



# DEBATES OF THE SENATE

---

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 71

---

OFFICIAL REPORT  
(HANSARD)

Tuesday, November 15, 2016

The Honourable GEORGE J. FUREY  
Speaker

## CONTENTS

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

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Tuesday, November 15, 2016

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

Prayers.

### THE SENATE

#### MOTION TO PHOTOGRAPH THE INTRODUCTION OF NEW SENATORS ADOPTED

**The Hon. the Speaker:** Honourable senators, there have been consultations, and there is an agreement to allow photography in the Senate Chamber to photograph the introduction of new senators today and tomorrow, Wednesday.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

• (1410)

### NEW SENATORS

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

Yuen Pau Woo

Patricia Bovey

René Cormier

Nancy Hartling

Gwen Boniface

Kim Pate

### INTRODUCTION

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

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

**Hon. Yuen Pau Woo**, of North Vancouver, British Columbia, introduced between Hon. Peter Harder, P.C., and Hon. George Baker, P.C.;

**Hon. Patricia Bovey**, of Winnipeg, Manitoba, introduced between Hon. Peter Harder, P.C., and Hon. Murray Sinclair;

**Hon. René Cormier**, of Caraquet, New Brunswick, introduced between Hon. Peter Harder, P.C., and Hon. Pierrette Ringuette;

**Hon. Nancy Hartling**, of Riverview, New Brunswick, introduced between Hon. Peter Harder, P.C., and Hon. Elaine McCoy;

**Hon. Gwen Boniface**, of Orillia, Ontario, introduced between Hon. Peter Harder, P.C., and Hon. Vernon White; and

**Hon. Kim Pate**, of Ottawa, Ontario, introduced between Hon. Peter Harder, P.C., and Hon. Lillian Eva Dyck.

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

• (1430)

### CONGRATULATIONS ON APPOINTMENTS

**Hon. Peter Harder (Government Representative in the Senate):** Thank you, Your Honour, and welcome new colleagues.

A few months ago when I rose to speak during my own swearing in, I mentioned that I was both delighted and filled with terror at the prospect of participating in this august body. Let me say today that I continue to be delighted.

And given the breadth of accomplishments of the new senators that we are welcoming today, I expect to continue to be in awe.

[*Translation*]

Our new members' backgrounds and achievements in the public, private, and volunteer sectors give Canadians plenty of reasons to be optimistic about the modernized Senate we are building.

In addition to their many professional accomplishments, our new colleagues are volunteers and make important contributions to their communities.

[*English*]

Starting today, they will put their many talents towards continuing to build our Senate as representative, thoughtful and devoted to service.

Allow me to take a few minutes to review the accomplishments of our chamber's new members.

Our first new senator, Yuen Pau Woo, hails from British Columbia. As many of you know, he is an expert on Canada's relations with Asia and has been a champion for openness in trade, the movement of capital, and people.

• (1440)

He arrived in Canada from Malaysia at the age of 16 on an academic scholarship and has been instrumental in helping many entities — private and public — in understanding the importance of Asia to their business and to our future. As President and CEO of the Asia Pacific Foundation between 2005 and 2014, he led a major expansion of the organization and spearheaded a campaign highlighting the growing importance of Asia in the world and for Canada. Among other roles, he has worked with leaders from First Nations and has served on a number of councils, boards and commissions. Please join me in welcoming Senator Yuen Pau Woo.

Senator Patricia Bovey is from Manitoba and is an accomplished art historian, curator and arts consultant. Senator Bovey is the former director of two major Canadian art galleries, teaches at the university level and has lectured and published extensively. She has participated in federal and provincial cultural policy reviews and has been a member of or chaired several boards and arts organizations such as the National Gallery of Canada and the Canada Council for the Arts. Her volunteer commitments include presenting workshops for Islamic youth leaders and serving on the St-Boniface Hospital's patient advisory council. Welcome to the Senate.

We also welcome two senators from New Brunswick.

[*Translation*]

René Cormier is a professional in Canada's arts and culture community and a leader within the international Francophonie. His work is rooted in his own experience and life as a francophone New Brunswicker. He has served as president of the Commission internationale du théâtre francophone, director of the Théâtre populaire d'Acadie, president of the Fédération culturelle canadienne-française, and board member of the Canadian Conference of the Arts. Senator Cormier is recognized for his ability to build bridges between cultural groups that are often quite diverse. Welcome, senator.

[*English*]

Joining Senator Cormier from New Brunswick is Nancy Hartling, one of her province's most dedicated advocates on issues affecting women. Her career has been one focused on families and social issues, and she has advocated locally, provincially and nationally on socio-economic issues facing single parents and their children. She founded and for 34 years led the non-profit organization Support to Single Parents Inc., and also founded St. James Court Inc., an affordable housing complex for single parents. Senator Hartling has played a prominent role in promoting social change in her home province. Welcome, senator.

Gwen Boniface's career has been one of firsts. Recognized the world over for her profound impact on the role of women in policing, Senator Boniface was the first woman inspector of the

Ontario Provincial Police, the first woman to have been appointed commissioner of that same force and, for good measure, the first female President of the Canadian Association of Chiefs of Police.

Her expertise extends to other nations as well. For three years she served as the Deputy Chief Inspector of Ireland's Garda Síochána Inspectorate, tasked with transforming the national police service. From there she became the trans-national organized crime expert with the United Nations Police Division, where she developed a plan to fight organized crime in post-conflict nations.

Senator Boniface has also been a key figure in triggering reforms aimed at repairing relationships between police and First Nations communities. She was invested in the Order of Ontario in 2001 in recognition of her service to the province and her work with First Nations communities. Welcome to the Senate.

Kim Pate is an ardent champion for social justice and has been at the forefront of working with and on behalf of women in prison and their reintegration into society. As Director of the Canadian Association of Elizabeth Fry Societies, she has also shed light on the special needs of Aboriginal women, who are over-represented in Canadian prisons, as well as those with mental health issues. As a part-time professor in the University of Ottawa's Faculty of Law, she has authored many articles and academic journals and acted as a mentor to women and law students. She sits on many boards and advisory groups and was appointed to the Order of Canada in 2015. Senator Pate comes to us from Ontario. Please join me in welcoming her.

Honourable colleagues, on behalf of all of you, I look forward to working with all of the new senators today and those who will come in the future days.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I'd like to join the Leader of the Government in welcoming our six newly arrived colleagues. Your impressive backgrounds, as well-described by Senator Harder, will certainly contribute to the already deep wealth of knowledge present in this chamber.

You join the Senate during an exciting time of modernization and renewal, and I encourage you all to approach your learning of this institution with an open mind. Your varied and rich life experiences will prove immeasurably useful as you scrutinize legislation, but also as you form your own opinions on how we can best improve the Senate so that it serves its role as the chamber of sober second thought.

[*Translation*]

On behalf of the Senate Liberal caucus, welcome to the Senate of Canada. I look forward to working with you in the days to come. Welcome.

[*English*]

**Hon. Elaine McCoy:** Honourable senators, I'm pleased to add my voice to that of other leaders in the Senate as facilitator of the independent senators' group, and to welcome all our new

[ Senator Harder ]

colleagues. I couldn't help thinking that, as I'm sure everyone was who had a smile on their face, weren't we all just remembering the very day that we were walked in. I kept expecting them all to go over to the seat right there that Senator White used to be sitting in, because that's where I was taken. Right beside me was sitting Senator Cowan, who was at that point, and still is, a member of the Liberal caucus. Right in front of me was Senator Norm Atkins, who has since passed on, who was a member of the Progressive Conservative caucus. Right in front of me to the right was a member of the Conservative Party of Canada.

Since then I've moved around this Senate — I don't know how many chairs I have occupied — as have we all. I was thinking to myself that there is a metaphor that as long as we are here, we do sit beside one another. We work with one another, and we do give our whole attention to the weighty and arduous matters that we have been called upon to serve, give our advice and to work on behalf of Canada. So we welcome you in our collaborative Senate to work with us in helping Canada be the best nation we can possibly make it.

[*Translation*]

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, I would like to add a few words to those that have already been spoken. I prepared a speech to officially welcome our new colleagues tomorrow. It is an honour to welcome you here in this chamber.

As I said publicly, you are members of the elite, high-caliber people from diverse backgrounds, and you are most welcome here.

• (1450)

Your contribution will be important to us. Your timing is impeccable, as we have just begun the sizeable task of modernizing the Senate. You will be able to lend all your energy, experience, and expertise to this welcome movement.

I must also point out that you are among the 961 people who have had the honour of sitting in this chamber in its 150-year history. To do so is an extraordinary privilege. You will undoubtedly come to understand that it is one of the best jobs one can have in Canada, even though it comes with tremendous responsibilities.

You are fortunate to have been appointed by a Prime Minister who has given you legitimacy, but also a great deal of freedom when voting on legislation adopted in the other place. He has asked you to improve and make necessary changes to proposed legislation and he has given you the moral authority to do so. It is an extraordinary privilege for all of us.

It is with great pleasure that I welcome you on behalf of all the members of my caucus.

[*English*]

## SENATORS' STATEMENTS

### THE LATE LEONARD COHEN, C.C., G.O.C.

**Hon. Leo Housakos:** Honourable senators,

Ring the bells that still can ring  
Forget your perfect offering  
There is a crack in everything  
That's how the light gets in.

Some of you may recognize these words from his 1992 song "Anthem." For those of you who don't, these are the words of Canada's poet laureate, the late Leonard Cohen.

We learned late Thursday that Mr. Cohen had passed away. The immediate outpouring of grief that swept over social media came from every corner of the world, from celebrities and politicians and people from every walk of life. Such was the impact of Leonard Cohen and his body of work.

As a fellow Montrealer, I was especially saddened to hear of Mr. Cohen's passing. That was one of the things about him; despite his fame, his world travels, the knowledge of other cultures and religions he gleaned from those travels and experiences, he never forgot or abandoned where he came from. That is no more evident than how he chose to be laid to rest — quietly, away from the spotlight, buried next to his parents in his hometown of Montreal before the world even knew he was gone.

I also have a special place in my heart for Leonard Cohen because of his affinity for Greece. In his twenties, he made Greece his home for about two decades. When he first moved there, to Hydra, there was no electricity. The story goes that it was there that Cohen began writing the song "Bird on the Wire." The song reflects the changing landscape of Hydra, when telephone and electricity poles and wires were installed and Cohen saw birds sitting on the wires just outside his bedroom window. Such beautiful simplicity.

Leonard Cohen received many accolades throughout his life, but perhaps what best encapsulates who he was is the message penned by his son Adam on Friday. Adam wrote:

As I write this I'm thinking of my father's unique blend of self-deprecation and dignity, his approachable elegance, his charisma without audacity, his old-world gentlemanliness and the hand-forged tower of his work.

Adam went on to say there was still so much he wished he could thank his dad for. I think it's safe to say we share his sentiment.

With that said, we will forever be grateful for Leonard Cohen and the body of work he left behind. Leonard Cohen, a true Canadian legend.

[*Translation*]

**Hon. Chantal Petitclerc:** Honourable senators, I would like to join Senator Housakos in acknowledging that Canada lost one of its greatest poets and singers last week. For the great Montrealer, Leonard Cohen, it is “closing time,” as he used to sing.

Cohen was 82, and his last album, *You Want it Darker*, was released just a few months ago to critical acclaim. We were reminded of the undeniable talent of this artist, whose career spanned decades and spoke to all generations. For that reason, he is grieved not only by his family, friends, and his city of Montreal, but by all Canadians.

I am big Leonard Cohen fan myself and had the privilege of seeing him live five times. Whether in Montreal, New York or Melbourne, Australia, I was blown away by his ability to move people with his words, his enormous generosity, his kindness towards his musicians, his somewhat dark sense of humour and how clearly he understood life.

From his first book in 1956 through to his last album, he explored the same universal themes: love, religion, power and death. He reminded us time and again that although life certainly isn't always easy, it is incredibly rich in experiences and happiness.

He was known around the world for his unique voice, and the entire world is now mourning his passing. From Paris to Los Angeles to London, artists everywhere have had nothing but kind words to say about his talent, his kindness and how much he influenced them.

On November 11, *The Guardian* newspaper wrote, “Art lasts; life doesn't.” It may give us little comfort, but it's true that Leonard Cohen will remain with us through his art. Despite this small consolation, I would still like to say, “Thank you, Mr. Cohen. You will be sadly missed.”

[*English*]

#### THE HONOURABLE SERGE JOYAL, P.C., O.C., O.Q.

##### CONGRATULATIONS ON BARREAU DU QUÉBEC'S *ADVOCATUS EMERITUS* DISTINCTION

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I rise today to recognize our colleague Senator Serge Joyal, who was recently awarded an honorary distinction from the Barreau du Québec. The *Advocatus Emeritus* distinction “is presented to members who gain distinction as a result of their outstanding professional career, outstanding contribution to the profession or outstanding social and community standing that has brought honour to the legal profession.”

The letters Ad. E. for *Advocatus Emeritus* are now to be used with his name. They are but a small indicator of the enormity of his contribution to our Parliament, our laws and our society.

Senator Joyal has dedicated his career to defending and pursuing equality of rights and freedoms through the rule of law. Whether as a parliamentarian, a jurist or an individual, he

has consistently and determinedly promoted the advancement of these principles.

[*Translation*]

I would like to quote part of the letter submitted by his nominator regarding his nomination, which states:

Mr. Joyal's unique contribution to the evolution of the rule of law was underscored when he was elected to the Royal Society of Canada in 2015 as a Special Fellow in the very text of his citation: “Serge Joyal is a jurist long recognized for his commitment to emerging rights and freedoms that have had a transformative impact. He speaks for them in Parliament and defends them in the courts. This innovative approach has enlarged the role of parliamentarians.”

[*English*]

Indeed, the example that Senator Joyal sets as a senator whose work is recognized both within this institution and outside of it is one that we should all strive to emulate.

He has done tremendous work on parliamentary reform, specifically Senate reform, and it should not be overlooked that his reputation earned through his dedicated work is itself a positive reflection on this chamber and all of us here.

In a booklet produced for the ceremony to honour this year's recipients, each submitted a quote to be included.

