



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, December 10, 2015

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Thursday, December 10, 2015

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

[Translation]

Prayers.

[Translation]

Honourable senators, if it hadn't been for Brian Mulroney's inspiring, compelling, convincing and dynamic leadership, the issue of apartheid in South Africa would not have been brought to the forefront as it was. Who knows what might have happened to Nelson Mandela?

### SENATORS' STATEMENTS

**THE RIGHT HONOURABLE MARTIN BRIAN MULRONEY, P.C., C.C., G.O.Q.**

CONGRATULATIONS ON APPOINTMENT TO THE ORDER OF THE COMPANIONS OF O.R. TAMBO

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, this week, the former Prime Minister of Canada, the Right Honourable Brian Mulroney, received a prestigious distinction from South Africa, the highest honour bestowed on a foreign national: the Supreme Companion of Oliver Reginald Tambo award. This recognition was awarded to Mr. Mulroney for the leadership he showed internationally in the abolition of apartheid and release of Nelson Mandela in December 1990.

Shortly after he was elected Prime Minister of Canada in the fall of 1984, Mr. Mulroney met with the South African anti-apartheid leader, Desmond Tutu, during Mr. Tutu's official visit to Canada.

[English]

During this meeting, Mr. Mulroney asked Mr. Tutu if Canada could do anything at all to help in the fight to achieve freedom in South Africa.

To this question, Mr. Tutu answered: "I think Canada can have an important, even a lead, role in translating morality into political action." Mr. Mulroney's parting words were: "Tell your colleagues and friends that they can count on Canada."

[Translation]

Mr. Mulroney kept the promise he made to Mr. Tutu and from then on made international representations, when the opportunity arose, in order to put the intolerable situation in South Africa under apartheid on the agenda of meetings of world leaders.

[English]

As a key player in various international meetings, such as the G7, the meetings of the Commonwealth countries, the United Nations and the Francophonie summits, Canada succeeded in urging immediate action for South Africa's Black population, while convincing other countries of the importance of this major issue of global concern.

On behalf of all my Senate colleagues and all Canadians, I pay tribute to the Right Honourable Brian Mulroney for the prestigious honour he has received from South Africa for his exceptional work for that country and its people.

[English]

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of His Excellency Julio Garmendia, Ambassador of the Republic of Cuba, and his spouse, First Secretary Miraly Gonzalez. They are accompanied by our former colleague, the Honourable Marcel Prud'homme, and former Foreign Affairs Minister, the Honourable André Ouellet. They are the guests of the Honourable Senator Ringuette.

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

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

**THE HONOURABLE HUGH SEGAL, C.M.**

CONGRATULATIONS ON CONFERENCE OF DEFENCE ASSOCIATIONS INSTITUTE'S VIMY AWARD

**Hon. Joseph A. Day:** Honourable senators, the Conference of Defence Associations Institute is a non-partisan organization whose mission is to provide research support to the Conference of Defence Associations and to provide a platform for an informed public debate on national security and defence issues.

The institute is very active each year organizing a large number of events, including round tables, the Ottawa Conference on Defence and Security, the Ross Munro Media Award and the Vimy Award.

Since 1991, the CDA Institute has presented the Vimy Award to "a Canadian who has made a significant and outstanding contribution to the defence and security of Canada and the preservation of our democratic values."

The award is presented annually in November at a gala held at the Canadian War Museum.

• (1410)

The Vimy Award of course pays tribute to the courage and sacrifice made by Canadian soldiers who won the Battle of Vimy Ridge in April of 1917. This success provided Canada and our military forces recognition on the international stage.

Among the recent recipients of this award are the Right Honourable Joe Clark, Lieutenant-General Roméo Dallaire, the Honourable Barney Danson, Air Commodore Len Birchall, General Paul Manson and Major-General, now Chief of the Defence Staff, Jonathan Vance.

On November 6 of this year, I was pleased to be in attendance at the Vimy Award gala dinner during which the Honourable Hugh Segal, our former colleague from the Senate, received the Vimy Award for his work and service to Canada.

Many of you will recall the 2011 report of the Senate that was published by the Special Senate Committee on Anti-terrorism bearing the names of Senator Hugh Segal as chair and Senator Serge Joyal as deputy chair, entitled: *Security, Freedom and the Complex Terrorist Threat: Positive Steps Ahead*. This document remains a seminal document in the area.

