on debate.

**Senator White:** Question.

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

**Some Hon. Senators:** No.

**An Hon. Senator:** We need to read the amendment.

**The Hon. the Speaker:** The amendment is being distributed.

**Hon. Joan Fraser:** May I ask a question of Senator White?

**Senator White:** Yes.

**Senator Fraser:** Am I to understand, Senator White, that this is, so to speak, the mirror image of the amendment that we adopted that you proposed just a few minutes ago, in other words, that it just removes the reference to the Senate “directing” committees to do things?

**Senator White:** Thank you very much for the question. That's correct. We are attempting, again, to ensure that the Senate is not seen as directing the specific activity but, rather, directing the overall activity of the committee, in this case rules in relation to regional travel.

It's similar to the previous amendment that was brought forward.

**Senator Fraser:** A point of clarification, Your Honour. Senator Ringuette had proposed amendments to the same elements of this report, although I still don't have the actual text of everything in front of me, but, procedurally, what happens now? We have two amendments before us?

**The Hon. the Speaker:** Senator Fraser, this is an amendment to the seventh report.

**Senator Fraser:** Oh, saints preserve us. Numbers were never my strong suit, Your Honour.

**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 in amendment?

**Hon. Senators:** Agreed.

(Motion in amendment agreed to.)

**The Hon. the Speaker:** Resuming debate on the motion for the adoption of the seventh report. I believe, honourable senators, consent was already given that it remain adjourned in the name of Senator Plett.

(On motion of Senator Plett, debate adjourned.)

(The Senate adjourned until Thursday, February 16, 2017, at 1:30 p.m.)

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