• (1500)

Senator Joyal used his quote to reiterate the principles that have guided his work.

[*Translation*]

The law is inextricably linked to the preservation of the humanist values that form the basis of our shared existence, namely, respect for every person's inviolable dignity, freedom to make decisions, and ability to act freely.

[*English*]

#### RESTORATION OF THE OPINICON RESORT

**Hon. Bob Runciman:** Honourable senators, as some of you may know, my designation is Thousand Islands and Rideau Lakes. Today I'd like to talk about a project in the heart of the Rideau Lakes to restore an iconic property to its former glory and build a local economy. I'm referring to the restoration of the Opinicon Resort in Chaffey's Lock.

A classic Adirondack-style fishing lodge, the Opinicon has been an essential part of the fabric of this small tourist community for a century. It's a symbol of the glory days of the Rideau, a rambling wooden lodge with guest rooms and a dining hall surrounded by small cottages, a general store and an ice cream parlour on a stunning 16-acre property on the banks of Opinicon Lake.

At its peak, dozens of fishing guides, bellhops and others made their living at the Opinicon, which was operated by the same family for more than 90 years. But times changed, tastes changed, the rich American fishermen stopped coming, and government regulations made it even harder to make a living. The Opinicon closed at the end of the 2012 season, a blow to the local and regional economy and a shock to area residents who imagined the grand old lodge would always be there.

It was put up for auction in December 2014, and the successful bidders were Fiona McKean and her husband, Tobi Lutke, who you may know as the CEO of one of Canada's hottest technology companies, Shopify.

I'm sure they could have found more lucrative opportunities for investment, but McKean has fond memories of the Opinicon from her childhood and of daily visits for ice cream while staying at a nearby cottage. This place means something to her.

The restoration of this legendary property under her direction is surely a labour of love, as her videos on the Opinicon's Facebook page so clearly demonstrate. The Opinicon has been open for the last two years, but the revitalization project is ongoing, with a new dining room, pub and pool facility in the works. In the meantime, the new owners are embracing the local community, sponsoring free concerts, movie nights and other community and charitable events.

The community is embracing them back. As local businessman Dave Brown of the Chaffey's Lock and Area Heritage Society says, the new owners fit right in with the can-do attitude of local residents. To quote Mr. Brown, they are the very thick icing on the cake.

I'd like to salute Fiona McKean and Tobi Lutke for entering into this marriage of old economy and new economy, and I mean that literally since this 19th century lodge now has a Tesla charging station. It is truly a match made in heaven.

[Translation]

### LA SOCIÉTÉ SANTÉ EN FRANÇAIS

**Hon. Claudette Tardif:** Honourable senators, on October 26, representatives from all of the Société Santé en français networks and its partners met with many MPs and senators at a reception on Parliament Hill. I would like to thank all of the senators and MPs who came out in large numbers to show their support for French language health care in francophone minority communities.

Over the course of the week, members of Société Santé en français attended their general meeting to discuss the great progress that has been made over the past year. The organization's president, Dr. Aurel Schofield, from New Brunswick, was reappointed for a third two-year term.

Société Santé en français has become an important pillar for people living in francophone minority communities when it comes to access to quality health care in French throughout their lives,

whether it be primary health care, home care or long-term care. What is more, the organization is laying a strong foundation for French-language training in health care.

Since it was created in 2002, Société Santé en français, along with its 16 provincial, territorial and regional networks and its partners, has made significant progress in improving the health care services offered to thousands of francophones and Acadians living in minority communities across the country. Its leadership has produced significant, tangible results.

Minority francophone and Acadian communities care deeply about access to health care services in their language. Many studies have shown that language and cultural barriers impede access to health care services and may interfere with accurate diagnosis or compromise an individual's ability to follow a course of treatment. That is why it is important to serve francophone patients in minority communities in French, just as it is important to service anglophone patients in Quebec in English.

I would like to congratulate everyone who tirelessly contributes to the success of Société Santé en français.

---

## ROUTINE PROCEEDINGS

### STUDY ON CANADA'S INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

#### FOURTH REPORT OF COMMITTEE ON HUMAN RIGHTS—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's response to the fourth report of the Standing Senate Committee on Human Rights entitled *The Forgotten Many: Human Rights and North Korean Defectors*, which was tabled in the Senate on June 20, 2016.

[English]

### STUDY ON THE ISSUE OF DEMENTIA IN OUR SOCIETY

#### SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on February 23, 2016, and to the order adopted by the Senate on October 27, 2016, the Standing Senate Committee on Social Affairs, Science and Technology

deposited with the Clerk of the Senate on Tuesday, November 15, 2016, its sixth report entitled: *Dementia in Canada: A National Strategy for Dementia-friendly Communities*.

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

### FISHERIES AND OCEANS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Fabian Manning:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, November 15, 2016, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1510)

### NATIONAL FINANCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE DESIGN AND DELIVERY OF THE FEDERAL GOVERNMENT'S MULTI-BILLION DOLLAR INFRASTRUCTURE FUNDING PROGRAM

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

That, notwithstanding the order of the Senate adopted on Tuesday, February 23, 2016, the date for the final report of the Standing Senate Committee on National Finance in relation to its study on the design and delivery of the federal government's multi-billion infrastructure program be extended from December 31st, 2016 to June 30, 2018.

### BUSINESS OF THE SENATE

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

## ORDERS OF THE DAY

### TAX CONVENTION AND ARRANGEMENT IMPLEMENTATION BILL, 2016

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

**Hon. Stephen Greene** moved second reading of 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.

He said: Ladies and gentlemen, I rise today in a modern circumstance because I stand before you as a senator who is not part of the government — and proudly not part of it — sponsoring a piece of government legislation. I am referring to 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.

I'm honoured to be among the first of, I hope, many senators who, despite their general disagreement with the current government, which I share, are willing to recognize good ideas and policies when they see them by sponsoring government legislation in this place when they have no policy objections that would prevent them from doing so.

This bill is not only a good piece of public policy but also the culmination of work begun during the Conservative government's tenure. In fact, I sponsored three similar bills, virtual copies of this bill, for previous Conservative governments. In other words, I sponsored bills exactly like this when I sat on the other side of the aisle. If such bills were good enough for me then, why wouldn't they be now — for hopefully my brains are not where I sit but where I stand.

Ladies and gentleman, Bill S-4 is the result of negotiations between Canada and Israel to update the existing tax agreement first concluded in 1975; Canada and Taiwan to come to an arrangement on the elimination of tax barriers to trade in keeping with Canada's One China policy; and Canada and Hong Kong to add clarity to certain definitions in the existing tax agreement.

These types of deals take time to negotiate. They are not done overnight but rather are the culmination of years of talks. It is well known that Prime Minister Harper and his government were supporters of both Israel and Taiwan. Canada's strong support of Israel under the previous government stems from Israel's being the only real democracy in the Middle East. And that support was reciprocated when Stephen Harper was invited to address the Knesset in Jerusalem, an honour never before extended to a Canadian Prime Minister.

In the case of Taiwan, while it was Trudeau the Elder who recognized the People's Republic of China and originated Canada's One China policy, subsequent Conservative governments have been keen to increase economic cooperation with Taiwan and support its maturing democracy. The



arrangement negotiated between the Canadian Trade Office in Taipei and the Taipei Economic and Cultural Office here in Ottawa will help provide clarity to investors on both sides of the Pacific while boosting trade with Taiwan, which is Canada's twelfth-largest trading partner, with two-way trade valued at roughly \$7 billion annually.

So, colleagues, this is really a continuity-of-government bill. The agreement and arrangement, as the case may be, conform to the OECD Model Tax Convention on Income and on Capital and adds to the existing 92 tax agreements in place between Canada and other jurisdictions.

Not only is this a continuity-of-government bill, but as I alluded to in my introduction, it is also good public policy. It's good public policy because, in addition to helping foster trade by lowering the withholding taxes on the movement of capital, it will also help residents of each jurisdiction and their families avoid double taxation. Nobody wants to be taxed twice — especially here in Canada where some combined income tax rates are above 50 per cent — but without legislation like Bill S-4 that is exactly what could happen to Canadians working in Israel or Taiwan.

Senators may be wondering why I refer to the Canada-Israel convention as an agreement and the Canada-Taiwan deal as an arrangement. This is because Canada and Israel enjoy full diplomatic relations, so we can have a formal agreement; and in keeping with Canada's One China policy, Canada enjoys full diplomatic, economic and cultural relations with the People's Republic of China while maintaining lesser economic and cultural relations with Taiwan. The full relations with Israel allow an agreement; while the economic and cultural relations with Taiwan allow an arrangement.

For those senators curious about the effect that our coming to a tax arrangement with Taiwan will have on Canadian relations with China, as a non-government member of this place I cannot give an official statement, but I can tell you that Taiwan has similar arrangements with 30 other countries and that Canada and Taiwan cooperate in many multilateral organizations, such as APEC and the WTO, working on an agenda of free trade and economic liberalization.

Economic liberalization and free trade are at the heart of the policy of pursuing tax agreements. As a Conservative I certainly appreciate a policy that reduces barriers to trade, investment and the international mobility of labour by reducing the problems and stresses of double taxation. I was a supporter of a government that signed or negotiated a record number of free trade agreements, such as the Canada-Israel FTA, the Trans-Pacific Partnership and of course the Canada-European Union Comprehensive Economic Trade Agreement or CETA.

While these were Conservative initiatives, they do not represent uniquely Conservative values. Liberals came to value free trade in the 1990s after realizing that free trade between Canada and the United States was actually a good thing. And the government deserves praise for coming to a final agreement with the European Union on CETA.

To conclude, the double taxation agreement and arrangement in this bill will promote certainty, stability and a better business climate for taxpayers and businesses in Canada and in partner

jurisdictions. More importantly, the double taxation agreement and arrangement in this bill will help to further secure Canada's position in the increasingly competitive world of international trade and investment.

For all those reasons I urge all senators to support this bill. Thank you very much.

(On motion of Senator Martin, debate adjourned.)

## INDIAN ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Lankin, P.C., 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. Serge Joyal:** Honourable senators, I want to propose to you a certain amount of information in relation to Bill S-3 because when we had discussion at second reading and the bill was introduced by our colleague Senator Lankin, I asked her what consultation the government had initiated in relation to this bill. Senator Lankin committed to provide additional information because the briefing she received didn't cover that element of the legislation affecting Aboriginal people.

Honourable senators, I want to share with you a concern that I have generally in relation to bills that deal with Aboriginal people.

• (1520)

Considering the step we are at in Canada with the relationship between Aboriginal people and the Government of Canada, a relationship that the Prime Minister wanted to define as nation to nation, I think before we debate any legislation pertaining to the rights of the Aboriginal people, the first question we always should ask ourselves should be: Were the Aboriginal people involved in the preliminary discussions and exchanges before the government drafted a bill and came to Parliament to have it debated and adopted?

I think that we are at that level now. We should never really, in this chamber or in the other chamber, start the debate on a bill before we have satisfied ourselves that that process has been covered and that Aboriginal people and the Government of Canada have come to terms in accommodating their different views.

This aspect of the constitutional law of Canada is now very well established. In 2004, the Supreme Court of Canada, in a decision called *Haida Nation v. British Columbia and Taku River Tlingit*

*First Nation v. British Columbia*, the Supreme Court clearly stated the following:

— when a Crown actor has knowledge, real or constructive, of the potential existence of the Aboriginal right and contemplates conduct that might adversely affect it —

— the Crown has a legal duty to consult affected First Nation communities.

I say that because this bill essentially is a remedial bill. It is entitled “An Act to amend the Indian Act (elimination of sex-based inequities in registration.)”

Senator Lankin has been very eloquent in describing the objective of the bill. It follows a decision of the Superior Court in the case of *Descheneaux* in August 2015. The court has given a timeline to the government to bring those changes to the Indian Act and the government has put forward a bill. But that bill does not mention in its preliminary remarks, in its summary, that the government has consulted with the Aboriginal people; hence, my question to Senator Lankin two weeks ago when she introduced the bill about how the Aboriginal people have been consulted.

I have to thank Senator Lankin because she has provided us — I think she sent it to all senators on November 3 — a note from Indigenous and Northern Affairs Canada that provides the consultation that the government undertook.

I think that the notice is informative to the point that the government has consulted some of the Aboriginal people from September to October 2016. That was more or less at the same time as the bill was being introduced, and that in fact the consultation, if I read page 2 of the notes, still has to be completed. I hear that there will be consultations November 16 with the File Hills Qu’Appelle Tribal Council; November 26 with the Madawaska Maliseet First Nation; November 23 with Atlantic Native Women’s Association of Canada; November 24 with Mi’gmaw’e’l Tplu’taqnn Incorporated in New Brunswick; the Southern Chiefs of Manitoba on December 1; and Quebec Native Women on December 2.

In other words, while we’re debating this bill, studying this bill, consultation is ongoing. I know that we operate under the deadline of the courts. I have said it in my own remarks and Senator Lankin has said it, too. But it puts us in the difficult position where there is a deadline, but we have a fiduciary duty as government and as Parliament, and especially the Senate, in relation to the Aboriginal people.

At first sight, I don’t have a dispute with the substance of the bill, but nevertheless this bill should be adopted once the consultation process has been completed. Because from the list of the Aboriginal groups that I have been mentioning — I have the list of those who have been consulted up to October 20 — there are still some who have views to be expressed in relation to this bill.

I’m looking to our esteemed colleague Senator Lovelace Nicholas, who launched a similar challenge to the Indian Act some years ago in relation to the status of women under the

Indian Act. This bill essentially tries to remedy a comparable discrimination in relation to registration.

I don’t want to delay this bill, but I think we should be very mindful that what we are doing now is not exactly the way to proceed with bills, especially in relation to Aboriginal bills.

Senator Sinclair was Chair of the Truth and Reconciliation Commission. If you read the recommendations of the Truth and Reconciliation Commission under the heading “Equity for Aboriginal People in the Legal System,” Recommendation 50 and over, it’s quite clear that before we move we have to make sure that Aboriginal people have the legal opinion of both the Justice Department and the Indian Affairs Department. Why? Because Parliament and government is in a conflicting fiduciary duty role.