Honourable senators, I would like to take the opportunity to congratulate Senator Hugh Segal for receiving this prestigious award and to thank him and the Conference of Defence Associations for the important contribution they are making to Canada's public policy awareness in the area of defence and security.

### QUEBEC OFFSHORE INITIATIVE

**Hon. Dennis Patterson:** Honourable senators, on October 8, 2015, in a push to further the maritime strategy that is part of Quebec's northern economic plan, *Plan Nord*, Quebec Intergovernmental Affairs Minister Jean-Marc Fournier publicly called for an urgent extension of Quebec's northern border.

Quebec's *Plan Nord* includes building ports and other related marine infrastructure to support economic development initiatives in Northern Canada. However, the northern boundary of Quebec, as drawn out by Ottawa in the Quebec Boundaries Extension Act of 1912, ends at the high water mark and does not extend into the waters and islands just offshore. The same goes for the borders of Manitoba and Ontario. These islands and waters just past their provincial boundaries currently belong to Nunavut.

Further, the federal statute that established the new territory of Nunavut, the Nunavut Act, 1993, in my opinion clearly describes Nunavut as including the offshore within its boundary with its reference to Nunavut consisting of "all that part of Canada north of the sixtieth parallel" and "the islands in Hudson Bay, James Bay and Ungava Bay that are not within Manitoba, Ontario or Quebec."

Quebec has asked for the federal government's assistance in extending their provincial boundary into the offshore.

Colleagues, I understand the Government of Quebec believes that having jurisdiction in the offshore will simplify the construction of *Plan Nord* infrastructure on the coast, and I welcome infrastructure investment anywhere in the Arctic. Infrastructure is notably lacking. However, I want to stress that there are other parties whose interests would be affected by this initiative. There are larger interests at stake.

First, this would directly impact Nunavut's island community Sanikiluaq, which is located on the Belcher Islands in southern Hudson Bay. In a member's statement made on October 21, 2015 discussing Quebec's initiative, Sanikiluaq MLA in the Nunavut legislature Allan Rumbolt stated:

... it is critical that the people of Sanikiluaq be fully consulted in the matter and have their say.

I would like to echo Mr. Rumbolt's statement and add to it. Not only do I believe residents of Sanikiluaq should be consulted, but I believe the governments of Canada and Quebec must consult with and involve all parties who have a common interest in the clarification of offshore boundaries in Hudson Bay.

We must firstly be aware of our obligation to respectful consultations with the indigenous residents of the Arctic, whose marine economies and occupancy have helped Canada establish its own sovereignty over these waters. In the Quebec offshore, these indigenous residents include the Inuit of Nunavut, the Inuit of Nunavik in Northern Quebec, the Cree of Quebec and the Inuit of Nunatsiavut Labrador, who have already negotiated offshore agreements with Canada. The Governments of Nunavut and Newfoundland and Labrador are also interested parties who represent the residents who are most affected by offshore activities and who should have their voices heard.

I believe that these discussions, provided they involve all interested parties, could and should lead to inclusive and clearly defined offshore management regimes for all marine regions in the Canadian Arctic, which will give a greater say to the indigenous residents of the region and the duly elected governments of those regions, along with Canada, in how their offshore resources should be developed. It is only in this spirit of respect for the shared common interests of the indigenous residents, the adjacent provincial/territorial governments and Canada that this important issue will be resolved in the interests of proper stewardship of Canada's longest coast.

### BILLY-RAY BELCOURT

#### CONGRATULATIONS ON RHODES SCHOLARSHIP

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to congratulate Billy-Ray Belcourt as one of the recipients of the 2016 Rhodes Scholarship for study at the University of Oxford. Although it was reported that Billy-Ray is the first First Nations person in Canada to receive the Rhodes Scholarship, he is actually the second First Nations person to receive this prestigious scholarship. Kathy-Anne Gabrielle Hughes, a member of the Mi'kmaq community in Newfoundland and Labrador, was the first First Nations student to receive the scholarship in 2011.

Billy-Ray currently attends the University of Alberta and is completing his bachelor's degree in comparative literature. Originally from the Driftpile First Nation north of Edmonton, he lived both on and off reserve and was raised by his grandparents. He is the president of the Aboriginal Students Council at the University of Alberta, an active member of various university communities and a published author. At Oxford, Belcourt plans to focus on the effects of colonialism on indigenous people's health.

