



DEBATES OF THE SENATE

1st SESSION



43rd PARLIAMENT



VOLUME 151



NUMBER 3

OFFICIAL REPORT
(HANSARD)

Wednesday, December 11, 2019

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

THE SENATE

Wednesday, December 11, 2019

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

Prayers.

[Translation]

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I received a notice from the Government Representative in the Senate who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Serge Joyal, P.C., who will retire from the Senate on February 1, 2020.

I remind senators that pursuant to our rules, each senator, other than Senator Joyal, will be allowed only three minutes and they may speak only once.

Is it agreed that we continue our tributes to our colleague, Senator Joyal, under Senators' Statements? We will therefore have up to 30 minutes for tributes, not including the time allotted for Senator Joyal's response. Any time remaining after tributes would be used for other statements.

TRIBUTES

THE HONOURABLE SERGE JOYAL, P.C.

Hon. Joseph A. Day: Honourable senators, this is a sad day in the Senate as we pay tribute to our friend and colleague, Senator Joyal, who will be retiring in the new year.

I do not have enough time to list his achievements in the Senate or his many accomplishments before he arrived in this place.

[English]

For more than 30 years, Senator Joyal has served in Canada's Parliament. He first came to the House of Commons in July 1974, and was re-elected twice more. During that time, he was a Minister of State, Secretary of State, and perhaps most importantly to Canadians, he co-chaired the joint committee of the Senate and House of Commons in charge of repatriation of our Constitution.

In preparation for my remarks today, I decided to read Senator Joyal's maiden speech in the House of Commons, dating back to November 1974. The eloquence of his words as a 30-year-old, new MP should come as no surprise to any of us, and, honourable senators, he was speaking about the budget at that time.

He spoke with passion about the socio-economic situation in his beloved Quebec. His arguments were clearly laid out with facts and figures to support them. So it has been ever since. We all know in this chamber that when Senator Joyal speaks, it is wise to listen. He speaks most often here in the English language, which is his second language, and often without notes or hesitation about those issues he holds dear: rights and freedoms, parliamentary institutions, heritage and official languages.

[Translation]

Even our buildings have benefited from his great passion for collecting art pieces and historical artifacts. He led the initiative to purchase and seek donations of Indigenous artifacts and art, and other Senators generously followed his example. He donated the paintings used to decorate the Salon de la Francophonie.

I recently had the pleasure of attending the ceremony where he was made a commander in the National Order of the Legion of Honour of the Republic of France. Senator Joyal is one of most decorated senators of all time.

[English]

Senator Joyal, to say that your dignity, integrity and wise counsel will be missed here is a glaring understatement. We are at a loss. Your colleagues and I in the progressive Senate group wish you all the best for your coming retirement and good health and happiness always.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, the new year will bring many challenges to this chamber. Among them will be the absence of a most valued and long-standing colleague who was first elected to Parliament, as has been referred to, in 1974 and has served in the Senate since 1977.

[Translation]

My first memories of Senator Joyal are from nearly 45 years ago, when I was a parliamentary intern. As a young man, I was extremely impressed by his museum-like MP office.

[English]

Little did I know at that time that one day my own workplace, the Senate of Canada, would be adorned with beautiful and priceless works of art carefully curated and generously donated by Senator Joyal.

While as a young parliamentary intern I was impressed with his beautiful office, I was also impressed by the man. It was clear to me then, as it is today, that before me was a statesman, not just a politician. A statesman who, over the course of a career that would span nearly half a century, would leave an indelible legacy on how parliamentarians work, how our legal systems work and, as a consequence, how Canadians live their lives.

I'm, of course, speaking of Senator Joyal's historic role in the study, implementation and continued defence of the Canadian Charter of Rights and Freedoms. This most precious of documents enshrines the rights and freedoms that we cherish, freedom of expression, equality of language rights, the rights that have shaped the Canada of today as a country that respects, protects and celebrates diversity.

[Translation]

As Senator Joyal is one of our most experienced senators, we would listen carefully when he rose in this place. We knew that we would learn so much by listening to his comprehensive speeches, which were replete with historical facts and very detailed legal arguments. Senator Joyal is a Canadian who protects and celebrates the history, language, culture and democratic institutions of this fine country. With his departure, we are losing a great orator who speaks with passion and exceptional eloquence.

• (1410)

[English]

Senator Joyal, I suspect that this mandatory retirement from the Senate will in no way stop you from your continued contribution to Canadians. Whether busy or restful, I hope that the years ahead are filled with much happiness, good health and moments of deep satisfaction in knowing that you have served Canada so extraordinarily well. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, this past July marked 45 years since Serge Joyal began his work here on Parliament Hill as a member of the other place.

As we all know, on February 1, he will retire from the Senate of Canada after a lifetime of public service in both chambers.

It is very difficult to neatly summarize Senator Joyal's long career and varied interests in just a few words: jurist, author, historian, Secretary of State, Vice-President of the Quebec wing of the Liberal Party of Canada — and the list goes on. He is one of a kind and when Senator Joyal takes his leave of this place next year, he will be greatly missed.

It would take more time than I am allotted to list our colleague's many accomplishments and honours. Senator Joyal has an alphabet of letters after his name which attest to that fact: Officer of the Order of Canada, Officer of the Order of Quebec, member of the Queen's Privy Council for Canada, and more.

Since his appointment to this place in November 1997, he has been a fierce advocate for his home province of Quebec and the French language. We have all witnessed the passion he brought to his work on many issues facing our great country.

He speaks bluntly but not unfairly, and has put both Liberal and Conservative ministers of the Crown alike on the hot seat when he thought they deserved it.

[Senator Harder]

During the Forty-second Parliament, he served as Chair of the Standing Senate Committee on Legal and Constitutional Affairs. He expertly steered the committee through its study on some of the most contentious issues of recent years.

Senator Joyal has been a long-standing member of the Standing Senate Committee on Ethics and Conflict of Interest, serving in the roles of deputy chair and chair. He brought his fierce intellect and natural curiosity to all his committee work and to his interventions here in this chamber.

But allow me to make a personal observation about Senator Joyal that has been very meaningful to me. No matter how different our views may be from his own, Senator Joyal always welcomes them respectfully and treats one with dignity.

I experienced this first-hand many times. Senator Joyal and I were often on opposite sides of legislation and policy questions, yet he always welcomed my views.

I recall being the only plumber on the Legal Committee. I was surrounded by lawyers and constitutional experts, but rather than diminishing my contributions, Senator Joyal encouraged them, not because we agreed, but because in all the time I have known him, Senator Joyal has consistently exhibited those traits which I believe characterize a true statesman: humility toward oneself and honour toward others.

Senator Joyal, you have earned my deepest respect. On behalf of all Conservative senators, I wish you all the best as you move on to the next chapter of your life and extend to you best wishes for a long, happy and healthy retirement.

Hon. Senators: Hear, hear!

[Translation]

Hon. Raymonde Saint-Germain: Senator Joyal, like all my colleagues, I only have a few minutes at my disposal for this tribute, and that is not enough time to do justice to all the highlights of your long and illustrious career. The many awards and prestigious honours you have received through the years attest to your immense contribution to public life in Canada. Recently, I was filled with the same pride as my colleague, Senator Day, and most of our other colleagues who were present when you were awarded the exceptional distinction of being named Commander of the Legion of Honour of the Republic of France. It is a remarkable distinction for a Canadian and also an extraordinary one for a Quebecer. Once again, congratulations.

For 45 years, thus since 1974, the year you entered the world of politics, you have dedicated yourself, body and soul, to public service. What has stood out for me — above and beyond all your contributions, success and the work you have done over the years — is your passion, your great integrity and your strength of character. I also want to point out how you were always able to make Quebec and Canada shine on the international scene.

In that sense, Senator Joyal, you have been one of our most effective ambassadors. In your more than 22 years in the Senate, your sense of ethics, discipline and perseverance contributed to elevating the credibility of our institution, including in times of turmoil. One of your accomplishments that will leave a lasting

legacy is your promotion of the French language and Canada's Francophonie. The support you provided to Canada's francophone communities was essential to their recognition, including under the law.

[English]

On a more personal note, I would like to salute your patronage of Quebec's cultural institutions. It was always a great pleasure for me to meet you at various events in art museums in Quebec, and especially in my hometown of Quebec City.

I hope to see you there more often now that you will be enjoying a well-deserved retirement — I wasn't able to find another word; it doesn't fit you — from the Senate, although I know you are far from retired from your cultural, artistic patronage and multiple activities.

Your personal contribution to developing art within Parliament will also be one of your long-lasting accomplishments. Because of you, we are lucky to witness every day the beauty of Canadian and international artists in our place of work.

In particular, I would like to point out the investment you made in giving Parliament a large and beautiful collection of pieces of Indigenous art.

Senator Joyal, I think I speak not only for the Independent Senators Group but for each and every one of us when I say that your presence in this chamber will be dearly missed.

Thank you for your outstanding contribution to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, I want to take a few minutes to pay tribute to our colleague, Senator Joyal, who is leaving us early in the new year after serving in the Senate for more than 22 years. When I arrived in the Senate roughly eight years ago, I was appointed to my first standing committee, the Legal and Constitutional Affairs Committee. That is when I met Senator Joyal. As a new senator, it is important to listen and to observe — I have more to say these days — and that is what I did. I listened and observed.

The Conservative that I am quickly understood that this Liberal senator tackled every file with the ultimate goal of improving the legislation sent to us from the other place. As we all know, there's often room for improvement. The parties in power, of both political stripes, have unfortunately too often rejected the amendments proposed by the Honourable Senator Joyal, despite their legal, linguistic and political merits. Here's just one example: the legislation on medical assistance in dying. Some of our colleagues wanted to pass that legislation as it was presented, either by conviction or partisan obligation. In 2020, however, some provisions of that legislation will be reintroduced to us, but will be amended, because a court of law is forcing the government to do so. The government could've already done that if it had listened to the Senate. This political exercise could have been avoided two years ago.

Senator Joyal, you are leaving us, but I'm confident that you have no intention of stopping completely.

• (1420)

Not having to come to Ottawa as often may take a little getting used to, which is understandable given that it's been your routine for the past 45 years, first as the member for Hochelaga-Maisonneuve and then as a senator. Let me also add that, thanks to television, I have learned a lot about your passion for the arts and for Napoleon. I watched some very enlightening documentaries. Few people in this country can match your reputation in that domain, and I'm sure you are just as disciplined in your work in the arts as you were as a senator.

In addition to being disciplined, I believe you have always been driven by passion in both politics and the arts. Luckily, in the arts, nobody has dared set an age limit on performing, so I'm sure you'll be able to make the most of that for many years to come.

In closing, how funny is it that, in the game of musical chairs that took place here, you took on the title of "progressive" for a few days? Personally, I don't care if you're Liberal or Progressive. In my eyes, you were a senator who cared about the well-being of all Canadians.

I want to thank you for that and wish you all the best going forward.

Hon. Senators: Hear, hear!

[English]

Hon. Terry M. Mercer: Honourable senators, we are losing one of Parliament's most intelligent and passionate legislators, and one of its dearest friends.

Besides his parliamentary history, Senator Joyal is extremely active in his community. He sits on the boards of several foundations and cultural organizations dedicated to the improvement of higher education, the protection of heritage and the promotion of culture. For example, he is a member of the board of the Baxter & Alma Ricard Foundation, which awards scholarships to Francophone university students outside Quebec; he is the president of the Lafontaine-Cormier Foundation, which aims to protect Québec's judicial heritage; and a member of the board of the Montreal Museum of Fine Arts, as well as the chair of its Decorative Arts Committee and Nominating Committee.

Senator Joyal has always supported organizations dedicated to improving the social and cultural conditions of the community.

His community involvement did not prevent him from participating very directly in the legislative work of this chamber. Most notably, he has served as Chair of the Legal and Constitutional Affairs Committee — an active member of the committee for 23 years — and served as Chair and Deputy Chair of the Senate Ethics and Conflict of Interest Committee since its inception, for 15 years.

This is only a mere snapshot of his work here in the Senate.

In his spare time, he has published several books, including a book called *Protecting Canadian Democracy: The Senate You Never Knew*. If you have not read it, you should. It should be mandatory reading for anybody appointed to this place. I would recommend you get a copy very quickly. I'm trying to promote sales here for Senator Joyal.

He has also written countless articles and lectured at many universities and colleges. Senator Joyal is very proud of his homeland and is honoured by his heritage. In many ways, he is as diverse as Canada itself.

As one of the Senate's most committed senators, both here and in his community, we shall miss you, my friend. The best to you in the next part of your life — I am sure we will notice as you go through it.

[Translation]

Good luck, my friend.

Hon. Claude Carignan: Senator Joyal, it was impossible for me to imagine not rising today to recognize your invaluable contribution to Canadian society over many years and especially to thank you for your enormous contribution to this noble institution that is the Senate.

I also want to thank you for your friendship and the great camaraderie that developed between us, particularly during that unforgettable trip to Bordeaux with the France-Quebec parliamentary association. It is said that young people are shaped by their travels, and that trip certainly shaped our young friendship.

To be completely honest, when I arrived in the Senate just over 10 years ago, you were one of the senators who impressed me the most. I had a great deal of respect for you because of the many years you had served as an MP, minister, attorney general, senator and brilliant lawyer.

You will recall that, at the time, we were members of more traditional caucuses and in open opposition to each other. I saw you as an experienced and effective orator and, I would even go so far as to say, a formidable adversary. However, over the years, we got to know and respect one another and we even began to happily work together. Of course, that did not stop you from asking me some very pointed questions when I was the Leader of the Government and, naturally, you were rarely satisfied with my answers. I understood that it was a question period, not an answer period.

Your extensive knowledge of the law, your erudition, your vast sense of culture, your talents as an orator, your passion for Napoleonic history, but first and foremost, your tremendous kindness have all left an indelible mark on me. You have always been able to characterize and explain the traditional role of the Senate and its principles, and the functions of the political parties within this institution. Some would do well to reread and learn from your interventions, which were always well structured and perfectly logical.

[Senator Mercer]

As Senator Dagenais said, your speech at third reading of Bill C-14 is a perfect example of your extensive knowledge of Canadian constitutional law. The government of the day should have taken heed, for it could have avoided losing its case before the Quebec Superior Court on that piece of legislation.

In the Senate, we rub shoulders with distinguished and talented people. Quite honestly, Senator Joyal, and frankly, Serge, in my view, you are in another category altogether. Some would say you are a great politician. Personally, I would say you are a giant and that your retirement will leave a gaping hole in our institution, which is unfortunate.

You've worked hard all your life, and I know you won't slow down a bit. It's in your nature. My hope for you for the future, for the months and years ahead, is that you stay healthy so you can keep throwing yourself heart and soul into all the things that make you happy. Senator Joyal, it was an honour to work with you in the Senate.

Hon. Senators: Hear, hear!

Hon. Marc Gold: Honourable senators, today we pay tribute to the Honourable Senator Serge Joyal. As Senator Carignan said, the Senate is about to lose a giant.

How can I sum up such an impressive career in just three minutes? Luckily, thanks to the many tributes that have already been paid, we know about his numerous accomplishments and senatorial qualities, including his long and fruitful career in Parliament, first in the House of Commons and then in the Senate. We have also heard about the important role he played in the drafting of the Canadian Charter of Rights and Freedoms, his deep devotion to the cause of reconciliation with the Indigenous peoples of Canada, his love of the French language and France's magnificent culture, as well as his reputation as a patron of the arts, whose name is a byword for generosity here in the Senate and in museums in Joliette, Montreal, Quebec City and abroad.

[English]

But what unites these many accomplishments and contributions? To borrow a phrase from the English common law, what is the golden thread that runs through this extraordinary life — my dear Serge, your extraordinary life?

As I see it, all you have accomplished, as a lawyer, parliamentarian and man of enormous culture, are expressions of your core values: a profound humanism and an incarnation of those fundamental liberal values that we've inherited from the Enlightenment — values that still offer us a beacon of light toward a better future. You have lived a life that has embodied these values; you remain a champion of the less privileged, of the excluded, of the most vulnerable. You are a proud and resolute defender of the oppressed and the marginalized, and a fierce advocate for the cause of justice for all.

Dear Serge, this will be your enduring legacy, one that will remain a source of inspiration for generations to come. Thank you for all that you have done for our country. As we say in my tradition, may you go from strength to strength.

Hon. Senators: Hear, hear!

• (1430)

[Translation]

Hon. Dennis Dawson: As tenth in line to pay tribute to our colleague, I worried there would not be much left to say. However, as I look up into the public gallery, I see people Senator Joyal knew in the past, people he knows now and people who are part of his future. I see parliamentarians who served with Serge 45 years ago, as I did, and who are in the gallery today because of his loyalty to them. That loyalty has always been repaid in kind, because everyone admired his work.

[English]

Serge will go down as one of the great parliamentarians of the last 50 years, along with Allan J. MacEachen and Herb Gray. They are legends in this Parliament and I think Serge belongs in that line.

[Translation]

I also see people in the room who worked with him recently, as Senator Dagenais mentioned earlier, on initiatives like the amendments to Bill C-14. Those were the amendments that Serge introduced here and that were rejected in the other place.

Had they been accepted, there would have been no challenge and no need to re-examine the bill. Serge saw this coming, but sadly we did not listen to him. Serge, there are people here who are part of your present and who provided inspiration on this subject. I also see people who are part of your future, because there are people in the gallery who are making a documentary about your past for posterity. I am sure we will continue to hear about Serge for many years to come.

Like Senator Saint-Germain, I was at the ceremony too. I just want to read out a brief excerpt from the terrific speech that Senator Joyal gave at the ceremony:

What has always mattered to me as a parliamentarian, throughout all these years in the House of Commons and the Senate, was to strengthen the status of the French language in Canada by seeking recognition for the principle of equality, rights and privileges, making it a cornerstone of this language's identity.

Serge, you left a mark on our past, you are leaving a mark on our present, and I am sure that you will continue making a mark on our future. I am proud and grateful that you consider me a friend.

Hon. Senators: Hear, hear!

[English]

Hon. David M. Wells: Honourable senators, I rise to pay tribute to a distinguished and respected colleague, a parliamentary giant and, most importantly, a friend. It was a pleasure and a privilege to work so closely with Senator Joyal on so many things. We sat together on the Modernization Committee, and on the Rules, Procedures and the Rights of

Parliament Committee. We also co-chaired the senators' working group on the successful Senate Sesquicentennial Medal program, and we waded into many of the same debates in this chamber.

As many colleagues will know, Senator Joyal is a legal and constitutional scholar. He's also our institutional scholar. His knowledge was critical to each study undertaken, be they Modernization Committee reports or studies of parliamentary privilege or physician-assisted suicide.

I've long appreciated Senator Joyal's passion for history and his ability to provide historical context for our important discussions. He has always given the greatest respect to our multicultural and multi-linguistic heritage and, of course, he was and is a champion for Indigenous culture and rights.