On the one hand, the government speaks for the whole of Canada and defends the interests of the whole of Canada; on the other hand, it turns around and is the fiduciary of the rights of the Aboriginal people, sometimes in contradiction with the other. That’s why the Truth and Reconciliation Commission recommended, at paragraph 51, that both legal studies be made available to Aboriginal people to see where they have been — I will use an unparliamentary word — squeezed in between the interests of the whole of Canada and their own interests, which they are entitled and they have the right to be protected according to the Supreme Court of Canada.

That’s what I wanted to put on the record today at second reading, Your Honour and honourable senators, because it is a very important element for the future of our work in relation to Aboriginal people. There is no ill intent there. I’m quite sure about that. But I think we should be mindful when we approach such a bill that we respect the constitutional duty that we have and share. The new senators especially, I see them being introduced to our work in relation to the Aboriginal people. It’s different with the Aboriginal people than with any other group of Canadians.

Our responsibility has been clearly repeated through at least 10 decisions of the Supreme Court in relation to what we owe to the Aboriginal people when we debate bills that have a remedial purpose. But whatever is the good of the bill, nevertheless the Aboriginal people have to be part of that debate, of that study, and come to the conclusion that we aim to achieve with the bill.

Thank you, honourable senators, for listening to me. I think it’s something that we all share, irrespective of our allegiance. I don’t believe in allegiance when we debate issues related to that. It’s our role as senators to be sure that we’re mindful of our constitutional duty and responsibility in relation to the Aboriginal people.

With your permission, I would like to table in today’s Journals the report from the Department of Indian Affairs in relation to the consultation of the Aboriginal people, the consultation that took place earlier in the fall, and the one that has to take place in future weeks.

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

**Hon. Senators:** Agreed.

**Hon. A. Raynell Andreychuk:** Would Senator Joyal accept a question?

**Senator Joyal:** With the greatest pleasure, senator.

**Senator Andreychuk:** You and I have been involved in this issue for a long time. I remember the gun control act. I remember amendments to public service acts, et cetera. You've zeroed in on our fiduciary role, but the courts have really said that the government must have full and meaningful consultation before Aboriginal rights have been affected and balanced against the national good. By passing second reading, are we and the government violating our fiduciary responsibility, in principle, and by not having a full and adequate consultation?

• (1530)

**Senator Joyal:** As honourable senators realize, my real answer to you would be yes. On the other hand, we are caught under an order of the court to correct the Indian Act in a limited amount of time. I could not check, of course, the level of consultation. We're not at the committee stage; we're at second reading. It will be for the committee to hear from representatives of the Aboriginal people to satisfy itself that all those groups that are representative of the affected Aboriginal people will have an opportunity to come forward, considering our time constraints.

There are other decisions that I won't quote because you know them better than I do. I see Senator Ogilvie, you, and other senators. Last spring we were caught by another bill where there were some time constraints. We're in the same position. On the one hand, we have not satisfied full consultation. On the other hand, we have limited time.

The committee should start its study, and we'll have an opportunity to give the floor to representatives of those groups to come forward and satisfy us, when they report, that they have been consulted and agree with the general purpose. I understand it's a two-stage approach and that the government wants to immediately satisfy what the court has said, that it's totally legal. There are other aspects in relation to the registry, the membership and the citizenship that are part of a second phase where the government will have more time to consult and complete the objectives of the court, but at least the discrimination imposed now will have been cured in time.

That's where we are at. We're cut in one way by the time frame of the court. There are discriminations there that need to be corrected immediately. On the other hand, there are more to come. It is on that "more to come" that the time frame has to be understood and that the affected groups will have to be heard.

It is up to the committee to report to us that the Aboriginal people, their rights, the duty of the Senate, of Parliament, have been satisfied according to what the Constitution imposes upon us, to be honest fiduciaries of the Aboriginal people.

(Debate suspended.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, it is 3:30. It's time for Question Period. The minister is available. We can return to the balance of Senator Joyal's time after Question Period, if there are further questions.

---

## QUESTION PERIOD

*Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable MaryAnn Mihychuk, the Minister of Employment, Workforce Development and Labour appeared before honourable senators during Question Period.*

[Translation]

### MINISTRY OF EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

#### LABOUR UNIONS

**Hon. Claude Carignan (Leader of the Opposition):** Madam Minister, my question is on the very important subject of the free and informed exercise of the right to unionize, or not. In 2004, Senator Diane Bellemare said:

... we are generally of the opinion that a secret ballot is necessary for every case of union certification. Making the certification process transparent and democratic makes union certification easier for employees and ensures its legitimacy and better labour relations with the employer. ... democracy would be better served by a secret ballot and employers would more easily accept the results of their employees' decision to unionize.

Madam Minister, do you agree with these comments by the senator who now represents the government in the Senate?

[English]

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you for the question. The issue of whether we're going to have a card check system or a secret ballot is a bigger question. Right now, the Senate is looking at Bill C-4 as a way to re-establish reasonable and transparent relationships between workers and employers.

As you know, the process was unusual and did not go through the regular routine for a bill of its sort.

In terms of card check, there was no reason to suspect that it didn't work. In fact, for decades it worked very well. The changes brought in made it more difficult to unionize and easier to get decertified, which enhanced the animosity between business and

the labour movement, which is not what we want when we face enormous change at an accelerated rate through the fourth industrial revolution.

What we want is labour-industry harmony and collective working together to face one of the biggest challenges facing Canada and all industrial countries.

The issue of the vote has a particular challenge in that there are cases of employer intimidation or, perhaps, even suspected nervousness.

This doesn't allow for the most reasonable secret ballot, which we probably all agree on. At the present time, voting at a hall in front of your employers does cause significant challenges. Bill C-4 returns a respectful system that worked for industry and labour unions for many years.

#### DEFINED BENEFIT PLANS

**Hon. James S. Cowan:** Welcome, minister. Several years ago, our caucus adopted a practice of inviting Canadians to suggest questions we could put to the then-government leader in the Senate. We've continued that now that we have ministers coming to speak to us.

Senator Carignan will recall that several years ago he and I had an exchange about ongoing discussions by the previous government with respect to target pension plans and deferred pensions as a third way for pension reform. There is a bill before the house which would deal with the issue of pensions in the public service, particularly with respect to Crown corporations.

During the last election campaign, the leader of the Liberal Party, now the Prime Minister of Canada, wrote a letter to the President of the National Association of Federal Retirees, and he said:

As we head into Election 2015, I would like to reiterate my position on TBPs [Target Benefit Plans]. I continue to believe that while they may make sense in certain circumstances, any changes to existing Defined Benefit Pensions (DBP) should be made on a going-forward basis. DBPs, which have already [been] paid for by employees and pensioners, should not retroactively be changed into TBPs.

• (1540)

Is that the position of the Government of Canada?

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Senator Cowan, thank you for the question. I will do my best at answering this, although I am paired, as you probably know, in my portfolio of responsibilities with Minister Jean-Yves Duclos. His mandate includes Canadian support systems. The pension plan is within his realm, but I do have to say that we have a government that understands and respects collective bargaining and respect for workers and wants to ensure that benefits will be there, protected, for Canadians. That's exactly why we were able to successfully

negotiate with the provinces of Canada — it is not an easy task — a new contribution plan for CPP, affecting hundreds of thousands of Canadians and ensuring that their pension plans will be generous enough for them to have security when they choose to retire.

Once again, we must look at the overall pension system, and you see a trend to moving away from defined contribution to targeted benefit as a cost-cutting measure.

We are sensitive to the conditions and promises. We look at collective bargaining as a partnership between the worker and the employer, and if it's in an open and reasonable format, these things are worked out at the collective bargaining table.

**Senator Cowan:** I can appreciate and I share with you your view of the values of collectively bargaining. You will be aware, of course, minister, that for current employees that are represented by unions, employers negotiate with the unions. But of particular concern here are retired employees of Crown corporations. There is no union representing them. No collective bargaining takes place between a Crown corporation and its former employees.

Does the government still stand behind the commitment of the Prime Minister that there will be no retroactive change from defined benefit plans, which those former employees enjoy now and paid for over the years of their employment, into the targeted benefit plans? If the union chooses to negotiate on behalf of its members with an employer to change from a defined benefit plan to a target benefit plan — I'm not sure why they would, but if they do as part of a collective bargaining process — that's obviously okay.

My particular concern and the concern of those who asked me to ask this question is the position of retired employees who do not have the advantage of the collective bargaining process.

**Ms. Mihychuk:** Thank you, senator. I will have to take that question under advisement and get the answer for you from ESDC and the people that are responsible for pensions and the Treasury Board. If it is a federally related jurisdiction, we will probably have the answer. In a bigger sense, I will come back with an answer for you.

#### TEMPORARY FOREIGN WORKER PROGRAM

**Hon. Douglas Black:** Minister, welcome. Minister, hiring workers in the Alberta agri-food business continues to be a major challenge and a drain on the already strained Alberta economy. Alberta's industry leaders in agri-food have been encouraged by the recent report of the House of Commons Human Resources Committee, which was presented to the house in September of this year, on how to fix the Temporary Foreign Worker Program.

The Canadian Federation of Agriculture has said that the report recommends an approach that would allow Canadian agri-business to deal with the labour shortages that are currently facing meat producers and cattle feeders in my province.

Not to take action, minister, is hampering business and, therefore, Canada's international competitiveness.

[ Ms. Mihychuk ]

Would you, minister, please advise the Senate when the government intends to act on this report to fix the Temporary Foreign Worker Program for Alberta's agri-business once and for all?

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you, Senator Black. I appreciate the question, and it's a less common question about the shortage of workers in Alberta than it used to be. I'm very pleased to see that we're seeing some recovery in Alberta.

As to the issue of temporary foreign workers, the committee came out with a report, and we're obligated to respond, I believe, by January. We're in the midst of reviewing our response, so it's very close.

Overall, the government's position is that it's Canadians first. If any Canadians wish to work, we must look at those opportunities first. It is our responsibility to ensure that each and every Canadian has an opportunity to become successfully engaged in the workforce.

If we look at statistics from many of our indigenous communities, in the Prairies in particular, it is frightening unemployment. I should say non-engagement because unemployment numbers record only those that are no longer working within a fairly short time period, 12 months. Previous to that, they're not even in the statistics. Many communities' cooperation with Statistics Canada has been challenged.

The number of people that we estimate are available to work is thousands. Unemployment for indigenous youth, in some estimates I've seen, exceeds 80 per cent.

Minister Goodale, at one point — I'd have to confirm the number — talked about over half a million indigenous youth searching for opportunities. This is a huge Canadian challenge.

Canada has the responsibility to ensure that we are providing the right wrap-around services, the right opportunities that are going to meet the needs of business so that they're not short but that also provide the supports for those workers so that they can become engaged in the workforce.

We're doing special programs in Alberta, with the government, on meeting the needs of those companies that rely on or have to use temporary foreign workers because every single company in Canada will say, "Our preference is Canadians. If we had them and they were skilled, that would be our preference."

So we're going to follow up on that and ensure that we look at programs like BladeRunners, which has 100 per cent employment of indigenous youth in Vancouver's east side, looking at new, innovative models that provide a well-trained, skilled, reliable workforce that is the local, inherent population.

When that is absolutely not available, then we look at temporary foreign workers. They must be safe. They must be secure. They must have the same human rights and work protection as any other worker in Canada. There is work to be done on that. I'm not confident that we can ensure that every single worker — and we have heard some horrific examples — is

protected. So we're going to increase on-site inspections. Previously, it was a paper inspection program, and now we're looking at on-site inspections.

We will enhance protection for workers, and where companies need it, we will be there to help them. We will be flexible. We will work with those companies because what we want to do is to build a strong, robust economy to actually increase the number of jobs, and we will find the workers for them.

Thank you for your question.

**Senator Black:** Minister, thank you very much for that. I certainly agree that there's tremendous opportunity for the employment of Aboriginal youth, but meanwhile, minister, back on the ranch, the jobs are not getting done because, for many of the jobs that we're talking about here, traditional folks who are entering the job market choose not to do the jobs in the feedlots or in the agri-food business. This is just a fact of life.

Meanwhile, while we're pursuing these programs that you're speaking about, companies are going out of business or relocating to the United States. This is not a position we want. I would simply urge you, minister, to undertake the programs and the studies that you're doing, but please do it expeditiously.

• (1550)

**Ms. Mihychuk:** Yes, absolutely. Our goal — actually, we have no intention to make the next reduction in temporary foreign workers down to 10 per cent for the cap. We heard from many companies this was a much too dramatic change for a company to adapt at that rapid pace. So we must be more flexible. We must work with companies that need them.

We do have some wonderful examples of change of perception. The Saskatchewan Chamber of Commerce has a program called "Let's Try that Twice." That effort is to look at a new way of employing locals for those positions.

I'm proud that I met today with the Canadian Cattlemen's Association this morning in my office. We had a feedlot producer from the Calgary area, and we had a young cattleman from Quebec, 26 years old, taking over the family business and employing six people. Four are women. That is a fantastic number. That's my goal now for the Prairies. We can do it too. I'm aware of that. I'm glad to work with them.

The agri-food industry has been identified as a sector that has great potential in Canada in terms of economic development. It is a cluster that has enormous potential.

I am very anxious to work with the ag sector. I come from the prairies. I used to own a farm and so I definitely relate. It is a very important industry and I understand your concern.

#### AEROSPACE INDUSTRY

**Hon. Leo Housakos:** Thank you, minister, for being with us today. Before the summer parliamentary break, the Senate sat late last June to ensure that we dealt with Bill C-10, the Air Canada

Public Participation Act. Minister, you had committed \$20 million to the aerospace industry in Manitoba so the province would not suffer a net loss as a result of the bill passing.

My colleague Senator Plett had to publicly threaten to hold Bill C-10 up in order to get the government to deliver on any part of this commitment. The government came back with an offer of a \$10 million investment. Senator Plett continued to push for the full delivery of the commitment. The next week the government came back with a \$15 million commitment.

At the eleventh hour, during Senator Plett's third reading speech, the government was nervous about the bill not passing this chamber. They finally delivered on their \$20 million commitment.

