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OFFICIAL REPORT
(HANSARD)

Thursday, February 2, 2017

The Honourable GEORGE J. FUREY
Speaker

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

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THE SENATE

Thursday, February 2, 2017

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

[English]

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before beginning Senators' Statements, I would like to take a moment to remind senators that the clerk at the table will stand 10 seconds before the time for a senator's statement expires. When this signal is given, senators are asked to please bring their comments to a close as the three minutes for statements will, as a general rule, be applied.

Our chamber is not only known as that of sober second thought, but also as the institutional memory of Parliament. I can think of few people who embodied that concept like Senator Prud'homme. When he reached mandatory retirement age in 2009, he had become known by that time as the Dean of Parliament, because he had served in o

Our two chambers for more than four decades.

Senator Prud'homme was first elected as a Liberal member for the riding formerly known as Saint-Denis in 1964. He earned the confidence of his constituents and won eight subsequent re-elections. In 1993, he brought his wealth of parliamentary knowledge and experience to the Senate of Canada when he was summoned here on the recommendation of Prime Minister Brian Mulroney.

SENATORS' STATEMENTS

THE LATE HONOURABLE MARCEL PRUD'HOMME, P.C.

Hon. Peter Harder (Government Representative in the Senate): Colleagues, I rise to pay tribute to Marcel Prud'homme. Marcel, as many here will know, was a long-serving senator and before that a long-serving member of Parliament. I first had the pleasure of meeting Marcel Prud'homme when I was a young parliamentary intern and he was already then, in 1975, a long-serving member of Parliament.

Marcel was one of the first members of Parliament that encouraged me as a young person to debate public policy issues and to be interested in public service. He always had causes, and they were consistent and never mainstream — Palestinian issues, Libya issues, Russian and China, in the 1960 and early 1970s. I would frequently encounter him in the various roles I had, and his advocacy was always passionate, always civil and always with a smile, but unrelenting.

As Deputy Minister of Foreign Affairs, I benefited from his advice, sometimes more than I would have wished, but it was always in a spirit of trying to build bridges. In that spirit, I would like to recall his last speech to this chamber before he retired, when he said, "It is not rare for yesterday's enemies to become today's allies." That is not bad advice for us to remember Marcel Prud'homme by, and I salute his memory and his dedication to Parliament, both in this chamber and the other.

[Translation]

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I want to echo the remarks of Senator Harder as I rise to pay tribute to the Honourable Marcel Prud'homme.

Like our good friend and colleague Senator Baker, Senator Prud'homme was known for saying, "I will be brief," and then living up to those words in the same manner as Senator Baker.

Senator Prud'homme genuinely believed in the power of debate, as he told this chamber in his final speech:

The rule in politics and diplomacy is a simple one. When enemies talk, there is a reduction in the intolerance they feel toward each other.

Dialogue and cooperation were things he believed to be important throughout his career. In fact, that was something he mentioned in his maiden speech in the other place. He certainly lived that belief: a lifelong Liberal member of Parliament, appointed to the Senate by a Conservative Prime Minister, and sitting as an independent in this chamber, working with everyone.

In addition to encouraging dialogue amongst political adversaries, Senator Prud'homme also believed in the importance of dialogue with other countries, and he was a passionate supporter of parliamentary associations, many of which he had a responsibility for helping to create.

In 2009, when Senator Prud'homme retired from the Senate of Canada, there was an outpouring of kind words lamenting the loss to our institution. It is now the country that must deal with his departure, but I take heart that we here shall do our part to continue his legacy by valuing engagement, understanding and compromise.

THE SENATE

DEBBIE MCGEE—TRIBUTE ON RETIREMENT

Hon. Claude Carignan (Leader of the Opposition): Colleagues, I rise today to salute Debbie McGee, a member of the Senate family, who has been working on Parliament Hill since 1974.

During the days before computers and email, Debbie McGee joined the staff on Parliament Hill working for Member of Parliament Joe Clark. She continued working for Mr. Clark when he became the Leader of the Conservative Party of Canada and Official Opposition Leader in 1976, and then went with Mr. Clark to the Prime Minister's Office.

In 1979, when her daughter Jennifer was born, Debbie joined the Senate, working for the Honourable Nathan Nurgitz, a senator from Manitoba, and then also supported Senator Staff Barootes of Saskatchewan. During those days, senators often shared staff, and Debbie was responsible for both offices.

Following their retirements, Debbie worked briefly for Senator Andreychuk and then took a job with Senator Bill Doody of Newfoundland. Following Senator Doody's passing, Senator Nancy Ruth hired Debbie to support her.

[Translation]

Those who know Debbie know that she is a proud and passionate Irish woman. Known as a straight shooter, she says she gets that from her mother and I believe it.

Those traits, along with her perseverance, served her well in various undertakings, such as when she and other mothers of young children demanded a daycare on Parliament Hill and when she demanded fair compensation and benefits and job security for employees.

• (1340)

Armed with her good Irish sense, she has always been thrifty with taxpayers' money, and she is very proud of that.

[English]

Debbie has been a valuable resource to many senators and many Senate staff, and she has been a mentor and friend to many in the Senate.

As she heads off into retirement, after 43 years on Parliament Hill, it's my pleasure to thank Debbie for her service to numerous senators and their staff, the Senate of Canada, the Conservative Party of Canada and yes, all Canadians.

Debbie, we wish you well as you begin a new chapter in your life and hope that you can cherish the time ahead with your husband, Gilles, and your daughters Jennifer, Anne and Lisa and, most especially, enjoy the time with your grandchildren.

Thank you, Debbie.

Hon. Senators: Hear, hear!

[Translation]

THE LATE JEAN-GUY RIOUX, C.M., O.N.B.

Hon. René Cormier: Honourable senators, every nation and every people has its icons, inspiring personalities whose passion, talent and engagement are widely admired and who leave an

indelible mark on the history of our societies. Today I wish to pay tribute to one such Canadian.

Jean-Guy Rioux, a great Acadian leader, passed away on January 18, 2017, leaving behind the legacy of his incredible accomplishments to his region, his province and his country.

Nelson Mandela said that "education is the strongest weapon which you can use to change the world." Jean-Guy Rioux embraced that ideal, championing it with conviction and determination all his life.

[English]

He was the cooperant in Africa for five years for the Canadian International Development Agency, but he was first and foremost a career teacher and actively participated in the establishment of the University of Moncton campus at Shippagan where he occupied many functions, one of which was vice-president.

[Translation]

During his time in that position, he contributed to the institution's mission by founding the Peat Research and Development Centre and the Marine Products Research and Development Centre, two institutions that later merged with the New Brunswick Aquarium and Marine Centre to become the Coastal Zones Research Institute.

A mentor for many of his fellow citizens, a pacifist and humanist, this great builder played an active role in the development of Canada's francophone and Acadian communities. Jean-Guy Rioux served as president of many organizations, including the Société nationale de l'Acadie, the Association canadienne d'éducation de langue française, and the Fédération des communautés francophones et acadienne du Canada. He was chancellor of the Compagnie des Cents-Associés francophones and he served with distinction as the president of the fourth Congrès mondial acadien in 2009.

His work was recognized by the Conseil supérieur de la langue française du Québec, France's minister of national education, the Ordre de la Pléiade, and the Université de Moncton, which bestowed on him an honorary doctorate in social sciences.

A member of the Order of Canada, Mr. Rioux received the Order of New Brunswick in 2016 in recognition of his passion for and dedication to French-language education in his province and in Canada.

[English]

Beyond his monumental work in education and his steadfast social, cultural and political engagement, this exceptional visionary created lateral relationships and forged links with people of all origins and generations.

[Translation]

Honourable senators, the region where he was born is in the grips of an ice storm. For nine days, the citizens of the Acadian peninsula, to whom I want to pay tribute today as well, have

shown courage, solidarity and mutual support; they honour the memory of the great man that was Jean-Guy Rioux.

I wish to offer my most sincere condolences to his wife, Paulette, and his daughter, Marie-Claude, two women who are deeply committed to the development of their communities. Thank you.