Senator Joyal, ever the wordsmith, held the pen on so many clauses in so many reports that it's impossible to count. Always a consensus builder, he was often able to find wording that could be agreed on by all. There are numerous committee analysts out there who owe him a debt of gratitude for making their jobs so much easier.

As I mentioned, I had the distinct pleasure of co-chairing the senators' working group on the Senate Sesquicentennial Medal program with Senator Joyal. It was in this capacity where I came to learn the depth of his love of country and sense of tradition.

The Sesquicentennial Medal program was designed to give much-deserved recognition to Canadians who share the Senate's goal of giving voice to people or issues that sometimes fly under the radar or don't capture the headlines. The diversity and character of recipients were remarkable, and much of it was due to the tireless work of Senator Joyal, who enthusiastically agreed that this was not just a worthwhile project, but an important initiative. Thousands of Canadians — recipients and their families and friends — were impacted by this program.

Senator Joyal dedicated so much of his time to this pursuit because of his love for Canada and his desire to recognize those who helped make this country better and who ask for nothing in return, sentiments that he himself embodies. I consider myself fortunate to have gotten to know Senator Joyal over the last seven years. He is a patriot and a man of honour, elegance and integrity. When Senator Joyal does something, he does it for Canada. He puts country above all.

When I say Senator Joyal is a parliamentary giant, I remind colleagues that he contributed greatly to the very structure of this nation through constitutional discussions of the 1980s. Senator Joyal had a direct hand in what this great country looks like today. Throughout his career, Senator Joyal has never slowed.

Senator, I have no doubt that, even after your seventy-fifth birthday, you will maintain your pace and continue to make Canada a better place. The entire Senate looks up to you, your country looks up to you and your contributions to Canada will never be forgotten.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker: Dear colleagues, unfortunately, the time for tributes has expired. I yield the floor to the Honourable Senator Joyal.

Hon. Senators: Hear, hear!

EXPRESSION OF THANKS

Hon. Serge Joyal: Honourable senators, after 23 years of faithfully attending sittings in the Senate, 10 years in the House of Commons and nearly 20 years as the policy chair of the Quebec branch of the Liberal Party of Canada, I rise for the last time in this chamber to share my thoughts as I prepare for my statutory retirement and to consider with you the dynamic force that, even after 50 years, keeps me just as engaged in public life.

[English]

The political train that I have travelled on for over 50 years is finally arriving at the station — literally, since we sit today in the concourse of the national capital's old Union Station.

For me, it's the end of an exceptional trip but not the end of my commitment to this country. Allow me to share with you some personal thoughts that this long journey of public service brings to my mind.

[Translation]

Honourable senators, there is no cause more noble and patriotic than defending the very existence of one's own country and to directly contribute to building it for the good of all its people. Generations of Canadians have done this before us, many of whom made the ultimate sacrifice of their lives, and we must never forget that.

I had the privilege of serving during an extraordinary period in Canada's history, at a time when two referendums were held in less than fifteen years, one in 1980 and one in 1995, in order to decide the very fate of our country. I participated directly, with profound conviction, in both of those campaigns as a representative of the Liberal Party of Canada on the No committee, while the Honourable Senator Pierre-Claude Nolin represented the Progressive Conservative Party.

I was able to intervene immediately after the October 1980 referendum, when I had the opportunity to co-chair the special committee charged with laying the foundation of a new Canada by repatriating its full constitutional power from London in 1982, thereby ensuring that Canada would be the master of its own destiny as an entirely sovereign country, and by guaranteeing, in a charter, the rights and freedoms of its citizens in accordance with an ideal of equality based on the inherent dignity of all human beings.

That humanist world view crystallized from the ideal of the free man that I have always embraced and that has been the reason for my involvement in public life from day one. I have advocated for that world view every day in the Senate and at every opportunity, and I have regularly taken it upon myself to attempt to transform the conditions of our shared existence and

build a society that is more respectful of each individual's life choices, one that creates opportunities for everyone to grow freely in their own way.

• (1440)

My response to the threat of Quebec separation in 1980 was a passionate defence of Canada's very existence, which I felt was my duty because I believed that this country, Canada, could become a society where anything is possible, a society open to all who accept the challenge of being open to others regardless of their language, religion, race, origin, disability, social status, sex, sexual orientation, gender or economic status.

I was well aware that francophones were a minority in Canada and that many others before me, in Acadia and elsewhere, had no choice but to fight, sometimes doggedly, for their identity and their language. I knew that the demographic and cultural dominance of English in North America meant that French would always be under pressure. However, I also believed that effective legislation could restore a balance and create more space for the French language. I believed that a majority of citizens speaking other languages across the country, people who would also choose to embrace the humanist benefits of multiculturalism, could help strike that balance. That is the country I fought for in 1980 and again in 1995, the country I have always tried to champion in the Senate.

Not that Quebec's independence isn't a worthy option in itself. Withdrawing into one's own boundaries is perhaps on its face a more reassuring approach to one's identity, but personally, I chose broader values to make room for freedom and respect for my language that appeals to the better side of humanity: openness to others, the recognition that difference is a more powerful force of compassion that banks on an idea of freedom that makes way to opening and appreciating different cultural identities.

I made that choice conscientiously, freely, because it was more rooted in my personal values. This was the most rewarding challenge of my life, but it couldn't be separated from the existence and defence of strong institutional protections that would guarantee that this ideal would be held up and not undermined by circumstances, difficulties or even crises. On the contrary, such guarantees can make this ideal resilient to eroding and dissolving over time and give it strength from the conviction that this is the preferred route to creating a future society that is more open, more tolerant, more united, a society that to those who are prey to division, partisanship, poverty and violence, could be a haven of hope, an ideal of peace, where all differences can find respect and appreciate and value each other.

Serving in this legislative chamber, the Senate, is a privilege that is unlike any other in public life, in the *polis* — not that which maintains order, but rather the city state, as Plato and the ancient Greeks referred to it. As senators, both individually and as part of a group or political party, we possess tremendous power. Our consent is needed for the valid passage of every piece of legislation in this country. First and foremost, we must review the legislation introduced by the government, but we might also debate all the issues that are plaguing our constituents, just as we might be called upon to explore every aspect of potential opportunities intended to expand or improve our shared liberties.

In other words, the Senate is not a chamber whose sole purpose is to resist the government's bills. First and foremost, it is a place that presents opportunities to create better conditions to further develop the values that define us, to protect and expand the rights of minorities and especially marginalized populations — people who are struggling with the prison system or with mental health problems — and of course, to give a voice to the regions.

That is the fundamental advantage of our chamber, which is not established through an electoral process for a shorter term that would make it more susceptible to pressure from voters, who, today, are bombarded, assaulted by the horde of social media that relay both the best and the worst. Rather, it is a chamber that provides an opportunity for reflection, that can give pause for a critical assessment, that by its independence can be more objective, and that can with time provide a perspective that tempers conduct.

It is this role of the Senate in particular that I believed needed to be understood when I entered this chamber, and to be shared in 2001 when I published a book on the Senate entitled *Protecting Canadian Democracy: The Senate You Never Knew*, which Senator Mercer referred to. Why? To provide a perspective other than that repeated like a soliloquy by the vocal critics to that point, namely that the Senate was powerless, deaf to citizens' concerns, and detached from the reality of Canadian society.

Honourable senators, I have always seen the true purpose of the Senate, at its core, to be connected to the federal principle that defines our form of government, in that the identity and autonomy of the regions, and particularly those of Quebec, are clearly guaranteed. The status of our two languages is guaranteed, as are minorities' rights to respect and protection of their identity. This is what distinguishes us from a unitary country: institutions that guarantee each citizen greater freedom and true autonomy of choice.

If we are not American, it is not by default or by spite, but because we prefer a human experience rooted in a concept of freedom that differs from that of our neighbours. We, for example, value linguistic duality, diverse identities and a more generous vision of social solidarity.

I have always defended the Senate of Canada as an institution, in several books, articles, conferences, and I even argued on its behalf before the highest courts in the country: the Quebec Court of Appeal in 2013, and then the Supreme Court of Canada. The resulting ruling, in April 2014, clearly set out the constitutional parameters of our institution, its role and its particular function within our federal system of government. The ruling, which I supported in my arguments, is what led Prime Minister Trudeau to appoint 49 unaffiliated senators. How many of them would be here today if each had been required to run for election just to be here in this place, as the four bills introduced by the previous government would have required? I will leave you to think about that. What I wanted to point out is that others were here before you, acted independently and paved the way for the role you currently play.

For me, it was a unique privilege to assume the responsibilities of a lawmaker and, at the same time, having been a member of the Barreau du Québec for 50 years, to be able to appear directly as an intervenor before the highest courts of the land, on more

than nine occasions, in order to stand up for certain principles that are essential to our existence as a country: the equal status of French as an official language, human rights in the face of a wrong-headed interpretation of parliamentary privilege, the defence of the Senate's constitutional nature and its special responsibility to take the Canadian Charter of Rights and Freedoms into account when reviewing legislation, and an understanding of the scope of the institutional principles underlying our system of parliamentary democracy and constitutional monarchy.

Such interventions had never happened before in the political history of the federal Parliament. I will always be profoundly grateful to the courts that gave me that opportunity. And believe me, I always conducted myself in accordance with the highest professional ethics called for in those exceptional circumstances.

• (1450)

I was never one to believe that examining a bill meant reading the text alone and studying it literally, without truly understanding or assessing the magnitude of its impact on specific groups of people, especially minorities and marginalized groups. The Charter sets out our rights and freedoms, which are evolving as our society evolves. These rights and freedoms are not frozen in time. They must also evolve to benefit those who are directly affected by the bills, not just in relation to the overall condition of the majority of society.

For example, that is what led me in 2001, along with Senator Wilfred Moore from Nova Scotia, to propose an amendment to the Youth Criminal Justice Act to ensure that the sentencing process took into account the special circumstances of Indigenous youth, who, as we know, are significantly disadvantaged in the justice system. This amendment passed with a one-vote majority even though the then justice minister publicly declared at the legal affairs committee that the government would not accept any other amendment and that the bill had been sufficiently improved in the House of Commons. When this amendment passed, Prime Minister Chrétien was furious, but the other place conceded and accepted the amendment to protect Indigenous youth caught up in the criminal justice system.

In 2000, I moved, seconded by independent senator Michael Pitfield — whom some of you may remember or have worked with — an amendment of major political importance for the future of Canada during the debate on the clarity bill. The amendment called for formal recognition that the primary responsibility of any Canadian government is to protect the country's integrity, which would take precedence over any consideration of a proposal to negotiate breaking up Canada. The debate was tense, and the government did everything in its power to finally defeat the amendment, but everyone got the point. It is the Government of Canada's sacred duty to unequivocally defend the country's existence and fight for its survival. After the 1995 referendum, I sent a confidential message to Prime Minister Chrétien in which I personally recommended seeking clarification from the Supreme Court about the conditions that would legally apply if ever there was a third referendum on separation, thereby protecting the country from being constantly held hostage by provinces that could hold referendums on separation anytime they liked, referendums that only the

secessionist province can interpret and validate. The very survival of this country was at stake in the debate on the amendment to the clarity bill, and I felt it was of vital importance that, before dismantling the country, we be clear about the absolute duty to defend its integrity unconditionally.

Still, honourable senators, the longest and most passionate debate that took place almost every day for more than three months was the debate on the amendment that Senator Jerry Grafstein and I introduced in 1999, which sought to limit the extradition power of the justice minister to countries with the death penalty and which specifically targeted the United States, where capital punishment is still today in effect in 29 states. We argued that this clause of the bill went against section 7 of the Charter because it effectively restored the death penalty. That issue completely escaped the attention of members of the House of Commons. The government once again did everything in its power to defeat the amendment, despite the fact that we called for a free vote, like we had before when the death penalty was abolished in 1976, because this was first and foremost a personal moral issue. The government even went so far as to inform Senator and Sister “Peggy” Butts that her charities would lose their federal subsidies if she did not vote as the government wanted. The Speaker of the Senate at the time, the Honourable Gildas Molgat, was ordered by the government to vote against the amendment, but he went against that order and voted in favour of the amendment, affirming his personal beliefs, his independence and his responsibility as a senator. A while later, he was removed from his position and reclaimed his seat among the senators. Unfortunately, as fate would have it, he died a few months later, in January 2001. I went to Winnipeg with Governor General Adrienne Clarkson to attend his funeral.

The amendment was defeated in the Senate after some unbelievable arm-twisting. However, that defeat was not the end of the debate. One year later, in 2001, the Supreme Court in *United States v. Burns* and *Rafay* deemed this provision in the extradition legislation to be unconstitutional. By the way, the court remarked in its ruling that it had taken note of the debate that was held in Parliament.

Honourable senators, history always remembers the courageous, exemplary and the inspiring and forgets those who yield to circumstances. It is hard to imagine a clearer and more challenging expression of independence than that. As you can see, independence is more than just a label people use to make themselves feel good. There has certainly been a great show of independence within our institution.

However, a debate that continues to this day concerns an amendment to broaden the protection established by Part VII of the Official Languages Act, which was introduced several times by the late Senator Jean-Robert Gauthier between 2001 and 2004. The government at the time, which insisted on opposing better protection for francophones and anglophones in a minority situation, continually adjourned the debate in order to drag it out knowing that Senator Gauthier would have to retire in the not-too-distant future. The government always publicly declared its support for the Official Languages Act and would point out its many financial commitments in support of the act’s objectives. Senator Gauthier had to resign himself to leaving the Senate without the amendment being adopted. It was Senator Claudette Tardif and I who took up the cause and backed the government

into a corner and forced it not to shirk its constitutional obligation. The amendment was finally adopted in 2005, but the regulations that were to follow never materialized, thus making the provision almost unenforceable, as the Federal Court ruled in 2018. All of Acadia and minority communities still bear the burden of this decision. Unfortunately, I will not be with you to contribute to the debate and the adoption of legislation to modernize the Official Languages Act, which has become imperative.

Hon. Senators: Hear, Hear!

Senator Joyal: Honourable senators, the list of amendments and bills I’ve introduced or initiated over the past 23 years is long, and I would be testing your patience if I were to recall all of them. However, I’d like to look back at a few of them.

Let me simply recall the amendments proposed to the Anti-terrorism Act during the national security crisis that occurred following the events of September 11, 2001, to give real status to the special advocate, a notion that Senator Gold will understand well, to protect the principle of presumption of innocence and the right to a fair trial, amendments that were rejected at the urging of the government representatives in the Senate. Their substance was restored, however, following a Supreme Court ruling.

There were also the amendments presented in 2016, to which some of you referred earlier, amendments supported by Senator Cowan, to remove the “reasonably foreseeable death” criterion from the medical assistance in dying bill, amendments that were adopted by the Senate but rejected by the government in the House of Commons. We all know what happened. Last September, in the middle of the election campaign, the Quebec Superior Court ruled it as unconstitutional and in violation of the Charter, and gave Parliament six months to amend the legislation.

• (1500)

I unfortunately will not have the satisfaction of voting in the new year to restore the amendment we proposed. The majority of the Senate unfortunately yielded to the government and did not want to insist on this amendment to protect the dignity of those suffering from intolerable and irremediable pain.

I could also remind senators of the amendment proposed in 2018 to the Canada Corporations Act, with the support of several of you, to provide for real progress on achieving gender parity on the boards of directors of major corporations, in accordance with the principle of gender equality recognized in the Charter. The amendment was defeated, but the problem still exists. According to recently released figures from the Diversity Institute at Ryerson University in Toronto, women hold just 24.9 per cent of senior leadership positions.

I could also remind senators of the 2018 amendment to combat tax havens proposed by Senator Carignan, which I strongly supported during the debate on the Cannabis Act. The amendment was defeated, but the facts are undeniable. The Montreal police specialized investigation unit into proceeds of crime recently reported that organized crime has now invaded the licensed medical cannabis cultivation industry.

The proliferation of tax havens is undermining the principle of equal treatment for all, which is crucial to maintaining the democratic social order. Combatting this social ill is vital if we want to prevent populism from spreading and rotting the foundations of our freedom.

Last spring, Senator Dalphond also presented amendments that I, as Chair of the Standing Senate Committee on Legal and Constitutional Affairs, strongly supported. I felt they were necessary to protect the principle of judicial independence, which was at issue in Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other acts, and Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault). In a rule-of-law society like Canada, we cannot weaken this principle without also compromising the entire structure that protects our rights and freedoms.

Several amendments to Harper-era bills and to the Criminal Code were defeated and then reinstated following Supreme Court rulings.

I would like to remind you, honourable senators, that the courts regularly review our chamber's debates when ruling on a question of law that calls into question an act of Parliament. The courts have often specifically mentioned the arguments raised during our debates and, as former Senator George Baker liked to remind us, the Senate is quoted "seven times more than the House of Commons."

Then, there are those special moments where one has the opportunity to directly help change the bases of social relationships in Canada to make them more egalitarian, for instance when I sponsored the Civil Marriage Act in the Senate in 2005. That law now has the support of over 80 per cent of Canadians.

There was also the bill that I introduced in 2008, seconded by Senator Andreychuk, to establish a regulatory system to better protect the human rights of employees of Parliament who are victims of abuse.

There were also the three successive bills that I introduced in 2009, 2012 and 2015 to recognize and promote Indigenous languages, bills that the government ended up making its own and that we proudly passed in June 2019, thereby giving Indigenous people the dignity of their identity, of which they had been robbed for over 150 years. That changed the course of Canada's history.

Lastly, there are the last few bills I tabled yesterday in this chamber. One was to prohibit conversion therapy for minors, which had already been tabled in April 2019. The other amends the National Capital Act to protect the heritage integrity of Parliament Hill and national historic sites and monuments.

Honourable senators, the reason I wanted to remind you about all the amendments and bills that I presented or introduced over the years was to tell you about a few of the lessons I learned, which I would like you to mull over.

First of all, belonging to a political party does not, in and of itself, make a senator less independent. I think I illustrated that by reminding you of those past debates that I took part in directly or was personally associated with.

Honourable senators, independence is first and foremost a scale of personal values that each senator establishes for themselves based on their life experience, the meaning that they give to their lives, the values that they choose to defend, their personal vision of a freer society, and the initiatives that each of us is willing to take in order to advocate for those things in studies on bills, in debates on public policy or in tabling private bills, which is an option available to every senator.

Such independence is also a matter of will. Are we prepared to take the personal risk that comes with opposing the will of the government, the Prime Minister who recommended you and in some cases — as in mine — may be your close friend? There were a number of occasions over the years when I had a debate with Prime Minister Chrétien, who recommended me to the Senate and to whom I remain personally and deeply grateful for taking the risk of recommending me to the Governor General of the day. Honourable senators, are you prepared to oppose a government that wants to pass its legislation at all costs as quickly as possible, or do you simply express your point of view and vote against your values or deeply held personal convictions?