Why did it take such a strong intervention from the Senate, and particularly from Senator Plett, for the government to deliver on this commitment? Was this intended to be another election promise from the Liberal government with no intention of following up? Or, minister, were you simply freelancing on this province without the knowledge of the Prime Minister during the last election?

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you for the question.

Aerospace is a very important sector for Manitoba. Having been involved with industry for many years as the Minister of Industry, I was intimately involved with the details of site plans, working with skills training, and on recruitment as trade minister. Aerospace has been particularly important to Manitoba, and we're very proud of the sector.

Needless to say, I'm a very proud and strong representative of Manitoba. Where there's an opportunity to advocate for my jurisdiction, you can count on me to do it. So I was very proud to have been contacted by two premiers in confidence — at least that's what I thought — in the preliminary stages, exploring how we could enhance the aerospace sector in Manitoba.

As a government that understands innovation and entrepreneurship, I'm very pleased to see that we have a very strong plan for Manitoba's aerospace industry.

**Senator Housakos:** Minister, has Manitoba received the \$20 million promised to it during the last election and recommitted last June?

**Ms. Mihychuk:** Well, that's out of scope a bit from skills and training, but I'll try and answer as a strong Manitoban.

I can tell you that Manitobans are excited about the opportunity of expansion in aerospace. We have been working with the concept through a provincial NDP government and now with a Conservative provincial government.

I am not privy to the transportation budget and cannot answer that question. I could take it under advisement and see if we can return with a conclusive answer for you.

[ Senator Housakos ]

#### COLLECTIVE BARGAINING FOR RCMP EMPLOYEES

**Hon. Frances Lankin:** Minister, welcome. Thank you for attending with us here today. I want to build on some of your comments about free collective bargaining between employers and employees and ask you about the fate of Bill C-7.

So this bill, which was brought forward to enable the unionization of RCMP employees across the country, had in it when it came from the House of Commons to this chamber a long list of proposed exclusions from collective bargaining, things like equipment, harassment — a range of issues. The Senate took concern with that, both from the perspective of the constitutional right to freedom of association and from a comparative look at police forces across the country.

A number of amendments were made and were passed through committee and passed through third reading with the support of more than the majority of this chamber.

I wonder, minister, if you could give us an update on what has happened with Bill C-7. We haven't seen any action in the House of Commons. When can we expect that it will be forthcoming? When can we expect that RCMP officers and employees will have the right to bargain collectively on a full range of issues like other police forces across the country?

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you for the question.

In terms of the RCMP bill, Bill C-7, it's actually within the mandate of Minister Goodale and Minister Brison, but I can say that there is a sense of respect that the Senate is providing meaningful and engaged responses on legislation. So your reflection on bills is important. There is respectful, honest and open discussion about your recommendations. That's about all I can say, except that your second look at bills has been valuable. It was valuable in the work that you did on Bill C-14, and your comments on Bill C-7 are taken very seriously.

**Senator Lankin:** Very quickly on a supplementary. I certainly know the answer to the question of whether you support free collective bargaining and bargaining on issues such as harassment provisions and others, knowing your background well.

During the committee hearings, the Commissioner of the RCMP essentially said that these provisions and exclusions were not necessary, that they were superfluous. We do not feel at this point, if that testimony to us is to be taken on face value, that there are further stumbling blocks.

Would you undertake to speak to Minister Goodale? I didn't get the chance to ask him this question when he was here. We ran out of time. Could you forward the answer to us?

**Ms. Mihychuk:** I'd be happy to discuss the issue of harassment in any workplace. In fact, we are initiating a round of consultations across Canada on the issue of harassment, and I'm working with Minister Hajdu on the case.

Although the RCMP have their own legislation, it's important for us to look at those workplaces where we have not seen significant change in the culture. I had the pleasure of being there — if that's what you can say — to witness the apology.

• (1600)

Women face horrific intimidation and harassment at the work site, and there is no doubt about it. It's completely unacceptable. Having come from 38 years in the mineral industry, there were times where those of us breaking the “stainless steel ceiling” had to face enormous challenges.

So when we look at harassment, it is broad based. We're going to be hearing from all kinds of Canadians who work on different work sites, including police officers. I will talk to the minister on your behalf.

**Hon. Jane Cordy:** I thank Senator Lankin for her excellent questions, and thank you, minister, for your comments about the respect you show to the Senate and senators for sober second thought that is done on this side.

But like Senator Lankin, I wonder what happened to Bill C-7. It seems to have disappeared into a bottomless pit somewhere. When we look at the culture of the RCMP, and I know we've had apologies and people have been working on changing the culture of the RCMP. But when we look at what was in Bill C-7 when it came to the Senate we knew there had to be amendments. If the RCMP were truly to be unionized, truly to be able to deal with some of the allegations made against the organization and, in some cases, some of the proven situations of harassment, that we felt that the bill had to be changed.

When you're speaking with the minister, would you also ask when we can expect to see Bill C-7 returned to the Senate, hopefully in the same manner in which it was sent back to the House of Commons? Nonetheless, when will we see Bill C-7 back in this chamber? If we're looking at making things better for RCMP members — and from the number of letters that I received from RCMP members, they are looking for action; they are looking for a union that will actually provide them with some comfort and help so that if they have difficult work situations, they can use their unionized position to actually fight for better work working conditions within the RCMP.

**Ms. Mihychuk:** Thank you for the question. I'm glad to look into it.

I have to say that our agenda in this quarter is robust. We have many bills and initiatives. I will check with the minister where it is in the roster and present the case that we want to see it as quickly as possible. I'm very pleased that even though it's not within my specific mandate, I was invited to participate with Minister Goodale. So I would be glad to investigate further and come back with the answer for you.

#### EMPLOYMENT CREATION

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Minister, thank you for being here. My question in part goes to the issue you were speaking to with Senator Black in terms of temporary

foreign workers, but I'm going to focus on our temporary national local workers, which is the problem with respect to the age group 15 to 24.

They've seen the stubborn recovery of the 2008 global financial crisis. There is virtually no sustained recovery in employment rates. We see statistics that a lot of jobs are being created, but when we dig into what jobs were created, most of them are temporary and low-paying jobs. The proportion of jobs that are temporary has risen from one in four in 1997 — 25 per cent were temporary — to virtually a third now.

Minister, we acknowledge that the government has established its Expert Panel on Youth Employment, and you're facilitating at the same time the entry of temporary foreign workers and international students who are permitted to work. The number of young workers who enter Canada each year under the international experience and reciprocal employment programs has also doubled since 2006. On the one hand, you're bringing in young workers — and I like these programs to give Canadian experiences to foreign students and vice versa — but we have a lot of youth who are not getting good job experiences, and I'm very worried about that.

How do you square these different approaches that are the policy of our government?

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you for the question. It's so important that we focus our attention on young people in Canada. The trend for precarious work is accelerating. It's much more difficult for them to find their first job. It's much more difficult to have meaningful experience and maintain that type of career path for young people than it was for me. The requirements are so much higher; the bar is higher. You need a minimum of grade 12. Let's not forget that in the Prairies, indigenous people — it's a passion of mine, obviously — 70 per cent never complete high school. Seventy per cent. Are we prepared to write off a whole group of people? I'd say “no.”

There are enormous challenges. Also, they have not recovered similar to other cohorts of the same ages.

We're doing a number of things. Obviously, we increased the number of summer jobs, going from 34,000 to 78,500. This gives kids a chance to have that practical experience. We opened it up to small business, and they stepped up over 200 per cent, hiring young people into their shops and finding them meaningful work. We will continue that program and expand it to include science, technology, engineering and math, because there are aerospace opportunities — to look at career options in those fields. That's one small area.

The second is integrated learning. Canada doesn't do the best job on apprenticeships or co-ops. We could do better. Other G8 countries have done better. We have to figure out how we can make our system better, because you often hear businesses say, “We want young people. We might be prepared to take them, but they don't have the experience. They're not the skilled worker we're looking for.”

We want to change the culture of business and see it as a responsibility and an opportunity to hire these bright young

people. They come with enthusiasm, energy and are highly educated.

Our population is the most educated population in the world, so we can't let them sit in the basement playing Candy Crush or whatever they're playing. They want to work, and many of them who are working are working so-called "Mc jobs" — one, two and sometimes three different jobs — just to make a go of it.

Work-integrated learning is going to be a major initiative of the government. We hope to roll this out very soon and have some announcements shortly about this.

Industry has really stepped up. The Business Council of Canada has a goal of 100 per cent PSA participation in work-integrated learning. You just have to give them credit for moving the bar high. If that was the case, our young people would meet that level of experience and that would help a great deal.

Job experience is key. We're working with businesses, institutions — colleges and universities — and unions. We're going to invest \$85 million in union training. Why? Because when you actually look at the data and the research, union-based training for apprenticeships has close to 100 per cent success. When a person comes through a union shop, they're guided and helped through from apprenticeship 1, 2, 3 and 4; they're provided coaching, mentorship and assistance to get through the whole system; and they work with businesses, which are often the ones supplying the equipment for those training centres so that it's state of the art, so you have a worker who is fully integrated into your business and ready to go to work.

It's a system that has close to a 100 per cent graduation rate, markedly different than the average statistics for completion of apprenticeships in Canada, which have been disappointingly low. Between 49 to 52 per cent of apprenticeships actually complete.

• (1610)

Now, we invest a lot of money in apprenticeship, and there are some significant systemic challenges that mean that, somehow, our system is failing if we have 50 per cent non-completion. We're going to look at the best system. We'll see how it works; it's \$85 million. I hope to have an announcement very shortly on that, along with Canada summer jobs, work integrated learning, and partnership with business. We're going to try to give young people a chance to integrate into our work culture.

[Translation]

#### LABOUR UNIONS

**Hon. Jean-Guy Dagenais:** Honourable senators, I hope the minister read the article in this morning's *Globe and Mail* about criminal financial dealings by Ontario Provincial Police Association union leaders. I also hope that she is aware of similar revelations before the Charbonneau Commission in Quebec.

The previous government brought in measures to protect members from the potential misuse of their union dues by union

[ Ms. Mihychuk ]

leadership. Even though I used to be a union president, I personally advocated for this bill.

Unions have become de facto businesses; some have even become empires. Bill C-377 protected unionized workers, and Bill C-4 will undo what the former government did.

Aside from the current government's political debt to powerful union leaders — the leaders, not the members — can the minister explain why the government decided to exempt unions from the requirement to submit financial statements like every other organization and business in this country?

[English]

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Bill C-377 is one half of the new Bill C-4. Bill C-377 imposed financial obligations on unions, which many people said was unfair and duplicated information that was already available to their membership. Not only that, it seemed to penalize unions unfairly compared to other organizations that had a similar responsibility, such as professional associations.

It seems like this was clearly a directed bill. Now, nobody wants to suggest that any criminal activity is appropriate, whether it's in any business, in any non-profit or any professional association. However, we do know that happens. So that kind of review and reflection is not prohibited by the present set of standards that are already within the mandate of the legislation prior to Bill C-377. In fact, all of the financial disclosure was sufficient to discover and then follow up on that kind of accusation.

What Bill C-4 tries to do is actually save the Canadian government money, because it was going to cost CRA millions of dollars for the red tape that was going to be created. It caused an unfair playing field and it just is not necessary. The financial information was fully disclosed in the previous system, and that's where the government intends to move forward.

#### TEMPORARY FOREIGN WORKER PROGRAM

**Hon. Nancy Greene Raine:** Thank you very much, minister, for being here today.

My question is also on the Temporary Foreign Worker Program, and I hope you know that it is causing serious issues for the ski industry in Western Canada, which is where I've been working for the last 40 or 50 years.

The original Temporary Foreign Worker Program was working and was being honoured very well. The changes that were made created all kinds of issues, and in fact the labour shortages doubled between 2014 and 2015. Right now, businesses are closing rooms and they're reducing their hours because they can't find enough employees. Opportunities are being lost and customers are being turned away. The impact on Canada's tourism revenue is significant: Over \$1 billion in direct revenue has been lost —

**The Hon. the Speaker:** Excuse me, Senator Raine. The time for Question Period has expired. If you could get to your question quickly, we'll ask for leave for the minister to answer it.



Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Raine:** I'd like to clarify that the minister understands the challenges that face Canada's non-urban resort areas. I know the house committee did a report and that you are preparing an answer. I want to make sure that you understand this is critical.

**Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour:** Thank you for the question. Of course, any time any business is challenged in finding workers, I will work with them to make sure that that happens, whether it's through temporary foreign workers or through the development of a local population. We know that there are opportunities that need some pre-employment work, which we will definitely be doing. I think that your tourism industry can count on us. The last thing that we ever want to see is a business move away, or not to find the resources it needs.

#### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired. I'm sure you'll wish to join me in thanking Minister Mihychuk for being with us today.

Thank you, minister.

---

### 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, P.C., 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. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I move the adjournment of the debate.

(On motion of Senator Martin, debate adjourned.)

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Alec McQuinn, retired Air Canada employee from the province of

Nova Scotia. He is accompanied by his wife, Sheilagh, retired Veterans Affairs nurse, and they are accompanied by James Bowie, retiree from Hewlett Packard from the province of Ontario and his wife, Diane Bowie, retired federal public servant.

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

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

#### THE ESTIMATES, 2016-17

##### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

**Hon. Peter Harder (Government Representative in the Senate),** pursuant to notice of November 3, 2016, moved:

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

He said: Honourable senators, I will be brief.

This motion refers to the estimates that were tabled last week so that the Finance Committee can do its regular review and report back to the chamber before we finalize the estimates. I urge the adoption of this motion.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### FOOD AND DRUGS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Stewart Olsen, seconded by the Honourable Senator Johnson, for the second reading of Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics).

**Hon. Don Meredith:** Honourable senators, I wish to speak on this particular bill, and I'd like to move the adjournment in my name.

(On motion of Senator Meredith, debate adjourned.)

• (1620)

## 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. Nicole Eaton:** Honourable senators, with leave of the Senate, I ask that after I speak, the debate remain adjourned in the name of Senator Wells.

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

**Hon. Senators:** Agreed.

**Senator Eaton:** I rise today to add my voice to the debate around Bill C-210, An Act to amend the National Anthem Act.

“In all thy sons command” — who would have thought that this phrase could provoke as much comment and debate as it has?