Hon. Senators: Hear, hear!

[English]

THE HONOURABLE DANIEL LANG

Hon. Tobias C. Everga, Jr.: Honourable senators, I rise today to congratulate one of our colleagues, Senator Daniel Lang, who represents Yukon in this chamber.

On Christmas Day last year, Postmedia's Anthony Furey named our distinguished colleague from the North, Best Politician in 2016.

Some Hon. Senators: Hear, hear!

Senator Everga: It is not often, at least not recently, that a member of the Senate has such a title bestowed upon them. This is why I wanted to congratulate Senator Lang, who I consider a good friend, for having put the Senate on the media's political map in a positive way.

Honourable senators, Postmedia, in qualifying its claim, highlights Senator Lang's tireless work as chair of the National Security and Defence Committee, especially on the anti-terrorism file. As we all know, Senator Lang has an ability to cut through the verbiage and state the clear, simple questions that may not be easy to answer.

An example is his line of questions on March 7, when the committee heard from Michel Coulombe, the Director of the Canadian Security Intelligence Service, about the issue of persons being suspected of committing terrorism-related activities or having returned to Canada from conducting such activities abroad. "... maybe I'm just a boy from Whitehorse..." Senator Lang started his questioning. "Why are we leaving them on the street... those that are coming back? Am I missing something here?" For those who wonder what the response was, I can share that it was up to the RCMP to answer, not CSIS, according to Mr. Coulombe. Senator Lang's style is clear, concise, direct and humble — a style that is often highly effective in our work.

Honourable senators, in addition to congratulating Senator Lang for having his work recognized by members of the media, I want to congratulate all members of our National Security and Defence Committee for the stellar work they performed last year.

Some Hon. Senators: Hear, hear!

Senator Everga: Although I have pointed out one senator and one committee for their work, this is a sign of the good work of all

[Senator Cormier]

honourable senators, not to mention their staff and all those who support our roles here.

Several committees have produced reports of excellent quality and managed to capture the media's attention. I see it as a trend and I trust that all honourable senators will continue to do their part to keep the Senate of Canada relevant, as we always have been, and keep telling the public and members of the media what we do and why we do it.

Honourable senators, let us continue our great work and successes as we embark on another year with drive and determination.

Congratulations yet again, Dan, on being the best politician of 2016. Thank you.

Some Hon. Senators: Hear, hear!

WORLD ECONOMIC FORUM

Hon. Ratna Omidvar: Honourable senators, I would like to share with you a few of the observations that I have brought back from my attendance at the World Economic Forum in Davos, which I attended in my capacity as the co-chair of the Global Council on Migration.

First, on the subject of artificial intelligence, which I knew very little about, but now I know that sooner rather than later, more and more of our daily work and our daily tasks will be replaced by robots, which will do the work quicker, faster and better. This will affect the entire food chain of work, ranging not just from factory workers, Uber drivers and personal support workers, but extending to pharmacists, radiologists and researchers.

Where will the future for human beings and work lie? It will lie in those areas where human emotions, human empathy and human compassion cannot be replaced by machines: teachers, doctors, psychiatrists, writers, musicians and actors.

• (1350)

Elsewhere in the conference, there was a great deal of doom and gloom, predictions of chaos and comparisons between 2016 and 1914. This extended to an area of my interest, the refugee crisis. Everybody agreed that the UNHCR convention, crafted in 1951, after the Second World War, was outdated. It does not, for instance, apply to new expressions of displacement, such as internal displacement or climate change refugees, but everyone agreed that it would be impossible to open it up to renegotiate with member states without blowing it out of the air completely.

The only solution appears to be work around its edges. The most out-of-the-box idea that I heard around this file came from the CEO of MasterCard, who said that if the world wanted a more sustainable corporate presence in refugee resettlement and integration, then the world must accept a modicum of corporate profits as well.

At almost every turn, I was reminded of the story of Canadian exceptionalism, whether it is real or imagined. On the secret sauce of Canadian success, I noted that "I cannot lend you our

geography, but I can lend you our tried and true approach to integration.”

This, of course, sounds completely hollow today, after the cruel events that happened last weekend in Quebec, targeted at Canadian Muslims. Indeed, such a tragedy reminds us that we are, in truth, no exceptional country but very much a work-in-progress.

I will conclude with just one takeaway. This is not a time to hunker down, to close ourselves with fear, but it is a time to ramp up on engagement, on curiosity, on interactions, on conversations with those like us and more with us who are unlike us. This is, I think, what Canadians do best.

[Translation]

QUESTION PERIOD

HEALTH

YOUTH SUICIDE

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I would once again like to raise an important issue that has already been brought to the attention of the government leader. I want to talk about suicide prevention.

A Statistics Canada report published in January found that approximately 11 per cent of young Canadians aged 15 to 24 have exhibited symptoms of depression, and one youth in seven reported having had suicidal thoughts. I would remind honourable senators that suicide is the second leading cause of death among Canadian youth in that age bracket, and that last fall, the organization Kid's Help Phone released a study that reached a similar conclusion. It found that one in five teenagers in Canada had seriously considered suicide the previous year.

My question is for the Leader of the Government in the Senate. How will the federal framework for suicide prevention specifically address youth suicide in Canada?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. On this day where we, across the country, have a particular focus on issues of mental health and suicide, to devote the first question to this issue is a tribute to the Senate's preoccupation and, indeed, the honourable senator's preoccupation with this important social concern.

I want to assure all senators that the government recognizes the devastating impacts suicide has on families and communities as a whole and is making new investments and working with other stakeholders to prevent suicide.

For example, \$2 million has been provided to link distress centres across the country into one national suicide prevention

service, which will provide 24-7 access to support provided by trained responders.

This builds on the \$51 million that was provided last year toward research to improve mental health outcomes, in particular for young people, which was the subject of the question, as well as Aboriginal and indigenous peoples.

The Government of Canada has invested approximately \$280 million over the last five years to improve mental health outcomes, so this is an issue that successive governments have taken a priority interest in, and the focus has been on vulnerable populations.

Again, indigenous people, children and youth, very much form part of that. As the Senate will know, the government tabled, in December, a proposal for an \$11.5 billion investment in health delivery in Canada, with a particular focus on mental health issues and home care.

This is an issue that all governments and legislators are focusing on. There's always more to do, and I encourage senators to become aware of this issue, as I'm sure you already are.

JUSTICE

DETENTION IN CUSTODY—BAIL REFORM

Hon. Bob Runciman: My question is for the Leader of the Government in the Senate. At a town hall meeting last week in Saskatchewan, Prime Minister Trudeau was asked why his government isn't supporting Bill S-217, also known as Wynn's Law, in memory of murdered RCMP Constable David Wynn. As you know, this bill will require an accused's criminal record to be introduced at a bail hearing. The Prime Minister responded that he didn't know anything about the bill. I find that response troubling given that I know the legislation was discussed by the Liberal caucus and that I personally sent the background and justification for the bill to the Prime Minister's principal secretary, along with a DVD of Constable Wynn's widow testifying before the Senate's Legal and Constitutional Affairs Committee.

Perhaps this was just another failure of the Prime Minister's memory like his promise on electoral reform.

The problem with that is that the bill deals with a life and death issue, and phony excuses and failing memories are shameful responses for Constable Wynn's widow and her three young sons.

Leader, the government is refusing to even allow this bill to go to committee, and this is completely baffling. A police officer died; another was seriously wounded. The Canadian Police Association and the Mounted Police Professional Association, representing thousands of frontline officers across this country, are calling for this change.

Leader, will you urge your government colleagues to stop the false excuses and close this cop-killer loophole?

Some Hon. Senators: Hear, hear.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing passionate interest in this matter and, obviously, for his Senate public bill advocacy.

I simply want to remind the house that this question was asked of the Minister of Justice when she was here. She indicated at the time that various aspects of the bail system are being examined by federal, provincial and territorial levels. It is in collaboration with those levels of government and other criminal justice stakeholders that this issue, along with other matters of detention and custody, is being examined.