This independence can also be defended and rationalized from a purely democratic perspective. The biggest weakness afflicting Canadian democratic institutions, as Donald J. Savoie recently illustrated in his book that was published on November 30:

... is the excessive concentration of executive and legislative powers in the hands of the Prime Minister alone and a few of his immediate associates. This is the greatest blight affecting our system and it tends to grow no matter all the commitments to undertake reforms. The Senate has real legislative powers to first guarantee the federal principle and respect for the rights of minorities. Should it choose to become a simple chamber that gives advice, no matter how good the advice, without defending fundamental rights or respect for the country's Constitution, it will not fulfill its fundamental role. The Senate will then be easily manipulated, particularly if senators isolate themselves and act as individuals and not as groups that have a defined political orientation to offset the omnipotence of the Prime Minister and the government machinery at his service and the control and impact he has on the administration.

Honourable senators, you would do well to reflect before amending the rules on the duration of debate in this chamber. The government, no matter which one, will always find a stratagem to take the utmost advantage of a particular situation or of a breach that could weaken the powers or the independence of this chamber.

I truly believe that the Senate can also be a powerful forum to embody the motto of the Order of Canada, "They desire a better country," or *desiderantes meliorem patriam*. This is absolutely possible, and I can attest to that. Inspired by the principles and values of culture I've embraced over the years, I am convinced that a senator is what he or she does.

Better is always possible. It is up to each one of us to decide what we want to take on. In our presumed age of wisdom, to quote popular theatre director Enrico Casagrande:

I [personally] prefer life in a tempest to a life of rest. By choice, by duty [by culture], I seek the tempest.

I have always believed that art, reflection and a life of thought are this “tempest,” leading us to better ourselves. Art is political because it affects the world, and this idea is important to me because it changes us deep down inside.

• (1510)

I have always been a little bit skeptical, not to say fearful, of men and women in politics who stay aloof from history, from culture, from cinema, literature, theatre and museums. The Roman senator Cicero felt the same way, over 2,000 years ago. These people are not engaging in what my mother called the “science of doubt,” meaning the realization that life did not start with us and will not end when we pass on. Reflecting on what we are and what freedom means in our times and in today’s world requires us to engage with cultural works. Besides the entertainment factor, since they can certainly lighten our spirits, we also have a responsibility to expand our memories and the horizons of our freedoms.

Unless we understand what happened in history before our time, in all its triumphs and horrors, how can we truly understand and appreciate the magnitude of the actions we are responsible for taking? For instance, in this very country, there is the idea of the superiority of one particular civilization that invented Indigenous residential schools. That was a horrific chapter in our history that we must never forget, and it is the reason we must choose the path to reconciliation and better governance for Canada. Yet it was our human solidarity that led us to welcome 25,000 Syrian refugees in 2015 who were fleeing from destruction and certain death. That solidarity leads us to open our hearts and our homes to other people who are suffering.

It truly is art and culture that give us a glimpse of the best and brightest aspects of humanity, what connects us to our shared humanity, what gives full meaning to our public engagement and can help us grasp a broader scope of our liberty.

Thus, with the support of the Canada-France Interparliamentary Association, the Library of Parliament, the Internal Economy Committee and the Speakers of the Senate — including the Honourable Senator Furey, whom I want to thank personally, as well as Senators Housakos, Pierre Nolin, Kinsella, Hays and Molgat — I was able to organize five different symposiums in the Senate. The first, in 2008, had to do with our exceptional relationship with France. The second, with Senator Hugh Segal in 2010, had to do with Canada’s constitutional monarchy. The third, on the one hundredth anniversary of the First World War in 2014-15, had to do with the political transformation process that launched the war for Canada. The fourth, in 2015, with the Faculty of Law at the University of Ottawa, had to do with Senate reform outside of an amendment to the Constitution. Finally, the fifth, in 2017, marked the one hundred fiftieth anniversary of Confederation and helped us to

reflect on where we are as a country. I sincerely thank the Honourable Senator Seidman for agreeing to co-chair the fifth symposium.

As senators know, this initiative was accompanied by the striking of medals to commemorate the one hundred fiftieth anniversary of the Senate, a very successful project that was carried out thanks to the unwavering support and goodwill of my colleague and friend Senator David Wells. Thousands of Canadians were proudly awarded this medal in recognition of their volunteer work. Perhaps the Senate should make this a permanent annual project to help maintain its ongoing relationship with Canadians who do volunteer work to help improve living conditions in their communities.

An important book was published following each of these five symposiums, and some of them were given prominent awards. They will remain as tangible evidence of our reflection on our maturity as a country and the unique character of our national identity.

I will never forget the project I undertook with Senators Suzanne Fortin-Duplessis and Wilfred Moore to produce a calendar in commemoration of the Diamond Jubilee of Her Majesty Queen Elizabeth II, a calendar placed in the centre of the Clerks’ table, the cost of which was covered by donations from every senator and senior staff member of this chamber.

[English]

This will remain, honourable senators, as testimony to our respect for the head of state and Her Majesty. I’m deeply grateful to the other senators who have been involved and, singularly, to Senator Noël Kinsella who brought his patronage to this initiative.

[Translation]

However, that which brought me some of the greatest satisfaction and joy was to work closely, again thanks to the Canada-France Interparliamentary Association, with the different ambassadors of France to Canada since my election in 1974. There were 16 in all, from Jacques Viot to the current ambassador, Ms. Kareen Rispal. That experience helped deepen the unique bond between Canada and France and to better understand and support our countries’ shared values. This also went a long way in supporting the defence by Canada and France of the rule of law and human rights in international forums such as the UN, the G7, G20, the OECD, the WTO, and the Organisation internationale de la Francophonie.

I was also able to advance, first with Senator Jerry Grafstein and then with Senators Linda Frum and Patricia Bovey, a plan to have a national portrait gallery in the former U.S. Embassy, across the street from Parliament, and convince the then Prime Minister, Jean Chrétien, to move forward with it. Sadly, that project was abandoned midstream by successive governments.

I also had the opportunity to publish many articles in specialized publications such as the *Supreme Court Law Report* and the *Canadian Parliamentary Review*, as well as in academic literature. Finally, I have published historical essays, given specialized lectures at universities and places of learning and

given speeches to professional associations. All these contributions illustrate that a senator can really be the impetus for reflection, studies and debates that advance the ideals underlying the vitality of Canada and the type of society it has.

I was not away from the chamber more than necessary because, at some point, it was felt that I was perhaps collecting too many allowances for being the chair or deputy chair of standing or special committees, as if one can work too much!

I leave this place knowing that I tried to help improve this institution and protect its reputation and integrity. In 2004, I started working on the code of ethics with Senator Andreychuk and on appointing an independent ethics officer. This was to ensure that the Senate would not have to go through the House of Commons ethics commissioner, as two previous successive governments wanted. This battle lasted three years. This did not stop me from standing up for senators' privileges and promoting better understanding of their roles and responsibilities when the auditor general spoke in this chamber without truly understanding the role and responsibilities of a senator.

For 15 years I served, in turn, as chair and vice-chair of the Standing Committee on Ethics and Conflict of Interest for Senators because I firmly believed that public confidence in the Senate was fundamentally connected to the how strictly senators apply the principles and rules of the code. Inaction on the part of just one senator has an impact on all senators, and we all suffer.

I urge you to continue reviewing the code of ethics in response to the report tabled in August. This chamber must maintain a high level of responsibility for our integrity and honour.

For the edification of future generations, I have gifted you all these works of Indigenous art, which will now be part of the everyday fabric of the Senate, these nine portraits of French kings who reigned during the French regime in Canada, and these three portraits of English kings, which will soon be displayed in the foyer of the Senate. These works give us a better understanding and appreciation of our political, legal and cultural origins. Most importantly, I am leaving you the imposing chair of Speaker Sir Alexandre Lacoste, as a reminder of the authority and primacy of the Speaker in the institution of the Senate.

Honourable senators, I cannot leave you without thanking the Speaker and his staff, the Clerk of the Senate and his staff, the Chamber Operations and Procedure Office, the Committees Directorate, the Usher of the Black Rod and his team, the International and Interparliamentary Affairs Directorate, the Communications Directorate, the Office of the Law Clerk, Human Resources Directorate and the Information Services Directorate. All of these groups provide us with neutral, objective, independent and impressively efficient service.

• (1520)

Everything I talked about earlier, and so much more, could not have been accomplished without the love and affection of my immediate family and the person with whom I share my life and my passion for thinking, writing, history and works of art, or without the team of devoted, loyal, efficient, task-oriented collaborators who make sure everything is always impeccable and exemplary. The people in the gallery today — I see Alain

Landry; Norman Villegas; my friend, Momar Diagne; Aram Adjemian, for whom I have so much admiration because of his book about the roots of the Armenian genocide and who is still deeply involved in advocating for a community that history has not done right by; and of course, honourable senators, Sébastien Payet, who has been by my side here in Parliament every day for over 15 years now — these people are all paragons of steadfast loyalty and true, sincere friendship. I will be eternally grateful to them. They know that they can count on my affection for them, for their children, for their partners and for their families.

[English]

Commitment to public life is not limited to standing up for fundamental values when they are being challenged directly. It is also being engaged through the vigilant defence of these values when they are compromised through measures that are motivated by convenience. The nobility of public service is a reward in itself. It does not need to be sustained, praised or recognized, but is simply a self-awareness that the cause of public service is good in itself.

[Translation]

I have truly enjoyed the Senate, honourable senators. I leave this place feeling personally indebted to each and every one of you. I was happy here. I benefited from your sincere consideration and, with many of you, a warm friendship that always kept me on my toes. I really appreciated our debates, which are central to the democratic exercise. Our ideas should clash at times; the co-existence of discordant voices, diverse voices, is at the heart of a healthy and vibrant democracy, as Senator Plett mentioned. I thank everyone who expressed opinions that differed from mine, as they helped expand my own reflection.

I hope our paths cross again one day, honourable senators, so that we may always answer “present,” if ever our country's destiny is challenged and the liberty we care about as an ideal also calls on us to march on together.

Long live Canada!

Hon. Senators: Hear, hear!

[English]

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-2— DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Charter Statement prepared by the

Minister of Justice in relation to Bill C-2, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2020.

[Translation]

THE ESTIMATES, 2019-20

SUPPLEMENTARY ESTIMATES (A)—FIRST REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Percy Mockler: Honourable senators, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on National Finance entitled *Supplementary Estimates (A), 2019-20* and with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Mercer, report placed on the Orders of the Day for consideration later this day.)

ADJOURNMENT

NOTICE OF MOTION

Hon. Grant Mitchell (Acting 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 4, 2020, at 2 p.m.

APPROPRIATION BILL NO. 3, 2019-20

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2020.

(Bill read first time.)

[Senator Harder]

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

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

[English]

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Terry M. Mercer introduced Bill S-205, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speaker of the Senate).

(Bill read first time.)

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

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

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—FIRST READING

Hon. Diane F. Griffin introduced Bill S-206, An Act to amend the Department of Public Works and Government Services Act (use of wood).

(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.)

• (1530)

CANADIAN NATO PARLIAMENTARY ASSOCIATION

2019 SPRING SESSION, MAY 31-JUNE 3, 2019—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian NATO Parliamentary Association, respecting its participation at the 2019 Spring Session of the NATO Parliamentary Assembly, held in Bratislava, Slovakia, from May 31 to June 3, 2019.

[Translation]

CANADA-CHINA LEGISLATIVE ASSOCIATION

BILATERAL MEETING, MAY 18-26, 2019—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association respecting its participation at the 23rd Annual Bilateral Meeting, held in Shanghai, Nanjing, Hong Kong and Macao, China, from May 18 to 26, 2019.

CANADA-CHINA LEGISLATIVE ASSOCIATION CANADA-JAPAN INTER-PARLIAMENTARY GROUP

GENERAL ASSEMBLY OF THE ASSOCIATION OF SOUTHEAST
ASIAN NATIONS INTER-PARLIAMENTARY ASSEMBLY,
AUGUST 25-30, 2019—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation at the Fortieth General Assembly of the ASEAN Inter-Parliamentary Assembly (AIPA), held in Bangkok, Thailand, from August 25 to 30, 2019.

[English]

THE SENATE

NOTICE OF MOTION TO AMEND THE *RULES OF THE SENATE*

Hon. Yuen Pau Woo: Honourable senators, I give notice that, two days hence, I will move:

That the *Rules of the Senate* be amended:

1. by replacing rule 3-6(2) by the following:

“Adjournment extended

3-6. (2) Whenever the Senate stands adjourned, if the Speaker is satisfied that the public interest does not require the Senate to meet at the date and time stipulated in the adjournment order, the Speaker shall, after consulting all the leaders and facilitators, or their designates, determine an appropriate later date or time for the next sitting.”;

2. by replacing rule 4-2(8)(a) by the following:

“Extending time for Senators’ Statement

4-2. (8)(a) At the request of a whip or the designated representative of a recognized party or recognized parliamentary group, the Speaker shall, at an appropriate time during Senators’ Statements, seek

leave of the Senate to extend Statements. If leave is granted, Senators’ Statements shall be extended by no more than 30 minutes.”;

3. by replacing rule 4-3(1) by the following:

“Tributes

4-3. (1) At the request of any leader or facilitator, the period for Senators’ Statements shall be extended by no more than 15 minutes for the purpose of paying tribute to a current or former Senator.”;

4. by replacing rules 6-3(1)(a), (b) and (c) by the following:

“Leaders and facilitators

(a) any leader or facilitator shall be permitted up to 45 minutes for debate;

Sponsor of a bill

(b) the sponsor of a bill shall be allowed up to 45 minutes for debate at second and third reading;

Spokesperson on a bill

(c) the spokesperson on a bill from each recognized party and recognized parliamentary group, except for the party or group to which the sponsor belongs, shall be allowed up to 45 minutes for debate at second and third reading; and”;

5. by replacing rule 6-5(1)(b) by the following:

“(b) the time remaining, not to exceed 15 minutes, if the Senator who yielded is a leader or facilitator.”;

6. by replacing the portion of rule 7-1(1) before paragraph (a) by the following:

“Agreement to allocate time

7-1. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have agreed to allocate a specified number of days or hours either.”;

7. by replacing the portion of rule 7-2(1) before paragraph (a) by the following:

“No agreement to allocate time

7-2. (1) At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties and recognized parliamentary groups have failed to agree to allocate time to conclude an adjourned debate on either.”;

8. by replacing rule 7-3(1)(f) by the following:

“(f) Senators may speak for a maximum of 10 minutes each, provided that a leader or facilitator may speak for up to 30 minutes.”;

9. by replacing rules 9-5(1), (2) et (3) by the following:

“(1) The Speaker shall ask the whips and the designated representatives of the recognized parties and recognized parliamentary groups if there is an agreement on the length of time the bells shall ring.

(2) The time agreed to shall not be more than 60 minutes.

(3) With leave of the Senate, the agreement on the length of the bells shall constitute an order to sound the bells for that length of time.”;

10. by replacing rule 9-10(1) by the following:

“Deferral of standing vote

9-10. (1) Except as provided in subsection (5) and elsewhere in these Rules, when a standing vote has been requested on a question that is debatable, a whip or the designated representative of a recognized party or recognized parliamentary group may defer the vote.

EXCEPTIONS

Rule 7-3(1)(h): Procedure for debate on motion to allocate time

Rule 7-4(5): Question put on time-allocated order

Rule 12-30(7): Deferred vote on report

Rule 12-32(3)(e): Procedure in Committee of the Whole

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances”;

11. by replacing rule 9-10(4) by the following:

“Vote deferred to Friday

9-10. (4) Except as otherwise provided, if a vote has been deferred to a Friday, a whip or the designated representative of a recognized party or recognized parliamentary group may, at any time during a sitting, further defer the vote to 5:30 p.m. on the next sitting day, provided that if the Senate only meets after 5 p.m. on that day, the vote shall take place immediately before the Orders of the Day.

EXCEPTIONS

Rule 12-30(7): Deferred vote on report

Rule 13-6(8): Vote on case of privilege automatically deferred in certain circumstances”;

12. by replacing rule 12-3(3) by the following:

“Ex officio members

12-3.(3) In addition to the membership provided for in subsections (1) and (2), the Leader of the Government, or the Deputy Leader if the Leader is absent, and the leader or facilitator of each recognized party and recognized parliamentary group, or a designate if a leader or facilitator is absent, are ex officio members of all committees except the Standing Committee on Ethics and Conflict of Interest for Senators and the joint committees. The ex officio members of committees have all the rights and obligations of a member of a committee, but shall not vote.”;

13. by adding the word “and” at the end of rule 12-5(a) in the English version, and by replacing rules 12-5(b) and (c) by the following:

“(b) the leader or facilitator of a recognized party or recognized parliamentary group, or a designate, for a change of members of that party or group.”;

14. by replacing rule 12-8(2) by the following:

“Service fee proposals

12-8. (2) When the Leader or Deputy Leader of the Government tables a service fee proposal, it is deemed referred to the standing or special committee designated by the Leader or Deputy Leader of the Government following consultations with the leaders and facilitators of the recognized parties and recognized parliamentary groups, or their designates.

REFERENCE

Service Fees Act, *subsection 15(1)”;*

15. by replacing rule 12-18(2)(b)(ii) by the following:

“(ii) with the signed consent of the majority of the leaders and facilitators, or their designates, in response to a written request from the chair and deputy chair.”;

16. by replacing rule 12-27(1) by the following:

“Appointment of committee

12-27. (1) As soon as practicable at the beginning of each session, the Leader of the Government shall move a motion, seconded by the other leaders and the facilitators, on the membership of the Standing Committee on Ethics and Conflict of Interest for Senators. This motion shall be deemed adopted without debate or vote, and a similar motion shall be moved for any substitutions in the membership of the committee.

REFERENCE

Ethics and Conflict of Interest Code for Senators, *subsection 35(4)”;*

17. in Appendix I:

- (a) by deleting the definition “Critic of a bill”;
- (b) by deleting the definition “Ordinary procedure for determining duration of bells”; and
- (c) by adding the following new definitions in alphabetical order:

“Designated representative of a recognized party or a recognized parliamentary group

The Senator designated from time to time by the leader or facilitator of a recognized party or a recognized parliamentary group without a whip as that group or party’s representative for a purpose or purposes set out in these Rules. (*Représentant désigné d’un parti reconnu ou d’un groupe parlementaire reconnu*);

“Leaders and facilitators

The Government Leader and the leaders and facilitators of the recognized parties and recognized parliamentary groups (see definitions of “Leader of the Government”, “Leader of the Opposition” and “Leader or facilitator of a recognized party or recognized parliamentary group”). (*Leaders et facilitateurs*); and

“Spokesperson on a bill

The lead Senator speaking on a bill from each recognized party and recognized parliamentary group, as designated by the leader or facilitator of the party or group in question. (*Porte-parole d’un projet de loi*); and

- 18. by updating all cross references in the Rules, including the lists of exceptions, accordingly; and

That the *Ethics and Conflict of Interest Code for Senators* be amended by deleting subsection 35(5), and renumbering other subsections and cross-references accordingly.

