



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, November 1, 2016

The Honourable GEORGE J. FUREY  
Speaker

This issue contains the latest listing of Senators,  
Officers of the Senate and the Ministry.

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## THE SENATE

Tuesday, November 1, 2016

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

Prayers.

### SENATORS' STATEMENTS

#### HONOURING VETERANS

**Hon. Don Meredith:** Honourable senators, this month of November is reserved for honouring and remembering the brave men and women who have served and sacrificed to defend our values, rights and freedoms.

For five years I have hosted a ceremony to honour Canadian veterans, especially African-Canadian servicemen and servicewomen and their contributions throughout our history. This year, I am excited to launch a new initiative aimed at encouraging Canadians to give back to veterans in a tangible way.

The “Find a Vet. Thank a Vet. Lest We Forget” national campaign is a call to action to all Canadians asking them to reach out to servicemen and women in their communities and give back in a way that makes a real difference.

We want Canadians to organize with friends and families to go to their legions, learn and share their military history, talk and thank a veteran in person and do something tangible for them, like mow their lawn, rake their leaves, gift them a haircut, buy them groceries, take them to dinner. The act of kindness towards a serviceman or woman counts as participation.

There are many ways in which we can give back and connect with our veterans and let them know how much we care for them and appreciate them. As a proud Black Canadian senator, I'm happy that we will be celebrating the one hundredth anniversary of the No. 2 Construction Battalion, Canadian Expeditionary Force, Canada's only Black unit which served from 1916 to 1920.

Throughout the entire month I will be sharing facts and information about this heroic group of men and women who sacrificed and defended Canada with honour and pride during a time when they were discriminated against.

This month I encourage all honourable senators to join us in making this “Find a Vet. Thank a Vet. Lest We Forget” national campaign a truly national and successful way of giving back to our veterans.

Please share your experiences on social media using the hashtags #ourvetmatter and #blackvetmatter.

I look forward to seeing the kindness that the chamber will express to our heroes.

Find a Vet. Thank a Vet. Lest We Forget.

#### MISTAKEN POINT ECOLOGICAL RESERVE

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, on July 17, the World Heritage Committee of the UNESCO designated the Mistaken Point Ecological Reserve in Newfoundland and Labrador as a World Heritage site.

Located on the southeastern point of the Avalon Peninsula in Newfoundland and Labrador, Mistaken Point is a 17-kilometre-long strip of rugged coastal cliffs of deep marine origin. This reserve is significant because it protects a series of sedimentary rocks containing the world's oldest known accumulation of large fossils, which illustrate the appearance of large, biologically complex organisms which date from 620 million to 543 million years ago.

Newfoundlanders and Labradorians have long known about the flowers imprinted on the pointy rocks at Mistaken Point. However, it was not until 1967 that the site's scientific value was recognized when a graduate student from Memorial University discovered numerous unusual fossils on exposed rock surfaces along the south coast of the Avalon Peninsula in Newfoundland.

In 1984, the Mistaken Point Ecological Reserve was established as a provisional reserve, and in 1987 it received permanent designation by the provincial government to protect the area's main fossil locations.

In 2004, the reserve was formally added to Canada's tentative list of World Heritage sites, and by 2006 it was widely recognized that Mistaken Point revealed what was happening when Earth's oceans were alive with many peculiar creatures.

Mistaken Point, honourable senators, is like the rest of Newfoundland and Labrador. It's characterized by frequent and persistent fog, southward-flowing streams and several seabird colonies. Mistaken Point gets its name from early mariners who, in foggy weather, mistook the point for that of Cape Race and turned north, expecting to turn into Cape Race Harbour but running into rocks instead. It was a mistake that could prove disastrous as many ships had run aground in the area.

The Mistaken Point fossils are unique, as they are different from any known living animal. These fossils, which are approximately 565 million years old, were preserved by being covered with layers of volcanic ash. They lived at the bottom of a deep ocean, considerably below the depths that waves or light could reach. Mistaken Point records a time when the earth was undergoing a crucial shift to the more familiar world we know today.

The declaration of Mistaken Point as a World Heritage site raises awareness of the importance of preservation. Of more than a thousand heritage sites around the world, there are now 18 in Canada. Mistaken Point is the fourth in Newfoundland and Labrador, joining Gros Morne National Park, L'Anse aux Meadows National Historic Site and the Red Bay Basque

Whaling Station. Newfoundlanders and Labradorians celebrated when they learned of the designation of Mistaken Point as a World Heritage site.

Honourable senators, please join me in celebrating the designation of my province's fourth UNESCO World Heritage site, the Mistaken Point Ecological Reserve.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Josie Richard and Louis-Marie Richard from Bouctouche, New Brunswick.

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

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

#### PRINCE EDWARD ISLAND

##### ELECTORAL SYSTEM PLEBISCITE

**Hon. Percy E. Downe:** Honourable senators, the Prince Edward Island government called a plebiscite to change the electoral system in Prince Edward Island. This 10-day voting period is now under way. All Islanders received a voting pin number to vote online or on the telephone, or the old fashioned way, showing up at a polling station. Also the government is allowing 16- and 17-year-old Islanders to vote because they will be affected by any changes.

Islanders are being asked to rank in order of preference their preferred option of five options. One is first past the post, which we all know about.

The second system is first past the post with the addition of leaders from all political parties that get more than 10 per cent of the vote Island-wide. This will add a different perspective to the assembly and has a small element of proportionality. Islanders would not vote directly for the leaders. The leaders would not run in any district. As a result, the number of seats in the assembly would change depending on how many leaders reach the 10 per cent quota.

The third option is dual member proportional. District voters would mark a single X for the party of their preference. Each party may run a maximum of two candidates per district who appear on the ballot, and order is decided by the party. In every district, the most popular party wins the first seat as in the first past the post system. The second seat for every district is assigned so that the party distribution in the assembly matches the province-wide vote. These seats are assigned proportionally from the number of seats available and are given to the candidate where the party did the best. Under this system, Prince Edward Islanders would most often be represented by two MLAs from two different parties. This system was developed specifically for P.E.I. and is not used anywhere else.

The fourth option is mixed member proportional. It is a proportional system where one local MLA is elected per district and other MLAs are elected from their province. The mixed

member proportional ballot will be in two parts. In the first part, using the first past the post system, a voter would mark a single X for the preferred candidate. Two thirds of MLAs would be elected this way and would become a representative for a district. On the second part of the ballot, a voter would mark a single X for the preferred party by voting for a candidate on a party list. One-third of the MLAs would be elected this way. The result of the second part of the ballot determines the percentage of the popular vote for each party.

• (1410)

The last option, preferential voting, is a system wherein candidates are ranked and must have more than 50 per cent of the vote to win. In a preferential voting system, voters rank the candidates on the ballot by their preference. The number one is placed next to the first one, second and so on.

As I said, the vote is currently under way, and as of last night 7 per cent of Islanders had voted over the Internet and on the phone. The old traditional polling vote is this weekend, and we will be interested to see what the turnout is.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Frank Hiscock, formerly from Grand Falls, Newfoundland and Labrador, and presently residing in Dartmouth, Nova Scotia. He is accompanied by his daughter, Ms. Faye Hiscock, and they are the guests of the Honourable Senator MacDonald.

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

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

[*Translation*]

#### PATRICK LAGACÉ

##### POLICE SURVEILLANCE

**Hon. André Pratte:** Honourable senators, yesterday we were astounded to learn that 24 surveillance warrants were issued for the star columnist of *La Presse*, Patrick Lagacé, by the Montreal police force. Incoming and outgoing calls and text messages on the journalist's cell phone were tracked for months. A warrant was issued to track Mr. Lagacé's exact whereabouts using the GPS chip in his phone. According to the police, Mr. Lagacé was not directly targeted by the police investigation, as he was not suspected of committing any crime.

Honourable senators, this type of invasion of privacy and intrusion into the professional life of a journalist is unprecedented in Canada's recent history. In the words of *La Presse* deputy editor Éric Trottier, this is a direct attack on the public's right to information.

[English]

In a democracy like ours, freedom of the press is absolutely essential. This includes the freedom to gather information from sources that have a right to confidentiality, without which their livelihood could be threatened. This freedom is seriously compromised if police have access to the communications and whereabouts of journalists.

Moreover, this type of surveillance opens the door to the use of intimidation against journalists. In fact, Mr. Lagacé himself was a victim of such practices two years ago.

Instances of police interference in the work of journalists have increased in Canada in recent years. Honourable senators, it is very worrying that, across the country, police are disregarding freedom of the press and hunting down journalists and their sources. It is even more troubling that judges are authorizing these warrants, despite the clear principles affirmed by the Supreme Court regarding the protection of journalistic sources.

[Translation]

When news broke that Patrick Lagacé was under police surveillance many politicians spoke out against this Montreal police tactic. I am pleased to see that. This shows how important the freedom of the press is to everyone in our democracy.

Unfortunately, the Montreal police chief continues to defend the decision of his force, which has me concerned for the future.

[English]

Honourable senators, I know that politicians — and now, I am one — often criticize journalists. But let's ponder for a moment where our society, our democracy and our political system would be without free media. Consider what our democracy would be like without these men and women who have the determination and courage to investigate stories for months, despite difficulties and intimidation, to uncover the truth that sometimes lies hidden beneath the facades of private companies and public institutions.

When journalists denounce the acts committed against one of their own by the police, they are not being paranoid or selfish. They are defending the public interest. They are defending our interests. As members of the Parliament, we have a duty to defend them.

Honourable senators, I invite you to learn more about the case of Patrick Lagacé, to reflect on whether legislation to protect journalists' sources is adequate, and, finally, if you can, to use the platforms available to you to speak out against the police surveillance to which he was subjected. If the public outcry is loud enough, we may be able to put an end to such actions. Thank you.

### CONFLICT IN DARFUR

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about the continuing conflict in Darfur, Sudan, a conflict along ethnic and tribal lines.

[ Senator Pratte ]

Canada has a proud history of promoting peace in Darfur. To demonstrate this, I would like to share a memory of my experience in Darfur from 2003.

At that time, Prime Minister Martin asked me to go to Al-Fashir in Darfur. During my time there, I visited a camp, organized by a Canadian woman officer, consisting mostly of women and children escaping from violence. They had nothing in that camp, and they were starving. However, thanks to the funding from Canada, UNICEF was able to set up schools at the camp.

When I arrived in the United Nations plane at Al-Fashir, the mothers at the camp surrounded me to thank our Prime Minister and Canadians for giving their children an education. I was told that while the children may be starving and living under such dire circumstances now, the education Canadians brought them gave them hope for the future.

I can say with pride that Canada left a lasting impact in Darfur through our actions. However, peace has not yet arrived in Darfur, as violence continues there to this day. This became clear to me recently as I attended a conference in Washington, D.C., organized by the Darfur Women Action Group. This event was organized by Niemat Ahmadi, who worked hard with Canadians to bring 17 women from Darfur to the peace process in 2005.

At that conference, I was approached by Darfuri women who recalled Canada's accomplishments, like how Canada had brought policewomen to Darfur to teach the police how to investigate rape. They spoke nostalgically of how Canada had been a partner with Darfuri women and stated that now they had to face the violence alone.

These Darfuri women wanted me to ask Canadians not to abandon them now. Honourable senators, I rise today to ask you to join me in calling for resumed support for Darfur in the Sudan. We have been a vital source of support for them in the past and can help them once again in a time of great need.

[Translation]

## ROUTINE PROCEEDINGS

### IMMIGRATION, REFUGEES AND CITIZENSHIP

#### 2016 ANNUAL REPORT ON IMMIGRATION TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2016 Annual Report to Parliament on Immigration, pursuant to subsection 94(1) of the Immigration and Refugee Protection Act.

[English]

**STUDY ON THE REGULATION OF AQUACULTURE,  
CURRENT CHALLENGES AND FUTURE  
PROSPECTS FOR THE INDUSTRY**

FOURTH REPORT OF FISHERIES AND OCEANS  
COMMITTEE—GOVERNMENT  
RESPONSE TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the government response to the fourth report of the Standing Senate Committee on Fisheries and Oceans, entitled *Report on Aquaculture*, tabled in the Senate on June 21, 2016, during the First Session of the Forty-second Parliament.

**FISHERIES AND OCEANS**

BUDGET—STUDY ON MARITIME SEARCH AND  
RESCUE ACTIVITIES—FIFTH REPORT  
OF COMMITTEE PRESENTED

**Hon. Elizabeth Hubley**, Deputy Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, November 1, 2016

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

**FIFTH REPORT**

Your committee was authorized by the Senate on Thursday, April 14, 2016, to examine and report on Maritime Search and Rescue activities, including current challenges and opportunities.

The committee budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* of June 20, 2016. On June 21, 2016, the Senate approved a partial release of \$107,588 to the committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

ELIZABETH HUBLEY  
*Deputy Chair*

(For text of budget, see today's Journals of the Senate, Appendix, p. 915.)

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

[Translation]

**INTERNAL ECONOMY, BUDGETS AND  
ADMINISTRATION**

EIGHTH REPORT OF COMMITTEE TABLED

**Hon. Leo Housakos:** Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the financial statements of the Senate of Canada for the year ended March 31, 2016.

• (1420)

[English]

NINTH REPORT OF COMMITTEE TABLED

**Hon. Leo Housakos:** Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the Annual Report on Parliamentary Associations' Activities and Expenditures for the 2015-16 fiscal year.

**TAX CONVENTION AND ARRANGEMENT  
IMPLEMENTATION BILL, 2016**

BILL TO AMEND—FIRST READING

**Hon. Peter Harder (Government Representative in the Senate)** introduced Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement.

(Bill read first time.)

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

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

**COMMONWEALTH PARLIAMENTARY ASSOCIATION**

BILATERAL VISIT, FEBRUARY 7-14, 2016—  
REPORT TABLED

**Hon. Elizabeth Hubley:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary

Association to the Bilateral Visit to Providenciales and Grand Turk, Turks and Caicos and Georgetown, Guyana, from February 7 to 14, 2016.

[English]

INTERNATIONAL PARLIAMENTARY CONFERENCE  
ON SUSTAINABILITY, ENERGY AND  
DEVELOPMENT, MARCH 14-17, 2016—  
REPORT TABLED

## QUESTION PERIOD

### BUSINESS OF THE SENATE

**Hon. Elizabeth Hubley:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the International Parliamentary Conference on Sustainability, Energy and Development, held in London, United Kingdom, from March 14 to 17, 2016.

**The Hon. the Speaker:** Honourable senators, pursuant to the motion adopted in this chamber on Thursday, October 27, 2016, Question Period will take place at 3:30 p.m.

### DELAYED ANSWERS TO ORAL QUESTIONS

#### INCREASING RATES OF VIOLENCE IN CANADA'S URBAN CENTRES

##### NOTICE OF INQUIRY

**Hon. Don Meredith:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the increasing rates of violence in Canada's urban centres and to the causes of this increase, and to some possible strategies to deal with this serious problem.

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table the following answers to oral questions raised by Senator Martin on April 14, 2016, concerning the Broadway corridor; by Senator Meredith on April 19, 2016, concerning the crisis on reserves; by Senator Poirier on April 21, 2016, concerning Employment Insurance benefits; by Senator Day on May 3, 2016, concerning funding for investigation into Panama papers; by Senator Downe on May 4, 2016, concerning financial support for combatting tax evasion; by Senator Martin on May 11, 2016, concerning the small business tax rate; by Senator Munson on June 3, 2016, concerning Canada-China relations and a request for apology; by Senator Lang on June 8, 2016, concerning dual citizenship and radicalized terrorists; by Senator Omidvar on June 9, 2016, concerning applications for refugee sponsorship; and by Senator Jaffer on June 20, 2016, concerning Syrian refugees.

#### CANADIAN TEMPORARY FOREIGN WORKERS PROGRAM

##### NOTICE OF INQUIRY

**Hon. Don Meredith:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the Canadian Temporary Foreign Workers Program, including the living and working conditions of workers and their access to health care.

### TRANSPORT

#### BRITISH COLUMBIA—BROADWAY CORRIDOR

*(Response to question raised by the Honourable Yonah Martin on April 14, 2016)*

Under Phase 1 of the 10 year Infrastructure Plan, the Minister of Infrastructure and Communities has approved a total of \$49.5M in federal funding under the new Public Transit Infrastructure Fund (PTIF) toward planning and early works for Broadway corridor transit including \$11.5M for planning and design of the Millennium Line Broadway project. To date, no formal business cases have been submitted to INFC for capital projects linked to the first phase of the Millennium Line Broadway Extension as described on the Translink website.

This project could be brought forward by the province for funding consideration under Phase 2 of the Government of Canada's infrastructure plan.

Funding to British Columbia (BC) is currently provided through a number of programs. Under the Provincial-Territorial Infrastructure Component National Regional Projects (PTIC-NRP), BC will receive \$1,193,207,692. Under the Gas Tax Fund, BC receives \$265,940,736

[Translation]

#### PIPELINE SAFETY

##### NOTICE OF INQUIRY

**Hon. Percy Mockler:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the issue of pipeline safety in Canada, and the nation-building project that is the Energy East proposal, and its resulting impact on the Canadian economy.

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[ Senator Hubley ]



annually where the majority of Metro Vancouver's Gas Tax Fund allocation is directed to TransLink. Under PTIF, \$370M out of \$460.49M in funding has been earmarked for Metro Vancouver. Under the PTIC-NRP, the Government of Canada announced \$212.3M in funding for the Lions Gate Wastewater Treatment Plant, also located in Metro Vancouver.

## **ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT**

### **CRISIS ON RESERVES**

*(Response to question raised by the Honourable Don Meredith on April 19, 2016)*

The Government fully agrees that the health and mental wellness issues facing First Nations communities across the country, including Attawapiskat, are serious and unacceptable.

When the Government learned of the tragic incidents occurring in Attawapiskat, it responded immediately, working together with First Nations leadership and the Province. This started with efforts to increase capacity on the ground, helping Attawapiskat during this time of need. To that end, two additional mental health counsellors from the Nishnawbe Aski Nation crisis response unit were dispatched to add to the complement of two permanent youth counsellors already in the area. In addition, the Government committed to funding two additional permanent mental health workers for youth, and a case manager.

Health Canada has been coordinating weekly with the province of Ontario to ensure that immediate supports are made available and to work with First Nations leadership, federal and provincial partners to address medium and longer term needs. To that end, a Health Canada senior manager is in the community on a regular basis to discuss with the First Nations leadership and the Province how best to address medium and ongoing needs.

Making real, lasting change in First Nations communities across the country requires a new fiscal relationship with First Nations, one that provides sufficient and sustained funding. This is why this Government has laid out historic investments in Budget 2016, which includes \$8.4 billion for better schools and housing, cleaner water, cultural and recreation facilities and improvements for nursing stations.