Let’s consider the views shared in debate in this chamber thus far over the endeavour to bring gender equality to our national anthem.

In her speech as sponsor of this bill, Senator Nancy Ruth spoke passionately about respecting cultural heritage and its ongoing evolution.

Senator Wells has warned us about the potential of political correctness “blanching” the anthem most of us have known since childhood.

Senator Munson has asserted his view that this bill is about respecting the rights and roles of women in society.

Senator Omidvar cautioned us that inclusion is about lending visibility to our diversity, and that language is a significant contributor to this.

Senator McCoy urged us, as a “council of elders,” not to be too stuck in our old ways.

And in a most stirring and memorable speech, Senator Cools so eloquently reminded us that a national anthem is a torch that was passed and one that we must continue to pass. In fact, she asserted that our national anthem is not ours to change nor repossess at whim.

I offer my gratitude to her for reminding us that our anthem is, as she described it, a work of “sacred art.” I will speak further to this idea of the anthem as art in a few moments.

Colleagues, it’s clear from the debate thus far that the notion of changing our national anthem, even slightly, invokes an uncommon passion in our study of this bill. And therein lies the challenge, honourable colleagues. In my view, the consideration of such changes in this regard can in fact amount to us tinkering with history.

While rooted in the most altruistic of intentions, it should be acknowledged that our national anthem is an instrument of our history and a snapshot of a foregone time in our society. We live in a world practically bereft of reverence for our history. So many times these days historical significance is swept away without regard for the rich heritage of our past.

[*Translation*]

Take for example the fact that Vimy Park in Montreal was renamed after Jacques Parizeau, former premier and leader of the Parti Québécois. This act of historical revisionism undid the tribute to the 3,500 Canadian soldiers who valiantly served and gave their lives for their country, not to mention the 7,000 soldiers who were wounded in that conflict. What about honouring the memory of the volunteer infantry from all across Canada who fought to win back the strongest fortress on the Western Front?

[*English*]

Where goes the legacy commemorating one of the defining moments of our national life? It is any wonder that more than 80 per cent of students studying Canadian history before graduating fail the Dominion Institute’s basic history quiz? Or that 78 per cent of Canadians feel that learning more about Canada’s history would be a significant factor in strengthening their attachment to Canada?

Churchill once said:

Study history, study history. In history lies all the secrets of statecraft.

If history is indeed the stuff full of statecraft, we should not and must not repaint the pictures of the past to obscure their meaning by images of the present.

We know and embrace the fact that Canada is a socially progressive and inclusive society. But as Alberta writer Tom Henihan cautioned in a column earlier this year, Canada:

... needs enduring emblems and traditions from which its identity emanates. Otherwise, Canada may appear ... as a nation with no cultural terra firm, constantly redefining itself to suit the vagaries of every social change.

[*Translation*]

Honourable senators, the sponsor of this bill, Senator Nancy Ruth, has said herself that the English version of *O Canada* is not tied to any one part of our history, that it is the product of a young nation forging its own path through time.

[English]

It is that very notion that should preclude us from making this change.

In the midst of this debate, it's important to recognize that Robert Stanley Weir's lyrics of 1908 are not misogynistic poetry; they are indicative of a society on the brink of transition.

No evidence suggests any degree of purposeful exclusion of any element of early 20th century Canadian landscape.

Gender equality is important. Tributes to its reflection in Canadian society are too, but commemoration of our history is just as worthy of note.

[Translation]

There must be other appropriate ways of affirming that without revising history.

[English]

It's for this reason and for those I have just cited that I recommend that our national anthem not be changed and left instead to stand as an historic reminder of our country's important past, and to the indomitable spirit of Canadians to grow and mature as a diverse and vibrant nation.

To put this matter in context, I'll share the thoughts of another writer, Emma Teitel, who specializes in women's rights and LGBT issues. In her story published in 2013 by *Maclean's*, she writes:

But the underlying foundation of our nation is not a song kids mumble after the morning bell and before hockey games. The foundation of our nation—the thing that makes us us—is our Constitution and the Charter of Rights and Freedoms, both of which protect the rights of women and minorities.

In cautioning those who take issue with the current lyrics, she stated:

The song's lyrics, written long ago, don't reflect the modern society in which they are sung today, which means they don't sting the way they once would. Not only do they not harm; they don't even offend.

Ms. Teitel suggests that it's logical to:

... honour that time and sing those lyrics while fully embracing the gender equality that has taken root in our country since. Were our rights as women on the line, or our country's state secularism (some are advocating that the government remove the word "God" as well), modernizing the anthem would be prudent. But they're not.

When your culture rejects macho heroism and institutionalized religion, channelling those things in song and ritual is no longer dangerous or offensive. It's quaint.

It's not only quaint — it's history.

While I'm sure there remain some of you who may take offence in this regard, or who may not consider the matter quaint, the writer's point is clear and a good one: The Charter does affirm and protect these rights.

Honourable colleagues, let's not forget that, as I mentioned in respect of Senator Cools' remarks, in the final analysis, music — yes, even our national anthem, written over a century ago — is art.

Sohrab Ahmari is a journal editorial writer in London, whose opinion editorial was published a few weeks ago in the *Wall Street Journal* under the heading "Remember When Art Was Supposed to Be Beautiful?" In it, he offered a stark critique around the notion of beauty in art and its seeming disappearance. We'd be wise to think about his position.

He wrote:

In today's art scene, the word "beauty" isn't even part of the lexicon. Sincerity, formal rigor and cohesion, the quest for truth, the sacred and the transcendent—all of these ideals, once thought timeless, have been thrust aside to make room for the art world's one totem, its alpha and omega: identity politics.

Now, identity has always been at the heart of culture. Who are we? What is our nature? How are we—as individuals and as groups—distinct from each other, from the animals, from the gods or God?

• (1630)

But this helps me come to the conclusion that we should not tamper with art over gender identity, and that means tinkering with our anthem.

Free societies need art to aspire to timeless ideals like truth and beauty, and that grapples with the transcendent things about what it means to be human. Such art allows us to relate to each across identitarian differences and share a cultural commonwealth. When all culture is reduced to group identity and grievance, tyranny is around the corner.

In closing, honourable colleagues, it is 2016. Our laws, our society and its communities have, by dint of hard work, persistence, diligence and good old-fashioned Canadian compromise become open, diverse and inclusive.

Just a few short days ago, after observing Remembrance Day, we should remind ourselves that such openness, diversity and inclusivity in our society came at a cost.

In her speech, Senator Cools compelled us:

... 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. . .

I heartily agree. Let's not tamper with iconic pieces of our historic past as a means of political comment on where we wish to be in the future.

Let's learn from our history. Let's grow from our past, and let's make greater strides together as men and women, moving forward by celebrating just how far we've come without seeking to revisit and rewrite the very history that helped us get where we are today. Thank you.

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

**Senator Eaton:** With pleasure.

**Senator Ringuette:** Senator Eaton, in your comments you say, "It is an historic reminder of our past." But what about the changes in regard to the Charter of Rights and equality of men and women in Canada over 30 years ago, and we still lack that recognition?

I think the National Anthem should provide an incentive, a vision for Canadians, a vision of the future, not necessarily a vision of the past. It's like saying, senator, that because of historic values we shouldn't change any statutes of Canada because they're part of history.

I would like to understand why changing the words to be gender neutral would not provide an inspiration for future generations of Canadians.

**Senator Eaton:** I don't flatter myself that I will change your mind. I think that history is history, laws are laws. I don't think necessarily that history has to coordinate with today's laws on gender equality.

You could say that about books we read to our children in schools. Are we going to make Peter Pan transgender? Are we going to make him a woman as well? Are we going to look at pictures on the wall and say that the Mona Lisa is a woman, and why don't we put a moustache on her, and it might be fairer? I think we have to agree to disagree. I think of the anthem as our history, as something that reminds us of the First World War and people who died there. I don't think it has anything to do with gender equality or the laws in the Charter of Rights.

**Hon. Frances Lankin:** Senator, would you take another question?

**Senator Eaton:** With pleasure.

**Senator Lankin:** Thank you very much for your remarks. They were very thoughtful, and I listened carefully. You won't be surprised to know I disagree with the conclusion you arrive at, but some of the arguments that you make are very solid, and I would support them.

I also agree with your observation that who would have thought that this would have provoked such a polarized response from a number of people.

[ Senator Eaton ]

When I look at the history of this anthem, although there have been some that have argued otherwise, the official record shows that the original words were "thou dost in us command" as opposed to "in all thy sons command." So it had been changed at some point. But more recently — and something we can reflect on collectively — you spoke about this national anthem we have sung since we were children. I remember the words I grew up learning being "O Canada, glorious and free," which were changed to "God keep our land glorious and free."

So there have been changes. That was a change. I don't recall the same kind of polarized response to that. I might be wrong. Maybe I just don't remember. Maybe I was, dare I say, too young at the time. I can't remember that time in my life. But this has evoked very polarized reviews, and I dare say some of that is because of the issue of gender. At a time where we have more women — there have always been women involved in the war effort — at a time when we have more women, and women in combat roles and women experiencing both injury and death, I wonder if you would agree that the kind of changes that have been made in the past are examples of something that we can look at to say this shouldn't be so polarizing, and this shouldn't be a debate about lacking honour and respect for those who have gone before us.

**The Hon. the Speaker:** Senator Eaton, your time has expired. Are you asking for additional time to answer that question?

**Senator Eaton:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Eaton:** Thank you, Senator Lankin, for your thoughtful comment. I realize the anthem has been changed over the years and it has provoked a lot of debate. I think, from my personal point of view, it didn't start with the anthem. My anger didn't start with the anthem. It really started with Vimy Park being changed to Jacques Parizeau Park. Are we as Canadians going to look at all our various bits of history and say it doesn't really fit with today's narrative, so let's make it more relevant to today?

I suppose this is what got me thinking in Senator Cools' speech about history and music being art. Should we be tampering with things that are in the past or should we just accept them and move on?

I also said in my speech, if gender equality were not absolutely protected by the Charter of Rights, that's a whole different thing. I think we have other ways of ensuring more gender equality than changing another bit of our history.

**The Hon. the Speaker:** I see other senators rising, but as honourable senators know, it's the prerogative of the Speaker to ask for more time to answer questions. Senator Eaton has asked for time to answer the last question.

Are you asking for more time, Senator Eaton?

**Senator Eaton:** Yes, Your Honour.

**The Hon. the Speaker:** Can we give Senator Eaton five more minutes?

**Hon. Senators:** Agreed.

**Some Hon. Senators:** Five minutes.

**Hon. Jim Munson:** Just a basic, simple question. You talked about protecting history and I understand that. We're all children of another time, and I understand that. We all just respected Remembrance Day and those who fought and what that fight was about for our freedom. November 11 is a very powerful day. But on a personal note, you used the word "tinker." What would you say to five of my uncles, one who didn't return, and to my aunt, who did return, Aunt Eileen, who fought in the Second World War? What does this history say to my aunt and her participation with the words "and all thy sons command"?

**Senator Eaton:** Senator Munson, I feel sorry for your aunt. It must have been appalling for your grandmother to lose so many children in the war. I cannot speak for your aunt, but I know my mother and that whole generation were involved in the war one way or another.

• (1640)

I don't think it crossed her mind to think that she was left out in "all thy sons command." She's never said it to me. Has your aunt talked to you about it?

**Hon. Anne C. Cools:** I wonder if the senator could confirm for us a fact that we know. It is true that the words to "O Canada" were previously changed, but it's also true that "O Canada" was not then the national anthem. In actual fact, "O Canada" only became the national anthem of Canada in 1980. Until then, it was a very famous and popular national song. You're free to answer, of course, Senator Lankin.

Could you confirm that the anthem has never been changed? It was a national song that pre-dated the national anthem.

**Senator Eaton:** I'm very sorry; I cannot answer that question, Senator Cools. You've got me. I'll have to do some research on that. Thank you.

(On motion of Senator Wells, debate adjourned.)

## SENATE MODERNIZATION

### FIRST REPORT OF SPECIAL COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the first report (interim) of the Special Senate Committee on Senate Modernization, entitled: *Senate Modernization: Moving Forward*, deposited with the Clerk of the Senate on October 4, 2016.

**Hon. James S. Cowan:** Colleagues, as I do not intend to speak on the other reports arising out of the Modernization Committee and have a lot of ground to cover today, I wonder whether I might seek the indulgence of my colleagues and have an additional 10 minutes so that I would complete my remarks in 25 minutes.

**The Hon. the Speaker:** Honourable senators, as you know, Senator Cowan is entitled to 15 minutes. He's asking for 25. Is it agreed?

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** No.

**The Hon. the Speaker:** I hear a "no." We need consensus.

Fifteen minutes, Senator Cowan.

Also, Senator Cowan, are you asking that it remain adjourned, after your statement, in the name of Senator McInnis?

**Senator Cowan:** Yes, I am, if that's agreeable.

What I will do, colleagues, if it is agreeable, is that some of my remarks will have to do with caucuses, and I would complete the part under No. 8, if that's in order. And then I'll get my remarks in this afternoon.

**The Hon. the Speaker:** Is leave granted, honourable senators, that the matter will remain adjourned in the name of Senator McInnis?

**Hon. Senators:** Agreed.

**Senator Cowan:** Thank you, colleagues. As many of you know, although I moved the motion that established this committee, its true origin lies with our late colleague and highly respected Speaker, Senator Pierre Claude Nolin. On May 8, 2014, Senator Nolin proposed the establishment of what is now our Special Committee on Senate Modernization, in his words:

. . . to consider methods to make the Senate more effective, more transparent and more responsible, within the current constitutional framework. . . .

Sometimes it takes time for an idea to gain consensus. So it was not until last December, when I introduced my motion, that the chamber decided the time was right to establish the committee.

I want to thank Senator McInnis and Senator Joyal and all other committee members for the time and effort they've devoted to the work of the committee over the past several months. Of course, they were not alone. Many other colleagues also participated in the work of the committee, feeding their own

ideas and suggestions into the process. The report, our own debates here in the chamber and especially the changes that result unquestionably will be the better for that engagement.