Senator Runciman: I would reiterate to the leader that this is a life and death issue, which I mentioned in my opening comment. We have had reports that the minister doesn't want to do so-called one-off changes to the Criminal Code, but we're hearing that as a justification for not even sending this to committee, which is, as I said, baffling.

She has introduced a one-off by modifying existing procedures dealing with the victim surcharge.

• (1400)

Let's get this straight. This is something that could result in the death of another police officer or a member of the public, but to continue to put forward these kinds of excuses to delay and not deal with this issue — again, leader, I ask you to approach your colleagues and urge them to deal with this bill. At least send it to committee, where we can expose the falsehoods they are putting forth not to move with this.

Senator Harder: I want to reiterate the minister's commitment to bail reform in the process she has launched, but I want to assure the honourable senator that I will indeed take up his request that I raise it directly and personally with the minister and convey the honourable senator's views.

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEE LIMITS—RESETTLEMENT

Hon. Ratna Omidvar: My question is for Senator Harder. Senator, as of last weekend there were 2,000 refugees who were travel-ready, with health and security checks, who were cleared by the most security conscious country in the world and were ready to start their lives in the U.S. Now they are on hold.

Will Canada open its doors to these 2,000 refugees in urgent need by raising the 2017 levels by 2,000 as an exceptional response to an exceptional circumstance and put some action behind aspirational words?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and her ongoing interest on these issues and other issues of migration.

I do believe that the Government of Canada and the people of Canada have responded in exceptional fashion to exceptional circumstances. The request that the honourable senator makes is one that the Minister of Immigration, Refugees and Citizenship

has responded to by pointing out the extraordinary steps that Canada has taken in regard to Syrian refugees and refugees generally.

The Government of Canada views the situation you referenced with respect to our friends in the south as an evolving one. At this point, the government is not ready to accede to the request that the honourable senator has raised but will be monitoring that situation in the coming days. The commitment of the government to the expanded levels that were in the plan that was tabled in the fall remains.

Senator Omidvar: Senator Harder, I was on CBC yesterday with the same point, namely that we had responded exceptionally in 2015. The journalist said, "That's an old story. You're only as good as your last story, and that's a story from 2015." I just pass that on to you.

Let me move on to the bigger loss of 60,000 resettlement spots from the UNHCR resettled refugees. You are very familiar with this file. I know you know what it means to the resettlement community. This is not a number that Canada should or is advised to take up on its own, but Canada can exercise global leadership by pulling together a group of countries that are both usual suspects in this field and unusual suspects.

We know that Argentina, Chile and Peru have expressed some interest — maybe Mexico even, who knows. Will the government step up to the plate and lead an international effort on behalf of the people of Canada?

Senator Harder: Again I thank the honourable senator for her question and suggestion and encouragement for the government to continue its exceptional response.

In reference to the question, I would point out that the Government of Canada is now back at the UNHCR executive committee. Its officials are deeply engaged in the international discussions that are under way with respect to the UNHCR's refugee list. I am confident that the Government of Canada remains devoted to a leadership role in this matter.

FOREIGN AFFAIRS

EMBASSY IN ARMENIA

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. On September 26, 2015, during the last federal election campaign, the current Minister of Canadian Heritage, the Honourable Mélanie Joly, indicated that if the Liberal Party was elected they would open a Canadian embassy in Armenia. She did this in front of many enthusiastic Canadians of Armenian origin that live in her riding of Ahuntsic—Cartierville.

Could the Leader of the Government tell us when the Canadian embassy in Armenia will be opened, or is this just another Liberal "promise"?

Hon. Peter Harder (Government Representative in the Senate): Unlike the honourable senator, I did not follow the comments of all of the candidates for office at that time. I would have to

inquire both with respect to the veracity of the statement and the plans that might or might not be under way.

Senator Housakos: The Leader of the Government in the Senate happened to be also a key member of the transition team of the government, so I think he should have been aware of some of the key candidates and some of the key promises made in the last election campaign.

It seems to be a habit of this government to be breaking electoral promises. They promised manageable small deficits; they promised a balanced budget by 2019. They even promised electoral reform before the next election.

The biggest promise this government seems to have broken is the fact that politicians that make commitments and promises should be cognizant that they have to deliver on them.

Is the government leader in the Senate not concerned that this type of approach to politics and the trail of broken promises are having an increase in cynicism on the part of Canadian citizens towards their politicians and their government?

Senator Harder: No, I am not.

BURMA—PERSECUTION OF ROHINGYA MUSLIMS

Hon. Salma Atallahjan: My question is for the Leader of the Government in the Senate. Last year a representative of the United Nations High Commissioner for Refugees stated that the Burmese authorities are carrying out a campaign of ethnic cleansing against the Rohingya Muslims. Over the last few months, a military offensive aimed at the Rohingya Muslims has led to the displacement of over 30,000 people.

What is the Government of Canada doing to help the Rohingya Muslims in the face of this ongoing tragedy?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. This is an area that I know the honourable senator has had ongoing active involvement in and advocacy for.

I have not been briefed on the most recent actions. I do know, as the honourable senator would know, that the former Minister of Foreign Affairs made this a personal issue in his travels to advocate for the Rohingya Muslims. I will inquire as to when and how further follow-up action has been undertaken.

Senator Atallahjan: The de facto leader of the new Burmese government is Aung San Suu Kyi, a Nobel Peace Prize winner. She is also an honorary Canadian citizen. Aung San Suu Kyi has received growing criticism for not providing adequate protection to the Rohingya people. In fact, her silence on the plight of the Rohingya is deafening.

What has the Government of Canada done to engage directly with Aung San Suu Kyi on this matter in recent months? Has our new Minister of Foreign Affairs, Chrystia Freeland, had any

contact with the Burmese government regarding the ongoing persecution of the Rohingya people?

Senator Harder: As I indicated in my earlier response, I am not aware of that with respect to the new minister. I do know that in the past there has been high-level engagement with senior levels of the Burmese government, including Aung San Suu Kyi. I will be happy to follow up in detail.

DEMOCRATIC INSTITUTIONS

ELECTORAL REFORM—PARTY FUNDRAISING

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate. The mandate for the new Minister of Democratic Institutions breaks the Liberal government campaign promise on electoral reform and also declares upcoming legislation on fundraising.

Page 24 of the Prime Minister's 2015 guidelines for ministers entitled "Open and Accountable Government" states:

- There should be no preferential access to government, or appearance of preferential access, accorded to individuals or organizations because they have made financial contributions to politicians and political parties.

To my understanding, the Prime Minister's own definition also includes attending exclusive party fundraisers with foreign millionaires over recent months.

Why does the Prime Minister need new legislation to ensure his actions are ethical when all he needs to do is to follow the rules already in place?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The Prime Minister and his government do in fact follow the rules that are in place. With respect to the particular issue that has been raised by the public and members of Parliament, that is before the Ethics Commissioner, and the Prime Minister looks forward to answering any questions the Ethics Commissioner might have.

- (1410)

Senator Ngo: Leader, yesterday I had a question, and I think there was a problem with translation. I will make a second attempt, and I will ask my question in English instead of French.

As this chamber is aware, you have long been associated with the Canada China Business Council. Can you please tell this chamber whether you had any involvement in the Liberal government deliberations regarding its decision to cancel the previous government's divestment order of O-Net Communications?

Senator Harder: I would simply underscore that my advice to the government is my advice to the government.

[*Translation*]

JUSTICE

DECRIMINALIZATION OF DRUGS

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate.

I would like to come back to a question that I asked yesterday about the comments made last week by the Liberal member for Beaches—East York on the legalization of all drugs.

The Leader of the Government in the Senate responded that he does not speak for backbench MPs. That being said, his role is to represent the Prime Minister in the Senate. Yesterday, during Question Period in the other place, the Prime Minister was asked a question in this regard. He answered by saying that, even if the government legalizes marijuana, it is not planning on legalizing anything else “at this time.”

[*English*]

He said “at this time.”