In addition to these investments, on June 13, 2016, and after meeting with youth from Nishnawbe Aski Nation, the Prime Minister, the Right Honourable Justin Trudeau, announced new funding of approximately \$69 million over three years to support immediate measures that will provide urgently needed help and support while the Government of Canada works with Indigenous Leaders in the context of the

Health Accord to develop a long-term plan to address these important health issues. This new funding will support various measures, including:

- Four crisis response teams to provide surge capacity for rapid response services and crisis coordination in regions located in Ontario, Manitoba and Nunavut identified as having the greatest need;
- An increase of mental wellness teams from 11 to 43 for communities most at-risk in order to strengthen existing community supports;
- Training for existing community-based workers to ensure that care services are provided in a culturally appropriate and competent way; and
- The establishment of a 24-hour culturally safe crisis response line.

New measures will also involve working in close collaboration with Inuit partners to develop a community-led suicide prevention approach.

## **EMPLOYMENT AND SOCIAL DEVELOPMENT**

### **EMPLOYMENT INSURANCE BENEFITS**

*(Response to question raised by the Honourable Rose-May Poirier on April 21, 2016)*

Our Government has announced improvements to the EI program so that it is better aligned with today's labour market realities and is responsive to the needs of Canadian workers and employers.

Budget 2016 announced that the EI waiting period will be reduced from two weeks to one, effective January 1, 2017.

EI claimants will be entitled to the same maximum number of weeks of benefits. As benefits will be payable one week sooner, they will also end one week sooner.

In Budget 2016, twelve EI economic regions were listed as qualifying for extended benefits due to the downturn in the commodities sector. The Government of Canada promised to monitor the economic situation following the budget and fulfilled that commitment by announcing three additional EI regions.

This extension will mean that eligible claimants in these 15 regions can receive an additional five weeks of benefits for regular claimants, and a further 20 weeks of benefits for long-tenured workers. These benefits will be available for one year — beginning July 3, 2016 — and will apply retroactively to anyone who started a claim on or after January 4, 2015, and is still unemployed.

## FINANCE

### FUNDING FOR INVESTIGATION INTO PANAMA PAPERS

*(Response to question raised by the Honourable Joseph A. Day on May 3, 2016)*

The Program Review referred to by the Commissioner is a broad based assessment that is proceeding in 2016. The RCMP's existing funding issue has been highlighted over the past year and was a contributing factor to the Government's decision to create a temporary Program Integrity fund as announced in Budget 2016.

Preliminary results are expected in the fall with a final report being provided to the Minister by mid-December 2016.

With respect to the Panama Papers, our government is committed to combating tax evasion and tax avoidance, and to ensuring that all Canadians pay their fair share of taxes.

### FINANCIAL SUPPORT FOR COMBATTING TAX EVASION

*(Response to question raised by the Honourable Hon. Percy E. Downe on May 4, 2016)*

In support of the government's mandate, the Minister of National Revenue put forward a number of proposals for consideration in Budget 2016. These proposals covered many aspects of the Canada Revenue Agency's (CRA) operations including service delivery and tax compliance.

To help ensure that all taxpayers pay their fair share of taxes, the funding announced in Budget 2016 for cracking down on tax evasion and combatting tax avoidance is for proposals which are aligned with the government's objective of preventing evasion and improving tax compliance and provide value for taxpayers. As described in the budget, this funding will address a number of activities such as the hiring of additional auditors and developing robust business intelligence infrastructure.

### SMALL BUSINESS TAX RATE

*(Response to question raised by the Honourable Yonah Martin on May 11, 2016)*

Small businesses depend on a strong economy and strong customers to be successful. Budget 2016 proposes a long-term plan to revitalize Canada's economy and restore hope for the country's middle class that will help small businesses succeed.

Budget 2016 is making historic investments in infrastructure and innovation that will expand opportunities and deliver stronger, more inclusive growth. Indeed, it is estimated that the investments proposed in Budget 2016 will create or maintain 100,000 jobs and increase real GDP by one percentage point by the second year of implementation.

Meanwhile, the Government's middle-class tax cut has reduced taxes for nearly 9 million Canadians. Budget 2016 builds on this with an increase in child benefits for 9 out of 10 families with children. These measures will increase the disposable incomes of middle class families who are customers of small businesses.

In addition, small businesses benefit from a supportive tax system that allows them to retain more earnings that can be reinvested to create jobs and grow their business. Going forward, the Government will ensure that the tax treatment of small businesses and their owners continues to support a strong and vibrant small business sector.

## FOREIGN AFFAIRS

### CANADA-CHINA RELATIONS— REQUEST FOR APOLOGY

*(Response to question raised by the Honourable Jim Munson on June 3, 2016)*

The promotion and protection of human rights is an integral part of Canada's foreign policy and a priority in the bilateral relationship with China.

It is Canada's long-standing practice to raise issues concerning human rights and the treatment of dissidents in China, and this will continue to be the case.

The Prime Minister raised human rights concerns with Premier Li Keqiang during Li's recent visit to Canada and with senior Chinese leadership - including President Xi Jinping, Premier Li and Chairman Zhang Dejiang when the Prime Minister visited China. The Minister of Foreign Affairs has held similar frank conversations with his Chinese counterpart. This government has engaged in an honest and direct approach to human rights.

Through the newly-announced Annual Leader's Dialogue and the National Security and Rule of Law Dialogue, sensitive topics such as human rights, consular matters, and rule of law will be discussed.

Canada will continue to call on China to respect, protect and promote human rights of its citizens and to advocate for the release of Chinese citizens detained or imprisoned for exercising their human rights.

## PUBLIC SAFETY

### DUAL CITIZENSHIP—RADICALIZED TERRORISTS

*(Response to question raised by the Honourable Daniel Lang on June 8, 2016)*

For intelligence and security reasons, it is not possible to comment on a specific operational matter. The Government of Canada has, however, identified radicalization to violence as a key concern. Canadian extremist travellers represent a

small but notable part of the broader international problem. As of the end of 2015, the Government reported that approximately 180 individuals with a nexus to Canada were abroad and suspected of engaging in terrorism-related activity.

Budget 2016 earmarked \$35 million over five years and \$10 million ongoing, to establish an Office that will provide leadership on Canada's response to radicalization to violence, coordinate expertise, mobilize and support community outreach, and enhance research in this area.

Intelligence and law enforcement agencies are at the forefront of our response to threats stemming from radicalization. Robust policy tools are also in place to deny violent extremists the ability to travel and join terrorist groups abroad. These include, for example, the powers to cancel, refuse, or revoke passports on national security grounds, and to issue a notification to prevent individuals listed under the *Secure Air Travel Act* from travelling by air to commit certain terrorism-related offences or to those who might threaten transportation security.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### APPLICATIONS FOR REFUGEE SPONSORSHIP

*(Response to question raised by the Honourable Ratna Omidvar on June 9, 2016)*

IRCC has shown support and flexibility to improve performance for our global clientele. However, the Department also needs to balance the integrity of its programs.

In 2014, the Department piloted a change whereby scanned signatures from the Sponsorship Agreement Holders (SAHs) were accepted. This change applied only to SAHs, as experienced, low-risk groups who had established ties with the Department. It was made permanent in May 2015.

This option was not offered to Groups of Five (G5) or Community Sponsors (CS), given the greater risk factor, and the greater incidence of returns of incomplete applications to G5s.

In November 2015, with the commitment to resettle 25,000 Syrian refugees, the Department began accepting applications electronically from both SAHs and G5s as a facilitative measure to expedite the processing of Syrian refugees. Scanned applications (including scanned signatures of the sponsor and the refugee applicants) were acceptable.

In an effort to improve efficiency, enhance client service, and strengthen program integrity IRCC now accepts sponsorship applications with scanned signatures from SAHs, G5s and CS' for all refugee populations, including Syrians.

## SYRIAN REFUGEES

*(Response to question raised by the Honourable Mobina S. B. Jaffer on June 20, 2016)*

Between November 2015 and February 2016, the Government resettled more than 25,000 Syrian refugees in communities across Canada, including those who were privately sponsored (8,950 individuals). Since then, we have continued to assist Syrian refugees in coming to Canada, and have made two new commitments for 2016/early 2017.

The first commitment is to admit 25,000 government-assisted refugees (GARs) and blended visa office referred sponsorship refugee (BVORs) to Canada before the end of 2016, a commitment that is well on track. As of September 18, 2016, 19,502 Syrian GARs and BVORs (78% of our target) had arrived in Canada.

The second commitment is to process by the end of 2016/early 2017 all privately-sponsored Syrian refugee (PSR) applications submitted before March 31, 2016 (approximately 12,200 applications). Again, this commitment is on track with 9,487 interviews (or 78%) having already been completed as of September 18, 2016. Of the 9,487 refugees who have been interviewed, 2,327 refugees have arrived in Canada and another 1,737 are in the process of having their travel booked.

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[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Diane Bellemare (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: second reading of Bill C-4, followed by all remaining items in the order in which they appear on the Order Paper.

### CANADA LABOUR CODE

#### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)** moved second reading of Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act.

She said: Honourable senators, I rise today to move that we pass the bill entitled An Act to amend the Canada Labour Code,

the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act, and the Income Tax Act.

This bill would essentially repeal two private members' bills introduced in the 41st Parliament. I am very pleased to be the sponsor of this bill as it is the first bill that I have introduced in this noble chamber.

Let's begin by looking at what Bill C-4 proposes. This bill was introduced in the other place on January 28, 2016, by the Minister of Employment, Workforce Development and Labour, the Honourable MaryAnn Mihychuk. The title indicates which four acts this bill amends. The bill also includes clauses regarding transitional provisions and the coming into force of the amendments. The bill has a total of 17 clauses.

Essentially, clauses 1 to 11 amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Staff Relations Act with respect to the terms and conditions of the certification and revocation of bargaining agents representing the employees of bargaining units under federal jurisdiction. In other words, those clauses repeal Bill C-525, which was passed in December 2014. Bill C-525 modified the certification and revocation process governing unions in businesses under federal jurisdiction by replacing the certification system based on the signing of membership cards with a system based on mandatory secret ballot voting. That legislation came into force on June 16, 2015.

Clauses 1 to 11 basically restore the terms and conditions of the certification and revocation process that were in effect before Bill C-525 was passed.

Clauses 12 and 13 repeal section 149.01 of the Income Tax Act, as well as subsection 239(2.31) of the same act. In fact, these clauses completely repeal Bill C-377, which was passed on June 30, 2015. Bill C-377 amends the Income Tax Act to require that all labour organizations, regardless of their size, as well as labour trusts, provide the Canada Revenue Agency with a package of financial information every year or be subject to penalty. They must provide the names of their employees and the amount of their salaries, if they earn over \$100,000, as well as the proportion of time dedicated to non-labour-related activities. They must also report any expenditure over \$5,000 made by a union, the name of the recipients, the amount received, and the nature of the services rendered. They also need to inform the Canada Revenue Agency of the value of contracts with third parties.

• (1430)

Bill C-377 also provides for the publication of the percentage of time that certain people dedicate to political, lobbying and other non-labour-related activities. Under the law, this information will be published on the Canada Revenue Agency website.

Usually, governments should not have to repeal laws that were passed in previous Parliaments. If this were common practice, it would discredit governments in the eyes of the population, fuel public cynicism and diminish people's confidence in their government. Why would a government have to repeal laws that

were passed by the previous government if, in theory, that government ruled in the best interests of the population as a whole and not in the best interests of its voter base?

That is not the case with Bill C-4. This bill does not seek to repeal a law that was passed by the previous government. This bill seeks to repeal two private members' bills that were introduced by two Conservatives members: Bill C-377, which was introduced by MP Russ Hiebert, and Bill C-525, which was introduced by MP Blaine Calkins.

[English]

I repeat: Bill C-4 does not repeal a government bill from the previous Parliament. Rather, this bill repeals two private members' bills introduced by MPs.

[Translation]

These two bills were passed without amendment by the MPs and senators from the party in power, who held the majority of the votes in both chambers, despite the countless objections raised during study of these bills. These two bills managed to skirt the rigorous review process reserved for government bills, and skirt the consultation process established for bills dealing with labour relations in federally regulated businesses. That is why today we need to take a second, more objective and more independent look at these two bills in order to repeal them.

However, before going any further, you might wonder why these two bills have been combined into one bill, Bill C-4. Wouldn't it have been better to study them separately? In actual fact, these bills have a lot in common. Studying them together makes it easier to understand their scope in the workplace and their adverse effects on the working environment. These two bills also have an impact on wealth creation and distribution.

Again, these two bills, which were introduced by MPs and not the government, are private members' bills. They may very well have received the informal support of the previous government, but that is not the issue. Given the stakes involved, these bills should have undergone the preliminary review processes before being introduced in the other place. Indeed, since these are private members' bills, they did not follow the usual, more rigorous path of a government bill.

When a minister prepares a bill, he or she must follow a process that involves internal and external consultations. The Minister of Justice typically has to weigh in on several fronts, including respect for provincial jurisdiction and consistency with the Canadian Charter of Rights and Freedoms. Many government bills are also subject to consultations involving various interested groups to ensure that the bills adequately address the issues of concern to the relevant sectors.

It's a good idea for governments to conduct external and internal consultations if they want to win elections and come up with appropriate solutions to real problems. That's particularly true for bills having to do with labour relations and the Canada Labour Code. The Federally Regulated Employers - Transportation and Communications was very clear in its condemnation of the process leading to the passage of

Bill C-525. The organization raised that point in its December 10, 2014, brief to the Standing Senate Committee on Legal and Constitutional Affairs and reiterated its message recently in the other place. I will quote from the 2014 brief as follows:

[*English*]

Notwithstanding FETCO's support of C-525, we want to express serious concerns that FETCO has regarding the process of using private members bills to amend the Canada Labour Code.

FETCO also continues to say that it is important to have:

... pre-legislative consultation processes when contemplating changes to the Canada Labour Code and regulations. These processes ensure that fact-based and informed decisions are taken with respect to federal labour law and regulations. FETCO believes that this consultation model has permitted federally regulated employers, unions and the Federal Government to successfully advance the interests of their respective constituents and has contributed the stability of labour-management relations in the Federal jurisdiction and the economic well-being of the Canadian economy.

[*Translation*]

I should point out that the Canada Labour Code, which also contains provisions governing union accountability, was completely overhauled between 1996 and 1998. Unions, employers, relevant government agencies, and experts worked together to achieve consensus between management and unions and strike a labour relations balance to ensure a certain degree of stability and industrial peace.

In that regard, this is what Andrew Simms, chair of the task force to review the Canada Labour Code, told the committee in the other place:

One side disagreed with a couple of things, and the other side disagreed with a couple of things — significantly, one of which was the card system — but both said very clearly and ultimately enthusiastically that it was a package deal, something they could both live with, and a framework that they could buy into and use to administer their labour relations. I believe the bill that came out of that was a successful revision to the Canada Labour Code.

Honourable senators, Bill C-525 and Bill C-377 disrupt this balance.

The second thing that these bills have in common is that they originated with the same external interest groups.

[*English*]

Indeed, they were strongly supported by organizations known for their opposition to unions, including LabourWatch Canada, Merit Canada and other groups.

LabourWatch Canada was founded in 2000, with a mandate to provide employees with information on how to cancel a union card during a union organizing campaign, how to decertify a union, and how to file an unfair-labour-practices complaint against a union. LabourWatch Canada also provides information for employers on how to avoid legal problems when having to battle with a union campaign for certification.

[*Translation*]

Merit Canada was established in November 2008 to serve as the national voice for eight provincial open shop construction associations. It succeeded the Canadian Coalition of Open Shop Construction Associations, which was founded in 1999 to challenge the constitutionality of a compulsory union membership requirement to work in Quebec's construction industry.

These organizations would like to establish the American model and the same labour relation rules in Canada. As you know, unions and businesses in the United States fill out a questionnaire in order to disclose how much they spend on labour relations. Furthermore, a secret ballot is mandatory.

[*English*]

These groups want to establish what they call a “level playing field” between Canada and the U.S. Now, as you know, Canada and the United States have different approaches to labour relations. In the U.S., I think it's fair to say employers sometimes have comparatively more negative views on unions.

• (1440)

Finally, these two bills essentially target the same group: the unions. They contain no reciprocal provision for employers.

[*Translation*]

Bill C-377 does not include any provisions regarding transparency for companies and employer associations in the area of labour relations. However, the American legislation that inspired Bill C-377 and other legislation in jurisdictions like France and Australia dealing with transparency all include provisions for companies and employer associations. They are also administrated by their respective labour ministries. In the name of union democracy, Bill C-525 imposes mandatory secret ballot voting during union certification campaigns and facilitates the revocation of certification. However, it places no obligation on employers to give unions greater access to employees to help them make an informed decision as they exercise their right to vote. In fact, Bill C-525 will actually help companies fight certification campaigns and simplifies the revocation of certification.

When employees cannot organize and discuss their common issues in the workplace, it is often the employer's authoritarian decision that prevails. Therefore, in the name of noble principles like transparency and democracy, on which everyone can agree, these laws, in practical terms, are likely to upset the balance of power between unions and employers. They also tend to sow

discord in the workplace, and they fly in the face of another democratic principle, that of democracy in the workplace, and I will come back to that later.

Basically, the common thread in these two bills is that they both attack the integrity and vitality of the union movement. They are both immense in scope. Bill C-377 would be extremely costly for smaller union organizations, which would discourage smaller units from becoming organized. In addition, it will disclose strategic information to the employer, which would limit unions' bargaining power. Furthermore, Bill C-525 would also reduce the rate of unionization, and I will come back to that later as well.

These two laws constitute a frontal attack on Canadian unions. They upset the delicate balance of power between employees and employers, and they are likely to create instability in labour relations and damage efforts to generate economic prosperity. Passing Bill C-4 would restore the balance of power as generally negotiated in the labour codes and the balance of power established in 1998 in the comprehensive review of the Canada Labour Code, which was based on discussions between unions, employers and the government.

Then again, this does not mean that the situation that existed before Bill C-377 and Bill C-525 were passed was perfect. It just means that it was better than the situation we have now that these two bills are in force.

I am proud to sponsor Bill C-4 because I didn't vote for the two laws that it seeks to repeal.

[English]

These last two laws constitute, I repeat, a frontal attack on Canadian unions. They upset the delicate balance of power between employees and employers, and they are likely to create instability in labour relations and damage efforts to generate economic prosperity.

I am proud to sponsor Bill C-4 because I didn't vote for the two laws that Bill C-4 seeks to repeal.