I also want to thank the witnesses who took the time to testify or to send in submissions and, of course, our very capable researchers and table officers who contributed their expertise to inform the committee's work.

Colleagues, the committee has produced an excellent and thought-provoking interim report for our consideration — proposals designed to make the Senate a more effective legislative chamber within the current constitutional framework. That has to be our overriding and overarching objective.

As I have said on several occasions, including when I spoke in support of my motion to establish this special committee:

... simply tinkering with our rules is not enough. We have to improve the way we do our job. At the end of the day, we will not be judged on how effectively we manage our budget but rather on how effectively we operate as a legislative body.

I have read the presentations made to our Senate Modernization Committee, and it is becoming clear that there are several very different paths being presented as the way forward for this chamber. The Government Representative in the Senate, Senator Harder, is the most radical and, one might even say, slyly subversive. Indeed, looking closely at his proposal, he would redefine the Senate's role within our parliamentary democracy as he reshapes how senators operate.

Let me hasten to say that my issue is not with the role, participation or resources to be afforded to senators who choose to sit as independents in this chamber or who wish to align with groups other than the traditional caucuses in the Senate. I believe strongly that all senators must be enabled and encouraged to participate fully in the important work that Canadians expect us to do on their behalf. We clearly will need to change some of the rules to accommodate the new reality in the Senate, and that, of course, needs to be done thoughtfully and with care.

It would be passing strange for the chamber of "sober second thought" to abandon that principle when it comes to rewriting its own rules and procedures. But giving it the care it deserves does not mean that there aren't steps we can take now. I don't believe we need to always wait for the lengthy and complex drafting of rules to be completed before we try an idea.

We should not be reluctant to experiment or test drive a proposal for a time. If it works, then we can change the rules. If not, we can drop it. If adjustments are needed, we can make those adjustments. Nothing ventured, nothing gained.

This, of course, would not be the first time we proceeded in this way. An example is one we saw earlier this afternoon. Last fall, we adopted the practice of inviting ministers to answer questions in the Senate. I believe that all senators — as well as the ministers who have appeared — have found this to be an outstanding success. Both the questions and answers, in fact, have often proven to be more thoughtful, more respectful and even more informative than what has been the experience in the other place.

[ Senator Cowan ]

So my differences with the Government Representative in the Senate are not related to the issue of accommodating or providing resources to the independent senators. My issue is that his vision of the Senate could actually make it a less effective institution in our parliamentary democracy — that he is quietly engaging in rewriting both the history and purpose of the Senate and, in so doing, is effectively expanding the control by the government over the operations of this chamber, even as he innocently protests that his government is doing the opposite. Let me explain.

A starting point is the hot-button issue of partisanship, and politics in the Senate. All of us agree, I'm sure, that independence is one of the critical and essential features of the Senate and of individual senators themselves. In a speech here on April 20, 2016, I spoke at length about the meaning of this critical independence. At that time, I spoke of the critical need for the Senate, as an institution, to be independent both of the House of Commons and of the government and what that entails. I spoke of the equally critical responsibility for each senator to be independent — to exercise independent judgment and, in the words of George Brown:

... to stand up for the public interests in opposition to hasty and partisan legislation.

Where I part company with Senator Harder is that he jumped from the agreed need for the Senate to be independent to saying that it needs to be completely non-partisan. Indeed, to my surprise, he actually tried to rewrite history as he described bringing the Senate, in his words:

... closer to the non-partisan and complementary body that the framers had envisaged and the Supreme Court endorsed.

Quite simply, that's not true. We can certainly have a debate about what this chamber should be in the future, but let's have that debate without misrepresenting the Senate's origins or what the Supreme Court of Canada said.

• (1650)

The Leader of the Opposition, my friend Senator Carignan, pointed out in his testimony to the Senate Modernization Committee that in fact the Senate never was a non-partisan body. The very first Senate established by Royal Proclamation under the government of Sir John A. Macdonald was structured with a government and an opposition side, the latter consisting of 25 Liberal senators appointed by the Conservative Sir John A. Macdonald. Those original Liberal senators formed a caucus with a Leader of the Opposition who was known to be, in the words of Senator Carignan, "a ferociously partisan Liberal."

Politics was always present in the Senate from its inception. This was not at all denied or rejected by the Supreme Court of Canada. Indeed, the very opening words of the Supreme Court's judgment in the 2014 *Senate Reference* were the following: "The Senate is one of Canada's foundational political institutions."

I believe that is right. We are not a new layer of the civil service with Senator Harder at our head. We are not a \$90 million debating club. We are not a council of elders. We are not some sort of advisory panel. We are one of the two chambers of

Canada's Parliament, a foundational political institution that is independent of the elected House of Commons and independent of the government.

Our challenge, colleagues, and it is ours as individual senators, is to ensure that politics does not undermine our independence. I believe that has been the real problem.

We heard this just recently from Senator Bellemare, now the Deputy Government Representative. Right before the break week she told this chamber that under the previous government she gave in to political pressure from her colleagues in the other place, and changed her vote to abstain on a bill rather than vote against it, as her convictions would have dictated. That is an example of partisan politics being allowed to undermine a senator's independence. But as I said to Senator Bellemare at the time, that was her choice. Because, colleagues, this institution was carefully designed to shield each of us from the need to give in to such pressures — to protect our independence. That is why we're appointed and then hold our positions until the age of 75. We are not dependent on someone deciding whether or not to sign our nomination papers every four years, as are members of the other place.

Excess partisanship in the Senate is not an institutional failing. When it happens, it's a personal choice and therefore a personal failure. I understand that it isn't easy to stand up to friends and colleagues. I get that. I have lived that. But we need to take responsibility for our decisions and not try to pretend that they are institutional failings. It would be wrong to rewrite our Rules or reinvent how we do our work in order to avoid responsibility for our past actions, to try somehow to blame the rules or our caucus for our own personal failings.

I must correct something else that Senator Harder has said on several occasions. I have been surprised and disappointed to hear him refer on more than one occasion to the traditional caucuses in this chamber as "party-controlled caucuses." He knows that our caucus has no affiliation with the Liberal Party of Canada or with the Liberal caucus in the House of Commons. We take no direction from and are certainly not controlled by any member of the Liberal Party or the Liberal government. We do share traditional Liberal values and call ourselves the Senate Liberal caucus, but no one controls us or how we act, speak or vote, including, most definitely, the Liberal government.

In fact, and this is an irony, the only senators here to take direction from the Liberal government are the members of the Government Representative team led by Senator Harder himself. I find it the greatest of ironies that these three senators, who are the only ones in this chamber to state openly and proudly that they are here to represent and defend the Liberal government of Prime Minister Justin Trudeau, demand that they be identified as "independent" and then go on to publicly question the independence of the majority of their colleagues in this chamber.

Colleagues will recall how I would characterize some of the pronouncements of the former government of Prime Minister Harper as Orwellian doublespeak. Unfortunately I can think of no better term to describe this.

I began by saying that my concern with Senator Harder's vision is my suspicion that it lays the groundwork for greater, not less, control by the government over our work. Let me elaborate.

Senator Harder said that he would like to do away with the Westminster system in the Senate. In his words,

In my view, in a more independent, complementary and less partisan Senate, there will no longer be an organized and disciplined government caucus, and, correspondingly, there should no longer be an organized official opposition caucus. One of the most fundamental of the changes that are currently taking place in the Senate is that the traditional Westminster model of an organized and disciplined government caucus versus an organized and disciplined opposition caucus, a dynamic that is largely predicated on partisanship, will disappear.

Colleagues that is a radically different vision than the one I understood Prime Minister Trudeau to put forward. I understood Prime Minister Trudeau as actively encouraging a profoundly skeptical approach by all senators when dealing with a government, whatever its political stripe. He was clear what he wanted from the Senate when he spoke on the day he first announced his approach to Senate reform, January 29, 2014 — as we refer to it, our "Independence Day." On that day Justin Trudeau, then Leader of the Liberal Party of Canada, said this:

If the Senate serves a purpose at all, it is to act as a check on the extraordinary power of the prime minister and his office, especially in a majority government.

Colleagues, we cannot fulfill this role as a disorganized, divided group of 105 individuals. That, in my view, is simply not possible.

You begin to understand the reasons for my suspicions as Senator Harder, the Government Representative in the Senate, seeks to do away with the opposition leadership structures and leave his office as the only organized structure in this chamber. By the way, I do note he has repeatedly said his office needs \$850,000 to do that job. Many of us found that a surprisingly high number given that there is no government caucus that he serves.

But the request becomes more understandable if Senator Harder envisages his office as becoming the de facto leader of the entire Senate. These suspicions were reinforced by the invitations sent to all of us by his office offering to organize meetings with the governments, including the premiers of the provinces we each represent.

Colleagues, it's surely not for the Government Representative in the Senate to serve as an intermediary between any of us and the region we represent. Prime Minister Trudeau was very clear that the traditional role —

**The Hon. the Speaker *pro tempore*:** Senator Cowan, before you proceed with that sentence, your time is up. This matter will remain adjourned in the name of Senator McInnis.

**Some Hon. Senators:** Five more minutes.

**The Hon. the Speaker *pro tempore*:** He will continue further on in the Order Paper, and then we can ask questions.

(On motion of Senator McInnis, debate adjourned.)

[Translation]

FIFTH REPORT OF SPECIAL COMMITTEE—  
DEBATE CONTINUED

On the Order:

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

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I would ask for the debate to remain adjourned in my name after Senator Cowan's speech.

• (1700)

[English]

**The Hon. the Speaker pro tempore:** Honourable senators, is leave granted for this item to be adjourned in Senator Bellemare's name, after Senator Cowan has concluded?

**Hon. Senators:** Agreed.

**Hon. James S. Cowan:** Colleagues, before the break, I was referring to the invitation that Senator Harder had sent out to all of us, offering to organize meetings with the governments, including the premiers of the provinces we represent. I was suggesting that, in my view, it's not for the Government Leader in the Senate to seek to serve as an intermediary between any of us and the region we represent.

Prime Minister Trudeau was very clear that the critical role of the Senate is to act as a check on the extraordinary power of the Prime Minister and his office. What credibility can we have in seeking to speak for our region in response to government proposals, when our access to our province's views is being overseen, or even orchestrated, by the government's leader in the Senate?

Such an action undermines our own position as senators representing our region. It undermines our independence, and it undermines our role as a check on the government.

Colleagues, I have served in this house for over 10 years. I have met with all of the premiers who have led my province of Nova Scotia during that time, whether they be Conservative, NDP or Liberal. I have had ready access to them and to the members of their government. That is part of my job.

It would never have occurred to me to ask an official representative of the federal government to help me gain that access or, heaven forbid, to join me in such a meeting, as I believe has actually happened in recent months. If that is Senator Harder's idea of our role representing our regions, then he should

be open and transparent about it so that his idea can be openly considered and debated. He should not, in my respectful submission, be quietly sending out invitations to individual senators to join him in meetings with our respective premiers.

Then, last week, we received the invitation from Senator Harder for all of us to meet behind closed doors "to discuss short-term and long-term government business." What does he want to discuss with all of us privately, in a closed committee room, that he is unwilling to discuss in the open chamber? Is he trying to transform the whole of the Senate into a government caucus by another name, that he's calling us to a secret, caucus-like meeting to discuss upcoming government business?

So you will understand, colleagues, why I am suspicious that the government is trying through its representative in the Senate to exert more control over this chamber and its members, and not less, as is claimed.

I have also been troubled to hear caucuses spoken about in dismissive terms, as though they were nasty relics of an unenlightened age that will be abandoned in a post-political, utopian age. I believe that caucuses can improve the effectiveness of the Senate in fulfilling its roles within our parliamentary democracy, and I worry that attempts to demean caucuses will result in senators being less effective in considering government legislation.

Given so much disinformation being disseminated, let me set out the facts about the Senate Liberal caucus. We are a group of individuals from a wide variety of backgrounds and experience who share a common basic set of values and principles that can be described as traditional liberal values and principles. It's because of these personal values and convictions that I've spent many years working on behalf of the Liberal Party, both in Nova Scotia and across the country. But it is insulting to me, and demeaning to my caucus colleagues as a group, to suggest that because we share these values we are somehow "controlled" by the Liberal Party. Frankly, that is the kind of language that has no basis in reality and only undermines politics in the eyes of the public.

My experience — and I suggest that most of us would find the same thing — is that I can be more effective working with others from across the country who share my values but have their own wealth of knowledge and experience to bring to bear upon a matter before the Senate. We cannot all of us be experts in all of the issues that come before this chamber. I benefit immensely from my caucus colleagues sharing their expertise and informed perspectives. There is no question that my own views and contributions to the work of the Senate have been improved as a result of discussions in caucus — discussions with Senator Joyal from Quebec, a recognized constitutional expert who has appeared before the Supreme Court of Canada many times; with Senator Dyck from Saskatchewan, whose commitment to First Nations and First Nations women is second to none; with Senator Eggleton from Ontario, a lifelong promoter of social justice and an anti-poverty advocate; and with Senator Jaffer from British Columbia, who travels across Canada and around the world working for minority rights.

I could go on and on, naming every member of our caucus. I'm proud to sit in a caucus with each of them and to continue to gain immeasurably from their insights. Each member brings unique



knowledge and perspectives from their part of the country that enrich our caucus discussions, which in turn inform our individual contributions to the work of the Senate.

This experience is certainly not unique to our caucus, as much as we sometimes might like to pretend it to be. I'm sure that others who sit in an organized caucus feel exactly the same way and benefit from the insights and contributions of their caucus colleagues.

That's why the overwhelming majority of senators since Confederation have chosen to align themselves with a caucus, and that's why legislators align themselves into groups, into caucuses, in every modern democratic assembly throughout the world.

But let me be clear, because this seems to be overlooked, whether deliberately or not, in many discussions on this issue: We do not whip votes in our caucus. Every vote is a free vote; no one controls how any of us vote on any issue. We make independent decisions, and we're proud of that. But we choose our vote informed by serious discussion and deepened by the rich knowledge and experience of our caucus colleagues.

Whether called groups or caucuses, I believe this organizational form benefits the institution as a whole.

I want to say a few words about the proposal to organize senators into regional caucuses. I don't support that proposal. Frankly, it makes no sense to me.