[*Translation*]

Since the Prime Minister opened the door to legalizing other illegal drugs at a later date, can the Leader of the Government tell us which drugs those might be?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): As the honourable senator will know, in particular, my role is to represent the government in the Senate, and I could do no better than he has in quoting the Prime Minister’s response to the question he already posed. So let me simply say that the answer to his question is the answer the Prime Minister gave yesterday, and I would leave it at that.

[*Translation*]

Senator Carignan: If the Prime Minister is planning to legalize other drugs in the near future, can you tell us whether the government has conducted any studies or polled target groups on the decriminalization and legalization of drugs other than marijuana?

[*English*]

Senator Harder: Not that I’m aware of.

[*Translation*]

Senator Carignan: Could the Leader of the Government in the Senate, who is the government representative in the Senate, but also says he is the Senate’s representative to the government,

inquire specifically about this matter with the Department of Justice, the Prime Minister’s Office, and the Department of Health, in order to get a complete response?

Senator Harder: I am prepared to do that.

[*English*]

ORDERS OF THE DAY

STRENGTHENING MOTOR VEHICLE SAFETY FOR CANADIANS BILL

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Black, for the third reading of Bill S-2, An Act to amend the Motor Vehicle Safety Act and to make a consequential amendment to another Act, as amended.

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

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

Hon. Senators: Agreed.

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

[*Translation*]

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Fraser, for the second reading of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

Hon. Renée Dupuis: Honourable senators, I would like to move the adjournment for the balance of my time.

(On motion of senator Dupuis, debate adjourned.)

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON
FEBRUARY 7, 2017, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 1, 2017, moved:

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

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

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

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

She said: Honourable senators, I would inform you that we will be welcoming Carolyn Bennett, Minister of Indigenous and Northern Affairs, during Question Period on Tuesday, February 7, 2017.

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

Hon. Senators: Agreed.

(Motions agreed to.)

[English]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 1, 2017, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 7, 2017 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

RULES, PROCEDURES AND THE RIGHTS
OF PARLIAMENTTHIRD REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Changes to the Order Paper and Notice Paper*, presented in the Senate on December 14, 2016.

Hon. Joan Fraser moved the adoption of the report.

She said: Colleagues, when I spoke briefly yesterday, essentially responding to Senator McInnis, I noted that this report from the Rules Committee responds to Recommendation No. 17 from the interim report of the Modernization Committee. It is about adjustments to the way the Order Paper is drawn up, and the object is to make the Order Paper easier to, A, understand and, B, follow, as we go through our daily work here.

To me, one of the most mystifying things for the longest time was understanding why, under the various headings that occur in the Order Paper — for example, “Senate public bills - second reading” — there seems to be no consistency in the way they’re listed. They bounce around from number to number, and the order in which they’re listed can change every day. Most of us spend a fair amount of time flipping through the Order Paper trying to figure out where we are and when the item that we want to speak to will come up.

For example, if you look at page 7 of today’s Order Paper, you will see that, under “Senate public bills - second reading,” we find, first, Bill S-234, then Bill S-232, then Bill S-206, then back up to Bill S-221, and so on. It is confusing and difficult to follow, and the Modernization Committee, I thank them very much for this suggestion, suggested that we make it a simpler pattern.

• (1420)

The way the Order Paper is set up is determined by rules 4-12 and 4-13 of the *Rules of the Senate*. Tucked away in those rules is the requirement that items be called essentially in the order of those most recently proceeded with. So under bills, second reading, the bill that was most recently spoken to goes to the top of the list, never mind its bill number. What counts is how recently something parliamentary was done to or with that bill, whether it was spoken to, whether it was reported back from committee. That would come under reports of committees.

It’s not the easiest thing in the world to follow, unless you like jumping around numbers in what looks like a random order.

What the Rules Committee is recommending, and this is based very largely on the report from the Modernization Committee, is that the ordering be a bit more rational.

The two great categories on the Order Paper are “government business” and “other business.” For government business, we do not propose changing the fact that the government can re-order government business every day in the order that seems to suit the

government's priorities, but if the government doesn't choose to re-order things, then under this proposed rule change, in the normal way of things, government bills would be called as they are now: Bills that are at third reading stage, bills that are at reports from committee stage, bills that are at second reading stage, but within those categories, as would also be the case with government and government inquiries, they would be called in numerical order, so that a Bill S-6 would always be called before a Bill S-8. It would not matter which bill had been most recently spoken to.

I hope that's more or less clear.

Other items, items of government business other than bills, motions and inquiries, would be called in the order in which they were placed on the Order Paper. If something was put on the Order Paper on September 15, it would always appear on the Order Paper, within its category, before something that had been put on the Order Paper on October 27, and so on. We think this would make it a little easier to follow. The same general system is adopted for other business, non-government business.

I forgot to say that always in the Senate, Senate bills will precede Commons bills. They will always come in ahead of Commons bills, whether it is government or other business.

For other business, the proposal is very similar. We would keep the general order, messages from the Commons, third readings of bills, reports of committees, second reading of bills, other reports of committees, motions, inquiries, and finally any other business.

Incidentally, in case you were wondering about that order of the broad categories, what it does is give priority to the items that have proceeded most through the parliamentary process, the items that are closest to being passed, closest to becoming law. That's why messages from the House of Commons come in top of the list, because they usually consist of either telling us that they have passed a bill that we have sent to them, or that they have accepted, we hope, or sometimes rejected amendments that we have made to a bill, but the fact that we passed the bill suggests that it's closer to becoming law than bills that have not yet gone through third reading here.

Within the general categories of third reading, we would keep Senate public bills first, then Commons public bills, followed by private bills. That same order, Senate, Commons, private, would be followed through for reports of committees on bills, second reading of bills and so on.

Third reading, reports of committees on bills and second reading, all of those items would be called within their categories in numerical order.

On today's Order Paper for second reading of bills, Bill S-206 follows on Bill S-232. It wouldn't. Bill S-206 would come ahead of Bill S-207 and Bill S-208 and on to infinity, if necessary. This would make it easier to look on the Order Paper for your bill.

When we get down to other reports of committees and other business, those items would appear on the Order Paper in their calendar order, according to when they were first brought to the Senate. For example, on the Order Paper now, if you start at page 18, you will see that inquiries are listed in this order: No. 15, dating from October 25; followed by No. 2, dating from March 9;

followed by No. 1, dating from December 10, 2015. It's not rational to list them in that way. It would be rational to list them as: No. 1, which dates from December 10, 2015; No. 2, which dates from March 9, 2016; followed by No. 8, which dates from May 5, 2016, and so on, in numerical order, which actually corresponds to the calendar order.

If you wonder what happened to inquiries between No. 2 and 8, those items are no longer on the Order Paper, but their number and their date remain. So it is rational to list them in that order.

If you had an interest in Inquiry No. 7 and you looked on the Order Paper, you would know where to look for Inquiry No. 7, and unhappily you would realize that it's not on the Order Paper anymore. You missed your chance. At least you would be able to figure that out without mental gymnastics or flipping from page to page.

That is all this change does. I do not know whether my explanation is even halfway clear, but I assure you that we believe that if we made this change, we would all find dealing with the Order Paper a little less irritating and confusing. Not for only us, but for anybody who is trying to follow the proceedings of this place.

We believe in openness and transparency. An Order Paper that is incomprehensible is surely neither open nor transparent.

I move this report for your favourable consideration, colleagues.

(On motion of Senator Martin, debate adjourned, on division.)

• (1430)

SENATE MODERNIZATION

FOURTH REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Andreychuk for the adoption of the fourth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Order Paper)*, presented in the Senate on October 4, 2016.

Hon. Scott Tannas: Honourable senators, you will hear from me three times in quick succession here on a number of related items to do with the Modernization Committee. I'm on the fourth report right now, which has to do with the Order Paper.

I don't believe that what we have just heard from Senator Fraser is meant to somehow overlap with this issue of "stand," which is what this particular recommendation is all about. We have had some debate on it, but an issue has come to my attention with respect to one of the steps in the recommendation that has been brought forward to the Senate Chamber that a number of people feel is not the best idea, on reflection. Specifically, it is step number four.