• (1540)

CHARITABLE SECTOR

NOTICE OF MOTION TO PLACE FIRST REPORT OF SPECIAL COMMITTEE DEPOSITED WITH CLERK DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT ON ORDERS OF THE DAY

Hon. Terry M. Mercer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the first report of the Special Senate Committee on the Charitable Sector entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, deposited with the Clerk of the Senate on June 20, 2019, during the first

session of the Forty-second Parliament, be placed on the Orders of the Day under Other Business, Reports of Committees – Other, for consideration two days hence.

THE HONOURABLE SERGE JOYAL, P.C.

MOTION TO PLACE INQUIRY ON NOTICE PAPER FOR LATER THIS DAY ADOPTED

Hon. Terry M. Mercer: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, notwithstanding rule 5-6(2), the following inquiry be placed on the Notice Paper for later this day:

“By the Honourable Senator Mercer: That he will call the attention of the Senate to the career of the Honourable Senator Joyal, P.C.”; and

That, notwithstanding rule 6-3(1), during proceedings on this inquiry no senator speak for more than three minutes.

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.

(Motion agreed to.)

[Translation]

ABUSE OF HUMAN RIGHTS AND DEMOCRATIC FREEDOMS IN HONG KONG

NOTICE OF INQUIRY

Hon. Jim Munson: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the abuse of human rights and democratic freedoms in Hong Kong.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

UNITED NATIONS RESOLUTION CONDEMNING ISRAEL FOR OCCUPATION OF PALESTINIAN TERRITORIES

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Leader, at the UN General Assembly on November 19, Canada voted in favour of an anti-Israel resolution co-sponsored by North Korea, Zimbabwe and others. There has been little explanation as to why the Government of Canada chose to support a resolution from countries with no regard for human rights.

North Korea has committed systematic, widespread and grave human rights violations against its own citizens going back many decades. Human rights abuses continue in Zimbabwe with recent violence aimed at opposition party supporters.

Senator Harder, can you tell us why Canada voted yes on this resolution and aligned itself with countries that do not uphold any basic human rights?

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

I want to affirm that Canada has always stood as a steadfast ally and a good friend of Israel, and as a friend of the Palestinian people. The declaration in question was with respect to Palestinian self-determination, and Canada is committed to the goal of a comprehensive, just and lasting peace in the Middle East, including the creation of a Palestinian state living side-by-side in peace and security with Israel.

Canada voted in support of this resolution as it addresses a core issue of the Israeli-Palestinian conflict. Canada strongly supports the international consensus on a two-state solution so that both sides can be assured of a secure and prosperous future. At the same time, Canada maintains its strong opposition to the singling out of Israel for the criticism of others in the United Nations. This is why Canada overwhelmingly votes against these resolutions, including voting no on over a dozen resolutions so far this year.

UNITED NATIONS SECURITY COUNCIL MEMBERSHIP

Hon. Donald Neil Plett (Leader of the Opposition): Well, three weeks from today, on January 1, Mauritania will become a member of the UN Human Rights Council. Mauritania is a country where an estimated half a million people are currently enslaved. Venezuela will also become a UN Human Rights Council member next month.

Earlier this year, a report from our Standing Senate Committee on Foreign Affairs and International Trade looked into the political, economic and humanitarian crisis in that country and noted that it is not clear when a democratic government, or even a transition towards one, will be realized in Venezuela.

Senator Harder, Libya and Sudan will also become council members in January. Has your government said anything about these countries joining the Human Rights Council?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. He will know that Canada is but one country in the UN General Assembly voting with respect to membership on various committees. The honourable senator will also know that Canada has stood forcefully with like-minded parties with respect to the circumstances in Venezuela, which were referenced specifically. The Lima Group has had Canadian sponsorship for its meetings and resolutions. Canada is vigilant, but Canada is not the only determinant country of who sits on which committee.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

DESIGNATION OF ISLAMIC REVOLUTIONARY GUARD CORPS AS A FOREIGN TERRORIST ORGANIZATION

Hon. David Tkachuk: Honourable senators, my question is also for the Leader of the Government in the Senate. Amid the most recent wave of mass protests across Iran, the Islamic Revolutionary Guard Corps released a statement warning that it would take decisive and revolutionary action against the protesters, and hundreds of people have been killed in recent weeks. Eighteen months ago, in June 2018, a motion passed in the other place called upon the government to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada. As we all know, that did not take place.

Senator Harder, can you tell us if the new Minister of Public Safety and Emergency Preparedness, the Honourable Bill Blair, who voted in favour of the motion back in 2018, will respect the motion passed in the other place? When will the Government of Canada designate the IRGC as a terrorist entity under the Criminal Code?

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

I want to repeat, as I have several times in this chamber in the last Parliament, that the government is deeply committed to holding Iran to account for its violations of the human rights and democratic rights of its people. That is why Canada led a resolution at the United Nations just last month calling on Iran to comply with its international human rights obligations.

• (1550)

The Government of Canada is deeply opposed to Iran's support for terrorist organizations, its threats toward Israel, its ballistic missile program and its support for the Assad regime. The government will also continue to defend human rights and hold Iran to account for its actions. The government will also continue

to sanction Iran, including through Canada's special economic measures, the so-called SEMA. The Islamic Revolutionary Guard Corps' Quds Force is listed as a terrorist entity under the Criminal Code of Canada.

The government opposes Iran's support for terrorist organizations, its threats toward Israel, its ballistic missile program and human rights violations, and will continue to do so.

Senator Tkachuk: Senator Harder, in February, you told us that the government is "examining its options" and that the government "continues to monitor and determine whether and when such action would be appropriate." Does this continue to be the position of your government, and could you please let us know whether anything has been done in the process to list the IRGC?

Senator Harder: I would be happy to report back, but again, I want to emphasize that Canada's approach to the situation in Iran is one that is calibrated beyond just that measure to include the leadership Canada took at the United Nations last month with respect to a declaration on Iran's abuse of its people and of their democratic right to express their views.

DIVERSITY AND INCLUSION AND YOUTH

ROLE OF CHILDREN'S COMMISSIONER

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. We've been talking about this for a long time — I've been talking about it for 16 years. I'm referring to a children's commissioner. As Senator Joyal talked about, good ideas come from this place. Over the years, if you look at Senator Andreychuk and others — and I sat on her committee — we called for a children's commissioner. We've had a lot of discussion about that.

I was pleased to see the Prime Minister has a new ministry for diversity, inclusion and youth. Of course, we've seen where UNICEF has ranked Canada 25 out of 41 nations in their 2017 report on children's well-being. There's a particularly substantive gap when it comes to the education of boys and Indigenous children. We also had former MP Irwin Cotler; we've had a minister of the Crown, Marc Garneau; and private members' bills all about this commissioner.

We're long overdue for this, leader.

Is it the goal of our government to protect our most vulnerable citizens and valuable resource by creating this role? After all, it's way beyond time. It's almost 2020; it's time for children to have a voice and representation at the highest level.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing advocacy on this issue. I've had other senators as recently as today speak to me about their commitment to making progress on this matter. I will undertake to raise it with the new ministers responsible for this area and will report back.

[Translation]

INTERNATIONAL TRADE

CANADA-UNITED STATES-MEXICO AGREEMENT

Hon. Julie Miville-Dechéne: Honourable senators, my question is for the Government Representative in the Senate. You must know that aluminum workers are very concerned right now, especially here in Quebec, where 90 per cent of the industry is located. Can you reassure us? Will aluminum finally be defined as an original product like steel? Do we have the same definition for both products? In order for aluminum to be used in the production of automobiles, it will have to be melted, poured and finished in North America. Can you guarantee that aluminum will be treated like steel in the next free trade agreement?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's very timely. The honourable senator will know that the minister responsible for these negotiations will be tabling, if they have not already, the documentation to provide that assurance. The minister responsible has answered questions directly on this matter and provided the belief of the Government of Canada that the negotiated text is a huge win for Canada, and for aluminum producers and workers. Let's see the text, everyone, and have the appropriate inquiries before we conclude our own views on the text.

[Translation]

Senator Miville-Dechéne: I would like to continue in the same vein. As you know, people are saying that Mexico could buy its aluminum from China or other countries, which would have a rather devastating effect on aluminum producers in Quebec. If that proves to be true, would the government consider providing a compensation program like the one created for farmers who were affected by the supply management concessions made to the United States?

[English]

Senator Harder: Again, I thank the honourable senator for her question. I think it's premature, before we are assured, can see the text and understand the protections the text provides.

AGRICULTURE AND AGRI-FOOD

EXPORT TARGETS

Hon. Robert Black: Honourable senators, my question is for the Government Representative in the Senate. First, Senator Harder, I'd like to thank you for your hard work and dedication in the role over many years. It's a difficult job, and you've handled it with competence and grace.

In 2017, the government's Advisory Council on Economic Growth, chaired by Dominic Barton, identified agriculture as a key sector for potential growth. The Barton report set out a target to grow Canada's agri-food exports from \$55 billion in 2015 to at least \$75 billion in 2025. However, agriculture was barely mentioned in last week's Speech from the Throne that took place in this very chamber.

Senator Harder, are we on track to meet that goal, and what is the government doing to support agriculture and agri-food in order to meet the Barton export targets in a short five years?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his comments. I appreciate them. With respect to the agricultural sector, it remains a sector of vital importance for Canada's export markets. If I could, I would suggest we be vigilant in comments we make, particularly with Asian markets, China especially, which is a significant and important market for Canadian agricultural exports. Clearly, the ambitions that Dominic Barton and his commission made are important ones. There are a number of them, as the honourable senator will know. It is now for the government to set its targets with respect to the sector.

The minister is vigilant and will be bringing forward appropriate measures in the course of this mandate, working with her colleagues across the aisle. I would hope the Senate of Canada, particularly in its Agriculture Committee, could advance the interests of the sector to demonstrate how vital the growth you wish for is not only for the agricultural sector but to the Canadian economy, generally.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PROTECTION OF RELIGIOUS MINORITIES

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Government Leader in the Senate. Yesterday marked the seventy-first anniversary of the Universal Declaration of Human Rights and International Human Rights Day. Until now, the Chinese communist government is continuing a campaign of persecution against spiritual practices of Falun Dafa and Falun Gong for too long — again, those who simply wish to practise truthfulness, compassion and forbearance.

Hundreds of thousands, if not millions, of Falun Gong practitioners and believers of other faiths are languishing in prisons across China, where they are often tortured and even harvested for their organs. As we know, we are not the only documented atrocities perpetrated by China against ethnic and ethno-religious minorities.

What has the Government of Canada done to speak out against these extremely horrendous atrocities and crimes against humanity?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As was noted yesterday, the United Nations declaration has strong Canadian fingerprints. John Humphrey and Canadian diplomats have been there not only at its creation but throughout the decades of vigilance since. The Government of Canada has, on a

number of occasions, raised the issues of concern for human rights, be they the Uighurs or other persecuted minorities in China.

• (1600)

These issues have been raised directly with the government of China. The Canadian government has spoken in various fora, including the United Nations Human Rights Council, urging Chinese authorities to release those who are held for their beliefs. I would also note the recent statements this year, where Canada, alongside 21 countries representing a broad range of like-minded governments, wrote the Human Rights Council expressing these concerns, and in October — just a few weeks ago — the United Kingdom, on behalf of a number of countries, including Canada, expressed concerns with respect to this matter directly with China at the recent United Nations General Assembly.

Canada calls on the government of China to respect the human rights of its citizens, and Canada works with other countries in various fora to make this clear.

Hon. Salma Ataullahjan: Senator Harder, in 2017, our new Minister of Foreign Affairs, François-Philippe Champagne, told the China Global Television Network:

“In a world of uncertainty, of unpredictability, of questioning about the rules that have been established to govern our trading relationship, Canada, and I would say China, stand out as [a] beacon of stability, predictability, a rule-based system, a very inclusive society.”

It has been estimated that one million Uighur Muslims and other minorities have been interned in China's so-called re-education camps. Chinese government documents revealed in November have detailed the systemic human rights abuses at these mass detention camps.

Senator Harder, my question is: How does China's treatment of the Uighur Muslims and other religious minority groups square with Minister Champagne's view of China as a very inclusive society?

Senator Harder: I thank the honourable senator for her question. I can only repeat what I've already said with respect to the Uighurs and other persecuted groups. But let me say that Canada's relationship with China is multifaceted and, certainly, Canada has found China to be like-minded with respect to the trading regime of global recognition of the institutions of trade and the general agreements that we have reached that are monitored by the WTO. Canada and China — certainly Canada — have provided some guidance to like-minded parties in the WTO on how to move forward to preserve the international trading system.

The honourable senator will know that China has supported a number of initiatives Canada has taken in this regard. It is important that even in a period of recognized challenges and difficulties in the bilateral relationship, the Government of Canada continues to pursue Canadian interests in the bilateral economic relationship and works multilaterally to ensure the trading regime that we enjoy is upheld by all participants.

FISHERIES AND OCEANS

NEW BRUNSWICK—FERRY TRAVEL

The Hon. David Richards: Honourable senators, my question is for the Government Representative in the Senate. Senator Harder, once again, the citizens of Campobello Island have no direct access to their province, but have to travel to and from the rest of New Brunswick through a foreign country — the U.S.A. — where they are subject to both search and seizure.

The ferry service is and has been seasonal, so almost 1,000 Canadian citizens are vulnerable and continually subject to delay, interference and presumption from U.S. border guards. Their quality of life is seriously diminished by U.S. regulations.

My anger is not with U.S. federal jurisdiction, however, but Canada's inability to provide year-round ferry service to one of its most famous islands.

This, in my mind, is a serious dereliction of responsibility. Senator Harder, when might the federal government realize they must help the provincial governments to establish a year-round ferry service to mitigate this situation?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. I'll take note of it and raise it with the appropriate officials and ministers concerned and report back.

ENVIRONMENT AND CLIMATE CHANGE

ENVIRONMENTAL IMPACT ASSESSMENT— NORTHERN PULP PLANT

Hon. Diane F. Griffin: Honourable senators, my question is to the Government Representative in the Senate. Senator Harder, the Premier of Prince Edward Island and the P.E.I. Minister of Fisheries and Communities have called on the federal government to commit to conducting a federal environmental impact assessment regarding effluent treatment for the Northern Pulp plant in Abercrombie Point, Nova Scotia. The proposed treatment facility would release effluent into the Northumberland Strait after only eight hours of treatment. Should an error occur, the window in which to catch it will be very narrow.

This understandably concerns all communities on the Northumberland Strait.

Senator Harder, given the importance of fisheries to the Canadian economy and the priority placed on protecting marine areas in the Speech from the Throne, will the government commit to conducting an environmental impact assessment for this project?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. I particularly appreciate that she gave me notice of the question so that I could respond with the latest information.

I want to indicate that federal departments are continuing to provide expert advice to provincial processes to assess the Northern Pulp effluent project. Multiple federal departments, including Environment and Climate Change, Fisheries and Oceans, Transport, Health, and Public Services and Procurement are providing technical support and advice, and the government will continue to engage the Government of Nova Scotia on this important review.

The government has received a proposal from the proponents of the project and is currently evaluating whether or not a federal environmental assessment is warranted. Given Minister Wilkinson's new position, and in the spirit of informed decision-making and ensuring certainty on timelines for proponents, the minister is thoroughly reviewing a series of designation requests from the Impact Assessment Agency, including Northern Pulp, and will arrive at a definitive decision on all of them by December 20, 2019.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

HUMAN RIGHTS

Hon. Leo Housakos: Honourable senators, my question is for the government leader. It seems you're absolutely right that the Canada-China relationship is multifaceted. It seems to be an arrangement where the Chinese carry out atrocities vis-à-vis human rights and the Canadian government attaches a price tag for acquiescing and just carrying on soft diplomacy.

In February 2018, Canada rightfully used the Magnitsky Act to sanction an official from Myanmar in relation to acts against this country's Rohingya Muslims. In doing so, then Global Affairs minister, the Honourable Chrystia Freeland, had this to say:

Canada will not stand by silently as crimes against humanity are committed against the Rohingya.

My question for the Leader of the Government in the Senate is: If we did not stand by silently while crimes against humanity were being committed against the Rohingya in Myanmar, why is your government standing silently by while crimes against humanity are being committed against the Muslim minority in China?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As I've made clear, the government is not standing idly by.

Senator Housakos: Honourable senators, the government now, for many, many months, continues to stand by as they encroach on basic human rights with nothing more than dialogue and platitudes.

Senator Harder, in addition to Myanmar, your government has used Magnitsky sanctions against several countries, including Russia, of course, but also South Sudan, in relation to violence that has racked that country for years since it gained its independence, and Venezuela and the Maduro regime for undermining the integrity of their democracy and the rule of law in that country.

These all sound a lot like what's happening in China, but actually, what's happening in China is a lot more egregious than what was happening in those countries, or equally so, both with protesters in Hong Kong and the systemic persecution of minority Muslims in mainland China. It seems to me, government leader, that this government has a double standard for where they apply the Magnitsky Act and where we stand up for human rights. Why the double standard depending on the country?

Senator Harder: I certainly don't share the observation of the honourable senator.

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

PROTECTION OF SENIORS

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is also for the Leader of the Government in the Senate. It concerns the rights of seniors who are among the most vulnerable members of our society.

• (1610)

Health care authorities in British Columbia have recently taken steps to impose outside administrators for three senior care homes on Vancouver Island amid concerns about the neglect of residents, including the inadequate treatment of wounds and medication delays.

These seniors' facilities were sold to Anbang Insurance Group in 2017, a Beijing-based company subsequently seized by the Chinese government in February 2018.

Senator Harder, in June 2017 you said that your government believed this transaction was appropriate and that it stood by its decision to approve this sale under the Investment Canada Act.

Given the recent revelations of poor treatment of seniors at these facilities, does your government still believe this transaction was appropriate?

Hon. Peter Harder (Government Representative in the Senate): Let me thank the honourable senator for her question.

The oversight regime for these facilities has jurisdiction on the facilities that are referenced here and compliance with Canadian law is required by whoever is the owner and operator of these facilities. The Government of Canada believes that it is important that all of the oversight and the legal regimes for governing these complexes ought to be respected irrespective of the ownership.

Senator Martin: With respect to the reports of neglect at these seniors' care homes, a spokesperson for Minister Bains recently told *The Globe and Mail* that the federal government would monitor commitments made around the number of jobs and facilities. This seems to be quite the bare minimum of what the minister and his department should be doing, concerning all that has transpired in recent months.

I'm speaking personally as well. My mother is in care and the operations within a facility are complex. People are working very diligently, but given the facts and the information that has recently been uncovered, would you assure us what further action your government will take to demonstrate true accountability for the decision it made just two years ago to approve this transaction and to demonstrate that the rights of the seniors in British Columbia are a priority?