[Translation]

I will now speak more at length about Bill C-525, since that law is in effect. Bill C-525 replaced the membership card accreditation system with a system involving mandatory secret ballots for employees under federal jurisdiction. The labour relations between employers and employees under federal jurisdiction are governed by three laws. The Canada Labour Code governs labour relations between private sector companies and Crown corporations and their employees. The Canada Industrial Relations Board, which from here on I will refer to as the CIRB, is responsible for managing the acquisition and termination of bargaining rights in the private sector.

The public sector is governed by two laws: the Public Service Staff Relations Act and the Parliamentary Employment and Staff Relations Act. The Public Service Labour Relations and

Employment Board, which from here on I will call the PSLREB, manages the certification of bargaining agents and the revocation of certification in the public sector.

Until 1977, Canada's union certification system was exclusively a card system, which was enshrined in the provincial and federal labour codes. Beginning in 1977, some provinces amended their labour codes to implement mandatory secret balloting for certification.

The card-check system applied to companies under federal jurisdiction until June 16, 2015. Until then, the CIRB could grant bargaining rights to an agent when 50 per cent of a private sector company's employees or more signed union cards.

When considering an application, the CIRB checked the cards to ensure that they had been signed without undue pressure from a union and that more than 50 per cent of the employees had signed. In case of uncertainty, the CIRB could order a secret ballot, and did so a number of times. The CIRB had that discretionary power, which it used on a number of occasions. When the number of signed cards represented between 35 per cent and 50 per cent of the employees, the CIRB had to order a mandatory secret ballot. In other words, it is not true that the card system conflicts with secret balloting.

In the case of public sector workers, the PSLREB follows the same process for an application for certification when the number of cards is greater than 50 per cent of the workers. However, it does not accept applications for certification when the number of cards is equivalent to 50 per cent or fewer of the workers.

Bill C-525 changed the certification process by requiring a secret ballot for all applications for certification. The threshold for a secret ballot for all companies is now 40 per cent. In the private sector, a secret ballot is held for all applications for certification when 40 per cent of the employees sign cards. Certification is granted when the results of the secret ballot show that more than 50 per cent of the voters want to join the union.

Although on the surface this system may seem more democratic, that is not necessarily the case. Under the current system, certification is granted when 50 per cent of the voters want to join the union. Under the former card system, more than 50 per cent of the employees had to sign membership cards, which the employees generally had to pay for, even though the cards had a symbolic value. In fact, and this is the key argument, it is false to claim that a secret ballot in the workplace is similar to the secret ballot in a provincial or federal general election. Employees are more likely to be pressured by their employer when they vote in the workplace to join or not join a union than when they express their preference through a membership card system. On top of that, employers generally refuse to cooperate with unions and share information about their employees that would enable them to be informed about the full implications of joining or not joining a union.

In other words, in an ideal world where no pressure is exerted upon employees, the secret ballot is probably the most democratic way for an individual to express his or her choices. However, the

[ Senator Bellemare ]

real world of labour relations is far from ideal for holding a vote on the certification and decertification of a union.

[*English*]

In other words, in an ideal world, where no pressure is exerted upon employees, the secret ballot is probably the most democratic way for an individual to express his or her choices. However, the real world, where such pressure does exist, is a different story.

[*Translation*]

It is clear that the certification and revocation system under Bill C-525 is an obstacle to unionization because quite often a vote to organize will prompt the employer to threaten to move or close the plant. Employees therefore vote to join or not join a union in a climate of fear.

• (1450)

There is less likelihood of intimidation with the card-check system because the penalties for unions are very high if it is proven that there was intimidation. Unions automatically lose their accreditation. This reality has been well documented in the academic literature and I will quote Professor Sara Slinn, who conducted a detailed analysis of certification procedures for the Ontario government in 2015:

[*English*]

An extensive body of literature identifies the workplace as a critical location for organizing, recognizing the significant disadvantage unions are at compared to employers in this regard. This imbalance arises because, unlike a union, the employer can exercise its property and managerial rights to control union access to employees, has constant access to and control over employees in the workplace, has information to contact employees outside the workplace, and controls employees' economic welfare. This allows employers relatively greater opportunity to influence employees, leading to information asymmetries depriving employees of information about options and consequence of unionization, thereby disadvantaging unions. This imbalance in access between employers and unions gives rise to two issues addressed on the academic literature: access to the workplace for organizers and union access to employee information and lists.

[*Translation*]

The new rules imposed by C-525 on certification and decertification are equally unfavourable for unionization. With the passage of Bill C-525, only 45 per cent of employees have to indicate that they wish to revoke their membership in a union in order for a secret vote to be held. Under the previous system, more than 50 per cent of employees had to indicate that they were interested in decertification in order for a secret vote to be held.

In fact, the data shows that there were few complaints of intimidation filed with the CIRB under the card system up to June 16, 2015. The statistics show that between 2004 and 2014,

the CIRB dealt with 23 cases of alleged intimidation or coercion during an organizing drive, and six were validated. That is six cases over a ten-year period. Of those six cases, four involved intimidation by the employer. The two others involved complaints between unions during a raiding campaign.

However, the experiences of provinces that adopted the secret ballot system show that employers use more intimidation practices with certification under a mandatory secret ballot than under the card-check system.

The study conducted by Professor Sara Slinn on behalf of the Ontario Ministry of Labour revealed, and I quote:

[*English*]

Research suggests that employer —

— unfair labour practices —

— during certification are not only common but are intentional. A multi-jurisdictional survey of Canadian managers in workplaces that had recently experienced union organizing reported that “overt opposition to union certification was the norm” and that 80% of employers in the sample admitted to actions that the author characterized as open opposition to certification . . .

[*Translation*]

In light of those facts, can we say with any certainty that secret ballot voting is any more democratic than the card system? What would people say if voters heading to the polls had to exercise their civic duty under the threat of possibly losing their job? Canadians have passed laws and regulations to ensure that this does not happen. Bill C-525 provides no restrictions to limit the employer's actions during certification campaigns.

In addition, unlike most provincial legislation, Bill C-525 provides no specific time limit between the date of the application for certification and that of the secret vote. As Professor Slinn states, and I quote:

[*English*]

Election delay significantly reduced the likelihood of certification in circumstances where there was either no statutory time limit for holding the vote or the time limit was not well enforced.

[*Translation*]

The case of the WestJet pilots' organizing drive tends to confirm this fact, given that the secret vote was held one month after the application for certification was filed and was spread over a two-week period. It's no wonder the campaign failed. Given that union membership is generally strong among Canadian pilots, one can assume that the campaign failed because of the longer timeframes.

A number of Canadian studies show that the introduction of mandatory secret ballot voting in the provincial labour codes is

partially responsible for declining unionization rates. American studies have reached the same conclusion.

The last study I wanted to reference was conducted in 2013 by the Department of Human Resources and Social Development before Bill C-525 passed. That study clearly demonstrated that the secret ballot voting system adopted by some of the provinces is largely responsible for the decline in unionization in Canada.

I will read the conclusion of this study:

[*English*]

From 1993 to 1997, the proportion of business sector employees in Canada covered by a mandatory vote regime increased from 23% to 53%. By 2001, the proportion had increased to 61%, reaching a high of 63% in 2008.

Through this time period namely since the early 1990, union density in the business sector has steadily declined. From 1997 to 2012, the time period of this study, density declined from 23% to 19%.

That is in the business sector.

In this study we examined the link between the adoption of a mandatory vote regime and this decline in business sector union density. We found that the use of mandatory vote regime has been an important factor in the decline of union density in the Canadian business sector. It was estimated that had all Canadian jurisdictions not used a mandatory vote regime for union certification starting in 1997, business sector union density would have been substantially higher by 2012. Simulations show that union density would have increased by around a half a percentage point from 1997 instead of dropping by 4 percentage points.

[*Translation*]

This study, conducted by the department in 2013 and kept secret until just recently, indicated that if the percentage of employees in Canada covered by a mandatory vote regime had remained at 1997 levels, or 53 per cent, the prevalence of labour unions would have been 23 per cent instead of 19 per cent. These results corroborate the results of previous studies done on the subject.

Independent research institutions such as the OECD and university research institutes are unanimous. They say that the stagnation in employment income can be attributed in part to the weakening of unions.

The weakening of unions also affects the distribution of wealth, namely through the growth of income inequality. The Gini coefficient is a mechanism for evaluating the growth or reduction of income inequality and comparing the results across various countries. This indicator shows that income inequality increased significantly in Canada between 1980 and 1990, and up to the early 2000s. The indicator remained stable thereafter. This corresponds to the period when the mandatory vote regime became popular and when a growing percentage of Canada's workforce was subject to this form of certification.

[ Senator Bellemare ]

As I said earlier, the percentage of Canada's workforce subject to the secret ballot voting system for unionization increased by 174 per cent between 1982 and 2014.

During that time, union coverage fell by 28 per cent and the Gini coefficient rose by 10 per cent. The certification method doesn't explain everything. Other factors, such as the structure of the economy, also play into why income distribution deteriorated, but certification method is an aggravating factor.

• (1500)

Honourable senators, I also want to point out that, even as it is becoming harder for workers to unionize, a large and growing proportion of workers, more than 10 per cent of those employed in Quebec, in fact, belong to professional bodies and associations in which membership is virtually mandatory. According to a study conducted for the Fédération des chambres de commerce du Québec, both the number and proportion of individuals in the labour market who belong to a professional association are growing. Currently, almost 9.4 per cent of the people employed in Quebec belong to a professional association. The bargaining power of those professional associations is growing, and they employ a variety of techniques to command substantial remuneration. Could this be another factor that explains the growing income gap? The Senate should study this new labour market reality and its impact on the redistribution of wealth.

In short, there is no evidence that mandatory secret balloting enhances democracy at work because Bill C-525 makes certification harder and decertification easier. We might define workplace democracy as employees having opportunities to identify common challenges that affect their productivity, their quality of life at work and their participation in management decisions, which unionization often makes possible, but Bill C-525 promotes a more autocratic management model.

Again, there is no perfect system for union certification. The system we had before Bill C-525 was passed was not perfect, but it was better than the mandatory secret vote because it allowed employees to express their wishes without being subjected to pressure from the employer.

Repealing Bill C-525 will correct a typographical error contained in the bill, which abolishes some of the powers of the PSLREB. The government had promised to correct this error, but it did not. Therefore, the Senate passed a bill that not only was deficient in terms of substance, but also lacked rigour in its wording. It makes one wonder what happened to senators' independence.

As you know, esteemed colleagues, Bill C-377 was passed just before Parliament was prorogued, just as the government majority in the Senate managed to end the Liberals' filibuster.

Analyzed under objective criteria, Bill C-377 should never have been passed. It is very likely that it will be declared unconstitutional because it encroaches on provincial jurisdictions. Furthermore, seven provinces expressed their disapproval of this bill. It also undermines respect for and the right to privacy. A number of Liberal and independent senators spoke very eloquently against the passage of this bill. I invite them to repeat their arguments to you. I will not name them, as I am afraid I will forget some of them.



It is also important to mention that Bill C-377 was not enforced in 2016 and that its implementation is costly for the government and for unions.

I would remind honourable senators that the first iteration of Bill C-377, namely Bill C-317, was introduced in the other place in 2011, and the Speaker of that chamber found the bill to be out of order because, in his opinion, it required a ways and means motion. In other words, it had to be introduced by a minister of the Crown. Bill C-317 was therefore dropped from the Order Paper. The Conservative member reworked his bill and introduced it again as Bill C-377 in 2012. It passed the other place in December 2012. Once before the Senate, that bill was vigorously debated and was amended, in particular by Senator Segal. It was then sent back to the other place in June 2013. However, when the session was prorogued in the summer of 2013, Senator Segal's amendments were dropped and Bill C-377 returned to the Senate intact. It passed at third reading in the final days of June 2015, without amendment.

I would remind honourable senators that labour relations fall under provincial jurisdiction for businesses under the provinces' authority, and that unions are subject to provisions of transparency and accountability under the federal labour code and eight provincial codes, Alberta and Prince Edward Island being the exceptions. The Canada Labour Code even includes disclosure provisions for employer organizations. Nearly all experts and legal professionals have stated that Bill C-377 encroaches on the powers of the provinces to manage their labour relations and that it violates privacy rights. It also causes many financial problems for labour organizations and labour trusts.

Since I won't go into all the details of the bill — although I would advise my colleagues to read it themselves — I would like to remind the chamber of the observations in the report of the Standing Senate Committee on Banking, Trade and Commerce presented in the Senate on May 7, 2013:

*[English]*

While the committee is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study, hearing from 44 witnesses and receiving numerous submissions from governments, labour unions, academics, professional associations and others, the vast majority of submissions raised serious concerns about this legislation. Principal among those concerns was the constitutional validity of the legislation, both with respect to the division of powers and the Charter. Other issues raised included the protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.

The committee shares these concerns. The committee did not offer any amendments because these substantial issues are best debated by the Senate as a whole.

*[Translation]*

Dear colleagues, if the committee did not introduce any amendments, it is because Bill C-377 was not amendable. There is only one thing to do: we need to repeal this unworthy law.

Repealing Bill C-377 will prevent the court challenges that stakeholders will most likely win. In fact, the Alberta Union of Provincial Employees launched a constitutional challenge against Bill C-377 in July 2015. The union agreed to suspend court proceedings until Bill C-4 is passed, if that happens. The Canadian Bar Association and the Office of the Privacy Commissioner of Canada, which raised serious privacy concerns about Bill C-377, suggested that the bill may be challenged on those grounds.

Before I close, I would like to say a few words about the transitional measures set out in Bill C-4. They have to do with Bill C-525 and indicate that applications for certification submitted during the period in which secret ballots are mandatory will be examined under the system provided for in this regard.

In short, passing Bill C-4 will make it possible to restore the balance of power in labour relations. In times like these, we need to promote stable labour relations and social dialogue, when it is necessary to adapt to change that is inevitable and all Canadians are hoping for renewed prosperity, as the population gets older. On that note, I would like to point out that many studies have shown that, during campaigns to revoke certification and in times of turbulent labour relations, the stock index drops. That sends a message to those who manage workplace activities: industrial peace and stable labour relations have value. It is better for employers to come to an agreement with their employees on mutually beneficial ways of doing things than to govern with a narrow view of management rights.

Unions played a major role in shaping our social programs and establishing mechanisms for distributing wealth. Today, they still play an important role in our democratic societies. It is unrealistic to try to do away with them. Rather than seeing unions as organizations that cause problems, we need to understand that they are part of the solution.

*[English]*

Finally, we must pass Bill C-4 and repeal Bill C-377 and Bill C-525. They are objectively flawed laws because of problems with the processes employed for their adoption, as well as their substance.

Thank you very much.

*[Translation]*

**Hon. Claude Carignan (Leader of the Opposition):** Will the honourable senator take a question?

**Senator Bellemare:** Certainly.

• (1510)

**Senator Carignan:** You say that you didn't vote for Bill C-525, that you abstained from voting because you disagreed on a technicality. During your speech, you said that secret ballots aren't a miracle solution, but can increase the credibility and the legitimacy of unions. The card system has been in place since the birth of unionization. It has proved useful in the past, but one would think that it's still relevant in the 21st century. Why did you make this complete about-face?

**Senator Bellemare:** Let's not forget that I proposed amendments at committee. Unfortunately, honourable senators who are here today but don't sit on the committee can't know that because the Standing Senate Committee on Legal and Constitutional Affairs did not pass my proposed amendments.

I proposed two types of amendments: the first was to shorten the timeframe. If we are to have secret ballots, I'm convinced we absolutely need guidelines. Bill C-525 contains no such guidelines. It mentions no timeframe, includes no guidelines and offers no access for unions.

It's in that context that I submitted amendments to the committee. I also proposed to correct the typo. However, as you know, I was part of a caucus at the time, and so I abstained from voting. That being said, I thought Bill C-377 was utterly inappropriate because it went against our principles.

Again, as far as Bill C-525 goes, secret ballots are an expression of democracy, but in order to work, they have to take place within a well-defined framework. In fact, I remind you that the chair of the tripartite committee in charge of reviewing the Canada Labour Code in 1998 said that there were differences of opinion. Employers wanted secret ballots and employees wanted to keep the current card-check system. They came up with a system. Let them negotiate and maybe one day they'll come up with a regime where secret ballots are the cure-all and are much more widely used. We don't know. Today's technological context is very different. Most certification votes currently happen in the workplace, and the data we have suggest that problems emerge when —

**The Hon. the Speaker:** I'm sorry, senator, but your time is up. Do you want five more minutes?

**Senator Bellemare:** If there are any other questions, I will gladly answer them. Thank you, Mr. Speaker.

[English]

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

**Hon. Senators:** Agreed.

[Translation]

**Senator Carignan:** If you're worried about intimidation in the workplace, what do you think about remote voting either by mail, by phone or electronically, like they do in some U.S. states? It

would guarantee secrecy and prevent the workplace intimidation you're worried about.

**Senator Bellemare:** There are two things I would like to remind you of. I'm opposed to both the process and the substance of Bill C-525. I don't think we should be debating the contents of Bill C-525 or whether there should be electronic voting or not. That is not for us to decide. Employers, unions and government agencies are the parties involved in labour relations. That system served us well in the past and can do so again. It's for them to decide how to manage labour relations.

For now, all I can say is that Bill C-525 is a bad bill because it didn't follow the proper process and also because, fundamentally, it doesn't allow for the holding of neutral, secret ballots.

[English]

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a question for Senator Bellemare.

You mentioned your concern that intimidation within unions is quite high, and so the repeal of both private members' bills are part of this bill.

I'm wondering, because of the elimination of a secret ballot, which is a fundamental principle in democracy, and restoring the card-check system, if there's also a concern that that system is susceptible to intimidation and fraud when employees are pressured into giving their support for a union or being wrongfully informed that a signature on a card is meant simply to indicate that they wish to receive more information.

I know that there were polls conducted before the adoption of Bill C-525. A poll conducted in 2013 by Leger Marketing in Quebec and another by Nanos in 2011 found there was support for secret balloting upwards of 84 to 86 per cent. I'm curious if you have any statistics post the adoption of Bill C-525 where those numbers would have dramatically dropped to indicate there wasn't support for that bill.

In regard to repealing Bill C-525, what is the justification and what surveys and/or consultations were done with the members of the union, because the support was, clearly, very high.

[Translation]

**Senator Bellemare:** I thank Senator Martin for her question. I don't have the latest numbers. What we know is that the Canada Industrial Relations Board, over the past 10 years, has received very few bullying complaints from unions with the card-check system.