In an interview, he said:

I just want First Nations students in particular to be able to see me in the news, for example, or giving talks at conferences or in communities, and think they can achieve the same things that I have.

In his application for the scholarship, Belcourt said he argued:

... that this wasn't just about me — it was for my community and for all Indigenous people in Canada to be able to see someone like them winning something like this.

Billy-Ray has set an extraordinary example for those First Nations students. Congratulations, Billy-Ray, and all the best in your studies at Oxford next year.

## CANADA-CUBA DIPLOMATIC RELATIONS

### SEVENTIETH ANNIVERSARY

**Hon. Pierrette Ringuette:** Honourable senators, Canada holds a special place in the hearts and minds across the nation of the planet and vice versa, but today I rise to praise and salute a special relationship between the Canadian people, the Canadian government and the people and Government of the Republic of Cuba.

The year 2015 marks 70 years of continuous diplomatic relations between Canada and Cuba. Needless to say, the last 70 years presented many challenges for both our countries, but true friendship prevailed, endured and grew.

Honourable senators, 2015 also marks a major political accomplishment by President Obama and President Castro, facilitated by Canada, in the reinstatement of USA-Cuba diplomatic relations.

Honourable senators, it was within this Senate chamber that we initiated the Canada-Cuba Parliamentary Friendship Group, thanks to the work of former Senator Prud'homme, here today, over nine years ago. I am a founding member and have been co-chair of the Canada-Cuba Parliamentary Friendship Group since its establishment.

Every year, over 1.2 million Canadians vacation in Cuba, helping to develop their current number one economic industry — tourism. Canadians appreciate the sun, beaches, cigars, rum, music, culture, safety and, most importantly, we appreciate the wonderful people of Cuba.

**Senator Munson:** Take me there, please!

**Senator Ringuette:** Cuba has the lowest per capita illiteracy rate in the world and also enjoys high quality health care. In fact, a few years ago one of our Senate committees, chaired by Dr. Keon, reported on the efficiencies in the Cuban health care services.

• (1420)

Cuba, under embargo and with limited natural resources, had its difficulties but was never deterred in providing the necessities to its people. When one compares the social and economic situation of the citizens of Cuba with other Caribbean countries not facing the U.S. embargo, one can only be amazed at what has been accomplished under the circumstances.

At the end of June, to celebrate the 70 years of diplomatic relations, my region of northwest New Brunswick hosted a special Cuban evening, with exceptional Cuban music, in the presence of our New Brunswick premier and the Cuban ambassador. Over 3,000 New Brunswickers attended the event. One could feel the natural connection between our peoples. The seventieth was also commemorated this fall at both the Quebec National Assembly and Queen's Park.

Honourable senators, during the last nine years, I have worked with three different Cuban ambassadors, and all have been dedicated to heightening the diplomatic relations between our countries, as their predecessors, in collaboration with former Minister of Foreign Affairs the Honourable André Ouellet, did many years ago.

However, honourable senators, I must highlight the exceptional contribution of the current ambassador, His Excellency Julio Garmendia, and his charming wife, Miraly. Together they are the best team. Ambassador Garmendia not only works tirelessly on the diplomatic front but is also devoted to increasing trade between our countries, with the utmost efficiency, and I have witnessed it. As an example, Cuba is now importing Moosehead beer, which can also be enjoyed with Canadian beef, Canadian chicken and Canadian potatoes. With that dedication to trade, a lot more will be accomplished in the coming years.

I personally believe that at this particular anniversary of our relationship, it is time to establish new goals with regard to our trade and give both our traders and investors new opportunities.

I also believe that knowledge eliminates barriers and that the nations of our American continent have everything to gain by pursuing respectful diplomatic relations and increased trade agreements. We would all gain from working as a continental unit.

In this year of the seventieth anniversary of continued Canada-Cuba diplomatic relations, let us celebrate our past and pursue a better future for one and all.

Viva Canada! Viva Cuba!

## ROUTINE PROCEEDINGS

### FOOD AND DRUGS ACT

#### BILL TO AMEND—FIRST READING

**Hon. Carolyn Stewart Olsen** introduced Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics).

(Bill read first time.)