Senator Harder: Again, I'd be happy to raise the concern directly with the minister responsible, but I want to assure the senator, and all senators, that the obligations of compliance with Canadian authorities, be they provincial, municipal or federal, are irrespective of ownership structures and need to be observed.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Grant Mitchell (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of the first report of the Standing Senate Committee on National Finance, followed by second reading of Bill C-2, followed by all remaining items in the order that they appear on the Order Paper.

[English]

THE ESTIMATES, 2019-20

SUPPLEMENTARY ESTIMATES (A)—FIRST REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Senate Committee on National Finance, entitled *Supplementary Estimates (A), 2019-20*, tabled in the Senate on December 11, 2019.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this report reflects the work that was done by our Finance Committee on Monday — five and a half to six hours — and then further work this morning. It's important for you to know because I will point out to you that in the House of Commons, with respect to the spending of almost \$5 billion, they started at 7:10 last night and finished everything — adopting the report, first and second readings of Bill C-2 — in 20 minutes. We are trying to complement — we're not criticizing — the work that is done by the House of Commons with respect to this.

I'm extremely proud of the work that Senator Mockler and the other members of the Senate Committee on National Finance have done and continue to do to make national finance an important — some could say an extremely important — part of the work that we do here to complement the work that's done in the House of Commons. Thank you all very much and I congratulate you in that regard.

In relation to the report itself, it has been tabled. You'll have a chance to look at it. There were good and valid points that were brought up. In the spirit of compromise and understanding, we've elected unanimously to put all those points down, not in asking for this report to be amended but rather a separate letter to go to the responsible ministers. Some of the points we made are really requesting further information and that, I anticipate, we will see in due course. I think that was a good compromise, having regard to the time and that this is just a new Parliament, the Forty-third Parliament, and we shouldn't take steps that unnecessarily delay the passage of supply because obviously that's a critical aspect for the government.

Honourable senators, the report is before you and I'm sure you're anxiously awaiting word from the chairman of the committee. Thank you.

Hon. Percy Mockler: To my esteemed colleague, Senator Day from New Brunswick, thank you for covering for me.

On December 5, the Honourable Senator Grant Mitchell, Acting Legislative Deputy to the Government Representative in the Senate, presented a motion in the chamber authorizing our committee to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2020.

In order to complete this mandate, the Standing Senate Committee on National Finance met on Monday and questioned government and non-governmental witnesses. Honourable senators, a total of seven departments, along with the Treasury Board, were available and presented to us an overview of the major items included in Supplementary Estimates (A).

Honourable senators, with the support of our new clerk Maxime Fortin and her team, the analysts Alex Smith and Shaowei Pu, the National Finance Committee was able to prepare the present report to the chamber for the supplementary estimates 2019-20 and present it in the chamber, as we are considering it presently. I want to thank them for their professionalism and also thank the senators for their hard work and dedication for a job well done.

[Translation]

Mr. Speaker, I would also note that the Standing Senate Committee on National Finance was privileged to welcome a new senator, Tony Loffreda, who participated in the committee's meetings. The senator was thrown in at the deep end, as they say, but now he knows about the Standing Senate Committee on National Finance's main responsibilities.

• (1620)

Senator Loffreda, I hope you will also have a chance to submit your name when the new committee is reorganized in 2020.

I would be remiss if I failed to recognize the contribution of one of New Brunswick's own. As committee chair, I would like to take a moment to thank Senator Joseph Day. He agreed to serve as deputy chair for all the committee's work. Senator Day chaired the Standing Senate Committee on National Finance for several years.

[English]

I can share with you, regardless of where we come from coast to coast to coast, that he was, as chair — as we say in New Brunswick, and especially in Saint John — a real trailblazer.

[Translation]

Today the senator sat with our committee for the last time. I know he sees himself as a runner, but I can say that as of today, Senator Day will be hanging up his skates. I want to thank him for his leadership and his abundant advice, offered both to new senators and to anyone who asked him questions. You have been a true mentor to many senators, Senator Day. Thank you for your enormous contribution to the Senate. Thank you for your contributions towards making your city, Saint John, your province, New Brunswick, our region, the Maritimes, and our country, Canada, a better place to live, work, raise a family and reach out to the most vulnerable. As La Sagouine would say, I tip my hat to you, Senator Day. You have earned your stripes.

Honourable senators, now that we have fulfilled the mandate you set out for us last week, rest assured that the Standing Senate Committee on National Finance will always stand up for transparency, accountability and predictability. We will continue to ensure that our work is done in such a manner that all Canadians, no matter where they live, whether in big urban centres or rural areas, can understand and learn about the financial processes put in place by the government. People have a right to know and to learn more about their government's budgetary spending.

In closing, honourable senators, I would like to take a moment to thank all those who work with us, often behind the scenes, and who assume their responsibilities to ensure that the work of the National Finance Committee proceeds smoothly.

[English]

I have no doubt in my mind, honourable senators, that Senator Marshall will comment on the process of the report before the chamber today, entitled *Report on the Supplementary Estimates (A), 2019-20*.

And last, but not least, to all the senators who participated at National Finance, thank you for a job well done.

Some Hon. Senators: Hear, hear.

Hon. Terry M. Mercer: Honourable senators, I want to make my annual speech on supply, and I want everybody to think about this. We're going to go out of here, and you will hear people criticize this chamber — the chamber of sober second thought — and they will say, "Well, we've got the House of Commons."

Let's just see what we've got in the House of Commons with respect to the spending of \$5 billion. We've got 20 minutes spent yesterday to approve this in the House of Commons — 20 minutes.

And what did the Senate do? The Senate yesterday spent six hours on this subject. Then, again early this morning, another hour was spent on this. That's 7 hours, compared to 20 minutes in the House of Commons to spend \$5 billion of taxpayer money. I think we needed to spend more than 7 hours but, boy, we sure as hell had to spend a lot more than 20 minutes.

So don't forget that when you go home at the break and people criticize you, mention to them that their member of Parliament, no matter what party he or she is a member of, spent 20 minutes to spend \$5 billion of their money. Twenty minutes. Shame on them and shame on any government that allows this to happen.

Some Hon. Senators: Hear, hear.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

[Translation]

APPROPRIATION BILL NO. 3, 2019-20

SECOND READING

Hon. Grant Mitchell (Acting Legislative Deputy to the Government Representative in the Senate) moved second reading of Bill C-2, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2020.

He said: Honourable senators, I rise today to speak to Bill C-2, which provides for the release of supply for the Supplementary Estimates (A), 2019-20. I want to thank the committee for carrying out an in-depth study of the estimates on such a short time frame.

[Senator Mockler]

[English]

I just had a minute to look at this report. I want to say that even at that first glance this is a very well-done report, done in very short order, as even Senator Mercer has indicated. But it's a tribute to the kind of work that that committee and the Senate do, so thank you all very much.

[Translation]

I also want to thank Senator Mockler, the Chair of the Finance Committee, for his leadership during the study of this bill, which required poring over numerous budget documents, including the estimates from the past few years. I want to highlight the work of Senator Day, who served as acting deputy chair of this committee and previously chaired the committee for many years. His knowledge of the Senate's role in evaluating public expenditures was greatly appreciated.

[English]

As well, I would like to say specifically that some of the most fulfilling times in my experience in the Senate were working on the Finance Committee when Senator Day was its chair, and it was very well run, very professional and always extremely productive. I should also say that tradition has been sustained admirably by Senator Mockler.

[Translation]

Bill C-2 allocates the funds that are required for items that were not fully developed in time to be included in the Main Estimates.

[English]

The government is seeking parliamentary approval for \$4.9 billion in new voted spending, including several important budgetary items, such as \$677 million to the Department of Veterans Affairs to strengthen programs that support veterans and their families; \$296 million to Global Affairs Canada to support climate change adaptation efforts in developing countries; \$467 million to the Treasury Board to fund recently negotiated collective bargaining agreements; \$166 million to Transport Canada for the Zero-Emission Vehicles Program; and \$177 million in funding to the Department of National Defence to purchase 360 armoured combat support vehicles.

[Translation]

Since 2016, the Government of Canada has invested more than \$10 billion in social benefits and other forms of support for veterans, including \$3.6 billion for a new Pension for Life program. In these Supplementary Estimates, the government is allocating an additional \$677 million to Veterans Affairs Canada to meet increased demand for veteran services and consolidate those services.

• (1630)

Global Affairs Canada has been allocated \$296 million to help developing countries adapt to climate change. This upholds Canada's commitments to support international climate action and is in line with the budget 2019 commitment to invest in international assistance.

The supplementary estimates include \$467 million to cover the costs associated with the collective bargaining agreements negotiated by the Treasury Board.

A total of \$165.5 million is allocated to the Department of Transport for the zero-emission vehicle program announced in budget 2019.

The supplementary estimates allocate \$176.9 million to the Department of National Defence to purchase 360 armoured combat support vehicles, providing services such as ambulances, mobile repair, troop carrying and command posts.

These are some of the main items in the supplementary estimates that allocate funding to some 30 federal bodies.

Dear colleagues, I thank you for your attention. I hope that my speech gave you an overview of the budget process and I encourage you to support Bill C-2.

Thank you very much.

[English]

Hon. Elizabeth Marshall: Thank you, Your Honour. I have a prepared speech, but I want to pick up on some of the preliminary comments made specifically by Senators Mercer and Day. Sometimes I'm quite dismayed when people speak about the supply bill because they say, "It's only the supply bill." The supply bill provides money to the government so it can function. The supply bill usually provides almost 50 per cent of the funding. Without the supply bill, the government will shut down. It's not just the supply bill, it's a very important bill and we see several of these each year.

The Finance Committee does a lot of detailed work, especially around the time of estimates. The supply bill and the budget, there is a lot of extra hours put in. We do a lot of detailed work. Senator Joyal, I know this is your last day, so I want to tell senators about a comment you made on the Finance Committee several years ago. What you said was there is a lot of hard work and no glory. I thought that was a very good description of the Finance Committee.

The report that was tabled by Senator Mockler is very detailed. It goes through every individual item that is in the supplementary estimates and it gives an explanation. It is very detailed. I won't get into every item because it would take more than the 45 minutes allocated to me. But I want to hit on a couple of areas that interest me. Every senator brings a different perspective to the questions when we get into the Finance Committee.

I want to speak briefly to the bill. It is requesting \$4.9 billion, as Senator Mitchell indicated, and it's additional funding for 39 organizations. If this funding is approved, government will have approval to spend a total of \$308 billion in the current fiscal

year. That's a lot of money. We don't see the \$308 billion at one time, we see it in dribs and drabs. It's up to \$308 billion, and we're going to get a request for more funding before the end of the fiscal year. It will be more than \$308 billion.

Last year government had approval to spend \$292 billion, so it has been a significant increase, up 5.5 per cent. We will see what the next supplementary estimates bring and the Finance Committee will keep an eye on that.

Bill C-2, along with the Main Estimates, provides government with \$131 billion of the \$308 billion that I mentioned earlier.

There is \$177 billion approved by legislation other than a supply bill. There is a number of statutes that provide statutory funding for different kinds of programs. This \$177 billion, we always refer to it as statutory funding because it's approved by statutes other than a supply bill. The two amounts, the \$131 billion in the supply bills and the \$177 billion in statutory funding, provide government with total funding of \$308 billion. Some of the senators stated that when I start speaking numbers, they just glaze over. I want to make sure you're aware that it's a significant amount of money.

The \$177 billion in statutory funding is 57 per cent of the funding that government spends. It's not included in the supply bill, and it is not reviewed by the Department of Finance.

I've spoken about this area previously, so again, I am recommending that this Finance Committee review statutory funding even if we are not required to approve it. Statutory funding is now well over 50 per cent of money spent by government and I feel that it is very important that we at least realize where the money is going.

When we met on Monday, we reviewed the funding requests from eight departments, and in addition, a representative of Electric Mobility Canada appeared before the committee to support the \$165 million being requested by the Department of Transport for the iZEV Zero Emission Vehicles Program.

When we review the Main Estimates and the bill, supplementary estimates, there are several challenges we face when we start reviewing these requests for money. First, quite often the requests are for multi-year projects. When we look at something, it might look like a very small dollar amount. We have to look, not at the funding requested, but at the funding for those projects in the past years and talk about the future funding requests that are pending and will come in the future years. We have to look at the timelines. I will give an example: Treasury Board this year is requesting \$5 million for a project called the financial and material management solution project. It appeared to be a minor item in their \$527 million request. However, when we discussed it with them, we determined that the \$5 million was for a project that is multi-year, impacts 18 government departments, and at this point in time it has already cost \$139 million. I expect it will cost more in the future. That's the sort of thing we have to keep an eye on in Finance Committee. The costs relating to those 18 departments are going to be reflected in those departments, so it's a project we have to track.

The second area that we have to be conscious of is that funding being requested by an individual department may also impact the funding in other departments and agencies.

For example, Treasury Board has requested \$44 million to compensate employees for damages related to the Phoenix pay system. However, we know that Phoenix impacted many government departments and agencies, and the costs to date exceed \$2.6 billion. We were also told that the \$44 million in these supplementary estimates for damages is only the beginning of payments for damages. That's another area we have to look at from year to year.

When we spoke to the Treasury Board officials, we also discussed the status of the estimates reform project. The Finance Committee will know what it is, but the government was trying to do something with the estimates to bring them better in line with the budget. The past two years we had a pilot project underway, and the Main Estimates were tabled after the budget. As a result, the budget initiatives were included in the Main Estimates for those two years and it was a bit easier to follow. I found it easier. There were shortcomings, but I kind of liked what they were doing.

• (1640)

However, when we talked to the Treasury Board people, it appears that government may revert to the old way of tabling the Main Estimates before the budget, so I think they're taking a step backwards. While the two-year pilot program had its shortcomings, I find it disappointing to learn that the government may actually revert to the old process rather than trying to improve the new process they've put in place for the past two years.

Of the \$4.9 billion that is being requested by 39 government departments and agencies, Veterans Affairs is requesting the largest amount, \$858 million, primarily to fund demand-driven programs and services for veterans. Treasury Board has the second-highest request, at \$527 million, primarily to compensate departments, agencies and Crown corporations for the impact of collective bargaining agreements concluded between April 1 and October 18 of this year. The Department of National Defence, an area I am interested in, is requesting \$177 million to support and upgrade the armoured combat support vehicle fleet for the Canadian Armed Forces. This one is part of a \$2 billion contract. The department has committed to providing additional information to the committee on the payment schedule and delivery timelines. Again, there is \$177 million in Bill C-2 and there's still about \$2 billion outstanding.

Departmental officials also discussed the underfunding of capital defence projects. Usually the capital defence projects have been underfunded by \$2 billion a year for the past three years, so that department is now committed to providing some revised numbers.

The Department of Transport is requesting \$165 million for their iZEV Zero-Emission Vehicles Program. Rebates of \$2,500 and \$5,000 are provided, with the dealer passing the rebate to the

consumer and Transport Canada reimbursing the dealer. Senators were particularly interested in the details of the program, such as the number of vehicles receiving rebates and the impact the rebates have had on greenhouse gas emissions, which they were not able to tell us. That was a very interesting discussion we had with Transport Canada.

The departmental officials from Crown-Indigenous Relations and Northern Affairs, in reviewing their funding request for the committee, informed us that funding for the two new Indigenous services departments — if you remember a couple of years ago, there was one department split into two — has increased funding by \$4 billion when compared to the funding provided to the original single department. It has gone from \$14 billion to \$18 billion. In addition, we were told that 8,300 federal employees were working at the two new departments, compared to the 4,600 employees who worked at the original single department.

Finally, the Department of Canadian Heritage is requesting \$10 million to support local journalism. This is part of a \$50 million program over five years announced in Budget 2018 — not the last budget but the budget before — and is in addition to the \$595 million program announced in Budget 2019 to support Canadian journalism.

These are only a few of the items included in Bill C-2. The report just tabled by Senator Mockler provides a comprehensive list of items requiring funding. All departments appearing before the committee provided information relating to their funding requests and in some instances committed to providing additional information.

After we return in the new year, the Finance Committee will get some new work. We expect to receive Supplementary Estimates (B), which will be the final supplementary estimates for this year. They should come in February. Then the corresponding supply bill should come in March. We also expect to receive the Main Estimates for next year. We should get that in February as well.

In closing, I'd like to thank my colleagues for their questions during our Finance Committee meetings. As I said earlier, every senator brings a different perspective to our meetings. I would also like to thank our chair, Senator Mockler; our deputy chair, Senator Day, who at one time was also an excellent chair; as well as to our clerk and analysts. Thank you very much.

Hon. Senators: Hear, hear!

Hon. Lillian Eva Dyck: Would the honourable senator take a question?

Senator Marshall: Yes, of course.

Senator Dyck: Thank you. I was listening to your costing with regard to the split of the Department of CIRNAC into Indigenous Services Canada, and you have said that there was an increase of \$4 billion.

Do we know whether that \$4 billion increase is due to an increase in administrative costs, like staffing for having two departments versus one? Or is it a reflection of increased payments out to individual First Nations for things like improving water treatment plants or forgiving loans to B.C. First Nations when they went into debt trying to develop their own self-governing agreements? I believe the government said it was forgiving those loans. Would some of that money have gone to those kinds of expenses?

Senator Marshall: Thank you for that question. Some of the increased money would definitely have gone into administration because there has been an increase in employees. We haven't done an analysis of the breakdown, how much went into overhead and how much has gone into programs. That was a concern expressed at our committee meeting. Is the money going into expanding the bureaucracy, or is the money actually getting out into the front lines for some benefit?

Senator Dyck, this issue of the costs relating to the splitting of the two departments came up a couple of years ago in the committee, when they first split up. At that time, the questioning was along the lines of making sure that all the money went over into the two departments, that the government wasn't saving money, that they got everything they should have gotten in the past. We have not done the analysis yet.

What I find is that in the Finance Committee, as I was saying in my speech, two years ago they gave us certain information. Now we're getting more information. What happens is that, as each year passes by, we sort of build on our questions and get a better handle as to exactly what's going on. We know some has gone into administration. How much has gone into programs? I can't tell you. I would think there is some, but I can't tell you if it's a 60-40 split, no.

Senator Dyck: I have a supplementary question. Is it possible to actually get those answers? Is the committee continuing to try to sort out those details so we know exactly where the money goes?

Senator Marshall: Yes, we can get the numbers. What I find, based on the years I have been on the Finance Committee, the information for us to go into the numbers and try to pull the numbers out is sometimes a challenge. Usually what we do is go back to the officials in the department and ask for the numbers.

When we looked at this issue a couple of years ago, when the departments split into two, it was the departmental officials who came up with the numbers to convince us they weren't saving money as a result of the organizational changes. It's something that we could look at in the future.

To be honest with you, I don't know if the information is available so that we ourselves could go in, look and determine what the split is. But the departmental officials definitely could, and that is something that we could request.