However, recently, between June 2015 and February 2016, 10 complaints have been validated. Actually, there were 24 complaints regarding 64 certification requests, 10 or 11 of which have been validated. That's a lot more than under the old system.

If we were to ask people if they are fully aware of the way in which secret ballots take place, I don't know what their answer would be. If we asked them if they would vote in elections under

the threat of losing their jobs, I don't know what they would say. I think they would like secret ballots to take place in a neutral context.

I agree with you that secret ballots are very important and are an expression of democracy, but the card-check system, practically speaking, is also an exercise of democracy in the workplace.

Moreover, the card system also includes secret ballots. As soon as the board has reason to believe that less than 50 per cent of the people have signed their cards, it can force a secret vote. It has done so in the past. Secret ballots are also mandatory in other circumstances.

No system is perfect, but as far as labour relations go, the card-check system seems more efficient than the secret ballot system.

[English]

**The Hon. the Speaker:** Senator Bellemare's time has expired again. It's up to her whether or not she wishes to ask for more time to answer questions.

Are you asking for more time, Senator Bellemare?

[Translation]

**Senator Bellemare:** I ask for five more minutes, please.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

[English]

**Hon. Stephen Greene:** I'm interested in your position on secret ballots. In particular, we had this debate in the Modernization Committee. I'm sure you remember it. In that committee, you were in favour of secret ballots. I was wondering what the difference is between your position on this and your position on your bill.

[Translation]

**Senator Bellemare:** Like everyone, I agree that the secret ballot is an expression of democracy. It's an important symbol, but in the reality of the workplace, secret ballots are not held in a perfectly neutral context with every necessary external condition in place for people to really express their opinion.

• (1520)

Studies show that secret ballots lead many businesses to use bullying tactics. That's why some studies recommend using secret ballots with specific guidelines to allow union representatives to go meet union members in the workplace and make presentations. In these conditions, employers and employees could find common ground.

Currently, union representatives can't contact their members. It can be very easy for employers to bully or fire employees. It happens. The board has specific examples which we could debate further if you want.

**Senator Carignan:** I'm having a hard time following you, Senator Bellemare.

If I understand correctly, you are saying that the secret ballot system isn't as good at ensuring legitimate, free and voluntary unionization as the card-check system. If that's the case, why do labour commissioners or tribunals order a secret vote when concerns arise regarding the free and voluntary signing of membership cards?

In several provinces, whenever there's any doubt over the signing of membership cards, a secret vote is ordered to preserve the free and voluntary nature of the process. Don't you think there's a dichotomy here, a contradiction between this and what you're saying?

**Senator Bellemare:** Not at all. I see no contradiction between these two positions.

(On motion of Senator Martin, debate adjourned.)

[English]

## INDIAN ACT

### BILL TO AMEND—SECOND READING— DEBATE SUSPENDED

**Hon. Frances Lankin** moved second reading of Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration).

She said: Honourable senators, thank you, Your Honour. I hope to have an opportunity to get started, and then we will take a break for Question Period.

This act, Bill S-3, is a government bill being introduced in the Senate. This is the second part of my sitting here this year and the first time I've encountered this. I did a little bit of work to understand how often and when this has happened over the years. I was actually surprised to learn that it is a regularly used procedure to manage government business coming through the house.

In this case, there's a particular reason for it, and it's important. I will return to it a number of times. The actual provisions contained in this bill, these proposed legislative amendments, are in response to a court decision in the case of *Descheneaux* at the Superior Court in Quebec. The court directed that certain provisions under the Indian Act and regarding the registration of status be corrected, or those provisions will be struck down as of February 3, 2017. This would have a tremendous impact on the governing of the process of registration of status, and the government would be unable to register over 90 per cent of the people that would be coming forward for registration, if that were to happen.

It's our responsibility and it's our opportunity to ensure that doesn't happen. In my presentation today I will provide a little bit of background on the actual provisions, what they will accomplish, and a little bit about the historical background of how we in Canada and the Government of Canada, in dealing with our partner nations in First Nations communities, got to this place and this situation. I will also cover the numerous other issues not resolved in this bill and what the government's intent is in moving forward to deal with that.

I am hopeful that we will move quickly in second reading. I have spoken with the critic from the opposition party, and it's my hope that the critic will be able to respond in a timely manner. The most ideal situation is that by the end of this week we will be able to refer this to the Standing Senate Committee on Aboriginal Peoples. It's very important that that committee receive this bill. That is where the most significant concentration of expertise in this Senate resides in respect to dealing with complex indigenous issues.

I'm still looking at the clock here, trying not to get too far into this before Question Period begins.

In the title of this bill, we are talking about the elimination of sex-based inequities to registration. There are three aspects of registration in which there are still profound gender-based inequities. They actually stem from issues left over from the 1985 revisions and amendments to the Indian Act, which brought about the end of discrimination against women pre-1985 who had married out. That is the expression used for women who married non-Indians.

I want to say that it's actually very strange for me to be using the word "Indian." I grew up in a period of time when I learned to use "Aboriginal peoples" and "indigenous peoples." "Indian" is a word that has an anachronistic and quite, for me, negative connotation about the days of colonization and the first kinds of acts of this sort, which are named to bring about the "civilization" of Indians. It has deep, deep racist roots to it. However, I refer to and use this word because all of the terms contained in the still-named Indian Act and the registration of Indians are the words that we will be dealing with as we go through this provision.

Your Honour, how much time do we have? Two minutes? Thank you.

There are three main areas. I will talk about the effect of cousins, members of the same family, and of siblings, members of the same family, whose rights are different depending on the gender of their grandparent. So there's a patrilineal line and a matrilineal line. We fixed the discrimination for the women who lost their indigenous status prior to 1985; however, we did not foresee or predict what needed to be done in legislation to ensure that their children and grandchildren were not discriminated against in the current structure.

**The Hon. the Speaker:** Excuse me, Senator Lankin, I have to interrupt proceedings. It's 3:30. Following Question Period we will return to the Order Paper where we left off, and you will be called upon again.

(Debate suspended.)

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[ Senator Lankin ]

## QUESTION PERIOD

*Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Dominic LeBlanc, the Minister of Fisheries, Oceans and the Canadian Coast Guard appeared before Honourable senators during Question Period.*

### MINISTRY OF FISHERIES AND OCEANS AND THE CANADIAN COAST GUARD

#### AQUACULTURE LEGISLATION

**Hon. Elizabeth Hubley:** Minister, thank you for being here today. I was pleased to see that the government has now tabled its response to the Fisheries Committee report on aquaculture. We spent quite some time on this study and came up with what we feel are important and essential recommendations to the future success of the industry.

One of these was the creation of a stand-alone aquaculture act. Over the course of our hearings, we heard from Canadians involved in the industry. They told us time and again that an act is absolutely necessary to alleviate the jurisdictional challenges. I'm glad to see that your government's response is to explore the creation of such an act.

What is the timeline for the consideration and implementation of a new act?

• (1530)

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Honourable senators, first of all, thank you for the privilege of being on the floor of your chamber.

It's certainly something that, as you can imagine, is significant for me for a number of very personal reasons. I was thinking about it as I walked down the back corridor and saw my father's portrait, Mr. Speaker, when he held your office. I wanted to remind honourable senators of something he often said. When Prime Minister Chrétien asked him to be Governor General, he said to the Prime Minister, "Why do you want to take away from me the best job I've ever had?"

Mr. Speaker, he was sitting in your chair at the time, but you should not hear footsteps. I'm quite happy with the job I have now.

Thank you, honourable senators, for the privilege of being here. It really is an honour. I had the privilege, with Senator Carignan and Senator Cowan, before Senator Harder was here, of trying to innovate in what was the idea of having ministers come before your chamber. I want to tell you, honourable senators, that all of my colleagues, without exception, have very much enjoyed and appreciated this opportunity, and for me, my number was called and I'm very glad to be here.

In answer to Senator Hubley's question, I believe, and our department and our government believes, that the Senate standing committee did an outstanding job with respect to the

work on aquaculture. We rushed to get through the cabinet meeting this morning the approval of the government response in order that I could come before you today having at least had the opportunity to table, with the clerk and your chair, a response. I have instructed my department to begin work with provincial partners, the Canadian Council of Fisheries and Aquaculture Ministers, but also with the industry and science communities in terms of developing a federal aquaculture act.

I have heard many of the same intervenors that your committee met with. Provincial ministers have told me they think there's merit in bringing regulatory certainty. We think this industry can provide thousands and thousands of well-paying, middle-class jobs in parts of the country that have no other, or very limited, economic employment. But we also recognize that many Canadians have a heightened concern about the health of wild salmon or wild fish stocks, have understandable concerns about the need to have this done safely in terms of the aquatic environment, and we think bringing increased scientific resources, but also greater transparency and regulatory frameworks, will improve that public office.

[Translation]

#### PROTECTED MARINE AREAS—COMPENSATION FOR FISHERIES WORKERS

**Hon. Claude Carignan (Leader of the Opposition):** My question is for the minister. Minister, on February 3, I asked your predecessor a question regarding the government's plan to expand marine protected areas fourfold by next year, 2017. More specifically, I asked him whether the communities affected by this decision would be compensated. I did not get a clear answer. All he said was that the government planned to hold consultations.

Minister, my question is quite simple. Does your government plan on fully compensating fishers and workers in the communities affected by your decision to create new protected marine areas, and, more specifically, have you determined how much that compensation will cost? Have you consulted with the finance minister to ensure that the necessary amounts are provided for in the next budget?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Mr. Speaker. Senator Carignan, as you mentioned, our government made an ambitious promise to substantially increase the size of our marine protected areas, whether under the Oceans Act or other measures that designate marine protected areas. You are right. This will be more difficult in some areas than others, particularly when it comes to the commercial fishery. Many fishery stakeholders have spoken to me about this.

We are in the process of determining where exactly these marine protected areas will be located in order to meet our objectives of increasing them by five per cent by next year and 10 per cent by 2020. In so doing, as you said, we must respond to various concerns. During my discussions with fishery stakeholders and government representatives, who shared exactly the same concerns as you, I promised to work with them to properly

compensate those affected. I remain cautious because I have not yet discussed this with the finance minister and there are many ways of compensating them. There may be other species, other areas or other stocks that can provide other solutions for these industries.

We are not necessarily opposed to the idea of compensation. However, we will work with the provinces and the entire industry to find the best possible way to make sure that the workers whose livelihoods depend on our marine resources will always be able to contribute to Canada's economy. That being said, I can assure you that we will reach our targets as expressed in the mandate letter given to me by the Prime Minister.

#### ATLANTIC SALMON

**Hon. Paul E. McIntyre:** Thank you, minister, for being here for question period.

My question is about Atlantic salmon. Very recently the federal government invested over a half-million dollars in a research project on this species, more specifically on its behaviour. Five research agencies are taking part in this project, including the Université de Moncton, the University of New Brunswick and the Atlantic Salmon Federation. I understand this is Canada's first collaborative forum to include the scientific community and conservation agencies.

My question is as follows: do you expect to create more collaborative forums and to invest more money for the preservation of the Atlantic salmon?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Senator McIntyre, thank you for your question. I am aware of the economic and cultural significance of Atlantic salmon for your region of New Brunswick, which contains some of the best rivers in the world for salmon fishing, especially around the Restigouche River where you're from. I see that Senator Mockler agrees with me.

To answer your question, Senator McIntyre, we are fully committed to finding ways to invest more money in scientific research to better protect this species. We will collaborate with our partners, including Greenland, where Atlantic salmon is commercially harvested. A large number of salmon harvested by Greenland are destined for Canadian rivers. We need to work together with our international partners. The preservation of the Atlantic salmon is of paramount importance.

Regarding research, you said that certain partners are interested. I'll ask my deputy minister to contact you directly, for a very simple reason: one of these partners, whom you might know, is a business person in New Brunswick who has been my personal friend for many years. In fact, our fathers were long-time friends. That is why the deputy minister, Ms. Blewett, is representing the department in this matter. She has all the details about the specific case you mentioned. I am not aware of my department's actions on this file. Nevertheless, I will gladly ask the deputy minister to tell you more about our commitment.

Please let us know if you have any suggestions about what we can do to support this industry, which I know is very important for you, for New Brunswickers and for all Canadians.

[English]

#### SARGASSO SEA

**Hon. Wilfred P. Moore:** Welcome, minister. Thank you for attending the Senate Question Period today.

First, let me offer my congratulations upon your becoming Minister of Fisheries and Oceans and the Canadian Coast Guard. I know this ministry must be of great sentimentality for you. I believe your father was the longest-serving minister in this portfolio and accomplished many good things for Canada, including the important establishment of the 200-mile limit. I wish you much success.

Minister, I know that your government has committed itself to promoting the public good through basing policy decisions on science, facts and evidence. It is with this in mind that I ask your views on Canada's participation in the Hamilton Declaration. For those senators unaware of this initiative, it is an international collaboration for the preservation of the Sargasso Sea's ecosystem, which is the birthplace of all American and European eels and home to many other species. Canadians generally, and Atlantic Canadians specifically, have a great stake in protecting the habitat that is the Sargasso Sea. I believe that should Canada sign the declaration, it would be a great boost for those working on this initiative.

• (1540)

Can you tell this chamber, minister, what your position is on this matter?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Senator Moore, for that question. Certainly it may be, Senator Moore, the last time I have the privilege, in such a public way in front of your colleagues, to salute you for your extraordinary service to Canada and for your time in this chamber.

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

**Mr. LeBlanc:** I've had the privilege, senator, of considering you a friend for 20 years, and your contribution to the Senate and to public policy in Canada has been extraordinary. I wanted to acknowledge that.

With respect to your very specific question, you have been a leader in Canada on this important issue of having the Canadian government become a signatory to the Hamilton Declaration. Obviously, our government is fully supportive of global, science-based efforts to identify areas of ecological significance and recognize that collective action to conserve these most sensitive areas, like the Sargasso Sea, is obviously of great importance. I have instructed my officials to begin the process of understanding what the required procedures are for our country, Senator Moore, to sign that declaration.

[ Mr. LeBlanc ]

[Translation]

#### KATHRYN SPIRIT

**Hon. André Pratte:** Minister, the cargo ship *Kathryn Spirit* has been anchored near Beauharnois, southwest of Montreal, for the past five years. This old ship could capsize or fall apart at any time, releasing an unknown volume of oil and toxic substances in the St. Lawrence River. An expert working group recommended that an embankment be built around the ship and that the ship itself be dismantled on site in dry dock.

Can you tell us when the embankment will be built and when the ship will be dismantled?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Senator Pratte, for the question. Last summer, I had the privilege to speak with you about the unfortunate situation of the *Kathryn Spirit*. I know that you, the people of the Beauharnois area and all Canadians are worried about this. I have seen the pictures, and they are very disturbing.

You are right; last summer, the Coast Guard initiated a process to stabilize the ship. There was some concern that the ship could break free from its moorings. More importantly, people want us to find a way to get that ship out of the water.

I received confirmation from the Coast Guard a few days ago that an appropriate structure will be built around the ship before winter comes and the water freezes. During the winter months, the ship will be safely dismantled and removed without risk for the environment and the workers.

I hope that when spring comes and the waterways are open again, the local residents will no longer have to put up with seeing that unstable ship anchored to their pier.

Thank you for your interest in this matter.

#### ATLANTIC SALMON

**Hon. Percy Mockler:** I too would like to make a personal comment on the LeBlancs, one of New Brunswick's great families.

Minister, we're aware that you have large shoes to fill as Minister of Fisheries, Oceans and the Canadian Coast Guard, considering that you are walking in the footsteps of a most distinguished individual, the late Roméo LeBlanc. There's no doubt in my mind that you will put your heart and soul into this role.

My question, minister, is as follows.

[English]

In 2012, the Gardner Pinfold report concluded that the Atlantic salmon creates \$255 million in revenue across Canada. The same study estimated that approximately 4,000 FTEs are directly

created in that industry. To put it into another context, 4,000 jobs is the equivalent of 10 manufacturing industries each with a labour force of 400 employees.

The Atlantic salmon file is a very important economic activity for our people, especially in Atlantic Canada, and I know you know this.

Minister, has DFO set the limit reference point for Atlantic salmon stocks yet, where retention for First Nations and recreational fisheries would occur only above this level and in the same wavelength? Is there any progress you can share with us on implementing a grey seal harvest in the Gulf of St. Lawrence to reduce the predation of Atlantic salmon?

As I conclude, what efforts have been implemented to reduce the harvest of salmon in West Greenland and Saint Pierre and Miquelon for protecting our salmon and our people?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Senator Mockler. You rolled three questions in there, from Greenland to a reference point to the economic impact of Atlantic salmon in our province and across the country.

Thank you for your kind comments, Senator Mockler, about my father. My father had a friendship with you of which he was very proud. He would have been proud to see you there when they named the Moncton airport after him. It meant a lot to me and my family that you made the gesture to travel from Saint-Léonard to Moncton that day, and I know how much my father valued his friendship with you. To hear you say that, certainly for me in this chamber today, you can imagine how much I appreciate that and thank you.

Senator Mockler, our government and I personally, coming from the same province you do and having visited perhaps a fishing camp on the Restigouche River with you, understand the importance of this industry and the jobs it creates.

Your analysis of the economic impact of this sector, not only for our province but for other Atlantic provinces and Quebec as well, underscores the fragility of many of these employment opportunities in communities that often have no other or very limited economic activity. The communities that you and I visited together, the people who work in these industries have private sector jobs that many of them have had for decades, and they cannot easily substitute alternative employment.

This answers your three specific questions, Senator Mockler. That's why it's extremely important that international partners, Greenland but others — you mentioned Saint Pierre and Miquelon — understand the importance we place on the conservation of wild Atlantic salmon.

But in order to be credible with these countries in urging them to do more and be as restrictive as they can be on commercial harvest, we need to arrive at those conversations with our own house in order as a country. We recognize the importance of telling the world that we're investing significantly in the science,

including with indigenous communities that have traditional indigenous knowledge, which is part of a proper scientific analysis. We want to up our game in terms of scientific analysis, understanding the effects of things like climate change.

There's no doubt, senator, that the grey seal population in the gulf is another significant risk. We believe that the appropriate sustainable harvest of grey seals is very much part of the solution to ensure that we have healthy wild Atlantic salmon stocks. Indigenous communities, as you know very well, have a long tradition of responsibly and properly harvesting grey seals as part of their own culture and economic well-being. We respect that and value that and need to work internationally so that our partners understand that.

• (1550)

With respect to the specific reference point, senator, I was about to say yes because I remember a briefing where that was raised, but to be honest, senator, I don't want to mislead you, and certainly not the Senate Chamber. I suddenly wondered if the briefing was a number of options or a context upon which we would then make a decision as a government on the reference point. So I want to get back to you with specific information on that. The last thing I would want to do, senator, is to mislead you or your colleagues.