We have outlined a number of steps that would effectively eliminate the need for us to go through the Gregorian chant of “stand” all the time. We have had some fun trying to calculate how much time of our lives we would be spending sitting in our seats listening to the word “stand.” It is somewhere around two and a half days a year, so imagine over 10 years or over 20 years how much time we waste in the chamber hearing the word “stand.”

This particular report and recommendation goes through a series of steps that would effectively require all of us to give notice that we want to speak on an item, and the idea was to encourage debate. If there’s advance notice from a senator that they want to speak on a specific item, maybe others will also jump forward and we can actually have a continuing, rolling debate on something as opposed to one person, surprise, stands up, and then another person waits and says, “Oh, I would like to talk on that but I’m not ready.” We could try and get better debate going and at the same time eliminate “stand, stand, stand.”

The fourth step in the process that we would need to do is essentially not call every single item. We would give advance notice through the Speaker or the house table officers that we want to speak on a subject and it would be called.

But to remedy the right that we all have to be able to speak on anything at any time we want, we put in a step at the end that said that the Speaker would then say, “Does anyone want to speak on anything else?” That sounded fine. I think that helped preserve our rights to speak on anything on the Order Paper at any time, subject to the Rules.

The problem that was pointed out is that on a sleepy Thursday afternoon someone could call the question. We have amendments here to do with step four. It would not just be the Speaker asking if anyone wants to speak. It would be does anybody want to speak and it would require unanimous approval in order to speak.

Some Hon. Senators: No, no.

Senator Tannas: That would then eliminate the potential for, at the end of the session, the end of a day, someone reverting back, no notice, and pulling a fast one. That’s essentially what the amendment is. We have it here somewhere to be handed out.

Senator Plett: Good amendment.

Senator Housakos: Good job.

The Hon. the Speaker: Would the honourable senator move the amendment?

MOTION IN AMENDMENT

Hon. Scott Tannas: Therefore, honourable senators, I move:

That the Fourth Report of the Special Senate Committee on Senate Modernization be not now adopted, but that it be amended by replacing the third paragraph with the following:

“That the Standing Committee on Rules, Procedures and the Rights of Parliament develop and recommend to the Senate amendments to the *Rules of the Senate* to change the

Order Paper process, particularly the process for so-called “stood” items, in line with the following elements:

1. Senators wishing to speak on any item on the Order Paper would provide notice to their respective caucus leadership, group convenor, or group facilitator, or only to the Chamber Operations and Procedure Office.

2. Items on which notice has been given would be compiled into a single list and added to the daily scroll. This information would be shared among all senators. The possibility that this information might be posted on the Senate website so that the public could know what items of business will be debated in the Chamber could be explored in the future.

3. Instead of calling all items on the Order Paper, the Reading Clerk would only call items for which a Senator has given notice of his or her intention to speak.

4. Once all items for which a Senator has given notice have been called, the Speaker would ask Senators if they wish to revert, with unanimous consent, to prior items on which they wish to speak.

5. Items not called would be deemed to have been stood and would be put over to the next sitting, where the proposed process would be repeated.

6. Once the process has been completed for the Order Paper, a similar process would be repeated for the Notice Paper.”

That is the proposed amendment.

The Hon. the Speaker: Honourable senators, in amendment it was moved by the Honourable Senator Tannas, seconded by the Honourable Senator Unger, that the fourth report of the Special Senate Committee on Senate Modernization — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate?

Hon. Joan Fraser: Would Senator Tannas take a question?

Senator Tannas: Absolutely.

Senator Fraser: Just to clarify, as you know, some of the better moments in the Senate occur when a debate comes spontaneously. You give a speech and I’m inspired to support or oppose, but anyway I’m inspired and I leap in, and then so does Senator Tkachuk and Senator Sinclair. These can be wonderful moments in the Senate.

By definition, you might have told the authorities that you were going to speak, but I would not have. Would this permit someone who has not given prior authorization to leap into the debate as described?

Senator Tannas: You are quite right. We’re hoping with this particular amendment that there will be full notice that someone will speak on this, which will then encourage the debate to continue.

It is not meant to be that you have to give notice in order to speak up. If there's a debate going on and someone is speaking, we're free to jump in, because you're absolutely right that those are the best debates.

Thank you for that clarification.

Hon. Terry M. Mercer: I have a question for Senator Tannas as well. I'm curious about point 4: "Once all items for which a Senator has given notice have been called, the Speaker would ask Senators if they wish to revert" — and this is the phrase I'm questioning — "with unanimous consent, to prior items on which they wish to speak." The requirement of unanimous consent ends up giving power to one senator — and I'm not suggesting that it shouldn't be so — to stall legislation, to stall debate. People work hard putting their legislation together and getting arguments ready. Because one of our colleagues has a pet peeve against a bill or the intention of the bill, or the politics of the bill, that one person in here can hold it up. I don't think that's the kind of democracy we're looking for.

If consent was called for and the majority said no, then that's fine. But with one person, that seems to be putting a lot of power into one person's vote, not that I would ever abuse that if it were my chance.

Senator Carignan: That's the case for a lot of it.

Senator Tannas: A calm and reasoned person, all the time, when it comes to difficult and contentious matters.

That's the issue. We wanted to provide absolute protection that this rule would not be used to somehow facilitate an ambush on a Thursday afternoon.

• (1440)

On the other hand, we want to recognize that, notwithstanding that — and that's a remote possibility — we want to give every senator the right to be able to speak whenever they feel like it or at least access to the permission of the chamber to do so.

So you are right, as long as it was a vote, like we do with other kinds of reversions, if there is no unanimity, we could, I suppose, change it so that it required a vote, and if someone objected, I guess we could go through the whole process of a standing vote, put it off to the next day and so on, if that made people feel more comfortable. The idea was that we just wanted to forestall this idea completely, that an ambush could happen in unfortunate situations.

Hon. A. Raynell Andreychuk: Senator Tannas, you seem to be so worried about the "stand, stand," and I take a little umbrage that it sounds like a Gregorian chant. I rather like Gregorian chants; it is part of my religion. I'm putting that on the record. I'm sure you didn't mean that.

What bothers me is we're going to put it down at the end and anyone can speak, and it's going to be trammled up with unanimous consents. I prefer to have items that allow me to speak according to the Rules rather than having to seek from my

colleagues consent to speak. I think you pointed out the problem before, but you are correcting it by another problem that gets you back into that.

Sometimes I want to speak on an item and I indicate that, but I let it pass because it's getting late in the day and I don't want to hold up the chamber unduly. Sometimes I'm monitoring the proceedings and then want to speak on an item, but I haven't told someone. I wait until it is on the Order Paper. Now I'm sort of having to wait right to the end and then seek leave in what you're saying, unless I have foretold what I'm going to do.

You have corrected some problems, but you're going to create, in my opinion, as many problems, and it's going to be more dependent on unanimous consent. I don't think that's the intent of Parliament.

Senator Tannas: Thank you for that, and I appreciate it. I think that none of us want to prevent good debate from happening. The objective here is to eliminate waste of time and to facilitate better debate by people giving notice in most cases.

I would be open, if someone wanted to amend, that simple consent could be sought and received, and that then, if it happened in a nefarious manner, the whips could decide on a vote the following day and that would then forestall something, I suppose.

This was an issue raised by a number of colleagues that they felt uncomfortable with, to leave it to the end of the day and then essentially ask, "Does anybody want to talk about anything?" and have something happen. Perhaps the answer, which I would welcome as a subamendment, would be to remove the word "unanimous" from this proposed change.

Hon. David Tkachuk: Just a point on this whole idea of "stand" is nothing more than the leader of a caucus signifying to the Speaker that no one in their group has indicated they wish to speak. We already give an indication to our own leadership that we're going to get up and speak, so when our house leader says "stand," it only means that no one in our group has given her an indication, in our particular case, that one of us wishes to speak.