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

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

[Translation]

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Percy Mockler:** Honourable senators, as always, it is an honour to speak in this august chamber, particularly considering my childhood and my trajectory as a parliamentarian.

[English]

Honourable senators, it is a pleasure to rise in debate on the new government's Speech from the Throne. Before proceeding

into the policy areas that it mentions and does not mention, I need to recognize a number of people first of all.

[Translation]

I would like to begin by taking this opportunity, as a parliamentarian, to congratulate the new Speaker of the Senate, the Honourable Senator Furey.

[English]

There is no doubt in my mind that he will play this role with dignity, respect and fairness.

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

**Senator Mockler:** I want to also take the opportunity to acknowledge the current and past Senate government leaders. Senate opposition leaders and Speakers must also be saluted, in particular, Senator Carignan, Senator Cowan and Senator Housakos. I salute you all for the work that you have undertaken to improve the Senate of Canada so that it might continue its important work for the people of Canada moving forward.

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

**Senator Mockler:** You have all made great strides in making this chamber more transparent and accountable, and that is a great service to our country and to Canadians in all walks of life.

I want to share with you that the Senate has made great strides in recent years. The problems faced in recent years are a direct result of the public reporting that now takes place regarding senators' expenses.

Honourable senators, it wasn't until 2010 that this disclosure was brought forward because the public had the right to know how their tax dollars were being spent. Other specific rules were tightened in light of the problems that we faced. Senator Tkachuk was Chair of Internal Economy at that time and deserves also to be credited and saluted, with the members of the committee.

• (1430)

On Senate reform, I must note for the record that it was the government of Prime Minister Stephen Harper that introduced no fewer than nine bills to reform this august chamber. Those reforms met opposition, honourable senators, obviously, but I salute his determination to modernize the Senate of Canada.

In September 2006, Stephen Harper became the first Prime Minister to appear before a Senate committee, and he spoke diligently and prudently on Bill S-4, which would have limited senators' terms to eight years.

As the Prime Minister said:

I believe in Senate reform because I believe in the ideas behind an upper house. Canada needs an upper house that provides sober and effective second thought. Canada needs

an upper house that gives voice to our diverse regions. Canada needs an upper house with democratic legitimacy, and I hope we can work together to move toward that enhanced democratic legitimacy.

Those words were as accurate then as they are today, and I applaud former Prime Minister Harper for his steadfast efforts to reform this august chamber. Yes, we must continue in the same light.

Sir John A. Macdonald, in the Confederation debates, also spoke of the Senate as a chamber of regional equality when he stated:

In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.

Honourable senators, that remains the case today. However, as senators, we must continue to have the debate. We must continue to move forward. We must continue to account to the people of Canada.

Canadians from all walks of life deserve continued openness, continued accountability and continued transparency from all parliamentarians and the government. We must continue to be proactive in leading the way.

Honourable senators, I listened intently as the Governor General delivered his Speech from the Throne, which outlined the government's priorities over the medium term. I must say there were many missed opportunities and many subjects not mentioned at all in the Throne Speech: no mention of rural Canada, no mention of agriculture, no mention of forestry, no mention of fisheries and no mention of energy.

**Some Hon. Senators:** Shame.

**Senator Mockler:** Energy is, of course, a key policy area that I encourage the government to work on. As a senator from New Brunswick, I remain hopeful that the Energy East Pipeline project will move forward, and we have a role to play.

Permit me to share with you: The Energy East project is a 4,600-kilometre pipeline that will transport safely about 1.1 million barrels of oil per day from Alberta and Saskatchewan to the refineries of Eastern Canada and a marine terminal in Saint John, New Brunswick.

Currently, as TransCanada notes, the project has the following components: one, converting an existing natural gas pipeline to an oil transportation pipeline; two, constructing new pipelines in Alberta, Saskatchewan, Manitoba, eastern Ontario, Quebec and, yes, New Brunswick to link up with the converted pipes; and three, constructing the associated facilities, pump stations and tank terminals required to move crude oil from Alberta to Quebec and New Brunswick, including a marine facility that enables access to other markets by ship.

Energy East would transport oil to Canada's largest refinery, owned by Irving Oil in Saint John, New Brunswick. As senators may know, the Irving refinery is the largest in Canada and one of the ten largest in all of North America.