#### CHINOOK SALMON

**Hon. Nancy Greene Raine:** Thank you very much, Minister LeBlanc, for being here. I'm from British Columbia, as you know. I hope you enjoyed your visit there last week.

As you know, chinook salmon have been in decline in British Columbia for many years. It's particularly alarming on Vancouver Island. Chinook salmon are the iconic species known as the tye salmon, highly sought after by sports fishermen before they declined to such low numbers. Now there's a growing concern among stakeholders in the Port Alberni area about the Department of Fisheries and Oceans Salmonid Enhancement Program, which has been ongoing for over 30 years. I would point out that the adult chinook returns in the Nahmint River this year, as of last Friday, were 248 adults. In 1982, when the enhancement program started, they were 252. After 30 years of enhancements, we're at 10 fewer fish.

There appears to be a conflict between DFO salmon enhancement management and a local private hatchery who claim that they can produce significantly better survival rates than those of the DFO hatcheries. I'm sure you remember the decline of the East Coast cod fishery. It was a real tragedy. I'm afraid that without taking immediate action, we are looking at a similar situation and that the chinook salmon will decline to a point where rebuilding the stocks will no longer be possible.

Minister LeBlanc, would it be possible to commission an independent scientist to do an assessment of all available data, both from DFO and from the private hatchery, to determine if there's any validity to the claims of Omega Pacific Hatchery that their survival rates are more than 20 times higher than DFO's?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Senator Raine, for the question and for your advocacy on behalf of the salmon industry in your province. You're absolutely right; it is an iconic species in your province. I've known that since I was a kid visiting British Columbia, and I've learned it more and more every day I've been the Minister of Fisheries and Oceans, including when I was in Campbell River on Saturday night and Sunday, when my colleague Minister Wilson-Raybould and I were in Bella Bella.

You're absolutely right; the chinook decline is of great concern to the department. I was in British Columbia this summer and had the occasion to meet different industry groups — sports fishermen, the commercial fishing sector and scientists — to understand the very real and heightened concern. The provincial minister, Minister Letnik, when I met with him this summer, raised the exact same concern you offered.

With respect to the specific hatchery comparisons, you're right. I remember, as a kid, going to British Columbia with my father, when he had the job that I now have, and touring some of those very hatcheries and understanding the attachment that people had to the idea that we can, through human effort, responsibly and scientifically enhance a species as iconic as the tyeec or the chinook salmon.

In principle, the idea of having an independent review of these competing scientific claims to me appears reasonable. I would want to ensure that, if we're doing that, it's not done in a way that would delay any decisions that the department should responsibly take in partnership with others in British Columbia.

The other thing I'll ensure is that every scientific report and every scientific piece of information that our department would have in its possession is obviously publicly available in an understandable and consumable way for those of us who aren't scientists. Sometimes these reports and this information have to be presented in a way that the public can understand. So I want to ensure that we have complete transparency with respect to whatever science we would have in our possession.

I'll also ask the department about ensuring that these claims, which I had seen in the media in other circumstances, are in fact tested against the most rigorous scientific advice and in a way that the public will have confidence that the answers or the conclusions are based on evidence and science and not based, as I think you alluded to, on perhaps some proprietary interest in a particular program. That shouldn't be as important as using taxpayers' money effectively to do the best we can to preserve and enhance this iconic species.

#### ATLANTIC FISHERY

**Hon. Michael L. MacDonald:** Thank you, minister, for being here. I want to speak to you today about the abandonment of the LIFO policy in the shrimp industry in Atlantic Canada.

This industry was established in the late 1970s. In fact, your father was the Minister of Fisheries when it was established. Nova Scotians poured tens of millions of dollars into this industry. In the 1990s, Newfoundland and Nunavut interests wanted to get

involved in this fishery. They were involved. They were brought into the fishery under the condition that if there was a drop in the biomass, it was last in and first out. This position was held by the Chrétien government, the Martin government and the Harper government.

After the house recessed for the summer, your government announced a change in policy, that the LIFO would be abandoned. I admit to you that a government has every right to change policy; you're the government of the country. But, if you look at the assessment and the way that your department set it up, it's a five-man committee — four people from Newfoundland, none from Nova Scotia — which visited five communities in Newfoundland and no fishing communities in Nova Scotia. How can we, as Nova Scotians, look at this process as honest and legitimate when it's such an unfairly constructed board and such an unbalanced agenda? How can we, as Nova Scotians, believe we were treated properly in this process?

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Senator MacDonald, thank you very much for the question. You raised, frankly, one of the most important and significant issues that I faced when I became Minister of Fisheries and Oceans at the end of May. You're absolutely right; there was an independent panel set up by my predecessor, but by our government, as we had committed to in the election campaign. That was a clear platform commitment we made.

I hear and understand the concerns that some people had with respect to the composition of the panel. I know that a very eminent and distinguished Nova Scotian had accepted to serve in a very senior capacity on that panel, and for personal reasons he was unable to, in the final moment, undertake that service. That probably, with the advantage of hindsight, is regrettable because I think it would have answered that understandable concern that I've heard from many people in your province in the industry, from the provincial government, from Premier McNeil and others. So I acknowledge that.

But I also, senator, don't want to hide behind process because I feel the substantive decision was the right one. I think I would have come to that decision I made on a proportionate sharing regime absent any independent panel.

We may agree a bit on the panel and the perception, although I don't have any evidence to think that its work wasn't thorough and reliable and evidence based; I feel that strongly. But I appreciate and have heard your concern.

As I said — and I've said this publicly — I would have concluded, as the Minister of Fisheries and Oceans, that with such a significant reduction in the TAC — as you know, with regard to the total allowable catch for northern shrimp, for example, in Area 6, I had accepted scientific advice to reduce it by 42 per cent. We have indigenous communities in the North and in Labrador and in other northern communities that very much wanted to participate in this fishery. So I would have concluded that, economically, it would not have been an acceptable decision for the government to exclude, in a significant way, many of these inshore harvesters who had, for decades, to be fair, been participating actively in this fishery, been employing thousands of people along the coast and in certain coastal communities of Newfoundland and Labrador. So I had to make the difficult



decision of deciding how a shrinking resource would best be shared in order to maximize the economic benefit to Canadians.

• (1600)

Having read the panel report, and also having discussed with all kinds of other people who perhaps didn't appear before the panel, I concluded that the most fair and appropriate principle to apply was that of proportionate sharing. It's for that reason that I brought to an end the LIFO principle that — you are absolutely right — many of my successors, from both political parties, had said would be the basis upon which this fishery would be allocated. I made a different choice, and I stand by it.

**Senator MacDonald:** Thank you, minister. I understand your stand on this. There's a certain principle involved here in terms of proportionality. I would submit that when it was five communities in Newfoundland and none in Nova Scotia, there is a problem with the process.

Another question: Since we've accepted the principle that the wealth should be shared — I think that's part of the principle you're advocating here — I want to address the surf clam issue in Nova Scotia.

For people who don't know, the surf clam industry is basically held off one bank, Banquereau Bank, which is a Cape Breton bank southeast of Louisbourg. It's very close to my hometown. It's always been sort of the "Cape Breton bank."

Back in the 1990s, the Liberal government issued four licenses, all of which were bought up by one company. So now you have a monopoly. You have a monopoly on Banquereau Bank, one company paying less than \$250,000 a year and grossing about \$50 million to \$60 million in revenue from the surf clams.

There have been a number of efforts over the last number of decades, really. This company controls all the science. There have been a number of efforts to encourage the government to issue a tender for more licences so there can be more participation in the surf clam industry.

Back in the spring of 2015, in the previous government, a decision had been unofficially made to issue tenders for new surf clam licences, yet here we are today; nothing's happening.

If you believe in the principle of proportionality, why are we supporting broad access to a shrimp industry but monopoly only in the surf clam industry?

**Mr. LeBlanc:** Thank you, Senator MacDonald, for the question.

You referred to the LIFO process. There was a meeting, as you know, on June 10 in Halifax, where the Ministerial Advisory Panel heard from a number of stakeholders in Nova Scotia, so I wouldn't want the record to appear that the advisory panel had had no meetings in Nova Scotia. They had one in Halifax.

I would acknowledge that it wasn't as exhaustive a tour as perhaps in other provinces, but they did receive written submissions from a number of people, and they did have a rather extensive meeting in the capital of your province on June 10.

Shifting to surf clams, I understand and appreciate, senator, the link you're making. In the same logic about sharing, maximizing the benefit to Canadians with respect to Northern shrimp was one of the reasons — and probably the main reason — why I decided to end the Last-In, First-Out policy. We need to think about other species and other fisheries that may also offer economic opportunity to other communities and to other partners in a way that perhaps hasn't always been the case.

I'm aware that the previous government had a sort of RFP process. I assume you know that our government has not opened these bids. We have not decided to consider these proposals based on the process that the previous government had undertaken.

However, I am not without interest in what the scientific advice will say with respect to the Arctic surf clam fishery. I believe there was a meeting at the end of September of the advisory group where the scientific advice was presented.

I have asked the department to work with the advisory group and with scientists so that I would understand in a very real way if there are, in fact, opportunities for other people to participate in this fishery in a way that's sustainable and that doesn't endanger what has become a very lucrative fishery and has offered Canadians and Canadian companies a global benefit in terms of the brand of these Arctic surf clams.

I understand the importance economically. I don't yet have from the department, in a way that I'm in a position to make any decisions, scientific advice on what might be options should we decide to allow different or greater participation. I don't yet have that advice.

Once I get that advice, if it's as you seem to indicate or you believe will be the case, and I have no reason to think that it is or isn't, as I literally don't even have a draft of the advice, but once we do, if there is an occasion to look at other measures, obviously I would then want to reflect on what would be a fair and appropriate way to look at a process to do that.

I'm not convinced that the previous government's process is necessarily the way I would want to go. That being said, I haven't thought, necessarily, of a better process or a different one. That's why I've asked the department not to unseal any of these bids, because I want the ability to reflect myself and hear from partners in the industry but also members of this chamber and my colleagues in the House of Commons, and certainly from your province, if they have suggestions on how we might do that, if we're in a position, ultimately, to do that.

That is a lot of ifs. I'm answering a hypothetical question. You remember in law school you would never do that, but I wanted to give you as complete an answer as I can with the information that I have.

## AQUACULTURE INDUSTRY

**Hon. Don Meredith:** Minister, welcome to the chamber.

Minister, as a former member of the Fisheries Committee, I know we had many sessions across the country in a fact-finding mission, looking at the aquaculture industry and the fact that this industry has grown exponentially, and there were some challenges that the industry presented, obviously, to DFO.

Minister, what is your position with respect to the regulations that currently belong to your ministry and the fact that this particular industry is asking for a separate act to govern themselves by?

Secondly, what is your position with respect to supporting that industry and creating jobs on the East Coast? I don't want to wade into East Coast fishery politics — it's a little thorny for me — but creating that sense of opportunity to be economically sustainable, especially for the youth of the East Coast, trying to find those credible jobs so that they can support themselves. Thank you.

**Hon. Dominic LeBlanc, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, Senator Meredith, for your question.

You're absolutely right. Our government recognizes, as did the standing Senate committee, in what I said was a very fulsome and incisive report, the importance of the aquaculture industry to Canada's economy.

I was told that currently over 50 per cent of all the global seafood and fish that's consumed is farmed. I come from New Brunswick where it's a mature and significant industry in the Bay of Fundy and other places. From my father-in-law's cottage, we can see oyster growers in Bouctouche Bay.

I understand deeply the importance of this industry for small coastal communities. I also understand that aquaculture has to be done in a way that Canadians have confidence that it's not nefarious to wild fish health, that it's done in a way that reassures people that it's safe for marine ecosystems and that it's safe, obviously, for navigation. My colleague Minister Garneau and I are working on some aspects of that.

I have said to my provincial counterparts and to your colleagues in the Senate, Senator Meredith, that I would be open to understanding how a Canadian aquaculture act might contribute to regulatory certainty. One thing investment doesn't like is uncertainty around rules and regulations. But one thing Canadians don't like is the sense that somehow the rules are not as robust as they could or should be and that there's not enough transparency and accountability for those who seek to run these aquaculture operations.

One of the ways — and, frankly, it was your committee that helped convince me of this — to do that would be to have federal legislation, and this chamber could be a great source of advice and

insight into how that might work. Obviously, we would have to negotiate with our provincial partners who have, in different areas and regions of the country, different roles in aquaculture and the industry itself. I have instructed the department to begin the process of talking to the provinces, industry, the scientific community and those that have very understandable concerns about wild fisheries of how this could be done in a way that would be appropriate.

• (1610)

I look forward to the continuing advice of this chamber and that of the Senate Fisheries Committee, should I be able to convince my cabinet colleagues that it's something we can embark upon.

[*Translation*]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, the time for question period has expired.

[*English*]

I'm sure all honourable senators will join me in thanking Minister LeBlanc for being with us today. Thank you, minister. We look forward to seeing you again.

## ORDERS OF THE DAY

## INDIAN ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lankin, seconded by the Honourable Senator Petitclerc, for the second reading of Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration).

**Hon. Frances Lankin:** I will resume with gusto, although Senator Plett told me I only had 41 minutes left instead of 45. I'm much more relaxed with that, because having only three minutes is what was disturbing me. I don't know how to deal with that when I'm speaking.

I'll begin again just to say that Bill S-3 is a government bill that's being introduced in the Senate. It is a bill to amend the Indian Act. The proposed legislative amendments will eliminate

what is referred to as the residual sex-based discrimination or inequities that exist in the Indian Act. They are residual because these inequities flow from the original pre-1985 discriminatory provisions, which meant that “Indian” women, as defined under the Indian Act, who married non-Indian men lost their status, their right to own property, their right to live on reserve, and their children’s right and those of subsequent generations.

In 1985, the issue dealing with First Nations women and their direct descendants was corrected. That was a wonderful day forward. However, the flow-through of the right to acquire and to transfer status — registration — under the Indian Act did not flow similarly to all people, depending whether the parentage was male or female. This bill proposes amendments to deal with those residual inequities.

Again, I’ll touch on the two provisions that come and arise as a result of a Superior Court of Quebec decision called *Descheneaux*. In that case, Descheneaux and two other complainants brought forward concerns that dealt with their family situation but that also deals with thousands and thousands of people in Canada who have been denied their right to be identified and therefore their right to be registered, have status, and to enjoy the privileges and rights under the holding of that status.

The first of the two provisions is referred to as the “cousins provision.” This relates to a situation where there are cousins of the same family who would have differential rights to claim status or to be registered — to be recognized as Indian — depending on the sex of their grandparent. It is about the rights of acquisition and transfer of registration and status through matrilineal and patrilineal lines. If the grandparent was a male, the rights flow through. If the grandparent, pre-1985, had children and the grandchild was a female, the rights don’t flow through in the same way. This proposed amendment will correct that situation.

The second provision is with respect to what is referred to as the “siblings issue.” It concerns the differential treatment and the ability to transmit Indian status between male and female children — being treated differently in the same family — families where the children were born “out of wedlock.”

In that situation of a family where the male is an Indian father and does not marry a non-Indian and they have children together, if that child is a male child, that child acquires status and has certain provision and rights to transfer that status forward. I’ll talk about some of the limitations on that which still exist, but on the gender-based discrimination, there is a clear right of lineage.

In the same situation where there is an Indian father and a non-Indian mother and they are unwed, pre-1985, and they have a female child, that female child becomes registered under a secondary provision of section 6 of the Indian Act. It limits her ability to transfer on to her children — the grandchildren of the original parents — the same status rights that would be transferred to the grandson.

So imagine in the same family there are a boy and a girl. They have differential rights to transfer the registration to their children. The provisions in this bill fix that and eliminate that residual discrimination.

The third existing and residual gendered discriminatory provision, if I’m right about this, I believe was not addressed directly in *Descheneaux*. However, it has the same elements and it arose as a result of responding to the *Descheneaux* directions. That issue is called the “removal of minor children.”

This is a situation where a couple whose status is recognized under the Indian Act marry. At some point in time, that marriage dissolves, and the mother moves on to another marriage to someone who is not a status Indian, a non-Indian. In that case, pre-1985, the mother and the child lost status. The pass-on provision was corrected in 1985, and then there were some further corrections down the road. Any child and therefore grandchild born before 1985 to that woman and that woman’s child — so a grandchild, again — does not have status. I hope I’m getting this right. It’s complex, but I’m trying to flow through.

The discrimination in this situation is, again, regarding the transfer of registration. It also is discriminatory for minors because, if at the time, the marriage was dissolved and the woman who is status Indian married a non-Indian and the children she had with the first husband were adult, they retained their status and their right to pass on registration, but a minor would not.

In all of these situations — they are old, they are residual. The application of these are to a group of people whose marriages or unions that brought about the birth of children, or people who are in this situation whose grandchildren were all born before 1985 — it wasn’t caught in the big 1985 amendments and changes to the Indian Act that attempted to bring about an end to gender discrimination. While there has been some chipping away at it — in 2010, there were gender equity amendments to the Indian Act brought forward — they didn’t fix these particular problems; they fixed something else. We are left with this. And *Descheneaux* said that this is not in compliance with the Charter. It must be fixed, do so, and it went back to Parliament.

It’s important to note that the government very well recognizes these are not the only injustices that remain. Gender-based injustices are one slice of the problems that exist with registration under the Indian Act. There are a myriad of other issues that are important to address. However, these ones can be directly related to gender-based discrimination, they can be related to being residual from the 1985 amendments that were made, and they are directly related to a Superior Court of Quebec decision finding that they were actions on the part of government that were not Charter compliant and, therefore, must be amended, or the court will strike down those provisions of the Indian Act that governs registration.

I won’t go into a lot of details, but there are other issues that remain outstanding. There are a couple of really important issues that I would call clear injustices: There is a provision that came about at the time of the 1985 amendments called the second-generation cut-off. I am not an historian on this topic, but as I have heard and learned, to the best of my understanding, back in 1985 when the Charter rights were being recognized for indigenous women who had lost their status as a result of marrying out, or marrying a non-Indian, and the legislation was being brought forward to amend that and to make those provisions Charter-compliant, there was a lot of concern from many people who were status Indians, indigenous leaders, as well as indigenous communities and non-indigenous people.

• (1620)

There was a lot of discussion among other indigenous cultures, such as Metis. There were many points of view on this. Some raised legitimate concerns such as, for example, if there might be, as a result of the 1985 amendments, an influx of people onto the list of those obtaining status. If they moved into on-reserve situations, what would that mean for the funding of programs on-reserve and what guarantees were there from the government?