Hon. Marty Deacon: I would like to pass on a thought on this as a member of the Finance Committee, if I could.

In listening this afternoon, I feel, as a member of the Finance Committee and a senator, and looking at fellow Canadians, we heard a lot about numbers, and I know some people aren't as interested in numbers as much as others might be.

But I want to say that as we continue to go with a pretty fantastic committee, we had 115 different people come through the room on Monday afternoon. On behalf of senators and Canadians, we're trying to ensure that we're pushing for more evidence, monitoring, accountability and more consistent reporting. We're pushing to try to connect the dots between and across different areas of government services and delivery, pushing for notable improvements in culture. The word "culture" is coming up more and more as we come across different areas of budget and working with different groups. We are certainly pushing for innovation and forward-thinking.

• (1650)

I wanted to share that, apart from numbers for a moment, because it is a piece that we have to take more seriously with every single government group that we meet. Thank you.

Hon. Patricia Bovey (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

THIRD READING

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

Hon. Grant Mitchell (Acting Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

Hon. Joseph A. Day: Honourable senators, at the risk of wearing out your patience, this is getting awfully close to what went on in the House of Commons, when we start looking at second reading and then moving right along to third reading.

Normally, after second reading, we would expect the matter to be referred to committee but we don't do that with these matters because it's like a pre-study that we do. We started with the estimates. We've looked at the report, then first and second reading. That's what we've been doing here over the last half an hour or so. It's important that we recognize that third reading and the bill is tied in with the Main Estimates.

This is a supply bill. It's not even a page long, but all the attachments to the supply bill are attachments that were in the estimates. So we studied the estimates; we had it for a day. I hope someone will continue to compare the schedules to the supply bill and make sure that they're the same as that which we studied. Because I can tell you, there was a time, more than once but one time, when there weren't any schedules attached to the bill and we would just breeze it on through. In fact, the House of Commons did pass a supply bill without any indication at all as to where the money was going, because you find that out in the schedules.

It's important that we recognize that there is a process that we've adopted here and it's worth being vigilant as we go through these steps.

I'm not going to resist third reading but, in concluding, I'd like to thank all members of the committee. Senator Marshall and I have worked on the committee for a good number of years. As I was listening to your report, I was reminded how important it is to have continuity. You can go back a couple of years. We were actually the committee that advocated for this change so we could know that the Main Estimates, which had come up for the year, were reflective of what was in the budget and what the government intended to do for the next year, as opposed to us picking that up through the year.

For a good number of years, Senator Smith did a fine job of making sure that we in the Senate did our part to follow the procedure and make sure that we were not spending billions of dollars without even talking about it.

Thank you all very much and I hope you continue.

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

Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

[Senator Day]

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

MOTION CONCERNING FORMER SENATOR DON MEREDITH— DEBATE ADJOURNED

Hon. Serge Joyal, pursuant to notice of December 10, 2019, moved:

That, in order to preserve the authority, dignity and reputation of the Senate of Canada, and in light of the following reports from the First Session of the Forty-second Parliament:

1. the Senate Ethics Officer's *Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning [then] Senator Don Meredith*, dated March 9, 2017;
2. the Second Report of the Standing Committee on Ethics and Conflict of Interest for Senators presented on May 7, 2017;
3. the Senate Ethics Officer's *Inquiry Report under the Ethics and Conflict of Interest Code for Senators concerning former Senator Don Meredith*, dated June 28, 2019; and
4. the Sixth Report of the Standing Committee on Ethics and Conflict of Interest for Senators tabled on July 29, 2019;

the Standing Committee on Ethics and Conflict of Interest for Senators be authorized to examine and report on the advisability of adopting the following motion:

That the Senate call on the Prime Minister to recommend to Her Excellency the Governor General that former senator Don Meredith be excluded from the application of section 6 of the Table of Titles to be used in Canada, and no longer entitled to the style of "Honourable", and that former senator Meredith no longer receive any precedence or status that would normally be accorded a former senator.;

That in conducting its examination of this question, the committee afford former Senator Meredith the opportunity to be heard by the committee;

That notwithstanding the provisions of rule 12-28(1), the committee be empowered to meet in public for the purposes of this study if it accepts a request from former Senator Meredith to that effect; and

That the committee present its final report no later than January 31, 2020.

He said: Honourable senators, I will not impose a lengthy speech on you as I did earlier, but I would be remiss if I did not bring to your attention a certain number of considerations in relation to Motion No. 5 standing in my name, which is an unprecedented motion. This motion raises an unprecedented issue. In the last 152 years of Confederation, neither the Senate

nor the House of Commons has considered the necessity to invite the Prime Minister to recommend to the Governor General the removal of the name of a senator from the table of titles.

I will explain why this has never happened in the context of the constitutional prerogative that the representative of Her Majesty enjoys in relation to title. In our constitutional system, the title or the fount of honour belongs to Her Majesty. In other words, it is a Royal Prerogative. It's only Her Majesty who can grant a title to a Canadian. When the representative of Her Majesty, that is the Governor General, exercises that responsibility on behalf of Her Majesty, the Governor General acts on the recommendation of the Prime Minister. In other words, the precedence and the constitutional obligation for the Governor General is to request the opinion or the advice of the Prime Minister when granting a title.

If there is such a Royal Prerogative in the hands of the Governor General, it is important that the Governor General follow the table of titles that has been adopted and submitted to the Governor General. On that table of titles, there are six groups or categories of Canadians who enjoy the title of "honourable" for life — I repeat, six groups of Canadians.

The first category is the Governor General of Canada who will be styled "right honourable" for life. In other words, a former Governor General will always enjoy the status of "right honourable."

The second category is the Lieutenant Governor of a province to be styled "honourable," not "right honourable."

The third category is the Prime Minister of Canada who will enjoy the title of "right honourable" for life.

The fourth category is the Chief Justice of Canada. For instance, former Chief Justice Beverley McLachlin will be "right honourable" for life.

• (1700)

The fifth category is a privy councillor of Canada, so ministers of the Crown, a person who has been a minister of the Crown. I happen to have that title, to be "honourable" for life, not because I'm a senator but because I was a minister of the Crown. I was sworn in as a member of the Privy Council.

The sixth and last category includes senators of Canada to be styled "honourable" for life. Members of the House of Commons are not. Even the Speaker of the House of Commons is not, unless there is a specific recommendation made to the Governor General as per the third group of Canadians.

As you will understand, senators are in a very privileged position in terms of title. You are "honourable" and you should act honourably not only when you are a senator but once you have left this chamber, like it will happen to me in a couple of weeks.

Since the beginning of Confederation this chamber has never made a recommendation or invited the Prime Minister to advise the Governor General to remove the title of "honourable" of any senator.

So you will understand that if we are to consider this initiative to remove the title, we have to be very careful in the process that we follow. It cannot be done out of fury, anger, vindication or in extreme situations because we happen not to like one person in particular.

If this chamber invites the Prime Minister to make that recommendation for a former senator, it has to be for very serious reasons. Those serious reasons, honourable senators, are enumerated in the full inquiry that the Ethics Commissioner has been conducting. This matter was referred to the Standing Committee on Ethics and Conflict of Interest, and the committee met on March 9, 2017; May 7, 2017; June 28, 2019; and finally, July 29, 2019. Last summer when this chamber was adjourned, the standing committee met, wrote a report and tabled it with the Clerk.

That report, of course, is damning. There's no doubt about that. It's damning because the behaviour of former Senator Meredith in relation to his former employees and his conduct with some employees on Parliament Hill, according to the report he was found not to have demonstrated or respected the ethics that are expected from a senator.

Hence, the committee concluded that the conduct of Senator Meredith was reprehensible and certainly not a model or exemplary for any senator.

The question then is, Senator Meredith has left this chamber. He is no longer within our reach in terms of ethics or the capacity of our committee to sanction him or recommend a sanction to this chamber for him.

The only sanction that could be considered was, in fact, to look into the opportunity to remove not only the title of "honourable" but any opportunity for former Senator Meredith to attend state ceremonies. Those are the two parts of the proposal before you. If you look at the proposal, it states quite clearly, first, that Senator Meredith should no longer be entitled to the style of "honourable." Second, that former Senator Meredith no longer receive any precedence or status that would normally be accorded a former senator.

Let me give you an example of this. What is a ceremony of state? Many of you will remember when our former Speaker passed away, former Senator Pierre Claude Nolin. I say that with great esteem and friendship for him. I referred to him, of course, in my opening remarks this afternoon.

We attended the funeral of the late Speaker Nolin at the Notre-Dame Basilica, in Montreal, and there were special sections for senators. Any senators, past or present, were invited to sit with the group of senators as former or current senators.

In other words, in ceremonies of state, where you have a position as a senator or a former senator, then Senator Meredith would be invited to attend as any former senator.

In the context of his name, he could always sign "Honourable Senator Meredith" because, of course, he is entitled, according to the table of titles, to the title "honourable" for life.

Before we do this, before we take a stand in this chamber to invite the Prime Minister to recommend that approach to the Governor General, what should we be doing? It is a very serious precedent that we would be creating.

Our approach is to propose to you that there should be an opportunity to follow what I call the respect of fundamental justice, due process. What is due process? Due process is when you remove a benefit that a person enjoys or when you deprive somebody of something that that person is entitled to, you give an opportunity to that person to state his or her case.

You might say, “Well, senator, you have invoked four damning reports that I have just enumerated.” This is enough to take the initiative.

I would invite you to pause, honourable senators, and to think twice before we do this. It is important for the purpose of the principles that we follow in this chamber to follow the procedure that we have in the code, which is at section 49, and says that before we determine a sanction or a measure:

... the Committee shall afford a Senator who is the subject of a report the opportunity to be heard by the Committee.

It’s section 49(2).

In other words, let’s give him an opportunity to be heard because if we would be swayed as a chamber to immediately take the decision to call on the Prime Minister to do this, I think we have to be exemplary in the process that we should follow. This process is to afford him an opportunity to be heard. It is to sit in public, if Senator Meredith requests it, so that he could state his case, so that it would be for everybody to realize or to be informed of the arguments that Senator Meredith might want to propose, but not to be called into an open-ended process but one that has a deadline. In other words, that the Ethics Committee be requested to invite Senator Meredith to give his opinions on this initiative and that the committee would report on the motion proposed, at the latest, by January 31, so that it comes to an end.

You may ask me, “Yes, but, senator, why did the Ethics Committee not consider that before? We could have taken a stand in May, when the report was tabled in the chamber.” The simple answer is that this sanction does not appear in the code.

If you look again at section 49 subparagraph (4) and I could list all of them:

- (a) the return of any gift or other benefit;
- (b) any remedial measure;
- (c) the reduction or removal of access to Senate resources . . .
- (f) an invitation or order to apologize;
- (g) a censure, admonition or reprimand . . .

Those sanctions do not list the specific issue of keeping the title of “honourable” and continuing to be a part of a ceremonies of state.

So it is important that you consider the code as it stands now does not allow the committee to take such action on its own. Hence, the motion before you today, to invite the committee to look into that recommendation and then make a report to this chamber by, at the latest, January 31.

• (1710)

We thought that this approach is more in sync with our procedure, which is due process. It affords the opportunity to a person to appear, and affords the opportunity to appear in public if it is so chosen by the person. But being constrained by a timeline, which is to report by January 30, according to a decision this chamber might make when it comes back, it would have a report in front of it to take a final decision.

There is a distinction between the motion I have introduced and the one that the Honourable Senator Verner has introduced. I want to pause to commend Senator Verner for her interest in this issue. As a matter of fact, Senator Verner spoke to me last summer about this. We had an exchange of information. She is a former Minister of Heritage, I am a former Secretary of State, and both of us have been responsible for state protocol, which is the respect of title, state ceremonies and so forth. We share a common experience; hence, our common interest in relation to this.

The essential difference between the two motions is not in the objective. The objective is to ask this chamber to eventually pronounce on the call for the Prime Minister to recommend the removal of former Senator Meredith on the table of title.

But on the whole, the only distinction is really the procedure that should be followed to come to a conclusion.

Honourable senators, with that, I bow to your attention and care in considering this important motion.

Some Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: The senator’s time has expired.

Senator, are you asking for five more minutes for questions?

Senator Joyal: Certainly, to answer Senator Verner’s question.

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

Hon. Senators: Agreed.

Hon. Donald Neil Plett (Leader of the Opposition): I have a couple of questions. I’ll pose both of my questions, or maybe three questions, at the same time for expediency’s sake.

Senator Joyal, thank you very much for your comments. Let me say I agree with your comments and the approach and what you’re trying to do.

You explained at the start, Senator Joyal, about the “Right Honourable” and the “Honourable” titles. I have two questions. First, you are saying that the intent would be to ask the Prime

Minister to ask the Governor General. My first question is: Would the Prime Minister be able to say “no”? Would the Governor General be able to say “no”?

My next question is: I would hope this would never happen — it has only happened here once in 152 years — but what would happen if the Governor General, who is the top, did something that would possibly prompt the Senate to have the “Right Honourable” title removed from the Governor General? Would there be a process to do that?

Senator Joyal: Thank you, senator, for your question.

Regarding the first one, read the text of the motion. The words are very well chosen. The motion calls on the Prime Minister to make a recommendation to the Governor General.

We, as a chamber, don’t have the power to recommend that the Governor General remove the title, because on the exercise of prerogative, the only person, according to our constitutional obligation, is the Prime Minister because the granting of a title — the fount of honour — is still held by the Queen. It’s still a Royal Prerogative.

We could make a speech on the appropriateness for one to have his title and the other to have his title removed, but the power to recommend to the Governor General is in the hands of the Prime Minister. The only thing we can do is call on the Prime Minister.

[Translation]

In French we would say, “l’inviter.”

[English]

In other words, to “invite,” so it’s polite.

If the Prime Minister says “no,” or doesn’t act following the motion that the report be adopted by this chamber, it will be for the public to react, but not for us to impose any sanction on the Prime Minister.

To your second question: What would happen if at a point in time we would want or think it appropriate that the title of “Right Honourable” be removed? It would be the same approach: We have no direct capacity to adopt a motion that would give an order to the Governor General to strike the title “Right Honourable” from the name of a person who is entitled to have it on the list of precedents that I have just read to you.

In other words, our powers are very limited. It’s a power to invite because we are in the realm of prerogative, and prerogative is still held by the Crown. There are very few prerogatives still held by the Crown. This is one, and it’s not legislated. It’s part of the inherent power in the hands of Her Majesty, being the head of state of Canada.

[Translation]

Hon. Josée Verner: Senator Joyal, thank you for being transparent when explaining to our colleagues that I communicated with you in the summer to inform you that a group of senators in this chamber was planning to move a

motion, the subject of my notice yesterday, to revoke the title of “Honourable” from Senator Meredith. I was going to mention to you that your committee studied the Legault report, tabled June 29, and that it made no recommendations in its short, eight-page report. It only provided observations and comments. It specifically stated what is found on page 3 of the report, and I quote:

[English]

While the committee is required under the *Code* to recommend remedial measures or sanctions to the Senate when the SEO finds that the *Code* has been breached, the permanently suspended nature of the committee’s consideration of the inquiry report means that the committee will make no such recommendation in this case.

[Translation]

The fact of the matter is that you’ve changed your mind. That said, I’ll just ask my last question. First, our motions have the same objective — that is very clear — but they differ with respect to how to achieve it. We do not believe — I do not believe, and other senators here do not believe — that at this time senators could easily debate this motion and make a decision because it is only a recommendation.

[English]

The Hon. the Acting Speaker: The senator’s time has expired.

Senator, are you asking for another five minutes?

Senator Verner: Yes.

The Hon. the Acting Speaker: Is leave granted?

Hon. Senators: Agreed.

[Translation]

Senator Verner: Thank you.

In your motion, you offer Senator Meredith the opportunity to come and defend himself, which he refused to do. It is noted in the report of the Senate Ethics Officer, on page 9 of the Legault report, that after several attempts, Senator Meredith finally decided to stop cooperating with the investigation.

The fact of the matter is that he had his chance to be heard. Nonetheless, that isn’t the case for the victims. To date, no one has agreed to hear the victims. That’s what is shocking to many senators in this chamber. You received a meeting request from the victims on February 26 and you didn’t follow up on that. To the victims, it’s a slap in the face to find out today that Senator Meredith may once again be heard while they cannot.

Senator Joyal: Thank you very much for asking that question, Senator Verner. This will allow me to clarify a particular point that I believe will go a long way in helping all senators to understand the situation. The Standing Committee on Ethics and Conflict of Interest for Senators only has jurisdiction over senators. We have no power to act when it comes to the condition

of the victims in the specific case to which you are referring. The Standing Committee on Internal Economy, Budgets and Administration has the responsibility to act on behalf of the Senate as an employer.

• (1720)

We aren't responsible for passing judgment on the Senate as an employer. We can only pass judgment on Senator Meredith's conduct. I have tremendous empathy for the victims, and I know they have the right to expect their employer to treat them fairly considering the harm they have suffered and everything they have been subjected to over the past few years. The inquiries took a very long time — too long. We all deplore that. One of our recommendations is to review the process and speed up the inquiries.

[English]

Justice delayed is justice denied. We all understand that. I am one of the first to plead for this. It is in our report. But in the context of what we have in front of us today, considering that the committee didn't have the authority to look into that important sanction, which is to remove the title "honourable" and participation in any state ceremony, that never happens. That is not listed in the sanction of the code. I humbly submit to you that the procedure to follow is the procedure that we have in the code for the nature of the precedents that we are creating.

Today the issue is for a breach of the code; tomorrow it could be for another reason. In that context, it is advisable that we have a dual process procedure. I agree with you that the victims feel that they are not being properly heard and treated. I will not pronounce on the responsibility of Internal Economy, I know that the matter is on their radar. But at this stage, for what is the responsibility of the Ethics Committee, that's the approach that we propose, which we think will set a path and send a very strong message for any senator who leaves this chamber that he or she still bears the title of "honourable" because he or she has been a senator.

We carry a responsibility. That's what this motion will signal. I totally concur with you, senator, our objective is the same; but the impact is so unprecedented that we should have a clear approach. To respect a process that gives to a person who will be bearing that shame of having lost his or her title, a due process approach that will be very short, in the context of being completed by January 30.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I wish to offer information that may be helpful.

First, I want to thank Senator Joyal for a very clear and important explanation of due process, the unprecedented situation that we have before us and the gravity with which all of us must consider your motion, and what that process will follow, bearing in mind the importance of what Senator Verner and others have expressed about the serious nature of what we are discussing.

In terms of the victims and their testimony, the Human Rights Committee held a private session. It was an in camera session to hear from some of the victims. It was very emotional and

compelling testimony. Senators around the table, including myself, heard from the victims. It would be important for your committee to be aware of that and how this information — there may be a transcript but I would need to clarify how or if the meeting was recorded. But we did hear testimony.

I wanted to make you and the chamber aware that there was information that we were able to glean from that session. Thank you.