As a senator from New Brunswick — and there is no doubt in my mind that other senators from New Brunswick share this vision — I am proud of the vision of all of those who are involved in the Energy East project and the political leaders who supported it earlier on. I credit the Irving family, especially Mr. Arthur Irving, for his vision, particularly for being at the vanguard of industrial development in New Brunswick and for creating jobs in the province of New Brunswick, not to say in all of Canada, but specifically in Atlantic Canada.

I encourage the new government to embrace this project as actively as the previous government did. It is a nation-building project, and for my province it would represent a much-needed economic boost in the construction phase and in the longer-term jobs that it would provide: an estimated 200-plus permanent jobs and, during construction, approximately 4,000 to 5,000 people.

Honourable senators, for New Brunswick, APEC is forecasting real GDP growth to remain at about 1 per cent in 2016, tempered by a decline in investment. But the promise of various multi-billion-dollar projects currently under review in New Brunswick could help turn our economy around.

Beyond the Energy East Pipeline, Repsol is still considering converting its LNG terminal into an export terminal in New Brunswick. NB Power is looking at options for the Mactaquac Generating Station, with a decision expected in 2016. It is not a luxury; it is to be completed because it is a necessity.

I encourage the new federal government to join with the people of New Brunswick in advancing our economies by supporting large-scale projects and supporting small and medium-sized enterprises, which are the backbone of our economy.

Honourable senators, as for another initiative, I believe that people are an asset, not a liability. On the refugee file, New Brunswick is developing a multi-stakeholder plan that includes the departments of health, education, social development, and public safety; Service New Brunswick; and non-governmental agencies, including the immigration-serving agencies in all of New Brunswick and a group like the Red Cross. When the refugees arrive in New Brunswick, we will be ready to settle and integrate them within our population, one of the most dynamic.

[Translation]

I was honoured to have a meeting with the Honourable Francine Landry, the minister responsible for refugees arriving in New Brunswick. While I was in Fredericton a few weeks ago, she and her assistant deputy minister, Charles Ayles, personally brought me up to speed on the situation.

[English]

As we know, Canada will take 25,000 refugees. It's a great, great humanitarian vision. In New Brunswick, we're looking at bringing in 1,500 refugees. As a matter of fact, New Brunswick

represents 2.1 per cent of the Canadian population and has asked for 6 per cent of the refugees who are destined for Canada. Minister Landry and the New Brunswick government team are working hard with all the communities and the federal government on this important humanitarian cause. It is a file I will follow closely.

• (1440)

Another matter of concern is the theme on open and transparent government. Please let me share with you my thoughts. It is a concept with which no one can disagree.

Honourable senators, I will now pivot to something that actually was raised in the Speech from the Throne, and that is electoral reform. As was noted in the Throne Speech:

To make sure that every vote counts, the Government will undertake consultations on electoral reform, and will take action to ensure that 2015 will be the last federal election conducted under the first-past-the-post voting system.

I have had the honour in the past, sitting in another legislative assembly, of being part of reforming certain acts. However, when questioned in the other place about whether a change to our electoral system would be put in a referendum to the people, the Minister of Democratic Institutions would not provide an answer. She repeated the talking points about consultation.

Yes, we are waiting for what will be proposed. There is no doubt in my mind that Canadians, regardless of where we live, will follow and partake in this great debate because it's about our future and the future of our children and grandchildren.

May I ask, Your Honour, for the indulgence of you and all senators for five more minutes?

**The Hon. the Speaker:** Five minutes for Senator Mockler. Is it agreed?

**Hon. Senators:** Agreed.

**Senator Mockler:** A question on democratic reform should be decided democratically. There is an inherent contradiction in calling for democratic renewal while disallowing the public to vote on such measures. Canadians must be engaged and must participate.

Honourable senators, another item I want to raise is that at this point in time, we have no government leader in the Senate, and members of this chamber are unable to hold the government to account.

I wait to see what actual role the government's representative will play. I support Senator Carignan's motion to invite ministers to appear before the Senate to answer questions for the people of Canada.

Why do we need that? It's because Canadians want openness, accountability and transparency.