There was a range of implications for government programs as well, such as non-insured health services.

There were also implications where people thought about their First Nations communities and cohesion and the attempt to rebuild a sense of the culture. What would the impact be for people who had lived away — and I use that term because I'm looking at a number of East Coasters — and came back not having grown up in, experienced or having gained an understanding of the ethno-cultural community of cohesion and interest that was there? That was a concern for some people.

For others, the issue was this: How far down the line is too far down the line? There are, today, questions in some communities, and they are the minority of indigenous communities, where they have taken over the control to administer their own membership lists where blood quantum is a topic of discussion. Under the terms of the Indian Act, how Indian do you have to be to be a registered Indian?

Those are debates and discussions that may be difficult for some people to relate to but are very real and heartfelt for some. They are not an excuse not to act, but they are a reason to tread carefully and to engage First Nations leadership and their communities in this important discussion.

I can tell you, even in the last year, that some in the community felt we were moving too fast in thinking that we could bring forward legislation like Bill S-3 and address those three leftover residual gender-based inequitable cases, and that there should be more discussion about that.

But a Superior Court decision has rendered that provision of the Indian Act non-compliant with the Charter, and there is a responsibility on the part of Canada to respond. During the discussions that the government has had over the course of the summer with a number of communities about these specific provisions, there was, by and large, an understanding, but a huge desire was expressed to deal with all of these other issues as well.

Therefore, the government announced a two-stage process in July, I believe. In stage one, we're going to deal with *Descheneaux* and these residual gender-based inequities. We're going to eliminate them. In stage two, we are going to have the broader engagement and consultation with First Nations and indigenous leaders and communities to talk about the things I raised, like second-generation cut-off, which asks how Indian you have to be and how far you can go. That issue has been raised, and there are other equally important issues.

There are also very broad systemic issues. I would put forward, and I know many people from indigenous communities have put forward, this question: Why, in 2016, does Canada still hold the

absolute right and authority to determine who is an Indian and can be registered under the Indian Act and, therefore, have status and the inherent rights that come from that? These are not easy discussions to have. These are complex discussions, and the perspectives are informed by people's individual experiences, their communities' experiences and their nation's experiences. They are different if you're in a far northern, remote community where you are losing members of your band and you seek to have a sustainable population base than they are if you are in Kahnawake. They are very different issues, and those concerns have to be listened to, heard and understood — thus, the two-stage process.

I wish to speak for a moment on engagement and consultation. We're in a period of time when the government, as I have heard and listened to them — and I support this completely — has made a recommitment to breathing life into the meaning of nation-to-nation relations. You can't do that if you are determined to run roughshod and make decisions unilaterally on some of these big and complex issues on which there is not unanimity of opinion.

Some of these things are discriminatory and unjust and need to be acted on promptly as we go forward, but they need to have the advice and the wisdom of people from the communities to inform the government in terms of the best paths forward.

I talked a bit about the 1985 legislation, but I can't do that without reaching in my heart and talking for a moment about and paying tribute to the people who led the courageous fight to get to the 1985 amendments and to restore rights to women. There were many of them. I had the opportunity in those days of working towards embedding gender equality in the Charter to work side-by-side with women and indigenous activists for women's rights who were so brave to bring these issues forward, sometimes in the face of the opposition of their communities.

One in particular I want to mention is Mary Two-Axe Earley. She was a Mohawk woman from the reserve of Kahnawake, and she lost her status and the right to own her home. She regained the ability to live in her home because her daughter actually married a status Indian man and, therefore, had the right to retain that home and Mary went to live with her. Otherwise she would have been banished from her community. But even at that, she said, "I feel like a visitor in my own home."

She was a courageous woman and a fierce debater. She spoke to many conferences, community groups and others to help us understand while we fought for gender equality and believed that there was much that many Canadian women had to gain from the enshrinement of those rights in the Charter. I have to say she educated us and helped us to understand that there was so much more at stake for indigenous women.

I am proud to have the opportunity to sponsor this bill today in her memory. She was a heroine to me and many who were involved in the National Action Committee on the Status of Women and the Royal Commission on the Status of Women, which brought about the recommendation for the amendments for 1985 due to the work of people like Mary Two-Axe Earley and other indigenous women fighting for women's equality rights. Shoulder to shoulder with them were the many non-indigenous women who took up that cause and believed in and supported that as well.

[ Senator Lankin ]

The 1985 amendments came in, and you've heard me speak to what they accomplished. Almost immediately after that, there was a court case launched called *McIvor* that reached the B.C. appeal court, I believe, following a trial court decision. *McIvor* moved the yardstick forward a little bit on some of these issues, and that was in 2010. So 1985 is when the first amendments were done, and gender equity in the Indian Act came about in 2010. It took that many years to get the decision and bring forward the legislation.

Things move slowly sometimes. Here we are now, six years later. It was shortly after that that the *Descheneaux* case was filed, and we have a decision and some action.

The decision in *Descheneaux* came down last summer on, I think, August 3. At that time, as you will all recall, an election was taking place, so there was not a government in place. The Department of Justice filed an appeal of the *Descheneaux* decision, and that's standard course to allow a government, whoever that government may be, once elected, to take a decision with respect to the direction given by the court.

• (1630)

The court understood there was an election on. Instead of what might normally be the 12-month period of time they would provide for the amendments to take place and the legislation to be fixed before the deadline comes down that strikes down the provisions of the act, they gave an 18-month time frame. It was in light of knowledge that it might take some time, depending on the result of the election, for a government to absorb and take a decision. In fact, that's what happened. It did take some time. There was a change in government. That appeal stood. INAC and other supporting departments around them looked at this and briefed the minister. Decisions were taken.

This occurred at the same time that the inquiry and commission into the missing and murdered indigenous women was taking shape. There was a very serious conversation taking place with communities about how to scope and structure that to ensure it was broad and that it got at all of the relevant issues.

This issue came forward and was determined in about March or May. I'll have to look back to the notes to verify the date. It was determined to withdraw the appeal and proceed with drafting legislation and to take direction from the court. That legislative drafting process took place. It got on the agenda and went through cabinet. It's the process it must go through.

With cabinet approval, the ministry began over the course of the summer to have discussions with indigenous leaders and communities about the actual provisions I referred to, the three provisions that would be responded to.

With that discussion and the announcement of the two-stage process, they have begun to deal with *Descheneaux* first and then to deal with the specific issues and the broader systemic issues in stage two.

Right now there are pre-discussions taking place with communities and leaders about how to structure that stage two consultation. It's important to remember the history of this. After

the *McIvor* decision and the 2010 amendments to the act, these broader issues had been brought up. They have been known. They did not just come to the surface over the last year or so. They've been known for a long time. However the government at that time decided to launch an exploration process, which was not a consultation between Canada and First Nations or indigenous communities. It was in fact a supported process for indigenous communities to talk to each other, to attempt to bring forward a consensus of the range of issues, even if there wasn't a consensus on the resolution of those issues. That process unfolded.

When the report and the findings and the issues surfaced in 2014, it was coming close to the end of the mandate of the government and leading into a pre-election period. The issues were and are large and serious and require significant engagement and consultation. The government at the time felt that was not the time to begin it.

So here we are now. This stage two we're referring to really will build on all of the learnings from the court cases, from the exploration process, and will take forward, with engagement and with consultation with First Nations, a process to scope the issues and to understand how to approach them. What can be done earlier? What needs more time? We see all of that coming in a meaningful nation-to-nation manner.

There are some people who have responded during the consultation over the summer months with questions about the impact of the *Descheneaux* proposed amendments that you'll find in the bill before you.

Based on the demographics, the department informs us that there are about 28,000 to 35,000 individuals who will become newly entitled to be registered and put on the list as a result of these proposed amendments. So you can imagine that raises a number of questions.

I've got my timer here. Senator Plett, you can watch the clock for me. I know you'll let me know when my time is almost up.

The process of that discussion raised issues. First of all, there is a responsibility for Canada itself. If new, entitled members choose to take up the right of registration — and it is not automatic that people will, but if they choose to, there is a necessity to have available the appropriate and sufficient funds for non-insured health services. That's a responsibility of the federal government. They must do that. They have built that into the fiscal framework. It's important that there is that reassurance.

Similarly, there are issues with respect to post-secondary education. This has been thought about and has been put into the fiscal framework. We understand that they understand the obligation Canada has to provide these supports.

There are important distinctions to understand in on-reserve communities. About one third of on-reserve communities have signed self-government agreements with Canada and determined the membership rules for their own community. It is not necessarily automatic. If someone who becomes newly entitled under the provisions of this bill chooses to take up the status and

the rights of status, they would automatically become a member of their home or heritage community and reserve. That will be governed by the rules of that particular reserve.

Another third haven't proceeded with government-to-government agreements and signed those agreements, but have moved under section 10 of the legislation. There's a provision which allows communities in negotiations with the department to move to establishing and governing their own rules of membership in their bands. In fact, we don't know how many people would take up registration first of all. Then, if they do take up membership, do they move to live on reserve communities? Whether or not they could and become members of that band would depend on those membership codes that were in place in those communities.

The other third flows through as a result of someone gaining registration under the Indian Act. They will be put on the list. If people choose to take up the registration and want to take up band membership and move to reserve, that will be allowed under the membership rules because it's a flow-through situation.

There is concern about what the impact will be on local communities. It is important, but the experience in the past and looking at the demographic in-migration and out-migration from bands and reserve communities is such that it's not anticipated they will be large numbers, or numbers that will make communities unsustainable in terms of their own programming and the funding available for it for their local supports and services.

INAC and the Ministry of Health have committed to working with First Nations leaders and doing a watching brief on what the local impact is to determine how to support those impacts on services, if they occur. Again it will vary very much from community to community and geographical place in Canada to geographical place in Canada. However, those are legitimate concerns which have been raised. The departments and the government have moved to respond to them.

Further issues will be discussed in phase two, whether it be the second generation cut-off, and moving away from that cut-off, or some of these other provisions will also raise those kinds of concerns, whether talking to community bands, social services or housing programs. Many of those programs are stretched right now. These are legitimate concerns being brought forth, but it underscores the need for some of these issues to be moved to the stage two processes and to have a thorough conversation.

I want to mention another couple of things in the bill. Clause 8 of the bill stipulates that there's no claim for compensation against the Crown or band councils for anything done in the performance of their duties because a person now is newly entitled. In other words, because you're newly entitled doesn't mean there's retroactivity and you can reach back for compensation for the period of time you weren't entitled. This is not a new provision. This is the same kind of provision in place in the amendments in 1985 and 2010, and it carries on in this bill.

Senators may be interested in whether there will be consequential impacts on other pieces of legislation. In fact, there will be none. It's quite interesting. That's unusual in terms of how legislation is intertwined with each other.

• (1640)

In any other act that refers to "Indian," making reference to status Indian registered under the Indian Act, the definition of that flows back and is contained within the Indian Act. Once these section 6 provisions are changed in terms of who is eligible for what and what category, that flows through to other legislation. There are no consequential amendments or impacts on other federal legislation that we will need to worry about.

I've spoken to the condensed timeline, but let me say a bit more. There is urgency. As I've indicated, the *Descheneaux* decision came out in August 2015. The provisions were drafted and consulted on over the course of this summer and it is here before us. The deadline by which the court said the legislation must be amended or this provision will be struck down is February 3. If I work back on a parliamentary timetable, I would indicate that the timetable we're working on is to attempt to have this done by the end of December so that there is time to have met that court deadline.

That's one of the reasons why the government introduced this bill in the Senate first and has created a process in the House of Commons where the parliamentary committee is doing a pre-study of the bill and we are doing second reading and committee study here. That's often the reverse of what we see happen. It was important for the government to ensure that the House of Commons also had runway time to deal with these issues, and so the pre-study will help inform everyone in terms of their positions on this bill and how that might go forward when it is introduced for first, second and third reading.

There is always a balance of the urgency by a court deadline and the need to have had some time to engage First Nations. That's what happened over the course of the summer, and that's why we're dealing with the bill at this time. If we're unable to pass legislation through both chambers by that date, most of the registration provisions of the Indian Act will become inoperative.

I ask myself what would put us in a position to not meet these deadlines. One could be the offence of having to do this in such a condensed way. I've listened during the first debate that I was here for, medical assistance in dying, and the concern that people had about working to such a tight time frame and the court decision, like a sword hanging over the chamber's head that you must do this.

A critical difference is the degree of controversy and polarized views about the provisions. Medical assistance in dying, as we all know, is complex in a range of issues and views of Canadians and parliamentarians in both chambers with respect to that bill.

The three proposed amendments contained in this bill are about residual gender-based discrimination and inequities that flow from trying to fix this situation in 1985 and again in 2010, and here Canada is, not having gotten around to this and having to be told by the court again this is not Charter-compliant and we need to move forward.

When I agreed to sponsor this, I spoke to a number of people. I am not indigenous, so here I am standing and speaking about the importance of these measures. I will completely confess: I have

indigenous family members. My daughter-in-law is from Nipissing First Nation. I understand these issues from a familial situation and from friends.

I wanted to talk to people who have much more authority and knowledge on this. I and Senators Sinclair, Dyck and Lovelace Nicholas are going to speak; we haven't had the conversation yet. I called and spoke with MP Robert-Falcon Ouellette. I called and haven't connected yet but will with MP Romeo Saganash. I called people I know in the indigenous friendship centres in different parts of Ontario and from First Nations communities in other parts of the country. That's not a scientific sampling, and there were exceptions, but what I heard from these people in the majority was all of these other issues are of tremendous concern, but I support this going forward and getting done.

I wish there was more getting done at this point, and I wish we weren't putting some things off to stage-two discussions, but I will still support this getting done because this is right to do. I would argue and submit, colleagues, that on the basis of eliminating residual gender-based inequities, this is the right thing to do and that we should move forward.

Some may ask: Why wouldn't the government go forward and ask for a court extension? That's a possibility. The court, in recognition of the fact that they were issuing their decision in the middle of an election campaign, already built that in. I mentioned that earlier. As opposed to what is often a 12-month period of time, they gave it an 18-month period of time.

They have already provided what they saw as a sufficient period of time. The court was well aware that there were many other issues that need to be addressed that are issues of injustices and inequities, and that it's important that government move to address those, but they did not include that in their decision in terms of the actual complaints before them. They were very specific so they ruled on those complaints.

It is critical that we move to these other issues. I have become convinced that the two-stage process, while I wish it were different, is the right way to proceed. I wish it were different, because I'm standing here talking about these revisions that took place in 1985, with years of struggle to get to that point, and then in 2010, with people having to launch court cases immediately post-1985 to get more changes and then post that. There is the *Descheneaux* case and others as we go forward.

To me it is a snail's pace that does further injustice beyond the actual provisions and the impact they have, the length of time it takes to deal with these things and to bring justice to people.

I am disturbed by that, but I am convinced that the government has arrived at the right decision to proceed with the three items that deal with the residual gender-based inequities and to engage with First Nations about the process, scope and going forward, the broader conversation on the other injustices that exist on some of the broader systemic issues.

I have indicated that the government has put forward in the fiscal plan provisions to ensure they meet their obligations with respect to non-insured health services and post-secondary, and

they've put in place a process to continue to engage with First Nations in terms of on-reserve and bands, about any increased demands on local programming. With respect to the collaborative process, they have made a commitment to work with people to create the funding to support people's engagement in this process.

As we proceed with the deliberations on Bill S-3, the government has begun pre-engagement discussions, so concurrent with our consideration, on designing the process and scoping the engagement and the consultation. That's really important.

They've committed to doing that over this period of time up to February and to commence the actual work with First Nations that was designed and scoped in February, and they have set out a time frame of a year that they are going to attempt to accomplish that. That will be part of the discussion of the scope and design, and that's respectful and the way it should be, to determine how to get through these issues, or whether they need to be parsed in any other way, so a collaborative, respectful process.

The process will, by the way, include other indigenous groups. There are some fascinating things I've learned in the last while about the Indian Act and the fact that some members of Metis communities have been registered as Indians under this act. There is no provision in the act or authority given to the registrar to unregister someone. At the time that that was done, there was no Metis nation. There were no discussions between a Metis nation and the Government of Canada and discussions about what provisions and supports should be put in place there. So there are now Metis who are registered as Indians who want to become members of the Metis nation but can't because there's no provision to unregister them. So they will be engaged in this consultation as well because this has an impact on them, and they will be bringing forward their perspectives on what needs to happen.

- (1650)

There are also other situations of other groups who have issues similar to this. I'm not going to go through a list, but other indigenous peoples will be engaged.

I think the last thing I want to say is that this is a further step out on the nation-to-nation relationship that Canada has with First Nations, indigenous leaders and indigenous communities, and it is important for the government to do this correctly. It is important for the government to do this in a way that embodies the respect —

**The Hon. the Speaker *pro tempore*:** You're well over your time.

**Senator Lankin:** I'm going to wrap up with this sentence — to embody the respect that is intended by those words "nation to nation" and to give proof of that by doing this in the first way. I urge you to support us in moving this bill through second reading this week, moving it to committee for when we come back after next week, and allowing the people who have got the most expertise in this chamber to delve into this and to give us their advice.

Thank you very much; I appreciate all of your attention.

**The Hon. the Speaker *pro tempore*:** Senator Lankin, would you like more time? Would you like another five minutes to take questions?

**Senator Lankin:** If there are any questions, sure.

**Hon. George Baker:** First of all, I congratulate the mover of this motion for the very thorough manner in which she has described this bill. For those persons who are reading the transcript of Debates, this was not a written speech. In fact, the speaker did not even have notes. So I want to congratulate her on her thorough research that she has done and the very excellent presentation she has given to the Senate.

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

**Senator Baker:** Just one simple question: I now understand what has transpired here because some members of the Senate were upset that this bill was not introduced earlier and that the two stages could not be addressed at the same time because, as the mover pointed out, that's what those persons affected wanted; in other words, not just the court decision but the other matters that will now form stage two. But, as was explained — and I presume this is correct — it was appealed, and then the appeal was dropped. That took a period of time, and now we're at the final moment. February 3, everything has to be passed. It's here before the Senate. It has to go to the committee in the Senate, then to third reading, and then it has to go to the House of Commons after for the complete process. It has to be finished by February 3.

So my question to the mover of the motion is this: Should we be addressing this as quickly as possible in committee to give it a completely thorough hearing? That's where the importance of the Senate is. A thorough hearing because it's not going to be a thorough hearing in the House of Commons, for sure, according to tradition on bills. The thorough hearing is heard here. So would she suggest that this be dealt with very quickly, within a matter of days, and sent to the committee for thorough study?