We kind of do that now. I kind of like the idea of having everything on the Order Paper. It bothers me that things are not on the Order Paper. The idea that we would forgo that and then let the whole Senate decide whether I should have a right to speak bothers me very much. I don't think that's a good idea at all. It will be used for political reasons. As well, if someone wants to get up and it's a heated debate, someone may say "no," and that prevents me or any of you from speaking. I don't think it's a good idea to allow that to happen.

This whole thing needs a rework for sure. I like the agenda and I like the idea of an agenda, as I would in every other meeting. I like the idea that my leader gets to speak for me if no one is wishing to speak and no one else does.

The Hon. the Speaker: Senator Tannas, your time has expired, but there is a long list of senators who wish to ask questions. Are you asking for 10 minutes to entertain some questions?

[Senator Tannas]

Senator Tannas: Yes, please.

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

Hon. Senators: Agreed.

Senator Mercer: In the spirit of cooperation.

The Hon. the Speaker: Did you want to respond, Senator Tannas?

Senator Tannas: Well, I didn't hear a question in there. I think that Senator Tkachuk's opinions will go into the debate when we have the debate on the actual recommendation. Thank you.

Hon. Murray Sinclair: I wanted to ask Senator Tannas a question, and I want to begin by indicating that I have a lot of sympathy with the proposal that you have made. I think there's some merit to much of it. There are some elements of it that I would like to consider, though, and maybe with the further amendment, it might address my concern.

But I have an additional concern that has to do with the fact that I was listening to Senator Fraser's submission, and I liked her submission, too, and I'm a little concerned that the two of you are in conflict with each other. I wanted to know, are the two of you talking together? Have you talked together about what the implications would be if we adopted both of these motions?

Senator Carignan: That's a question of privilege.

Senator Tannas: I wasn't aware until today of Senator Fraser's changes, but I don't think they actually address the issue that the Modernization Committee set out specifically to address here, which was preparing for broadcasting and public watching, and we spend more time saying "stand" than we do actually talking about issues.

The two go hand-in-hand. This is specifically about what is going to be called. It doesn't necessarily mean — and the Rules could tell us this — that the Order Paper we get that shows everything would disappear. We could have an agenda beside that that says, "We're going to jump from here to here to here," but everything is on there. As Senator McInnis said, there are other legislatures that don't say "stand" for two and a half days in aggregate a year and manage their business just fine.

It is for all of us to decide if we want to eliminate the "stand" and come up with something more efficient. The Modernization Committee put the steps forward, and this tweak we're talking about is something that arose from a number of senators who said that this could be abused. We don't want to surrender senators' rights to speak, but we want to make sure that we do it in a way that doesn't allow that right to be used in the wrong fashion.

So I'm open. I took the initiative to say that I will try to figure out an amendment. It doesn't sound to me like unanimous is the right idea but some kind of ability to consent at the end for someone who decided they want to speak on something that wasn't on the agenda makes sense to me. I'm keen to hear what your subamendments would be.

[*Translation*]

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I think your amendment makes sense, but I have a question for you. Did you think about creating categories? I understand that what is being sought is unanimous consent in the case of someone who suddenly rises and asks for a bill to pass. At the same time, I am entirely sympathetic to what Senator Mercer said. We would not want to be at the mercy of someone who withholds consent just because they are in a bad mood that day.

• (1450)

I think different senators have different intentions. For instance, some prefer to express themselves through inquiries. As it stands now, inquiries always come last. Often it is hard for a senator to rise at the end of a session on a Tuesday or Thursday and speak to the inquiry, because we all sense that everyone is eager to leave. However, if someone is prepared to discuss their inquiry at the last minute, should they not be allowed to do so?

I think it is important to inform the chamber ahead of time if we want to hold a vote. When it comes to inquiries, I think it would be unfair to require unanimous consent.

The Hon. the Speaker: Senator Bellemare, do you have a question?

Senator Bellemare: Would you be open to discussing it?

[*English*]

Senator Tannas: I think it is a good point and maybe one where an amendment would be in order, a subamendment or, in fact, another amendment. Thank you.

Hon. Frances Lankin: Thank you very much, Your Honour. Are you prepared to take another question, senator?

Senator Tannas: Certainly.

Senator Lankin: Thank you very much. I understand what you're getting at. I appreciate it. I have a few short questions. I will put them all out.

In terms of process, I think this will need discussion because people have raised very good points. It seems to me what we're concerned about is abuse, either at the end of a sleepy Thursday or, dare I say, at the end of a sleepy Wednesday, because I think we had that example yesterday of someone surprising without notice, perhaps, although the honourable senator is not listening — as I apparently wasn't yesterday.

I think that that needs to be discussed. I want to know if your amendment was discussed by the Modernization Committee at any point since the report has come out or who the group was that came together. I was not at any meeting where I heard this, so would it make sense from a process point of view to maybe have a small group explore the answer to these concerns that are being raised?

I note that the procedure now is, I believe, if someone wants to revert to an item that we have passed, they ask for consent, as Senator Plett did yesterday. In some ways, this is the same. When

we ask for the issue of abuse, if someone is not given notice and they're coming back, it might be more open to someone saying no than a situation where someone was out of the chamber and just missed having that opportunity. Those are good reasons to have a discussion.

The last question was I wondered if you would explain this to me. This amendment replaces paragraph 3 of the report recommendations, and I am going to make sure I have the report with me again next time. I took it back to my office.

I don't know exactly which part of this is amending what paragraph 3 said. If you could just explain that.

I know what you intend to do, but I don't know what words are different.

Senator Tannas: The only changes come in step No. 4, and essentially it changes it from the Speaker asking senators if they had anything they wanted to speak on to now saying do they wish to revert with unanimous consent.

That's the change. All the rest of the body is the same.

Senator Lankin: And the process?

Senator Tannas: In the process of the discussion, a number of us, I think, have all had in our separate caucuses and groups discussions. Those of us that were on modernization — I'm no longer on modernization — and helped author the report feel that we need to be evangelical about it, so we have had lots of meetings and discussions.

I can't say which meeting it was where this came up, but there were a number of people there who said, "Oh, that is a problem." I took it upon myself to try and solve it.

Senator Lankin: A follow-up question?

The Hon. the Speaker: Honourable senators, Senator Tannas' time is just about up. I saw one other senator rise to pose a question. I'm wondering if with leave Senator Tannas can entertain one more.

Hon. Senators: Agreed.

Senator Lankin: Here is your example of how you can't do it.

Senator Plett: Democratic.

Hon. Michael Duffy: Senator Tannas, my question follows on Senator Lankin's. Wasn't this hashed out at the Modernization Committee? I tried to follow the minutes and transcripts of the various meetings. Senator McInnis was quite open to getting everyone involved. I'm surprised we come here with this and that the committee hadn't already considered it. Maybe I'm mistaken; maybe it was considered and rejected.

Senator Plett: You can bring an amendment forward.

Senator Duffy: Can you enlighten us?

Senator Tannas: In my experience in the preparation of the report, it was inadvertent. We had not considered that this step might be used as a potential tool to subvert something at the end of the day or that it might be used as a surprise tactic.

That never came across to any of us. We all fashioned the recommendation, and maybe we're all sunny optimists in the modernization report and we didn't think it through, but this was something that was pointed out after the fact, as we went back to our collective colleagues to say, "Come on; we believe in this recommendation."

Hon. Pierrette Ringuette: Talking about surprise, I have to say that this proposed amendment from Senator Tannas is a surprise. From my perspective, and I have listened very carefully to the different speakers, and the issue of unanimous consent for any individual senator in this chamber to seek, from my perspective, is a breach of my constitutional right in regard to freedom of speech. That's my first objection to this.

We have to consider that right now we have a plurality of independent senators that will be growing in the next years, and not all independent senators will want to belong to a group. When you bring up the issue of, "Well, we have to advise the whip of our caucus," I can tell you right now that the independent group does not have a whip. Okay? That's the way that we want to be operating. So you have two objections right there. Careful what you wish for.