[ Senator Mockler ]

I also want to remind the Senate Chamber that no one can argue about a desire for a clean environment and a strong economy. The previous government was committed to this, despite how we were often portrayed by opposing parties and certain groups. For example, we provided real results on the environment while protecting our economy. We enhanced our national parks. Our Conservative government was a proud supporter of Sustainable Development Technology Canada, which funds Canadian cleantech projects and coaches the companies and leads them as they move their groundbreaking technologies to market.

I know there are some senators on this side of the house that can contribute more to what I have just said.

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

**Senator Mockler:** Diversity is a Canadian strength. I applaud the government for recognizing this, and I support measures in this.

We are proud of our First Nations. We are proud, in New Brunswick, of our First Nations, our cultural mosaic and the wonderful contributions made to this country by those from all over the world. We have to look at western New Brunswick, where the Maliseet First Nation in Madawaska plays an important role in economic development.

Honourable senators, the government mentioned security and opportunity. There seems to be a contradiction when pledging to withdraw our fighter jets from the mission to combat ISIL. This is the wrong message given to our allies. Canada cannot abandon its allies, and we cannot allow ourselves to believe that ISIL does not represent a threat to this beautiful country.

I will be supportive of measures that are fiscally responsible and can lead to better outcomes. I respect the will of Canadians in selecting a new government, and I will faithfully carry out my role as a senator in reviewing the proposals brought forward by this new government so that we can bring the information to the people of Canada.

During this upcoming session, I look forward to working with all of you so that we can show that we can take the debates and are not what I call "partisan." When it's time to stand up for openness, accountability and transparency, there is no partisanship. Thank you.

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

**Hon. Art Eggleton:** Honourable senators, I'm delighted to respond to the Speech from the Throne. It was one of the shortest in history and, I must say, the most progressive in the last number of years.

The new government has laid out a bold vision in its plan for Canada. For those who say there were some items they didn't see in there, I would draw your attention to the ministerial mandate letters. They are the most extensive and comprehensive in history, and they lay out a significant number of issues that I'm sure would cover the kind of things that some people might be concerned about.



First of all, since this Speech from the Throne, the government has already moved, in fact, to create a new tax bracket for the wealthiest 1 per cent of Canadians and to lower taxes for the middle class.

As we know, Canada is struggling with increased income inequality where the top 1 per cent of income earners are taking 30 per cent of the overall economic growth in the last 30 years, according to the OECD. Not so for the bottom income group, as they saw their income fall in that period of time. For the middle, their earnings are basically stagnant. The new tax bracket is a good step in reversing this trend, but more work needs to be done on the issues of income inequality, wealth inequality and inequality of opportunity.

A good place to start, I would suggest, would be if the government reviews the Income Tax Act. It hasn't been reviewed in a major way since 1967, and at that time it was reduced to about 300 pages. Now it has managed to grow to over 400 pages, with loads of loopholes and all sorts of other provisions that should be reviewed.

I think this would be a good way to further combat inequality, leading to more fairness in our tax system and sharing of our prosperity, as I hope the economy does grow to that extent in future years.

As we also know, talking about the lower-income people in this country, there is poverty in every region, every city and every town in this country. Over 4 million people are living in poverty, and over 1 million of them are children. In spite of the resolution of the House of Commons to eliminate child poverty by the year 2000, there are still over 1 million children in that category.

Every day people in poverty struggle with the most basic situations in life: how to pay rent, how to put food on the table and clothes on their backs. These kinds of issues also need to be addressed.

I am delighted that the Minister of Families, Children and Social Development, the Honourable Jean-Yves Duclos, has been tasked with creating a poverty reduction strategy.

This chamber and the Social Affairs Committee have done a lot of work with respect to poverty issues. The report *In from the Margins*, produced a few years ago, helped lay a good foundation that I think should be brought to bear in the further discussions about poverty reduction strategies. Therefore, I think this Senate can certainly help the minister.

• (1450)

Creating this strategy will take a whole-of-government approach, with close consultations with the provinces, with local governments and with those who have lived the poverty experience themselves.

We know there is a substantial overrepresentation in poverty for certain groups: lone parents, mainly mothers; minorities; newcomers; the disabled; and our Aboriginal population.

We also know that having a job is not a panacea to lift someone out of poverty. Many people with many different jobs are still struggling to make ends meet. We also have a broken — and I'm glad this was addressed in the speech — Employment Insurance system where only 40 per cent of the unemployed qualify for benefits; less than half the people paying into it qualify for benefits. It needs examination and overhaul.