(On motion of Senator Bernard, debate adjourned.)

[Translation]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE BODY OF
ISSUES KNOWN AS "INTELLIGENCE TO EVIDENCE"—
DEBATE ADJOURNED

Hon. Marc Gold, pursuant to notice of December 10, 2019, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the body of issues known as "intelligence to evidence", when and if the committee is formed; and

That the committee submit its final report no later than December 31, 2020.

He said: Honourable senators, I'd like to begin by explaining what I understand by "intelligence to evidence". I will then talk about some of the problems that the issue poses to both public safety and the administration of justice, problems that were raised and recognized by all stakeholders and experts involved. I will close with a few comments on the need for and importance of the study that I am proposing.

The concept of intelligence to evidence refers to the operational and legal issues arising from the movement of intelligence gathered by intelligence services such as CSIS to support public security and law enforcement, whether it be in the context of criminal law or that of the administrative and regulatory process.

This field has been described as an enigma and a dilemma for reasons that are easy to see. The dilemma arises from two competing values: first, the need for secrecy in intelligence gathering and assessment for the purposes of national security and, second, the legal and constitutional obligation to disclose relevant evidence to a person accused of a crime or otherwise subject to legal proceedings.

Obviously, it is important to keep some information confidential and private. Information may come from sources whose existence and identity may need to be protected not only for their own safety but because those sources may still be able to provide information to our national security organizations. The information may also have been provided by an ally that insists on nondisclosure as a condition of sharing information.

However, sometimes the information is relevant for law enforcement and related legal proceedings. In such cases, individuals subject to proceedings have basic rights that must be respected, such as knowing the charges laid against them and participating in decisions that will affect their lives and freedom. To ensure those rights, Canadian law provides for broad disclosure of relevant information to the individuals subject to legal proceedings.

[English]

In response to this dilemma or conundrum, Canadian law and Canadian practice has developed a series of mechanisms to strike a balance between the demands of secrecy and fair disclosure. These include very complicated provisions of evidence law governing disclosure where national security issues arise; a bifurcated court system whereby designated judges of the Federal Court deal with these issues while the trial on the merits takes place before the superior courts; the use of closed hearings where the affected party is not privy — and indeed not present — to the intelligence information that cannot be disclosed; the use of *amicus curiae*, friends of the court, in certain legal proceedings or security-cleared special advocates in other types of proceedings.

• (1730)

These mechanisms have their proponents and their critics, but all stakeholders tend to agree that the intelligence-to-evidence issue has potentially serious impacts on criminal prosecutions for terrorism, administrative proceedings regarding immigration, and on national security and public safety itself.

Let's start with public safety. The fear that sensitive information may ultimately be disclosed may lead our intelligence agencies to decide not to share it with law enforcement, with a corresponding and very real risk to public safety. And lest you think this is merely a hypothetical example, you may remember that CSIS chose not to share with the RCMP information it had in the period leading up to the bombing of Air India Flight 182 in 1985, which killed 329 people aboard.

A similar situation came before the Ontario Superior Court of Justice in a 2009 terrorism prosecution where CSIS knew of the location of a terrorist training camp and did not share it with the RCMP. In the same case, CSIS also knew the RCMP was following the wrong person but did not tell them.

The intelligence-to-evidence problem also affects the administration of justice in several ways. The prosecution of terrorism offences may be, and often is, based upon nondisclosable intelligence, thereby making it impossible for the accused to know the full case against them and receive a fair trial. That results either in prosecutions not being pursued or judges being forced to enter a stay of proceedings.

We're dealing with such issues as we speak. Take, for example, the case of returning terrorists. Then Minister of Public Safety, Ralph Goodale, explained that prosecuting battlefield returnees to Canada is difficult, because there must be evidence that will stand up in court. In his words:

And this is an issue that is bedeviling countries around the world in terms of how you actually move from intelligence to evidence, and make a case stick.

Furthermore, when we do decide to proceed to prosecute such cases, our bifurcated court system can result in serious delays as challenges to the nondisclosure of intelligence work their way through the courts, up the courts, between courts and so on.

Take the case of Mr. Huang, who allegedly tried passing Canadian military secrets to China through the Chinese embassy here in Ottawa. Mr. Huang's criminal trial has apparently been going on for at least three years, if not longer, with applications to obtain CSIS wiretaps and a series of Federal Court decisions and appeals.

But the issue also goes beyond the criminal law context and extends to immigration procedures and border security, whether in the context of secure certificates based upon CSIS intelligence, persons placed on no-fly lists based upon such intelligence or the procedures for passport revocation. The issue may also affect foreign investment decisions, because a decision to block foreign investment, which may be based upon intelligence, is subject to judicial review, with the result that the underlying intelligence is at risk of being disclosed.

Honourable senators, the issue of intelligence to evidence has been acknowledged to be a problem by commissions of inquiry, academic commentators and stakeholders alike. Let me cite a few examples. I have already alluded to the Air India bombing. Consider what was written in the final report of the commission of inquiry into the Air India bombing, presided over by former Supreme Court of Canada Judge John Major:

... problems of information sharing were present throughout the Air India narrative. CSIS failed to share information with the RCMP about important facts relevant to the police investigation. ...

This was summarized by Professors Craig Forcese and Kent Roach in a 2017 piece in *Policy Options Magazine*, where they wrote:

The Air India Commission devoted four years to the study of the difficulties of sharing CSIS intelligence with the police, to be used by prosecutors in terrorism trials. ...

... until we solve the intelligence-to-evidence issue, we may not be able to ensure seamless, inter-agency responses to terrorism.

This opinion is also shared by the current Director of CSIS, David Vigneault. His remarks are worth quoting:

I am not shy to say that I think that [the] intelligence to evidence issue is one of the most significant policy-legal-operational questions facing [the] national security community. . . .

. . . the way we have to arrange the system [so it] can function to allow for legitimately collected intelligence to be able to enable another partner to accomplish his or her mandate, is extremely difficult in the current system. . . .

It is, I would say, without a doubt, one of the most significant problems that we're facing.

Despite the recognition of this problem — and I have been very limited in my references; there are many more — the intelligence-to-evidence issue has not been addressed in a systematic manner; indeed, it was completely ignored in Bill C-51, which was passed in the last months of the Forty-first Parliament, and was not addressed at all in Bill C-59, which we passed just last spring.

Honourable colleagues, I'm not alone in calling for a study on this important issue. Consider the following passage from the dissenting opinion from the Conservative Party of Canada in the 2017 report of the House of Commons Standing Committee on Public Safety and National Security:

We have a serious gap in converting intelligence collected by our security services into evidence that can be used in a court case to put criminals behind bars. There is a problem here that is not well understood, even by the legal experts. That is why Conservatives recommend that the Government study the intelligence to evidence problem and develop a method to ensure that terrorists are not able to walk free because intelligence sources cannot be disclosed to law enforcement. Paramount in this enquiry must be the preservation of relationships with key allies — particularly in the Five Eyes community of nations — from whom Canada receives the vast majority of its intelligence and with whom Canada has enjoyed decades of indispensable cooperation in the safeguarding of our national interests.

Finally, only last spring, this chamber adopted the following observation to the National Security and Defence Committee's report on Bill C-59, in observation no. 8:

Prior to the review set out in section 168(1), the Senate should, on its own initiative, undertake a study of the unique challenges surrounding terrorism and other national security prosecutions, including, but not limited to, the operational and legal challenges of converting intelligence to evidence and the respective jurisdictions of the Federal Court and trial courts in deciding disclosure of sensitive evidence.

Honourable senators, we have an opportunity in the Senate to shed a light on an important issue of public policy — one that has been neglected for decades, if not indeed longer — and we have the opportunity to educate Canadians about the critical role played by our security and intelligence agencies and the ways in which we need to integrate the protection of our national security

with the preservation of our constitutional rights and freedoms. We have the opportunity to place these issues on the political and legislative agenda to provide a solid foundation for any legislative or operational changes and reforms that may be warranted.

That is what the proposed study will do. I hope you will support it.

Hon. Senators: Hear, hear.

Hon. Scott Tannas: Senator Gold, thank you. A couple of questions occurred to me while you were speaking and while I was reading the motion. I'm not familiar — and maybe I just missed it in my past six-and-a-half years — but I've always been told and I've heard that committees are masters of their own destiny and that we don't tell them what to do. This committee isn't even formed yet, and here you are asking us to tell them what to do, by when.

I'm wondering what precedent you might have found, and if you could share it with us, as to why you thought this was a good idea. Second, whose idea was this? Did this come from your efforts on national security, or was this suggested to you by some other body?

• (1740)

Senator Gold: Thank you for the question, senator. To answer the second one, this is very much my idea. In the course of the study on Bill C-59 and what I learned in that process from stakeholders, academics — it became clear to me that this was an issue and it runs through the literature, that has just been hanging out there demanding attention for the longest time and having been ignored. This is very much my initiative. I took advice from the Senate clerks as to the appropriateness of doing it now because it wasn't my original thought. I thought it was important enough and I wanted to get it on the table and to set the table for this. It goes without saying that it will be for the Senate committee, when it is constituted to decide how and when to proceed and the like. I was advised by COPO that I was to put a date on the end so I chose one based upon my sense of what would give them enough time. But the motion and again the wording of the motion was provided to me by COPO which was to authorize them to do so. It's not to mandate them to do so — that may be a fine point. I assumed this was to give them the blessing to do that. I think it's an important study, following from the observations in the actual report. I think it was a timely thing to do, given the rather long breaks we have had and are about to have.

The Hon. the Acting Speaker: The honourable senator's time has expired. Are you asking for another five minutes, Senator Gold?

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Howard Wetston: Just a quick question. We had an opportunity to discuss this for a few minutes, and this whole area of intelligence to evidence has a place in which other examples of this can occur, but not described as intelligence to evidence. It

occurs in securities. It occurs in financial services, and many areas — you talked about immigration. As you know very well, the Evidence Act has provisions in it now. Federal Court has authority in security areas and ample procedures to deal with evidentiary matters, not necessarily intelligence to evidence, but some of that must creep into the work before the Federal Court. The Criminal Code, I think is another challenge, because the superior courts may not have the same authority. If you're prosecuting someone under the Criminal Code and proceeding in the superior courts, then this intelligence to evidence issue becomes challenging. My question is: The sharing of information amongst agencies, police forces, both national and international, is always a challenge. It's a significant challenge and one of the challenges is if you don't get the evidence prosecution may fail and you may not proceed.

Is it a matter of trust between agencies or a matter of necessary reform of the law to accommodate this issue of intelligence to evidence?

Senator Gold: Thank you for the question. In my study of this, I think there is no one easy answer and there is no one magic bullet. I think there are operational and cultural issues that I know are being looked at seriously by our intelligence services and the RCMP who are working together on this. There have been many suggestions for legal fixes. Some of them were dramatic and others more modest. There are people relatively camped in their positions and have been for some time. All seem to agree that it's time that in an objective, principled way that we shine a light on this subject and see whether we can make some progress in understanding it and seeing where some improvements may be found.

Hon. Donald Neil Plett (Leader of the Opposition): I echo Senator Tannas' question. This is putting the cart before the horse. Now, there may be some precedent for this but what I would like, Your Honour and colleagues, is simply to review some of those precedents and determine whether this is the proper procedure. I believe the committee should be constituted first, and then committees are masters of their own destiny.

In light of that, Your Honour, I want to take the adjournment of the debate in my name.

(On motion of Senator Plett, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE ADJOURNED

Hon. Frances Lankin, pursuant to notice of December 10, 2019, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:

- (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;

- (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
- (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
- (d) the accessibility of retraining and skills development programs for workers;

That in conducting this evaluation the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and indigenous workers; and

That the committee submit its final report on this study to the Senate no later than April 7, 2022.

She said: Honourable senators, I intend to speak on debate when we return.

(On motion of Senator Lankin, debate adjourned.)

[Translation]

THE HONOURABLE SERGE JOYAL, P.C.

INQUIRY—DEBATE CONCLUDED

Hon. Renée Dupuis, for Senator Mercer, rose pursuant to notice of earlier this day:

That he will call the attention of the Senate to the career of the Honourable Senator Joyal, P.C.

Honourable senators, I rise today to pay tribute to the Honourable Senator Serge Joyal, who is about to retire from the Senate of Canada. Senator Joyal has dedicated a good part of his career to Parliament, serving in both the House of Commons and the Senate from 1997 to 2020, to say nothing of the ministerial duties he has performed. His public engagement has been recognized throughout Canada and abroad, as evidenced by his promotion to Commander in the National Order of the Legion of Honour, commemorated earlier this month right here in Ottawa. I got to know Senator Joyal when he served as Chair of the Standing Senate Committee on Legal and Constitutional Affairs and its steering committee, from November 22, 2017, until the dissolution of the 42nd Parliament on September 11, 2019, during which time I served as deputy chair of the same committee.

My remarks will therefore be about Senator Joyal as I first knew him, when I became a senator in November 2016. The first thing that struck me about Senator Joyal was his scholarship. He was as staunchly dedicated to upholding the reputation of the institution of the Senate as he was vigilant in his defence of parliamentary privilege. He truly cared about the separation of legislative, executive and judicial powers in the Canadian legal system. His passion for all aspects of the law showed through in his interventions. Specifically, what I remember from the way Senator Joyal would conduct committee business was the

following: first, his support for committee members during studies of bills, as I believe Senator Plett mentioned this afternoon; second, the explanations he would offer whenever senators' questions or witnesses' answers needed clarifying; third, his meticulous analysis of bills; fourth, his strenuous efforts to restrain himself when questioning witnesses; fifth, his insistence on finding solutions when committee members were deadlocked; and last, his devotion to the classical French language, including his use of the traditional formula "Madame le sénateur" whenever he gave me the floor. I also want to mention that, as chair of the steering committee of the Standing Senate Committee on Legal and Constitutional Affairs, Senator Joyal did a superb job of guiding our work.

On a more personal note, I would like to say that I appreciate his quiet sense of humour. Senator Joyal even told me that he would be thrilled to be invited to appear as a witness before the Legal and Constitutional Affairs Committee of the Senate. We know that his commitment to public life and our society will not stop when he closes the door to the Senate behind him.

Hon. Senators: Hear, hear!

• (1750)

[*English*]

Hon. Lillian Eva Dyck: I rise today to pay tribute to our friend and colleague, the Honourable Senator Joyal. Senator Joyal, through your work and advocacy, the Senate will lose one of its most dedicated allies for Indigenous peoples and Indigenous rights upon your retirement in February. I want to specifically mention and pay tribute to your Senate work on Indigenous issues. To keep this tribute brief I will mention just three that have stood out for me.

First, in 2014, before the federal government even initiated the National Inquiry into Missing and Murdered Indigenous Women and Girls, Senator Joyal, you prepared the legal document that would convince the government that they had to do this. You prepared this and it was given to the Native Women's Association of Canada and released to the public via a news release. Our entire caucus unanimously supported this manœuvre.

I was deeply touched by your dedication and work to lend you own hand and your brilliant mind to fight for justice for Indigenous women and girls and their families. It has always meant a great deal to me that you honoured the murdered and missing Indigenous women and girls and their families who led the fight to establish the national inquiry.

Second, I want to pay tribute to your tireless dedication on a bill that you introduced in the Senate three times over your Senate career. Its most recent iteration was your Senate public bill, Bill S-212, Aboriginal Languages of Canada Bill. As we all know, the core of this bill was incorporated into government Bill C-91, Indigenous languages Act that passed in our last Parliament.

[Senator Dupuis]

In your second reading of your Bill S-212 you stated: "We owe the diversity of the country to the Aboriginal peoples and to the effort they have spent through the centuries trying to maintain the flame of their identity in such an adversarial school system."

These words deeply spoke to me, as I, like many Indigenous people, have had to overcome in colonial-induced shame of my own Cree heritage and reclaim my self-pride and ignite the flame of my own Indigenous identity. I thank you for advocating on our collective behalf.

Third, I was reminded by Senator Day's speech about your generosity in all the artwork you have donated to the Senate. In particular to the Aboriginal People's Committee room in our old Senate location. It was such a beautiful, warm and welcoming room because of all the beautiful paintings you had donated that were done by Indigenous artists. It was an absolutely fantastic room.

I remember a sacred ceremony we conducted with the grandfather masks that were part of the Haudenosaunee culture — sacred items that were on the wall — and one of our audience members, Rarihokwats, who is there virtually all the time, thought those sacred masks need to be looked after. So with you and the national art commission we did a sacred ceremony to look after them. That will forever stay in my heart — with you and Senator Sinclair and former Senator Moore and people from the national arts commission — we conducted that ceremony that looked after the people and the witnesses who came before the Aboriginal People's Committee.

I want to thank you — *Kinanaskomitin*. It's a Cree word that means thank you. I honour you. It has been a great pleasure to know you and to learn from your wisdom.

Hon. Denise Batters: Honourable senators, I rise today to pay tribute to an esteemed member of our Senate, Senator Serge Joyal. Senator Joyal is the very epitome of "a gentleman and a scholar." His accomplishments, awards and honours are simply too many to list — I only have three minutes, after all.

But Senator Joyal's contributions to the Senate cannot be overstated. We are all richer for the wisdom and passion he has brought to parliamentary debate in this chamber. I know he has been a mentor to many senators throughout the years.

I have had the honour of serving on the Senate's Legal and Constitutional Affairs Committee with Senator Joyal for more than six years. I have a deep respect for his legal mind, thoughtful questions and sound judgment. On a number of occasions — and this may be a surprise to some — we have even found ourselves in agreement on points of law and legislation.

Many of my favourite moments from Legal Committee were sitting across from Senator Joyal and Senator George Baker, when Senator Baker would make some humorous comment and Senator Joyal would follow it up with a wry quip and a twinkle in his eye. Senator Joyal, I will miss your quietly mischievous nature.

Although he and I come from opposite sides of the political spectrum, I have always respected Senator Joyal's commitment to his political ideals and values. He illustrates that partisan involvement can enhance the contribution senators make in this chamber.

Senator Joyal has a long history with the Liberal Party, serving not only for years as a Liberal MP, senator and cabinet minister, but also within the Liberal Party itself. Certainly the current Trudeau Liberal government would have benefited greatly from having Senator Joyal's wisdom in their national caucus in recent years. Senator Joyal has a profound respect for the history and traditions of the Senate and the Westminster system, as should we all.

Senator Joyal's influence on the Senate and Canada's Parliament will remain long after his retirement, and not only for the many ways he has influenced the quality of parliamentary debate. He has also generously donated incredible gifts of artwork and historic artifacts to our parliamentary buildings. His legacy will live on within these very walls and inspire future generations of Canadians to contemplate the great traditions and cultural heritage that binds Canadians together.

Last week, I was honoured to be invited to share in the celebration of his promotion to Commander in the National Order of the French Legion of Honor. It was very fitting that Senator Joyal received such an honour in the French Embassy, a gorgeous building filled with beautiful artwork.