And then if we look at trying to eliminate the "stand, stand" issue, and say, okay, we will give an opportunity to senators at the end to revert to an issue that has not been called, then it should be at the end of the three specific divisions of the Order Paper. It should be called three times. It should be called after government business, it should be called after other business, and it should be called at the Notice Paper, so that there's a clear division and people can go back if an issue under that division was not called.

We also have to take into consideration the fact that we have 15 sitting days on motions and government bills and reports. Being human, sometimes time flies and we have to be reminded to pay attention in regard to this particular issue, this bill or this motion that the time frame is coming up fast in order to discuss that issue.

I would like also to suggest that attention be given to that and all the items that are at day 13, then 14 and then 15 be called so that individual senators would know. We're getting to the end of the opportunity to talk on this issue from a particular senator, so with all due respect, Senator Tannas.

• (1500)

Following my questioning of the issue with Senator McInnis yesterday, I would like for you to take into consideration these very practical recommendations. There is no way that I can accept "unanimous consent." We're a chamber of sober second thought. We're not a chamber to quash thinking on an issue.

I know I'm on debate, and I may adjourn for the rest of my time if there is some left, but maybe consideration should be given to removing this proposed amendment and rethinking what could be proposed in an amendment.

Senator Tannas: Is this a question?

Senator Ringuette: No. I would adjourn the debate for the rest of my time, if possible.

I'm sorry. I see that Senator Pratte would like to participate in the debate, so I will not adjourn. I will thank you for the opportunity.

The Hon. the Speaker: Thank you, Senator Ringuette.

There were a number of senators standing, and I'm not sure if they want to ask questions or enter the debate. We'll start with Senator Martin.

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

You ended your remarks by saying that you are absolutely opposed to unanimous consent, that it is an infringement on our basic rights as senators to speak. However, what Senator Tannas is proposing in the way the Order Paper may be reorganized. In essence, repackaging what we already do. We identify what we want to address. We have our deputy leader meetings, and we go through the orders. If someone may have missed something, we usually ask leave to revert. That is asking for unanimous consent. It's just different wording.

What would be the difference? Depending on the mood of the chamber, generally we do give consent. I'm wondering why you have such an issue with that particular item when we already do that in this chamber.

Senator Ringuette: Thank you for your question. I appreciate your comment, but we're looking at a totally different process here. We're eliminating calling item by item, and that is where I find that the unanimous consent requirement infringes on an individual senator's right to speak on any issue on the Order Paper. That is where we have to be very careful.

We want to change the process because of the time constraints and so forth, but we have to bear in mind that many factors can come up within 24 hours and a senator has not had the time to notify Chamber Operations in advance that they want to speak. Sometimes it might entail an urgent issue.

We're changing the process. Therefore, we must make sure that every senator has the opportunity to speak and not be denied by one senator.

The Hon. the Speaker: On debate, Senator Pratte.

Hon. André Pratte: Thank you, Your Honour.

When you are a new senator, each time you have doubts and want to express them you take the risk of looking a bit stupid because of your ignorance.

I do have doubts as to the process here. I feel very uncomfortable as to what happened, first of all, because I was taken by surprise with this amendment. Had I known, I would

have had my Modernization report here. I would have looked at this recommendation, re-read it, thought about it, and would have been ready to make up my mind as to whether this amendment is a good thing or not.

Certainly the idea that one senator's right to speak would be decided by unanimous consent makes me extremely uncomfortable. Everyone is of goodwill, but you never know what can happen. We've seen it before. So that makes me very uncomfortable.

What makes me more uncomfortable is the process. The Modernization Committee worked very long and hard on those recommendations. My understanding is that the idea is to send all this to the Rules Committee with guidelines. The Rules Committee has some leeway as to how they will deal with this. I would expect that the problem you raise, which is obviously a real problem, should be raised with the Rules Committee. They are the experts and they have the time to look at this and find a solution. They would have the recommendation in front of them. They could look at different possible solutions. They would deal with it and come back to the Senate, and then with their expert opinion, we would either agree with their solution or not.

I believe we're ill-suited to go with your amendment, and then a possible subamendment, and then maybe a sub-subamendment. This is why the process really makes me very uncomfortable. Therefore, if we come to a vote, I will vote against the amendment, because I think the process is a surprise process, and I feel very uncomfortable.

I think the Rules Committee should deal with the recommendation and should deal with the problem that you're raising, which is a real problem. The Rules Committee is very well-equipped to deal with it, unless I misunderstand their role.

Hon. Yuen Pau Woo: Senator Pratte's comments have created further ambiguity in my mind as to the appropriateness of my own comments. So I don't want to refer specifically to the process. Perhaps Senator Pratte is right and perhaps he is not. I have no comment on that. I do not know the answer.

I want to make an expression of support for the intent of the motion brought by Senator Tannas. The work of the committee is such that it is trying to deal with a very serious problem, the "stand" problem. I want to applaud what are good faith efforts to deal with the problem through a process and a proposal that seems to be quite rational.

I am sympathetic to those who have spoken against a "unanimous" provision, and I think Senator Tannas has expressed his own willingness to amend the amendment accordingly.

As a new independent senator, I feel that I have spent less time sitting in this chair than the time elapsed on many "stood" items on the Order Paper. Many of the new batch of senators have spent years working in other organizations, trying to make decisions, attending meetings dealing with complicated questions, whether they are board meetings, advisory group meetings or other meetings dealing with weighty issues, maybe not as weighty as what we debate here in the chamber.

It strikes me that in many of the organizations I have been in, the ability to work through difficult questions, to debate, to discuss, to prepare for those meetings is more efficient, if I may put it directly, than the way we do things here.

I am, of course, very sensitive to this. I do not have the weight of tradition and history of the Senate to either support or encumber me, but I do feel that if we are serious about modernization, we do have to do something about the efficiency of the process. I want to signal my support for the intent and the direction of this work, and for the ideas that Senator Tannas has put forward.

• (1510)

Senator Lankin: Honourable senators, I want to indicate that I support the general direction as well. I think we have a problem in terms of the balance of potential abuse on either side of this issue that has been identified.

A reasonable way forward, given the fact that the Modernization Committee is still active, is that a subgroup could look at this while we try to work our way through it. I'm going to suggest we have a process — I don't think we can do it right here on the chamber floor — in terms of going back and forth. We don't have to take a long time to figure it out and we can bring something back that perhaps has reached a consensus with all groups represented.

At this time, I would like to move adjournment of the debate for the remainder of my time and will seek to do that.

(On motion of Senator Lankin, debate adjourned.)

THIRD REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Day for the adoption of the third report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Committees)*, presented in the Senate on October 4, 2016.

Hon. Scott Tannas: Honourable senators, once more into the breach.

On this report, I'm also proposing a change. We have two reports where we had a deadline of November 30, 2016, and we're told by the Table Officers that if we vote for that recommendation, it would actually disappear. It becomes redundant because the date has passed.

We have a couple of these recommendations where we had November 30, 2016, in the recommendation itself. That is the issue we want to remove with this one, and the next one I will stand on. We have the wording to do so, where we essentially remove reference to that.

In the third report, we also wanted to make a change. Instead of instructing the Rules Committee, we wanted to instruct the administration to prepare some recommendations for the Rules

Committee to look at. This is more my own initiative than anything else. We heard a number of times that people were uncomfortable that we were instructing the Rules Committee to do anything. The idea was to instruct the administration to prepare and recommend steps to accomplish what we want to accomplish and provide that to the Rules Committee.

MOTION IN AMENDMENT

Hon. Scott Tannas: Therefore, honourable senators, I move:

That the Third Report of the Special Senate Committee on Senate Modernization be not now adopted, but that it be amended by replacing the third paragraph, starting with the words "That the Senate direct", with the following:

"That:

1. the Clerk of the Senate be instructed to prepare and recommend to the Standing Committee on Rules, Procedures and the Rights of Parliament draft amendments to the *Rules of the Senate* to change the process for determining the composition of the Committee of Selection and each standing committee, using the process set out below as the basis for such amendments and taking into consideration the objectives identified by the committee and the principles underlying those objectives; and
2. the Standing Committee on Rules, Procedures and the Rights of Parliament examine and consider those recommendations and report to the Senate with its recommendations."