I am a member of a national parliament. My role representing my region in this national Parliament is enhanced, not undermined, by sitting in a caucus with like-minded colleagues from other regions of the country as we all work together to legislate on behalf of all Canadians.

Senator Harder would prefer that I officially or formally caucus only with those who come from my region of the country, even if they have a diametrically opposed view of the world. Apart from some kind of administrative efficiency, how would that improve my work?

And why focus on the regional role when realigning caucuses? As Senator Carignan pointed out in his presentation to the Modernization Committee, the Senate is also intended to uphold the rights of minorities, a responsibility that I know is taken very seriously in this chamber. But are we to be segregated into caucuses based on our religion, ethnic identity, sex, language or skin colour? Certainly not.

To repeat, colleagues, we are members of a national federal parliament. A federal parliament would have no public legitimacy if it did not have representation in cabinet from all regions of the country. But Senator Harder is suggesting the very opposite for all of us — that our official caucuses, recognized and given status under our Rules, would not be allowed to have representation from outside one specific region.

I ask Senator Harder: Is this the way he proposes to strengthen national unity, which has been, as we are all well aware, a serious point of stress and concern throughout our history? Frankly, a

serious argument can be made that any group of senators that cannot obtain members from at least two or three regions in the country should not be given special recognition under our Rules. Again, we are a national chamber.

Colleagues, I want to conclude with a brief comment about politics. Politics has become in the eyes of many a dirty word; hence, so much of our discussion is focused on ridding this chamber of any taint of partisan politics. I have lived my life believing that politics is the highest calling for a citizen in a democracy: an opportunity to contribute to the greatest cause possible, namely, building our country and making it a good place to live and work, for ourselves, our children and generations to come. I have had the highest regard for people who have engaged on all sides in the political life of our community, whether by volunteering to do so in many of the tasks involved in supporting a candidate, running for election to office or serving, as we do here in an appointed position, the Canadian people.

• (1710)

And I believe that we get the best people serving in government — and get the best government — when that service is respected.

But, of course, as I have said, this view is no longer widely held. We are seeing the impact around the world, as individuals who have devoted their lives to public service are rejected for being politicians, and are replaced by populists claiming the mantle of being anti-politicians as they run for, and are elected to, political office. Some of the consequences are very unsettling, as we are witnessing.

I believe it is urgent that we reclaim the honour of politics, and the work that we do in the Senate to modernize this institution, and the way we do our work, will have important consequences in that quest.

Colleagues, it's an honour to be called to serve in this place, in the Senate of Canada. It's an opportunity that truly is unparalleled to contribute to the lives of our fellow citizens, and the future of the country we love. All of us want the Senate to be the best it can be for Canadians, and for each of us to do the best we can, as proud members of the Senate of Canada.

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

**Hon. Frances Lankin:** Thank you very much. I'm pleased to have an opportunity to join the discussion on this particular motion.

I'm going to say that in the short time that I've been here, that speech was, unfortunately, one of the most personalized, unfortunately, one of the most inflammatory and, unfortunately, among the most misrepresentative of the facts of the speeches that I have heard. I'm very sorry, because I have tremendous respect for the honourable senator.

Words have a lot of power, and we imbue them with meanings beyond, perhaps, their on-the-surface meaning. Using words and phrases like "secret," "secretive," "behind closed doors" and "quietly" in the way in which they were used, I think, is harmful

to the open debate and discussion that we need to have about the future of this institution and about the role that all senators will play.

I was pleased that Senator Cowan said that he in no way objected to the group of independents being recognized as a group and/or performing equally within this chamber. I hope my comments aren't going to change his mind on that particular issue.

I remain concerned about the use of language and about some facts that I would like to put on the record, from my understanding.

**Hon. Anne C. Cools:** Honourable senators, I listened very carefully to Senator Cowan, and I now listen very carefully to Senator Lankin. It seems to me that if Senator Lankin has complaints or dissatisfaction with the manner and the mode in which the previous senator spoke, that should be raised by virtue of a point of order. But she simply cannot just rise and proceed to personally criticize the individual in this way.

**The Hon. the Speaker *pro tempore*:** Senator Cools, thank you, but Senator Lankin is on debate and she's giving her point of view. This is not a point of order. She's giving her point of view on the caucus system.

**Senator Cools:** I was saying to you her point of view is deeply personal, and —

**The Hon. the Speaker *pro tempore*:** Senator Cools, Senator Lankin has the floor and she's on debate. You may ask her questions at the end, if you'd like.

**Senator Cools:** A question of privilege at some point in time.

**Senator Lankin:** When I think about the power of language, I have to say that I was actually amused a little bit earlier today when Senator Carignan gave his speech welcoming the new senators and welcomed you by saying you are elites. I think he's the only senator with sufficient charm — given what's been said in the last few weeks about the senators — to make the word "elite" sound like it was actually a compliment. Again, these words have meaning in the political context.

Fair enough that my comments with respect to this motion and where we're headed on modernization are not popular with the collective majority in the house at this point in time, but I believe it's important to put views on the record, as has the previous speaker.

When I look at a statement that suggests that no partisan caucuses will exist in the future, or, in fact, that Senator Harder has argued that there would be no partisan caucuses in the future, in fact, I heard quite the opposite when he testified before the Modernization Committee. I heard him say explicitly that there could be caucuses of all sorts and types that come together and organize and that, if they meet the new Rules of the Senate, would be resourced to do that and they could be of a partisan, political basis.

[ Senator Lankin ]

What he did say is that he sought to put forward a proposal that would have the organizing of the business in this chamber done on the basis of a non-partisan approach. It was said earlier that Senator Harder put forward a position that we could only belong to regional caucuses. I want to put on the record I don't support the prospect of regional caucuses for many of the same reasons that Senator Cowan just spoke to. However, once again, that is not what was said. What was said was that, for the organization of Senate business, we could come together in our divisions to put forward nominations to the Selection and Ethics Committees, some of the other superstructures of the Internal Economy Committee and of organizing the business of the Senate.

So, again, it's not factual in terms of what was actually said.

I think about the meeting that Senator Harder has proposed with respect to us coming together and looking at what the government's business is that he has the responsibility to get through this chamber. I'm pleased to be informed of that. I am aware that he has asked and offered to attend all caucuses and that offer hasn't been taken up very regularly, to inform people of the business that he is attempting to bring forward. But again, the language was used that it is not transparent, it is behind closed doors and it is secretive.

In Bill C-14, I will say that we came together to try to organize the business of dealing with amendments in this chamber in a very rational way that allowed all members who wanted to participate to have a discussion. We arrived at an agreement. We brought forward, working with the clerks and the legal staff of this wonderful chamber, an approach which allowed us to have a rational debate, which has been praised by people from across this country in terms of the information and the intelligent dealing with various and contentious and opposing points of view.

Nobody objected to that. There are meetings that go on dealing with the scroll, the Orders of the Day and the business of this chamber, every day, that is not done in this whole chamber, as Senator Cowan has suggested in the letter that he sent.

There are meetings that go on in caucuses that deal with government business that are not open, and they are not transparent, and they are behind closed doors, in an acceptable way. These meetings can happen like this.

I find it hard to imagine coming into the chamber and trying to have a discussion about how these things might get traded off. By the way, the house leader's meetings take place behind closed doors, and they are secretive and not transparent, even to members from all sides of the chamber.

So we can use these words and we can use these criticisms when it suits the argument that we want to make, but I would ask us to try to take and de-escalate the use of language and the use of careful or careless representations of what individual senators have put forward and have argued.

• (1720)

To me, the most important thing to do as a group is look to the future and try to determine how we can, in a new and modern Senate with a different constellation, because that different

constellation of caucuses will exist, make this a chamber that works to be better value added for the citizens of Canada, that performs the role that we are charged with in terms of our responsibility for regional consideration, consideration of minority rights and consideration of constitutional and Charter implications of legislation. How can we do that in a way that taps into all of the experience that we collectively have had, all of the perspectives that we bring forward, whether they are from the right, from the left, from a minority perspective, from any perspective, such that we have a cognitive diversity that we bring to bear in consideration?

Some have told me, in meeting after meeting, that that's what happens, that it's in fact what goes on. I'm sorry, but in the short time I've been here, I have seen and I have heard from members in fact how many times they have been restrained. Senator Cowan calls that a personal choice. If that's the case, and I agree with him, then it is a personal choice that has happened all too often. I would urge us to get to a point where we seek to have a more inclusive discussion and one that is not tied to positions or points taken in the other chamber, in the other place.

I also think that to leave the organization of the business to the whims of the power structures that are currently here and how they have operated in the past does an incredible disservice to this institution and to the new senators who are being appointed. I would point out that in all the discussions that have taken place attempting to get the leadership of the two recognized caucuses in this place to agree to proportionality, to convene the Selection Committee, to allow independents, and to allow the new senators arriving today and tomorrow and next week, as well as the senators that arrived in April, to have proportional representation and to be able to fulfill their responsibilities, there has been no traction and there has been no agreement and no movement, and we are left sitting in the cold. I substitute in on committees for other independent senators all the time. There's no mechanism for me to officially do that. I go there and I have a voice but I have no vote. I can't vote in that substitution because of the rules and because of the lack of willingness to proceed and get these changes done.

It's being held up and used as negotiating chits for other things down the road that people want, including increasing budgets — I see people shaking their heads — for existing caucuses beyond the numbers that would be proportionately driven in terms of the budget number that comes out, holding on to a role of official opposition, no matter what the numbers are.

Those things may all well be rational and may be things that we should give consideration to, but let's give consideration to it in an open discussion that is not about political retribution and pointing fingers, not about singling out and, I would say, incorrectly describing the positions of individual senators. Let's acknowledge we have disagreements. Let's talk about what the future is. Is it Westminster? What if it wasn't? What would that look like?

I pay tribute to some of the early leaders on this debate. I am looking at Senator Greene, Senator Massicotte and others who have been part of this and have played a role of tremendous service to this institution to help us start down this road. I know there are others. I am not mentioning all of the people who have been involved in that.

I seek to have those conversations. What I have experienced to this date is that those conversations are not being brought to this floor; we're not being allowed by games of withholding, taking adjournments, a whole range of things, slowing things down. Here we are with a deadline on one of those, that by the end of the November we would have been through the Rules Committee, and it's quite clear it may never get to the Rules Committee in that period of time, never mind the optimism of the Rules Committee in dealing with the things we have heard so far.

I am sorry, but I have listened a lot and I have tried patiently to prod people to move, and I believe we have hit brick walls every step along the way. I believe some of the attitudes that are being professed are not simpatico with the protestations I have heard of us already being a group of independent-minded senators who are independent in all respects.

It doesn't ring true to me. If it is true, let's move on and let's get these changes put in place, and let's allow all senators to equally have representation and full participation in this chamber.

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

**Hon. Joan Fraser:** On debate, with the understanding that with leave of the chamber the item will remain adjourned in the name of Senator Bellemare.

**The Hon. the Speaker:** I believe that's already been agreed to, Senator Fraser.

**Senator Fraser:** Just very briefly in response to Senator Lankin's impassioned and in many ways thought-provoking remarks. There are just a couple of points that I really wanted to respond to.

Intentionally or not, Senator Lankin, you were gesturing straight at me and looking at me when you referred to resistance to resources for independent senators.

**Senator Lankin:** No.

**Senator Fraser:** If I misinterpreted, I misinterpreted. I may not have been the only one who did so.

For the record, I strongly believe that, as part of the rethinking of this place, and sooner rather than later, the non-affiliated senators, or whatever we finally decide to call them, deserve not only individual but collective resources. I think it's insane to argue otherwise.

In terms of the Rules Committee, the Rules Committee is waiting impatiently to have some of the items referred to it and will be very pleased to address them as soon as we can. We do have a couple of other items on our agenda, but, believe me, every member of the Rules Committee is aware and we know that this is going to be the big task that we face; and again, I hope that we will face it sooner rather than later.

I would draw to the attention of all senators that anybody can call a question and anybody can force a vote and anybody can refuse an adjournment. It is possible to delay things at some

length in this place, but it's not an insuperable thing if it becomes the sense of the chamber that what is being engaged in is in obstruction rather than serious, thoughtful debate. We've all been on the receiving end of that, so, believe me, we all know what it feels like.

With reference to the points made by Senator Cowan, I am not in a position to betray any confidences because I don't have any confidences to betray, but it seems to me observing Senator Harder that he, as the Government Representative, finds himself in a situation not of his making, of the making of the government, whereby this place is rapidly going to become unmanageable.

**Senator Cools:** Halfway there now.

**Senator Fraser:** I cannot blame anybody for trying to figure out a way to square the circle and trying to figure out how to organize matters so that the business of the chamber can proceed. I do not share his faith in the concept that regional caucuses would be a good way to organize the chamber's business. I think they would be a dramatic diminution of the independence of each senator because the one thing we cannot change is our regional identity.

As long as I am in this place, I am a senator from Quebec — as long as Senator Martin is in this place, she's a senator from British Columbia — even if the point of view I represent and I hold strongly may not be that of most of the senators from my province. If the majority of the caucus from my province is deciding who gets to speak when, or making other arrangements about chamber business, I am not likely to get what I consider to be a fair shake if I am in a very small minority within my regional caucus. My independence is going to be better protected if, as Senator Cowan said, I can be in a group of people who share my values and principles, and can bring to bear their wisdom from all across the country.

• (1730)

I also share Senator Cowan's concern about the impact on national unity of having the formal organization of this place based on purely regional divisions. In the long run, we would risk paying very dearly for that.

Let me say I have some sympathy with the small government leadership representative team. They have been given a job that is exceedingly difficult, and we do all have to try to work together to see our way through and figure out how we're actually going to make this place continue to work. I don't blame anyone for advancing ideas about the best way to do that, even though I have more sympathy with some of the ideas that have been advanced than with others. But there have been some very good ideas advanced.

I hope this debate will continue but not ad infinitum. We do need to proceed.

Senator Cowan mentioned a possibility of what amounts to pilot projects, and that might be something we should try out; while we're looking more thoroughly at what would be more permanent changes to the rules, we might want to try various kinds of experiments in the meantime to find out what works and what doesn't. The one thing we must not do is collapse into a state of paralysis. We must not.