Senator Joyal, it is with definite sadness that I rise today to bid you adieu. I know I speak for all senators when I say we are thankful for your wisdom, wit and friendship. You have left an incredible legacy, not only in this Senate Chamber and in these halls of Parliament, but in the very democratic heart — and history — of this great country. Thank you.

[Translation]

Hon. Chantal Petitclerc: Dear Senator Joyal, today, many people have paid tribute to your enormous contribution to the Senate, the arts and France-Canada-Quebec relations. I would like to humbly acknowledge your contribution to my young career as a senator.

You know, when you go from the racing track to the upper chamber, you permanently leave your comfort zone. However, before I even arrived here, a mutual friend, the other Serge, told me, "If you have any questions, go see Senator Joyal." That was easier said than done. I had no idea how imposing you were in this chamber.

Still, one Tuesday, I took my courage in both hands and went to see you to ask some questions. I thank you for that — for your answers, of course, but especially for the kind and generous way in which you shared your advice.

[English]

A few weeks later, the Senate was passionately debating Bill C-14. I was still a rookie. While I was very moved as a person with a disability by the debate on medical assistance in dying, there was no way I was feeling ready for a maiden speech

on such an important matter. Then, on a late night, you spoke with passion, eloquence and relevance and it became clear to me — I too needed to add my voice to this debate, ready or not. And that's how I wrote my maiden speech overnight and delivered it the next day. To this day I am still very proud of that speech and I thank you, Senator Joyal, for helping me see that my voice in this chamber was important.

[Translation]

Of course, Senator Joyal, how could I not talk about someone who is dear to both of us, Momar, the excellent parliamentary director that we shared for months. I never told you, but when I got his resume, I saw that he had worked for you. Right away, I thought to myself, "If he is good enough for the demanding Senator Joyal, then he is obviously good enough for me." That is how Momar became an invaluable member of my team. On that point, I want to tell you that I really appreciated your flexibility and grace throughout that collaboration.

I could go on. When I needed advice on a constitutional or legal aspect of a bill as the chair of the Social Affairs Committee, you were always available and you helped me many times.

Senator Joyal, when paying tribute to someone, we of course have to focus on that person's major achievements, and there is certainly no lack of them in your case. However, I also believe that the small gestures and acts of generosity that happen out of the limelight are very important and show what a wonderful person you are. Senator Joyal, I want you to know that, even without intending to, you had a big impact on my early days in the Senate and I am inspired by the qualities I admire in you. Thank you.

• (1800)

[English]

The Hon. the Speaker: Honourable senators, it being 6 p.m., pursuant to rule 3-3(1) I must leave the chair until 8 p.m. unless it's agreed that we not see the clock. Is it agreed, honourable senators?

Hon. Senators: Agreed.

[Translation]

Hon. René Cormier: Honourable senators, I rise today to address the senator, the politician, of course, but more specifically the engaged citizen. Behind this incredible journey is an extraordinarily sensitive man.

Honourable colleagues, as you know, I come from a linguistic minority, I am part of a sexual minority, and I am also a man of art and culture. I do not want to speak for all Canadians, but I thank you. I thank you for the incredible work you have done on official languages, not only to promote the French language, but also to express, in your own way, how official languages and Indigenous languages are more than just a means of communication in this country. They are vehicles for our culture and our shared national identity. For that, I thank you, and for that, I want to say that this approach will guide my senatorial work on official languages in this chamber.

I also want to thank you for everything you've done and will continue to do for arts and culture. Everybody talks about artists and their work, but nobody talks about their living conditions, the fact that some of them live in poverty, and why this country needs people like you, philanthropists who are passionate about the arts and about history and whose words, contributions and actions can illuminate the work of artists, ensuring that Canadians get to experience it, benefit from it, be transformed by it. For that, I thank you, Senator Joyal.

Lastly, I want to thank you for all the work you have done for fundamental rights, especially for the rights of sexual minorities. You know how important your actions and words are to this group of citizens, who still need to fight and work very hard today to be recognized for their contributions to this country. For that, I thank you, senator.

Lastly, I want to thank you for championing the French language throughout the Francophonie. Unlike our neighbour to the south, Canada promotes our two official languages and recognizes the importance of French around the world. I am grateful to you for your exceptional contribution in that regard. As Senator Petitclerc said, you will always be a huge inspiration to me because of your thoughtful actions, your thoughtful words, and the elegant and resolute way you speak on behalf of our society's most vulnerable people.

I'll end with something you probably already know: I don't think leaving the Senate means retirement for you. Rest assured, dear senator, that we will keep listening to you wherever you are, and that we will continue to be inspired by your words and your actions. Thank you.

Hon. Diane Bellemare: Dear Senator Joyal, I will use the little time I have to speak about a few of your many and wonderful contributions by providing some personal anecdotes that I will remember for a very long time.

Our colleague, Senator Joyal, is a rather gifted orator. When Senator Joyal rises to critique a bill, he manages, most of the time, to sow doubt in the minds of his colleagues from all groups, and especially those who might vote in favour of a bill. You are a formidable debater. At one point in time, when I was a new senator, I was told several times, "above all, do not listen to him." In fact, the courts often agreed with him.

A few weeks after I arrived in the Senate, Senator Joyal spoke to me and said: "You know, Senator Bellemare, the Senate of Canada was not always as partisan as it is today. There was a time when the senators of the two political parties enjoyed rather cordial relations." And then you handed me your book entitled *Protecting Canadian Democracy: The Senate You Never Knew*.

I read and reread that book, which outlines your contribution and that of other experts who have explored the Senate as a subject. I see that book as part of the enormous contribution you've made to the Senate. It is a book that will continue to follow you, as it remains relevant to this day.

You're also leaving the Senate with a number of material artistic contributions, as other senators have pointed out. Of course I'm thinking of the Salon de la Francophonie, as well as the collection of Indigenous works of art currently adorning the

walls of the Senate. Those are the two most interesting collections. Every time I look at them, I can't help but think of the special moments when you, Senator Joyal, personally presented those collections to my step-son, the artist David Altmejd, and I was lucky enough to be in attendance. That is when I saw you differently, as a passionate man who believes deeply in the influence of France and Indigenous people on our everyday lives here in our Canada.

I want to conclude by talking about your involvement in the Musée d'art de Joliette. You gave this city its very own tourist attraction, and this is dear to me because my family plot is there. Thank you, senator, for your generosity. I admire you a great deal. I know how passionate you are about the arts, culture and politics, so I'm sure that you will not be retiring any time soon. I wish you good health and, above all, I hope you continue to surprise us. I look forward to maybe having a coffee with you in the Marais, a neighbourhood of Paris that I love, just like you. Thank you.

[English]

Hon. Marty Deacon: Honourable senators, it's an honour as I rise today to say a few short words of thanks to Senator Joyal. As a new senator, I was asked to join the Senate Modernization Committee, not quite realizing how deep in the woods that committee often found itself. Every meeting was a learning opportunity, and I learned a great deal thanks in no small part to our deputy chair, Senator Joyal. Our honourable colleague has the incredible ability to speak toward complicated issues and breaking them down into eloquent, relevant and understandable prose for the uninitiated.

To say Senator Joyal knows much about the Senate and its history is an understatement. Just two weeks ago, I picked up an article on the fantastic history of Indigenous parliamentarians, a wonderful history. As I finished the article, there it was, authored by our honourable colleague.

Another piece I picked up from listening to Senator Joyal was a great appreciation for traditions and procedures in this chamber. I was reminded that while institutions change and evolve, ritual and tradition will always have an important role to play. Thanks to Senator Joyal, I will carry this appreciation with me. I will remember every day how fortunate I am to count myself as a member of this chamber, representing all Canadians.

• (1810)

Senator, it goes without saying that your retirement leaves behind a sizeable hole in the institutional memory of this place. Over the past months, we have lost considerable institutional memory. It will take some time to get back up to speed, but big thanks to the example you have set, my colleagues and I will, in your honour, be up to the task. Thank you.

Hon. Senators: Hear, hear!

[Translation]

Hon. Julie Miville-Dechéne: Dear Senator Joyal, I won't repeat everything that's been said about you. I just wanted to pay tribute in a more personal way because I chose you as a sponsor. You were very generous with me when I first arrived at the Senate, excited and lost. You gave me advice, including to take my time. You know that journalists are an impatient lot. You told me to watch the committees, mull things over, and wait before making a decision.

You gave me advice and I appreciate it. I'm trying to take your advice and be patient, since that is an important trait to have in the Senate. I chose you as a sponsor because of your integrity, your passion and your discipline. I later learned that you were a workaholic. One of your friends told me that you would even bring work to the beach and work for hours — on the beach. That is unusual. Obviously, that is anecdotal.

You're a lover of the French language and of France and I discovered — having met you in Paris when I was a diplomat — your interest in Napoleon. You taught me an entire era of history that I knew nothing about. All the little Napoleons in Quebec, named in honour of Napoleon, the objects, the reverence — it was fascinating. I discovered that you're a passionate man. It is a side of you that I didn't know.

I would also like to talk about your emotional side. You are a man of emotions; you show your emotions, you do not hide them. That is a rare and treasured quality, and it really struck me.

In closing, since I am talking about emotion, you gave a great speech at the French embassy. I am going to indulge in a bit of plagiarism because you talked a great deal about poetry, and that really touched me. I would like to read a passage of a very beautiful poem by Verlaine entitled *Autumn Song*.

The long sobs Of violins Of autumn Wound my heart With a monotone Languor. All breathless and pale, when The hour sounds, I remember Former days and I cry

Dear Senator Joyal, our hearts are wounded because you are leaving.

[English]

Hon. Kim Pate: Senator Joyal, in the nearly 30 years that I have had the privilege of knowing, appearing before and for the last three years working with you, I have benefited greatly from the generous gift of your time and your wise counsel. In my brief time as a senator, I have witnessed the care, focus, wisdom, and gravitas that you bring to every discussion and examination of issues that come before us.

Before I was appointed, I was fortunate to be a frequent guest of the Legal and Constitutional Affairs Committee, also known as a witness. Particularly during the times when criminal law bills were being launched fast and furiously through this and the other place, I could always rely on Senator Joyal to lead the charge in ensuring that the Senate did its utmost to uphold the Canadian Charter, particularly the rights of the most marginalized and minority groups that all of us are tasked with representing.

Before I agreed to be nominated, I consulted your book about the Senate that many others have spoken about today, as well as your submissions to the Supreme Court of Canada, in order to assess whether to seriously consider undertaking the duties, role and responsibilities of a senator.

When I arrived here, I looked to you as one of the wonderful wise ones whom I could rely upon to demonstrate sober second thought and to exude exemplary standards of dignity, decorum and intellect.

The example you have set, your ability time and again to combine complex questions of law and constitutionality with an astute understanding of how they affect people, their humanity, dignity and ability to exercise their rights to equality, fairness and justice, will stay with me throughout my career in this chamber and beyond.

Thank you for so many gifts. Most recently, during our discussions on Bill C-83, the amendments that were made here in the Senate were in large part due to your contributions. You contributed to the discourse and the interventions here that provided much of the thought and dialogue and brought concerns and issues of some of the most dispossessed and silenced Canadians to the minds and hearts of all.

It has been a great privilege to learn and benefit from your many years of experience as a lawyer, legislator, patron of the arts and as a humanitarian. Your many contributions to our communities and service to Canadians stand as unique markers, beacons to those of us invited here to help make our country a human rights leader as part of a more diverse, just, equitable and caring global community.

Thank you, *meegwetch*, for all that have you given of yourself in the service of so many. I look forward to being the privileged and grateful recipient of your continued guidance and friendship as you write the future chapters of your life.

Thank you for your service —

[Translation]

— your advice and your friendship.

Hon. Percy Mockler: I would also like to join with the senators who paid tribute to you.

When I arrived in this place in 2008, it was said that he was a very modest man, very humble, and that he had great respect for the institutions and the Parliament of Canada. As they say in the language of Shakespeare,

[English]

Senator Joyal, you are synonymous with FLPC — friendship, loyalty, principle and commitment.

[Translation]

I would like to share some information with you and with all Canadian senators by saying that after the Right Honourable Brian Mulroney, Dany Laferrière and the great Céline Dion, Senator Joyal was invested by the French government as a Commander of the Order of the Legion of France. Congratulations!

Despite this prestigious recognition, it is always with the utmost modesty that Senator Joyal is always prepared to defend the interests of those who need it. A mighty advocate of the Francophonie, he recently intervened, honourable senators, in his humble and understated way, to plead in favour of saving the

Consulate General of France in Atlantic Canada, in Moncton. I can tell you with all sincerity that Acadians and Atlantic Canada are very grateful, Commander.

I want to publicly thank you and wish you the best in your well-deserved retirement. Thank you, Commander of the Order of the Legion of France. You stood up for Acadia, you stood up for Atlantic Canada, and the Acadian people thank you for it.

(Debate concluded.)

(At 6:19 p.m., the Senate was continued until tomorrow at 2 p.m.)

CONTENTS

Wednesday, December 11, 2019

	PAGE		PAGE
SENATORS' STATEMENTS			
Business of the Senate	27	Canada-China Legislative Association	
Tributes		Canada-Japan Inter-Parliamentary Group	
The Honourable Serge Joyal, P.C.		General Assembly of the Association of Southeast Asian Nations Inter-Parliamentary Assembly, August 25-30, 2019—Report Tabled	
Hon. Joseph A. Day	27	Hon. Joseph A. Day	39
Hon. Peter Harder	27	The Senate	
Hon. Donald Neil Plett	28	Notice of Motion to Amend the <i>Rules of the Senate</i>	
Hon. Raymonde Saint-Germain	28	Hon. Yuen Pau Woo	39
Hon. Jean-Guy Dagenais	29	Charitable Sector	
Hon. Terry M. Mercer.	29	Notice of Motion to Place First Report of Special Committee	
Hon. Claude Carignan.	30	Deposited with Clerk during First Session of Forty-second Parliament on Orders of the Day	
Hon. Marc Gold	30	Hon. Terry M. Mercer.	41
Hon. Dennis Dawson	31	The Honourable Serge Joyal, P.C.	
Hon. David M. Wells	31	Motion to Place Inquiry on Notice Paper for Later This Day	
Expression of Thanks		Adopted	
Hon. Serge Joyal.	32	Hon. Terry M. Mercer.	41
<hr/>			
ROUTINE PROCEEDINGS			
Justice		Abuse of Human Rights and Democratic Freedoms in Hong Kong	
Charter Statement in Relation to Bill C-2—Document Tabled		Notice of Inquiry	
Hon. Peter Harder	37	Hon. Jim Munson	41
The Estimates, 2019-20		<hr/>	
Supplementary Estimates (A)—First Report of National Finance Committee Tabled		QUESTION PERIOD	
Hon. Percy Mockler.	38	Foreign Affairs and International Trade	
Adjournment		United Nations Resolution Condemning Israel for Occupation of Palestinian Territories	
Notice of Motion		Hon. Donald Neil Plett	42
Hon. Grant Mitchell.	38	Hon. Peter Harder	42
Appropriation Bill No. 3, 2019-20 (Bill C-2)		United Nations Security Council Membership	
First Reading.	38	Hon. Donald Neil Plett	42
Constitution Act, 1867		Hon. Peter Harder	42
Parliament of Canada Act (Bill S-205)		Public Safety and Emergency Preparedness	
Bill to Amend—First Reading		Designation of Islamic Revolutionary Guard Corps as a Foreign Terrorist Organization	
Hon. Terry M. Mercer.	38	Hon. David Tkachuk	42
Department of Public Works and Government Services Act (Bill S-206)		Hon. Peter Harder	42
Bill to Amend—First Reading		Diversity and Inclusion and Youth	
Hon. Diane F. Griffin	38	Role of Children's Commissioner	
Canadian NATO Parliamentary Association		Hon. Jim Munson	43
2019 Spring Session, May 31-June 3, 2019—Report Tabled		Hon. Peter Harder	43
Hon. Joseph A. Day	38	International Trade	
Canada-China Legislative Association		Canada-United States-Mexico Agreement	
Bilateral Meeting, May 18-26, 2019—Report tabled		Hon. Julie Miville-Dechéne	43
Hon. Joseph A. Day	39	Hon. Peter Harder	43
		Agriculture and Agri-Food	
		Export Targets	
		Hon. Robert Black.	43
		Hon. Peter Harder	44

CONTENTS

Wednesday, December 11, 2019

PAGE	PAGE
Foreign Affairs and International Trade	
Protection of Religious Minorities	
Hon. Thanh Hai Ngo	44
Hon. Peter Harder	44
Hon. Salma Ataullahjan	44
Fisheries and Oceans	
New Brunswick—Ferry Travel	
Hon. Peter Harder	45
Environment and Climate Change	
Environmental Impact Assessment—Northern Pulp Plant	
Hon. Diane F. Griffin	45
Hon. Peter Harder	45
Foreign Affairs and International Trade	
Human Rights	
Hon. Leo Housakos	45
Hon. Peter Harder	46
Families, Children and Social Development	
Protection of Seniors	
Hon. Yonah Martin	46
Hon. Peter Harder	46
<hr/>	
ORDERS OF THE DAY	
Business of the Senate	
Hon. Grant Mitchell	46
The Estimates, 2019-20	
Supplementary Estimates (A)—First Report of National Finance Committee Adopted	
Hon. Joseph A. Day	46
Hon. Percy Mockler	47
Hon. Terry M. Mercer	48
Appropriation Bill No. 3, 2019-20 (Bill C-2)	
Second Reading	
Hon. Grant Mitchell	48
Hon. Elizabeth Marshall	49
Hon. Lillian Eva Dyck	50
Hon. Marty Deacon	51
Third Reading	
Hon. Grant Mitchell	51
Hon. Joseph A. Day	51
Ethics and Conflict of Interest for Senators	
Motion Concerning Former Senator Don Meredith—Debate Adjourned	
Hon. Serge Joyal	52
Hon. Donald Neil Plett	54
Hon. Josée Verner	55
Hon. Yonah Martin	56
National Security and Defence	
Motion to Authorize Committee to Study the Body of Issues Known as “Intelligence to Evidence”—Debate Adjourned	
Hon. Marc Gold	56
Hon. Scott Tannas	58
Hon. Howard Wetston	58
Hon. Donald Neil Plett	59
Social Affairs, Science and Technology	
Motion to Authorize Committee to Study the Future of Workers—Debate Adjourned	
Hon. Frances Lankin	59
The Honourable Serge Joyal, P.C.	
Inquiry—Debate Concluded	
Hon. Renée Dupuis	59
Hon. Lillian Eva Dyck	60
Hon. Denise Batters	60
Hon. Chantal Petitclerc	61
Hon. René Cormier	61
Hon. Diane Bellemare	62
Hon. Marty Deacon	62
Hon. Julie Miville-Dechéne	63
Hon. Kim Pate	63
Hon. Percy Mockler	63