**Senator Lankin:** Thank you, senator. I can just say yes. That's such an articulate question. I have to say, though, that when I was in the legislature, I would have referred to that as a lob ball, but that's okay. I appreciate it because the answer is yes. I believe that there will be one other speech, that of the opposition critic on this, and that there is a willingness, at that point in time, to move it to committee. I'm not absolutely secure in that knowledge yet, but that's what we're working towards and what our discussions are moving towards. We're hopeful that that will happen before the end of this week and that we will be able to move referral to the Standing Senate Committee on Aboriginal Peoples. I know that that committee is anxious to receive it and has already begun work. The steering committee has talked about how much time they think they might need. It's not my place to report on that, but they have attempted to scope out a period that will give them appropriate time to hear, first of all, from the ministry officials; secondly, from witnesses that want to come forward; thirdly, from, at the end of that, the minister, if there are any other issues that senators want to explore; and then to do clause by clause and

report it back to this house. As I mentioned, there is a pre-study going on in the House of Commons committee right now to try to facilitate that.

I have one more thing to say, and it's just me wanting to be humble; there's a team of people up there who gave me all of the information. It wasn't my thorough research. That team of people provided me with bullet point notes. The only reason I don't have a speech is because I can't read a speech. I have to go from bullet points. They gave me enough information and enough time in the briefing, and I think others who attended the briefing on this bill were very complimentary of the depth and breadth of knowledge that was brought to us and shared with us and the depth of historical knowledge as well. I appreciate that, and I think that when this comes to committee, for any who are interested, go to the first hours of that committee, when the officials will be there. It is an important education in Canada's history to hear that, so I encourage you to do that.

**The Hon. the Speaker *pro tempore*:** Senator Fraser, on debate.

**Hon. Joan Fraser:** Very briefly, as Senator Baker would say, but truly very briefly —

**An Hon. Senator:** Unlike Senator Baker.

**Senator Fraser:** I want to second Senator Baker's compliments to you, Senator Lankin. That was a truly remarkable and very helpful speech — thorough, wide-ranging — and I want to address the matter of the history that got us to where we are.

I was moved when you paid tribute to the Aboriginal women who launched this fight. Like you, I was deeply affected by my contacts with Mary Two-Axe Early. But, in this chamber, there is another senator to whom we must pay tribute, our colleague Senator Sandra Lovelace Nicholas. It was her brave, stubborn fight in the 1970s, her fight for her rights —

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

**Senator Fraser:** — that she took all the way to the United Nations Human Rights Committee, I believe it was then. And when they ruled — they can't rule; they couldn't control us — but, when they found that she was right and Canada was wrong, that was such a massive jolt to the non-indigenous population of Canada that it had a tremendous effect. It was a national embarrassment, and Canada doesn't like being embarrassed. I will believe to my dying day that had she not done what she did, it would have been much later than 1985 before we got even the beginnings of progress toward justice for Indian women, as we then referred to them. I just wanted to put that on the record.

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

**The Hon. the Speaker *pro tempore*:** On debate or question?

**Hon. Serge Joyal:** A question to the honourable senator.



**The Hon. the Speaker *pro tempore*:** Will Senator Fraser accept a question?

**Senator Joyal:** My question is to Senator Lankin.

**The Hon. the Speaker *pro tempore*:** I think you're a bit late because we've already had another senator debate. So why don't you ask your question to Senator Fraser?

**Senator Joyal:** I'm a little reluctant to twist the issue as much as that, but Senator Lankin, when presenting this bill, mentioned that there has been consultation with the Aboriginal people, but she was not specific about who has been consulted and whether that consultation is on the record. That is, is there a letter from the Assembly of First Nations or from any of their representative groups?

• (1700)

In the report of Senator Sinclair, when he was Chair of the Truth and Reconciliation Commission of Canada, there was a clear recommendation that before moving on legislation that addresses Aboriginal issues, the government would consult and come to terms with the proposal of legislation.

Are there any documents that confirm the consultation and the consensus that has been achieved?

**The Hon. the Speaker *pro tempore*:** Honourable senators, would you, with leave, allow Senator Lankin —

**Senator Fraser:** I think I can solve this conundrum, Your Honour.

Senator Joyal, you raised a question I found myself wondering about during Senator Lankin's speech and one that I'm hoping the committee would explore. However, it is an entirely legitimate question to raise on the floor of the chamber for second reading debate.

Being as we are now in the period of questions and comments on my speech, I wonder if Senator Lankin would care to offer a comment on my speech referring to such consultations as have occurred.

**Senator Lankin:** My comment on you wondering about the consultation is that in this day of modern technology, I'm waiting for an email to arrive and it hasn't. There was consultation described to me, but I'm sorry, I didn't bring a note on that. I don't have it in my head as to whether there has been any sign-off.

I will undertake to get that information to you. I will also ask the officials when they appear at committee to specifically address that. I'm sorry I don't have that information here.

(On motion of Senator Patterson, debate adjourned.)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-206, An Act to amend the Criminal Code (protection of children against standard child-rearing violence).

**Hon. Murray Sinclair:** Honourable senators, I note that this item is on day 15. I ask that it be adjourned in my name.

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

**Hon. Senators:** Agreed.

(On motion of Senator Sinclair, debate adjourned.)

## NATIONAL ANTHEM ACT

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk, for the second reading of Bill C-210, An Act to amend the National Anthem Act (gender).

**Hon. Anne C. Cools:** Honourable senators, I rise to oppose Bill C-210, An Act to amend the National Anthem Act (gender).

In the Commons, this private member's bill was sponsored by Ottawa MP Mauril Bélanger. Senator Nancy Ruth introduced it here. I thank her for this and for her lifelong contributions to the well-being of Toronto and Canada.

I note that her public spiritedness is a family trait, shared by her family members who are well respected and renowned for their good works. Senator Nancy Ruth's grandfather was Newton Rowell. He was something of a god, I must tell you. He was a federal Minister of Health, Chief Justice of Ontario and, famously, Chairman of the 1937 Royal Commission on Dominion-Provincial Relations that studied the balance of powers and responsibilities between the federal and provincial governments. In 1940, this commission's famous Rowell-Sirois report broke new ground by its recommendations for minimum standards for education and social services for Canadians in all provinces. Out of this were born the federal-provincial transfer payments. I note that in the Persons Case, Newton Rowell was legal counsel for the Famous Five women appellants in their appeal of the Supreme Court of Canada reference decision to the Judicial Committee of the Privy Council in London, England.

Writing for the committee, Chairman, Lord Chancellor Sankey found for the women. Reversing the Supreme Court's ruling, His Lordship found that the word "persons" in section 24 of the British North America Act, 1867, included males and females. I thank Senator Nancy Ruth and her family for their great and long service to Canada.

Honourable senators, I do not support this bill for reasons that I shall share. This bill makes the flawed claim that our National Anthem *O Canada* excludes women because its lyrics say "True patriot love in all thy sons command." I disagree. I note sadly that, though now impugned by this bill, these lyrics have long been hallowed by the loving use of Canadians, and have held a deep and abiding place in their lives and hearts. To alter these words is to alter the pathos that is the Canadian national experience and its narration.

I say that to excise these lyrics from our national anthem is to excise a piece of our history that speaks to the endurance and fortitude of our peoples and our country that Famous Five person Nellie McClung described as "the Land of the Fair Deal." I had the pleasure of knowing her grandson, Alberta's Mr. Justice John Wesley McClung. — I confess that I have a robotic resistance to historical revisionism that seeks to expunge select bits of our national experience from our historical record, thereby replacing our real experience with that which, though presently deemed more correct by some, is not the more true, if true at all. However disturbing or inconvenient, no Canadian experience should be expunged like mosquitoes, quickly slapped out of existence and forgotten, simply because some claim, I think wrongly, that bits of our history are obnoxious or undesirable, and therefore disposable.

Colleagues, before we vote on this bill with its pretender claim of female inclusivity that demands the excision of the words "In all our sons command" from our anthem, we senators should consider certain truths, one of which is our own insufficient human nature. Honourable senators, we should consider that we sitting members of the Senate and House of Commons are just as imperfect as those senators and MPs before us who, by bill in 1980, adopted these words as our national anthem — the same words that Bill C-210 now seeks to reverse on shaky grounds.

All statutory reversals are grave matters, the more when the thing reversed is our national anthem. National anthems are created to last in perpetuity. We do not make, unmake and remake national anthems. Not fickle, Canadian memories and hearts are deep, and therein our Canadian experience and national anthem are deeply inscribed. I invoke the wisdom of Famous Five Person Nellie McClung, in her 1915 book *In Times Like These*, mainly her chapter 10, "The Land of the Fair Deal." She wrote, at page 97:

• (1710)

We are too young a nation yet to have any distinguishing characteristic and, of course, it would not be exactly modest for us to attribute virtues to ourselves, but there can be harm in saying what we would like our character to be. Among the people of the world in the years to come, we will ask no greater heritage for our country than to be known as the land of the Fair Deal, where every race, color and creed will be given exactly the same chance; where no person can exert

influence' to bring about his personal ends; where no man or woman's past can ever rise up to defeat them; where no crime goes unpunished; where every debt is paid; where no prejudice is allowed to masquerade as a reason; where honest toil will insure an honest living; where the man who works receives the reward of his labor.

Honourable senators, Nellie McClung did not use the word "gender," as does this bill's title. Our national anthem had been long cherished and sung by Canadians for decades before Governor General Schreyer enacted it as law on June 27, 1980. Our national anthem is not our possession to correct and change as we choose. Not our property, it belongs to all Canadians who cherish it and who are deeply attached to it because it opens their hearts, stirs their souls, uplifts them, and joins and connects them, because it is about them, Canadians, ". . . True North strong and free!"

But it does belong to those Canadian artists, Judge Robert Stanley Weir and Calixa Lavallee, who created the English lyrics and music. It is their artistic creation, their intellectual property, which none may appropriate, claim, or alter. I do not support Bill C-210's revisionism. In the name of "inclusivity," this bill will exclude countless Canadians who have no voice here but who are deeply attached to its lyrics and music in innumerable ways.

Honourable senators, last June 2, the Commons House Standing Committee on Canadian Heritage studied Bill C-210 for one hour and three quarters. They heard one witness, historian Dr. Chris Champion, but did not hear from Judge Weir's family. This bill was rushed through committee. Quickly adopted in the house on June 15, it was presented here that same day. The sole witness explained the historic use of the masculine to include the feminine in English poetic form. Reaching to the time of Judge Weir's original work, he said, at page 2 committee proceedings:

People back then knew full well that in English literature going back to Shakespeare and the authorized Bible, in the music of Handel, in the hymns that almost all English Canadians sang for almost 200 years, the word "sons," properly understood in the context, commonly did not refer only to men.

The first lines of Handel's great oratorio *Joshua*, for example, are these:

Ye sons of Israel, ev'ry tribe attend  
Let grateful songs and hymns to Heav'n ascend!

This refers to all the people of Israel - mothers, fathers, daughters, sons - whom Joshua led to the Promised Land in the story. Likewise in Malachi's prophecy that the Saviour will come, it reads, "For I am the LORD, I change not; therefore ye sons of Jacob are not consumed.

"Ye sons of Jacob" refers to all the people waiting in hope, and previous generations of Canadians knew this because Canadians used to learn these stories in school. It was part of their cultural formation so they would know where our society came from; what it means to be a free people; what it means to have rights and responsibilities; what it means to be a Canadian citizen.

When these well-formed Canadian women and girls sang *O Canada*, they understood what the words meant. It seems that many people today do not understand, and because they don't understand, they seek to change.

This witness upheld Judge Weir's lasting poetic form, saying, at page 3 Committee Proceedings:

It has stood the test of time. Generations of Canadians have memorized it, and it has become part of who we are. . . .

It should be common sense that you simply don't change heritage — because it's heritage. You don't change heritage on a whim because, watch out, somebody else can come along and have another whim.

Honourable senators, there is little evidence to support the disturbing claim that our national anthem excludes women, the very women who have birthed their Canadian sons, too often to lose them to war. Our anthem upholds these Canadian women, men and families, in their losses, young men taken from their mothers, fathers, siblings, friends, lovers, wives and children. The New Testament *Book of Revelations* informs that war is the cruel red horseman of the Four Horseman of the Apocalypse. War is a grim reaper of life, young men's lives. Our national anthem upholds the countless young men who served and fell, and who still serve and fall in combat in the service of God, Queen and Country Canada. Published in the *London Times* in 1914, Laurence Binyon's poem *For the Fallen* speaks for the sons who were, and still are, commanded and taken away in combat by the ever active Grim Reaper, War, the ruthless ever riding red Horseman of the Apocalypse in his grim harvest of young men's lives. Canada sent some 620,000 soldiers to World War I. That was 10 per cent of its population. Of these, 10 per cent being about 61,000 were killed, and 172,000 were injured. I shall read Binyon's *For the Fallen*, verses one, three and four, about the Great War's grim harvest:

With proud thanksgiving, a mother for her children,  
England mourns for her dead across the sea.  
Flesh of her flesh they were, spirit of her spirit,  
Fallen in the cause of the free.  
They went with songs to the battle, they were young,  
Straight of limb, true of eye, steady and aglow.  
They were staunch to the end against odds uncounted,  
They fell with their faces to the foe.  
They shall grow not old, as we that are left grow old:  
Age shall not weary them, nor the years condemn.  
At the going down of the sun and in the morning  
We will remember them.

Verse 4, known as the Act of Remembrance, is recited across Canada at Remembrance Day services at the eleventh hour, the eleventh day, the eleventh month, when Canadians stop, bow their heads in silent prayer for those who served and fell, the fallen.

Honourable senators, national anthems are retrospective and introspective. As history, they reflect and recite past events that define and unite us. Retrospective, national anthems are instruments of national and social cohesion.

They uphold the past, drive the present and fuel the future. A unique human thing, national anthems reflect human endeavours and human dilemmas, mainly human survival. They also instruct on human stamina, endurance, and perseverance in the face of adversity perpetrated against humans by other humans. The word "anthem" is derived from the word "antiphon," meaning a plurality of voices. Anthems are sacred in nature, character and form. *Webster's Encyclopedic Unabridged Dictionary of the English Language* defines "anthem," at page 9 as:

. . . a hymn, as of praise, devotion, or patriotism: . . . a piece of sacred vocal music, usually with words taken from the Scriptures.

• (1720)

Colleagues, I have often said here, in this place, that we must ever uphold the compelling need in human persons for the sacred, for rites of passage, rituals and the ceremonial. Recently, this human need was seen in the British people's glorious celebration of the rite of passage that was the ninetieth birthday of our Sovereign Liege Lady, Her Majesty Queen Elizabeth II. Several million hearts in Britain, here in Canada and the world over were stirred, uplifted and bursting in affection for this great woman, who, in World War II, as a young princess, with her younger sister Princess Margaret and their brave parents King George VI and his consort Queen Elizabeth, stood as the beacon of hope for the free world, then at war with the Nazi enemy. Faithfulness and faithful hearts are a mighty fortress against a formidable foe bent on war. Faith and faithfulness are sacred acts. I uphold the vital human need for the sacred and its mysteries that are expressed in national anthems. I repeat: The need for the sacred is a compelling part of the human person, the human psyche and the human soul, which are nurtured by national songs and national anthems. National anthems unite and form social cohesion. They build faithfulness and faithful hearts.

Honourable senators, national anthems are solemn hymns of national and patriotic expression, lovingly adopted by years of usage. Because they are part of the national psyche and the national fabric of the people, their country and their lives, national anthems are intended to endure unchanged. It is unclear to me just how our national anthem *O Canada* can slight women, because it is an enduring, sacred hymn about Canadians, all Canadians, brave citizens of the North, our northern clime and its massive geography, north to south and east to west. Sir Wilfrid Laurier used to say, "Some countries have much history, but Canada has much geography."

I do not see how such fine Canadian characteristics can offend anyone. Most Canadians are, or were formerly, immigrants from afar. In adopting Canada, they know it's not their native land, yet they hallow their Canadian citizenship, their anthem and their adopted native land, their Canada. I recite a stanza from the famous song, *This Land is Your Land*, written originally by Woodie Guthrie. It was Canadianized many years back by The Travellers. It said:

This land is your land, this land is my land.  
From Bonavista to Vancouver Island  
From the Arctic circle to the Great Lakes waters.  
This land was made for you and me.

Honourable senators, your land, my land. Now to *O Canada's* original lyrics, on which Bill C-210's gender inclusivity claim rests. I speak of the claim, yet to be proved, that the words "thou dost in us command" are Judge Weir's original 1908 words. Some years back, when a similar bill was before this house, Judge Weir's grandson, Stephen William Weir Simpson — Mr. Stephen Simpson — contacted me. On February 27, 2002, he wrote:

Dear Senator Cools.

I'm delighted you're on board opposing the proposed move to alter the words to *O Canada*; in the family's estimation, Parliament has done enough damage already. I attach a copy of Judge Weir's original 1908 version in his own hand. Also, I append his revision of the lyrics in 1921, introduced, I believe in an address to the Canadian Clubs, which we have always sung, certainly in Quebec, and I believe most of Eastern Canada.

Mr. Simpson continued:

To allude to our present affliction of 'political correctness,' I received a call from a man in British Columbia after the initial furore this summer past who objected to the inclusion of God in our national anthem — too American and excludes atheists.

With respect to the 'stand on guard' issue, in his own words, Judge Weir explained: 'This English song of mine was not a translation in any respect . . . it was an independent composition of which the central idea was: 'We stand on guard for thee.' Written six years before the Great War, this sentiment was not at all intended in a military sense, but rather as a warning to guard against the insidious forces of dissent from within our own household.'

Honourable senators, on June 21 last, about this bill, Senator Nancy Ruth said:

In 1908, Judge Robert Stanley Weir of Montreal wrote a poem of his own, set to Lavallee's music. Quite different from the English national anthem we sing today, its second line — "thou dost in us command" — also implicitly included women, as did the French version.

Honourable senators, as he said he would, Mr. Simpson sent me a copy of his grandfather, Judge Weir's original 1908 version, in which the words and the music seem to be in the judge's own handwriting, but I am not an expert in analyzing. Its second line does not say, "thou dost in us command." It says:

O Canada! Our home and native land;  
True patriot love in all thy sons command.

I have also learned that Judge Weir's words, "land" and "command," express the ancient Celtic spiritual belief, shared by many ancient peoples, that human beings should be in harmony with the land. Therefore, by his verse, it is the land that commands true patriot love.