This is the third report, the one on committee membership. Notwithstanding the fact that we have solved that problem amongst ourselves, we've done it on a sessional basis. When Parliament next prorogues, we will be back to the same issue, so there needs to be something more permanent put in place, and this amendment is meant to deal with that issue.

The Hon. the Speaker: In amendment, it was moved by Honourable Senator Tannas, seconded by Honourable Senator Unger, that the third report of the — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Did you wish to add anything further, Senator Tannas?

Senator Tannas: No, Your Honour, thank you.

The Hon. the Speaker: Questions?

Hon. Art Eggleton: The first part of the amendment in regard to instructing the administration to draft the procedures is reasonable.

On the second part, the only thing I have concern about is that you need to take out November 30, but I wonder if we shouldn't put in another deadline. My concern is that this has already taken a long time to get here, Senator Tannas. There is the prospect, as

there always is, particularly as you get to the halfway mark in any Parliament, that there could be a prorogation. We could find ourselves without these rules in place by that period of time.

Did you consider whether we should put another deadline on this?

Senator Tannas: We should leave it in the hands of the Rules Committee. I think some of the issues around deadlines were meant to address the potential imbalance that existed, and that has now been solved.

The only other deadline is prorogation, and if for some reason the Rules Committee finds itself unable to come with recommendations that we can accept, I guess we can address another sessional order. However, the idea was to remove the deadlines, given the progress that has been made, and to provide the administration with a role to help in the construction that could then help the Rules Committee as they try to figure out what the right steps are.

Hon. Joan Fraser: I have no problem at all with removing the deadline, and I also do not have a problem with establishing a new deadline, as long as it was not next week.

With this being a fairly important matter, I'm taken aback because I don't have a copy of the original report on my desk. I would like to give the Senate the opportunity to compare and contrast on all those good things and think about it.

I'm going to move the adjournment of the debate. I shall be travelling with the Energy Committee on Tuesday of next week. If the Senate continues the debate and reaches a decision, I would not be offended if that were to happen in my absence, even though the adjournment will stand in my name.

(On motion of Senator Fraser, debate adjourned.)

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. Peter Harder (Government Representative in the Senate): Honourable senators, I rise today to add my voice to the debate on the fifth report of the Special Senate Committee on Senate Modernization.

I am speaking specifically on the fifth report because, as I mentioned in my comments when I appeared before the Modernization Committee, the renewal of this chamber must continue with the implementation of rules that provide fair and equitable treatment for all senators, and full and equal rights to senators who choose to organize along non-partisan lines.

• (1520)

The fifth report accomplishes this objective by calling on the Rules Committee to draft a modern, flexible and inclusive definition for “caucuses,” one that would acknowledge non-partisan parliamentary groups as co-equal to party-affiliated caucuses. It also speaks to the principle of equality by calling on the Internal Economy Committee to amend the *Senate Administrative Rules* to provide all groups with funding, regardless of whether they are organized with or without party affiliation.

For my part, I wholeheartedly endorse the fifth report of the Modernization Committee, and I urge all senators to vote in favour of this recommendation at the earliest opportunity so that its principles can become part of a sustainable change in the conduct of this chamber. The fifth report is a step in the right direction, because it speaks to the principles of fairness, equality and freedom of association.

The question before us is rather simple: Should Senate rules accommodate parliamentary groups organized around non-party lines? The answer to this question, in my view, is clearly “yes.” At a bare minimum, I would hope that all senators can agree that we should collectively act to remove the partisan basis of our rules as we have collectively with our sessional order on Senate membership on committees done that on the basis of a sessional order.

Partisan affiliation ought not to be the sole recognized basis for the organization and alignment of senators, and the Senate should recognize non-party caucuses or groups as co-equal to party-affiliated caucuses. Just as senators have the freedom to associate around existing party affiliation, they ought to be free to associate around shared values, ideologies, region, former partisan affiliations or other affinity groups that can organize parliamentary business.

In pushing for the adoption of the fifth report, I would like to briefly and perhaps surprisingly quote Thomas Jefferson, who, as it turns out, anticipated the modernization of Canada's Senate long before our country's founding, when he said:

... laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.

That, senators, is what I mean when I say modernization: looking forward, asking how we can do better and moulding our institutions to serve Canadians better.

The Senate took a major step in this direction on December 6 and December 7 last year. The chamber unanimously put fairness first by authorizing the Internal Economy Committee to approve funding for the Independent Senators Group and by adopting a landmark sessional order to implement proportionality in Senate committees, complete with procedural tools allowing independent senators to constitute themselves.

By doing so, the Senate of Canada showed its true colours. It showed that Canada's upper chamber is ready to foster a culture of fairness, equality and proportionate, and I salute that.

Honourable senators, by acting right away on the fifth report, the Senate will again signal to Canadians that our independent senators and other colleagues, regardless of party affiliation, will work together, move forward and continue to put this institution and its change first.

[Translation]

I am mindful of the frustration of some of our colleagues about the progress — or lack thereof — with respect to the fifth report. The reports of the Senate Modernization Committee were tabled four months ago. In addition, they are designed to go through an arduous three-step process. With respect to Recommendation No. 7, the fifth report specifically called on the Rules Committee to report back to the Senate with inclusive language by November 30, 2016. Today is February 2, 2017.

[English]

We all know that the measures adopted by the chamber on December 6 and 7 were only designed to be temporary solutions. The principles they embody need to be formalized through permanent rule changes sooner rather than later. We need to pick up the pace of reform collectively. We need to be ready for a new session — even a new Parliament. What if the first session of this Parliament came to an abrupt end sooner than expected? What if the session were prorogued, or what if we pass the October 31 deadline of the interim order? We would be back to the status quo.

This requires our immediate and urgent attention. We know how strange things can happen in politics. As Oscar Wilde wrote: “To expect the unexpected shows a thoroughly modern intellect.” Let's do that. I think it would be very unfortunate for this chamber if by the time the next Speech from the Throne comes around, modernization rules did not reflect the identity of the Senate's membership that is already in place in the interim order.

The honourable chair of the Modernization Committee, Senator McInnis, spoke eloquently yesterday in this chamber. If I could, I would like to emphasize what he said:

The modernization project is an urgent one, reflecting both the desire of the Senate and the Canadian public for a chamber of sober second thought that is effective, responsive and lives up to its intended purpose. It is thus essential that the Senate not lose momentum when it comes to acting on the committee's reports.

Senator, you're right on the money. Let's act now. This chamber has an obligation to demonstrate to Canadians that real, substantial and sustainable change is on its way.

Hon. Donald Neil Plett: I'm wondering if Senator Harder would take a question.

Senator Harder: Certainly.

[Senator Harder]

Senator Plett: As the Leader of the Government in the Senate, do you have any inside information as to a possible prorogation?

Senator Harder: You know, I said that and I thought, “Would anyone be *méchant* enough to ask this?” I merely suggest, senator, that we ought to be anticipating all options. My real point is that the sessional order ends either with a prorogation or on October 31. Given the pace of this chamber's consideration, this is the easiest thing to do, because it's sustaining what we've already done. Let's get it done.

Senator Plett: Considering I am one that is not always opposed to the status quo, I will take the adjournment of the debate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: On division.

(On motion of Senator Plett, debate adjourned, on division.)

[Translation]

TRANS CANADA TRAIL

HISTORY, BENEFITS AND CHALLENGES—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif, calling the attention of the Senate to the Trans Canada Trail — its history, benefits and the challenges it is faced with as it approaches its 25th anniversary.

Hon. Chantal Petitclerc: Honourable senators, I intend to speak to this inquiry. Therefore, I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Petitclerc, debate adjourned.)

• (1530)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk, pursuant to notice of February 1, 2017, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate,

between February 6 and 15, 2017, its report dealing with Free Trade Agreements, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 7, 2017, at 2 p.m.)

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