[ Senator Fraser ]

But I don't blame anyone for speaking — and speaking with passion — about where they think this place should go and what we need to remember to preserve, even as we adjust to what we all hope will be a good, constructive, positive future, not only for this institution but for the country.

[Translation]

#### POINT OF ORDER

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I wish to raise a point of order. More specifically, I found the comments Senator Cowan made about me today and last week to be very offensive. I consider his remarks to be an attack on my integrity as well as inconsistent with the chronology of events that led me to become an independent senator.

Senator Cowan is constantly and contemptuously reminding the chamber that I abstained from voting during a vote on Bill C-525 in December 2014, even though that was an important aspect of my separation from caucus. I chose to separate myself from all partisan caucuses.

When I came to the Senate in September 2012, I was very pleased to join the Conservative caucus. I was always loyal to the party, but I still came to take certain positions which asserted my independence. This happened for the first time on Bill C-377 in May 2013, and again, during another battle, when I tried to convince my colleagues that changes needed to be made to Bill C-525. In the end, I abstained from voting out of respect for my caucus; my speech can be found in the *Debates of the Senate*. After that, I further separated myself from my caucus on Bill C-377. I was even excluded from caucus as a result of some of the positions I had taken in this chamber against that anti-union legislation. I then returned to caucus, only to later decide, on March 8, 2016, to finally become an independent senator.

Senator Cowan continues to insinuate by the way he talks about me that I could not stand up to what I believe. I am of the opinion that he has attacked my integrity; that is how it feels to me. I don't think senators have the right to attack other senators in such a personal manner in their remarks in the Senate. That is why I am raising this point of order.

[English]

**Hon. James S. Cowan:** I certainly never intended to insult Senator Bellemare or impugn her integrity. I simply said the other day and I repeated again today that this arose out of her suggestion that somehow her abstention was really — I think she described it as a “soft no.”

Her abstention was an abstention, and I simply suggested to her then, and I repeat the suggestion today, that we make choices and we have to take responsibility for choices. I've abstained in the past and I took responsibility for that. When I vote “yea,” “nay” or I abstain, that is a personal choice. All I'm suggesting is that we ought not to hide behind the Rules or some other means as being a shield for the actions we take.

We are independent here. We ought to act independently, not of each other — that's not what we're about — but of outside

influence. If we don't, then that is not an institutional failing; that is a personal failing.

But, certainly, if anything I've said was taken by Senator Bellemare to be impugning her integrity, that was not my intention. I was simply stating the facts as I saw them. She voted the way she did, she took responsibility for that and I respect that. I took a different choice and I ask her to respect that.

**The Hon. the Speaker:** Honourable senators will know, of course, that Rule 6-13(1) states:

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

I would therefore ask senators to avoid unnecessarily impugning motives to senators who enter debate. That has no place in debate; we are debating the substance of motions and bills, not what goes behind any particular senator's personal reason for doing it.

I therefore ask and urge all honourable senators to use tempered language and decorum in all debates.

**Hon. Elaine McCoy:** Your Honour, I believe that we're still on debate, so I would like to ask Senator Fraser if she would entertain a question.

**Senator Fraser:** Yes.

**Senator McCoy:** I do this in the interest of elucidating our Rules, which we are all learning and continue to learn; it's a continuous learning organization.

I believe, senator, that I heard you correctly that you said you were waiting for a reference from the Senate to the Rules Committee before you took action. I wonder if you have an opinion as to the meaning of Rule 12-7(2)(a), which reads:

... the Standing Committee on Rules, Procedures and the Rights of Parliament, which shall be authorized:

(a) to propose from time to time, on its own initiative, amendments to the Rules for the consideration of the Senate,

What would your interpretation of that be?

**Senator Fraser:** I think the words are pretty plain. In the past, when there has been some debate about the authority of the Rules Committee to initiate studies, I have stood squarely on the side of those who say that mandate in our Rules gives the Rules Committee the mandate, the authority and the jurisdiction to initiate studies, and we may have to do that.

But one of my difficulties — and I raised this in a question in debate just before the break — is that the motions that are under debate in the Senate take the form of directing the Rules

Committee to do X, Y or Z. If adopted, those motions become orders of the Senate. This makes it more difficult to figure out whether in truth we believe that these suggestions are wholly in the interests of this institution, not in the interests of any individual group or individual senator. We are in a most unusual situation here.

• (1740)

I can think of a number of ways around it. There might be common consent among members of the Senate that those motions stand on the Order Paper and that the Rules Committee go off and study and come back. The motions could be possibly amended to remove this specific direction, or they could be adopted as they stand. There are a number of ways we can proceed. However, given the importance of the issues and the extremely unusual, in my experience, almost unprecedented wording of those motions, it has been my view that at least for a little while longer, the Rules Committee would do best to try and get a clearer reading of the actual wishes of the chamber.

Our meetings have been in camera in the past few weeks because we've been considering a couple of draft reports and then future business of the committee. It is wholly improper to discuss what happens during in camera meetings. I can assure you that what I have said about wanting to move ahead is entirely sincere, and I believe that I'm not alone on the committee in having that view.

Is that an answer to your question, Senator McCoy?

**Hon. Pierrette Ringuette:** Senator Fraser, you indicated that the Rules Committee would welcome work to fast track the changes, the modernization that we need to have happen. I believe the first change that needs to happen is that all the standing committees of the Senate should have proportional representation. So before anything is sent to the Rules Committee, do you not believe that the Senate Committee of Selection should reconvene and make sure for the prosperity and fairness of this institution that proportional representation of the different caucuses and groups should also be happening to the Rules Committee in order to have fairness in reviewing the future rules of this chamber?

**Senator Fraser:** At least for now, I am the Chair of the Rules Committee. I have been trying to avoid taking a position on any specific element of the Modernization Committee's interim report and the smaller bite-sized reports that flow from it. I thought that was a very interesting technique to use, incidentally.

Most colleagues have made it fairly plain, openly and publicly, that they believe we must reach a position where the composition of committees reflects the composition of the Senate. I hope you will understand if I do not take a position on the specifics about how we get there, Senator Ringuette.

**Senator Cools:** I wonder if Senator Fraser would take a question from me.

Perhaps we should put on the record that rule 12-7(2), to which was referred, the exact words say:

The Standing Committee on Rules, Procedures and the Rights of Parliament, which shall be authorized:

(a) to propose from time to time . . . .

That means rarely. Yes, it does. You can shake your head, but that is what it says.

(a) to propose from time to time, on its own initiative, amendments to the Rules for the consideration of the Senate . . . .

It is neither sound nor true to pawn this off as a lack of initiative on the part of the committee. We went through the Rules years ago in that committee when this rule was questioned a lot. It was made pretty clear at the time that the Rules Committee can make small suggestions, but when it comes to the total overhaul of the Senate, which is what is happening, the Rules Committee is expected to seek a reference from the house, which would be preceded by a debate of the house and a vote of the house referring the matter to the Rules Committee. That has been the outstanding and overarching policy of this place for quite some time.

I have made it my business to study and review all the major changes that have happened in this place, the Senate. Changes occurred in 1905 and again in 1968. Colleagues, the Senate has no knowledge of, neither has there been any debates here about these Rule changes. There have been no conclusions or decisions made in the Senate on any of these changes. We are operating in a very strange zone.

**The Hon. the Speaker:** Excuse me, Senator Cools. Senator Fraser's time has expired. She must ask for more time to answer.

**Senator Fraser:** If Senator Cools could wrap up her question, I would be grateful if the chamber would give me a minute to respond.

**The Hon. the Speaker:** Agreed, honourable senators?

**Hon. Senators:** Agreed.

**Senator Cools:** Sorry about that. I did not hear you.

**The Hon. the Speaker:** Senator Fraser would like you to ask the question.

**Senator Cools:** Could Senator Fraser confirm my understanding of that rule respecting the phrase "from time to time"? Is her understanding the same as mine, or similar?

**Senator Fraser:** It all depends on the meaning of the word "same." I would interpret "from time to time" to mean a little bit more frequently than Senator Cools does. I would agree with her that it's not a regular thing we do many times a session.

I would also agree with her that what we are engaged in here collectively is a profound potential transformation — to some extent actual, to some extent potential — of this place which we need to consider very carefully.

Where I may part company with her is in our estimate of the point at which we should conclude our debates at least at this initial stage or interim stage, because the Modernization Committee has already done initial work, and move on to the next phase.

I did have one further comment but I can't recall. I will have to go back and check the transcript, Senator Cools, and give you a private answer.

**The Hon. the Speaker:** This matter remains adjourned in the name of Senator Bellemare.

(On motion of Senator Bellemare, debate adjourned.)

#### BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I propose that all other items on the Order Paper stand in their place to be called at the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

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

## CONTENTS

Tuesday, November 15, 2016

	PAGE		PAGE
<b>The Senate</b>		<b>ORDERS OF THE DAY</b>	
Motion to Photograph the Introduction of New Senators Adopted.		<b>Tax Convention and Arrangement Implementation Bill, 2016 (Bill S-4)</b>	
The Hon. the Speaker . . . . .	1695	Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Stephen Greene . . . . .	1700
<b>New Senators</b>		<b>Indian Act (Bill S-3)</b>	
The Hon. the Speaker . . . . .	1695	Bill to Amend—Second Reading—Debate Suspended.	
Introduction . . . . .	1695	Hon. Serge Joyal . . . . .	1701
Congratulations on Appointments.		Hon. A. Raynell Andreychuk . . . . .	1703
Hon. Peter Harder . . . . .	1695	<b>Business of the Senate</b> . . . . .	1703
Hon. Joseph A. Day . . . . .	1696		
Hon. Elaine McCoy . . . . .	1696		
Hon. Claude Carignan . . . . .	1697		
<b>SENATORS' STATEMENTS</b>		<b>QUESTION PERIOD</b>	
		<b>Ministry of Employment, Workforce Development and Labour</b>	
<b>The Late Leonard Cohen, C.C., G.O.C.</b>		Labour Unions.	
Hon. Leo Housakos . . . . .	1697	Hon. Claude Carignan . . . . .	1703
Hon. Chantal Petitclerc . . . . .	1698	Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1703
<b>The Honourable Serge Joyal, P.C., O.C., O.Q.</b>		Defined Benefit Plans.	
Congratulations on Barreau du Québec's <i>Advocatus Emeritus</i> Distinction.		Hon. James S. Cowan . . . . .	1704
Hon. Joseph A. Day . . . . .	1698	Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1704
<b>Restoration of the Opinicon Resort</b>		Temporary Foreign Worker Program.	
Hon. Bob Runciman . . . . .	1698	Hon. Douglas Black . . . . .	1704
<b>La Société Santé en français</b>		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1705
Hon. Claudette Tardif . . . . .	1699	Aerospace Industry.	
		Hon. Leo Housakos . . . . .	1705
		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1706
<b>ROUTINE PROCEEDINGS</b>		Collective Bargaining for RCMP Employees.	
		Hon. Frances Lankin . . . . .	1706
<b>Study on Canada's International and National Human Rights Obligations</b>		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1706
Fourth Report of Committee on Human Rights—Government Response Tabled.		Hon. Jane Cordy . . . . .	1707
Hon. Peter Harder . . . . .	1699	Employment Creation.	
<b>Study on the Issue of Dementia in Our Society</b>		Hon. Joseph A. Day . . . . .	1707
Sixth Report of Social Affairs, Science and Technology Committee Deposited with Clerk During Adjournment of the Senate.		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1707
Hon. Kelvin Kenneth Ogilvie . . . . .	1699	Labour Unions.	
<b>Fisheries and Oceans</b>		Hon. Jean-Guy Dagenais . . . . .	1708
Committee Authorized to Meet During Sitting of the Senate.		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1708
Hon. Fabian Manning . . . . .	1700	Temporary Foreign Worker Program.	
<b>National Finance</b>		Hon. Nancy Greene Raine . . . . .	1708
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of the Design and Delivery of the Federal Government's Multi-Billion Dollar Infrastructure Funding Program.		Hon. MaryAnn Mihychuk, P.C., M.P., Minister of Employment, Workforce Development and Labour . . . . .	1709
Hon. Larry W. Smith . . . . .	1700	<b>Business of the Senate</b> . . . . .	1709
<b>Business of the Senate</b> . . . . .	1700		
		<b>ORDERS OF THE DAY</b>	
		<b>Indian Act (Bill S-3)</b>	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. Yonah Martin . . . . .	1709

	PAGE
<b>Visitors in the Gallery</b>	
The Hon. the Speaker . . . . .	1709
<b>The Estimates, 2016-17</b>	
National Finance Committee Authorized to Study Supplementary Estimates (B). Hon. Peter Harder . . . . .	1709
<b>Food and Drugs Act (Bill S-214)</b>	
Bill to Amend—Second Reading—Debate Continued. Hon. Don Meredith . . . . .	1709
<b>National Anthem Act (Bill C-210)</b>	
Bill to Amend—Second Reading—Debate Continued. Hon. Nicole Eaton . . . . . Hon. Pierrette Ringuette . . . . . Hon. Frances Lankin . . . . . Hon. Jim Munson . . . . . Hon. Anne C. Cools. . . . .	1710 1712 1712 1713 1713

	PAGE
<b>Senate Modernization</b>	
First Report of Special Committee—Debate Adjourned. Hon. James S. Cowan. . . . . Fifth Report of Special Committee—Debate Continued. Hon. Diane Bellemare. . . . . Hon. James S. Cowan. . . . . Some Hon. Senators. . . . . Hon. Frances Lankin . . . . . Hon. Anne C. Cools. . . . . Hon. Joan Fraser . . . . . Point of Order. Hon. Diane Bellemare. . . . . Hon. James S. Cowan. . . . . The Hon. the Speaker. . . . . Hon. Elaine McCoy . . . . . Hon. Pierrette Ringuette. . . . .	1713 1716 1716 1717 1717 1718 1719 1720 1720 1721 1721 1721 1721
<b>Business of the Senate</b>	
Hon. Diane Bellemare. . . . .	1722









---

**Published by the Senate**

**Available on the Internet: <http://www.parl.gc.ca>**