[ Senator Cools ]

Honourable senators, clearly, something is very wrong in all of this. Bill C-210's proponents say — and I believe that they mean it — that the 1908 version's second line words were "True patriot love thou dost in us command." The 1908 copy sent by his grandson, and seemingly in the judge's own handwriting, in its second line, says, "True patriot love in all thy sons command." Colleagues, I think the Senate has an imperative to study, take evidence on this bill, and to shed light on this obvious recent discrepancy, and we also have to remember that the persons who still know something about this are very aged and memories are not that reliable.

Anyway, what is clear is that the words, "in all thy sons command" are part of the structure of Judge Weir's lyrics that are widely known to Canadians. I want to read from Mr. Simpson's speech, on May 24, 1999, at Weir Memorial Park in Cedarville, Quebec. There, Mr. Simpson spoke about his grandfather's work and the time when *O Canada* acquired its place as a national song in Canadian hearts. Speaking of the significance of the words, "O Canada, we stand on guard for thee," he said:

It was only during the bloodbath of WWI that a sense of unity and Canadian nationhood was brutally driven home. For as the Canadian Corps dug in upon Flanders Fields, the song beyond all others that gave meaning to their identity as Canadians was the song with the underlying refrain: "O Canada, we stand on guard for thee." The song thus became endeared to thousands to whom it was formerly but one of many; it received indeed a solemn consecration during those four unspeakable years which could not but make it secure in the affections of all Canadians. From this point on, "*O Canada*" had earned its place as the only truly national song.

Lest we forget, this park should also stand as a memorial for all Canadians, both French and English, who died for an independent Canada in two World Wars. In these, the Weir family lost its two sons: Captain Douglas Weir in 1918; and Squadron Leader Ronald Weir in 1944, both of whom died for the country their father, Robert Stanley Weir, sought to unify through "*O Canada*," our National Anthem — the legacy we are here to honour today.

Such moving words touch us all at this time of year, and so this sort of speech is not that easy for me to give because I've made it my business to visit the graves of those thousands and thousands of young men, and I break down every time.

Honourable senators, I come now to gender, women and men. We hear much about men, women and equality, and the need for women to acquire equality and power. But most forget that most men, all women's sons, hold little or no state power. Few are, and most will never be, senators, M.P.s, cabinet ministers or prime ministers. We are very blessed and fortunate in this place. Likewise, most women will never hold such positions of state. It is nice that 50 per cent of the current cabinet is women. But the fact remains that the majority of women and men, people, will never be cabinet ministers. Most women do not hold state power, just as most men do not. Honourable senators, there was a tender moment here in 1996 when, weeks before his retirement, Senator Allan MacEachen spoke of his youth, and of his father, a coal miner in Inverness, a Cape Breton Island mining town. He told us that his father went down to the coal mines daily for 46 years, called to work by the whistle.

• (1730)

Colleagues, many of these miners never saw the light of day. The townsfolk well knew the whistle's signals. He talked about the variety of signals and what they meant. He said the townsfolk well knew the whistle's signals, including the one that was the voice of tragedy. When heard, the townspeople ran to the mines to see if miners had been injured or killed.

He noted that trouble and tragedy were a central part of Cape Breton's coal industry. Ever mindful of the harsh working conditions of Canadian men and women, I note "Bread and Roses," the women's marching song about their 1912 Massachusetts textile industry strike. These women said:

As we go marching, marching, we battle too for men.  
For they are women's children and we mother them again.  
Our lives shall not be sweetened from birth until life closes.  
Hearts starve as well as bodies, give us bread, but give us roses.

When Judge Weir wrote our national song, he did it for all Canadians in all the occupations, races, ethnicities, genders, languages, diversity and cultural tastes. In 1980, when our two houses adopted this national song as our national anthem, it was done with this pluralism in mind.

Honourable senators, I do not support this bill because it will not admit that Canada is what it is. Canada is a unique binational, multi-ethnic country constituted by a well-scripted and ingenious Constitution, put together to protect us, British North Americans, from annexation by the not-so-friendly American giant, then in its cruel civil war, also at war with Britain.

Canada was not borne of carnage or glorious revolution. Canada is what it is — the land of the fair deal, which began its existence partly as settled territory. Canada's success was due to its loyalties of the British Crown, the adoption of constitutionalism and the stamina of its sturdy northern peoples.

I have seen the copious battlefields of both world wars and their war graves in Belgium, France and Holland, where so many fallen, young Canadian men rest. If only for their sacrifice, we must maintain our anthem as it is, because it connects us to those young men who served and fell in both world wars, and elsewhere, where so many of them sang it. An anthem is a sacred piece of music with lyrics that connect us to our shared past. John McCrae's famous poem, *In Flanders Fields*, warns that we not break faith with our own who sleep. He wrote:

To you from failing hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die,  
We shall not sleep, though poppies grow  
In Flanders fields.

Honourable senators, our national anthem is a torch that was passed and that we must continue to pass. Canadian history is worth preserving, even with its warts. It is what and who we are. Once a piece of music and sacred words are adopted by a people as their national anthem, it becomes theirs. The national anthem

is not ours to change, nor for parliamentarians to repossess at whim. I say that our anthem, as sacred art, embodies all Canadian men and women. Men have ever given their all to their wives and their children, when the social order was that men owed to women and children the duty of their financial support and physical protection. We have come a long way from those days, but that was the legal, social order, not that long ago.

We know that men who fall in battle die holding their pockets with the photos of their loved wives, children and parents. But we know that there is no known, or likely to be, body of law to authorize the mass conscription of women to press them into combat, as there is for men.

In the Commons debate on this bill, some justly upheld Nichola Goddard, the first Canadian woman to fall in active combat. I do too. Our goal should be to work for the day when the last man, the last person falls in battle. This is what Judge Weir's *O Canada* is about, the eternal quest for accord in human affairs, for peace and justice in our land, the Land of the Fair Deal that commands our true patriot love.

This bill's substance was so significant I would have thought that it would have been moved in both houses by a member of the government as a government bill.

In my view, senators should defeat this bill, and I apologize to Senator Nancy Ruth, whom I have known for many years, that I am not supporting her on this measure, but I do believe that we owe it to Canada and our history to maintain our national anthem in perpetuity. Thank you.

(On motion of Senator Petitclerc, debate adjourned.)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### BUDGET—STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY— THIRD REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Other, Order No. 3:

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Supplementary budget—study on the effects of transitioning to a low carbon economy), presented in the Senate on October 27, 2016.

**Hon. Pierrette Ringuette:** For the purpose of this chamber, could the honourable senator explain the supplementary budget required?

**Hon. Richard Neufeld:** Thank you. There was another senator in the house who always used to ask me this question, but now it's reverted to the senator who asked the question.

Our committee has decided that we would like to go to the following places in Canada: Western Canada; southern Ontario, Sarnia and Hamilton; Quebec; and then to Eastern Canada, in the next fiscal year.

When we went for our budget, we were given only the money for the first trip to Western Canada, and we had to return to get approval from the subcommittee for the money for the second portion, which is Sarnia and Hamilton. That's what this motion does.

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

**Some Hon. Senators:** Question.

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

(Motion agreed to and report adopted.)

• (1740)

#### LEGAL AND CONSTITUTIONAL AFFAIRS

##### COMMITTEE AUTHORIZED TO STUDY THE REPORTS OF THE CHIEF ELECTORAL OFFICER ON THE FORTY-SECOND GENERAL ELECTION

**Hon. Bob Runciman,** pursuant to notice of October 20, 2016, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the reports of the Chief Electoral Officer on the 42nd General Election of October 19, 2015 and associated matters dealing with Elections Canada's conduct of the election; and,

That the committee submit its final report no later than December 31, 2016, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

**The Hon. the Speaker:** Senator Fraser has a question.

**Hon. Joan Fraser:** As I was reminded by Senator Ringuette only moments ago, I think it's important that the Senate be informed about what it's being asked to authorize. As I read this motion, it doesn't sound to me as if it's going to cost much money or involve travel. Senator Runciman, could you confirm that perception on my part?

**Senator Runciman:** There's no cost associated with this. This simply, if granted, authorizes the committee to examine the annual report of the Chief Elections Officer.

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

[ Senator Neufeld ]

**Hon. Senators:** Question.

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

(Motion agreed to.)

#### EFFECTS OF CLIMATE CHANGE ON HUMAN RIGHTS

##### INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Inquiries, Order No. 2:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Jaffer, calling the attention of the Senate to the human rights implications of climate change, and how it will affect the most vulnerable in Canada and the world by threatening their right to food, water, health, adequate shelter, life, and self-determination.

**Hon. Murray Sinclair:** Honourable senators, it was my intention to ask, because it's on day 15, that this matter be adjourned in my name.

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

(On motion of Senator Sinclair, debate adjourned.)

#### TRANSPORT AND COMMUNICATIONS

##### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA

**Hon. Michael L. MacDonald,** pursuant to notice of October 25, 2016, moved:

That, notwithstanding the order of the Senate adopted on Monday, June 20, 2016, the date for the final report of the Standing Senate Committee on Transport and Communications in relation to its study on the development of a strategy to facilitate the transport of crude oil to eastern Canadian refineries and to ports on the East and West coasts of Canada be extended from November 17, 2016 to March 31, 2017.

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

On debate, Senator MacDonald?

**Senator MacDonald:** I just wanted to tell my colleagues, we're not looking for any money here. We've had a lot of witnesses, a lot more than we thought, and we're just expanding the time frame for the committee so that we can hear a few more witnesses.

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

**Hon. Senators:** Question.

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

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

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## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)



**THE SPEAKER**

The Honourable George J. Furey

**THE GOVERNMENT REPRESENTATIVE IN THE SENATE**

The Honourable Peter Harder, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable Claude Carignan, P.C.

**THE LEADER OF THE SENATE LIBERALS**

The Honourable Joseph A. Day

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**OFFICERS OF THE SENATE**

**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Charles Robert

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Michel Patrice

**USHER OF THE BLACK ROD**

J. Greg Peters

## THE MINISTRY

(In order of precedence)

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(November 1, 2016)

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The Right Hon. Justin P. J. Trudeau	Prime Minister
The Hon. Ralph Goodale	Minister of Public Safety and Emergency Preparedness
The Hon. Lawrence MacAulay	Minister of Agriculture and Agri-Food
The Hon. Stéphane Dion	Minister of Foreign Affairs
The Hon. John McCallum	Minister of Immigration, Refugees and Citizenship
The Hon. Carolyn Bennett	Minister of Indigenous and Northern Affairs
The Hon. Scott Brison	President of the Treasury Board
The Hon. Dominic LeBlanc	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Navdeep Singh Bains	Minister of Innovation, Science and Economic Development
The Hon. William Francis Morneau	Minister of Finance
The Hon. Jody Wilson-Raybould	Minister of Justice
	Attorney General of Canada
The Hon. Judy M. Foote	Minister of Public Services and Procurement
The Hon. Chrystia Freeland	Minister of International Trade
The Hon. Jane Philpott	Minister of Health
The Hon. Jean-Yves Duclos	Minister of Families, Children and Social Development
The Hon. Marc Garneau	Minister of Transport
The Hon. Marie-Claude Bibeau	Minister of International Development and La Francophonie
The Hon. James Gordon Carr	Minister of Natural Resources
The Hon. Mélanie Joly	Minister of Canadian Heritage
The Hon. Diane Lebouthillier	Minister of National Revenue
The Hon. Kent Hehr	Minister of Veterans Affairs
	Associate Minister of National Defence
The Hon. Catherine McKenna	Minister of Environment and Climate Change
The Hon. Harjit Singh Sajjan	Minister of National Defence
The Hon. MaryAnn Mihychuk	Minister of Employment, Workforce Development
	Minister of Labour
The Hon. Amarjeet Sohi	Minister of Infrastructure and Communities
The Hon. Maryam Monsef	Minister of Democratic Institutions
	President of the Queen's Privy Council
The Hon. Carla Qualtrough	Minister of Sport and Persons with Disabilities
The Hon. Kirsty Duncan	Minister of Science
The Hon. Patricia A. Hajdu	Minister of Status of Women
The Hon. Bardish Chagger	Minister of Small Business and Tourism
	Leader of the Government in the House of Commons

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(November 1, 2016)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George J. Furey, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario—Toronto	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
James S. Cowan	Nova Scotia	Halifax, N.S.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Nicole Eaton	Ontario	Caledon, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario—Toronto	Toronto, Ont.

Senator	Designation	Post Office Address
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ghislain Maltais	Shawinegan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas Johnson McInnis	Nova Scotia	Sheet Harbour, N.S.
Tobias C. Enverga, Jr.	Ontario	Toronto, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné	Manitoba	Winnipeg, Man.
Frances Lankin	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montéal, Que.
André Pratte	De Salaberry	Saint-Lambert, Que.
Murray Sinclair	Manitoba	Winnipeg, Man.

## SENATORS OF CANADA

## ALPHABETICAL LIST

(November 1, 2016)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Ontario—Toronto	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Independent
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Independent
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Independent
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Independent
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Independent
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario—Toronto	Toronto, Ont.	Liberal
Enverga, Tobias C., Jr.	Ontario	Toronto, Ont.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Independent
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Independent
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Independent
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
Lankin, Frances	Ontario	Restoule, Ont.	Independent
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinegan	Quebec City, Que.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Independent
McInnis, Thomas Johnson	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Independent
Mitchell, Grant	Alberta	Edmonton, Alta.	Independent
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Petitclerc, Chantal	Grandville	Montréal, Que.	Independent
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Pratte, André	De Salaberry	Saint-Lambert, Que.	Independent
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Independent
Sinclair, Murray	Manitoba	Winnipeg, Man.	Independent
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothesay, N.B.	Independent
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
White, Vernon	Ontario	Ottawa, Ont.	Conservative

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**

(November 1, 2016)

**ONTARIO—24**

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools . . . . .	Toronto Centre-York . . . . .	Toronto
2 Colin Kenny . . . . .	Rideau . . . . .	Ottawa
3 Jim Munson . . . . .	Ottawa/Rideau Canal . . . . .	Ottawa
4 Art Eggleton, P.C. . . . .	Ontario—Toronto . . . . .	Toronto
5 Nancy Ruth . . . . .	Cluny . . . . .	Toronto
6 Nicole Eaton . . . . .	Ontario . . . . .	Caledon
7 Linda Frum . . . . .	Ontario . . . . .	Toronto
8 Bob Runciman . . . . .	Ontario—Thousand Islands and Rideau Lakes . . . . .	Brockville
9 Salma Ataullahjan . . . . .	Ontario—Toronto . . . . .	Toronto
10 Don Meredith . . . . .	Ontario . . . . .	Richmond Hill
11 Vernon White . . . . .	Ontario . . . . .	Ottawa
12 Tobias C. Enverga, Jr. . . . .	Ontario . . . . .	Toronto
13 Thanh Hai Ngo . . . . .	Ontario . . . . .	Orleans
14 Lynn Beyak . . . . .	Ontario . . . . .	Dryden
15 Victor Oh . . . . .	Mississauga . . . . .	Mississauga
16 Harder, Peter, P.C. . . . .	Ottawa . . . . .	Manotick
17 Lankin, Frances . . . . .	Ontario . . . . .	Restoule
18 Omidvar, Ratna . . . . .	Ontario . . . . .	Toronto
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 SENATORS BY PROVINCE AND TERRITORY
 

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 QUEBEC—24
 

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Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Céline Hervieux-Payette, P.C.	Bedford	Montreal
3 Serge Joyal, P.C.	Kennebec	Montreal
4 Joan Thorne Fraser	De Lorimier	Montreal
5 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
6 Dennis Dawson	Lauzon	Ste-Foy
7 Patrick Brazeau	Repentigny	Maniwaki
8 Leo Housakos	Wellington	Laval
9 Claude Carignan, P.C.	Mille Isles	Saint-Eustache
10 Jacques Demers	Rigaud	Hudson
11 Judith G. Seidman	De la Durantaye	Saint-Raphaël
12 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
13 Larry W. Smith	Saurel	Hudson
14 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
15 Ghislain Maltais	Shawinigan	Quebec City
16 Jean-Guy Dagenais	Victoria	Blainville
17 Diane Bellemare	Alma	Outremont
18 Chantal Petitclerc	Grandville	Montréal
19 André Pratte	De Salaberry	Saint-Lambert
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**SENATORS BY PROVINCE-MARITIME DIVISION**


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**NOVA SCOTIA—10**


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Senator	Designation	Post Office Address
The Honourable		
1 Wilfred P. Moore	Stanhope St./South Shore	Chester
2 Jane Cordy	Nova Scotia	Dartmouth
3 Terry M. Mercer	Northend Halifax	Caribou River
4 James S. Cowan	Nova Scotia	Halifax
5 Stephen Greene	Halifax - The Citadel	Halifax
6 Michael L. MacDonald	Cape Breton	Dartmouth
7 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning
8 Thomas Johnson McInnis	Nova Scotia	Sheet Harbour
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**NEW BRUNSWICK—10**


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Senator	Designation	Post Office Address
The Honourable		
1 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
2 Pierrette Ringuette	New Brunswick	Edmundston
3 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
4 Percy Mockler	New Brunswick	St. Leonard
5 John D. Wallace	New Brunswick	Rothesay
6 Carolyn Stewart Olsen	New Brunswick	Sackville
7 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
8 Paul E. McIntyre	New Brunswick	Charlo
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**PRINCE EDWARD ISLAND—4**


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Senator	Designation	Post Office Address
The Honourable		
1 Elizabeth M. Hubley	Prince Edward Island	Kensington
2 Percy E. Downe	Charlottetown	Charlottetown
3 Michael Duffy	Prince Edward Island	Cavendish
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**SENATORS BY PROVINCE-WESTERN DIVISION**


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**MANITOBA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Donald Neil Plett . . . . .	Landmark . . . . .	Landmark
2 Raymonde Gagné . . . . .	Manitoba . . . . .	Winnipeg
3 Murray Sinclair . . . . .	Manitoba . . . . .	Winnipeg
4 . . . . .		
5 . . . . .		
6 . . . . .		

**BRITISH COLUMBIA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
2 Larry W. Campbell . . . . .	British Columbia . . . . .	Vancouver
3 Nancy Greene Raine . . . . .	Thompson-Okanagan-Kootenay . . . . .	Sun Peaks
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5 Richard Neufeld . . . . .	British Columbia . . . . .	Fort St. John
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**SENATORS BY PROVINCE AND TERRITORY**


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3 Elizabeth Marshall . . . . .	Newfoundland and Labrador . . . . .	Paradise
4 Fabian Manning . . . . .	Newfoundland and Labrador . . . . .	St. Bride's
5 Norman E. Doyle . . . . .	Newfoundland and Labrador . . . . .	St. John's
6 David Wells . . . . .	Newfoundland and Labrador . . . . .	St. John's

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Senator	Designation	Post Office Address
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