Honourable senators, compounding this is the need for affordable housing in Canada. There are millions, again, who are struggling to find affordable housing. By "affordable," I'm using the Canada Mortgage and Housing Corporation's standard of about 30 per cent of income going to housing that is in adequate and suitable condition. Many are paying much more than that; some are paying 50 per cent or more, which leaves little opportunity for them to acquire other necessities, such as food and clothing. It's a key reason, for example, why food banks are on the rise.

Then there are 235,000 Canadians who experience homelessness in the course of a year, and 1.6 million more are at risk of losing their homes, according to CMHC. All this misery in this land of wealth, while study after study shows that it's cheaper for the public purse to house someone than it is to leave them on the street, moving in and out of shelters, emergency hospital rooms and jails, in some cases.

So the new government has said they will develop a strategy to re-establish the federal government's role in supporting affordable housing. That's good news, but it will take a lot of commitment and resources to fix and to build new affordable housing.

I know this intimately, as I have this year been chairing a volunteer task force put in place by the new mayor of Toronto to look at Toronto Community Housing Corporation, the largest social housing provider in Canada and second only to the New York Housing Authority on the continent. It's big. Many buildings run by TCHC are in dire straits, and it's welcome to know that the federal government is going to get back into helping to develop affordable housing.

Honourable senators, the cost of raising children is onerous for many families, with families in my home city of Toronto paying an average of \$1,324 a month for child care. That's a lot of money. This is a significant financial burden, and the instruments that were put in place by the last government are inadequate to meet it. I'm encouraged that the government will bring in a new Canada child benefit. The proposed benefit not only will give Canadian families more money to raise their kids but also hopefully will contribute to poverty reduction; the government estimates it will lift some 315,000 Canadian children out of poverty, as they promised to do during the election campaign.

Honourable senators, the government has also committed to work with the provinces to develop a new health accord. Here, again, the Standing Senate Committee on Social Affairs, Science and Technology did the statutory review of the health accord in 2012. Many of the recommendations in the report called *Time for Transformative Change*, which was unanimously passed by the committee and this chamber, will find their way into the

discussion the new Minister of Health will be leading in terms of attempting to provide for a new health accord with the provinces going forward.

I would add my own hope that pharmacare is finally going to be a part of that. It was also recommended in the report adopted by this chamber.

The result of all of this — this new federal leadership in collaboration with the provinces — will result in a better health care system for all.

Finally, I want to talk about the commitments with respect to the Senate that were made both in the Speech from the Throne and previously by the Prime Minister in his former role as Leader of the Liberal Party of Canada. They are good moves. I think they will lead to a less partisan, more independent chamber. It isn't going to be easy getting from here to there, but the appointment of a government leader would only have perpetuated the traditional adversarial system, which is the system that we should be moving away from.

So I applaud their efforts and the fact that there will be a different exercise in the appointment of senators that will allow for some vetting of applications. A different kind of chamber and progress for this institution are most welcome.

Honourable senators, these are a few of the commitments and priorities that have been set out by this government. We must make sure that these commitments are met and that we are of assistance to the government in helping to make these necessary changes for Canadians, because they are what Canadians need and want.

Thank you very much.

**Hon. Donald Neil Plett:** That was the shortest speech in history we just heard. It does not take a long time to say nothing.

Honourable senators, I rise today to speak in response to the Speech from the Throne the other day. Many of us were here, and we heard the Right Honourable David Johnston, the Governor General of Canada — and I thank him for taking the time to address our Parliament in order to mark the commencement of our new parliamentary session.

As honourable senators know, the Speech from the Throne is an opportunity for the government to outline their agenda, policies and priorities as Parliament embarks on a new session. While I have some concerns with the priorities outlined by this government in the Throne Speech, I have very serious concerns with what was not included.

Quite frankly, I find it shocking that there was no mention of the largest threat to Canada's national security and its allies. ISIS was not mentioned in the speech, which leaves me with great concern. At a time when the rest of the world is expanding and enhancing their fight against the Islamic State, Canada is pulling back. The speech even made a veiled suggestion that cuts would be made by stating they would invest in a "leaner" military.

The Liberals were so critical of the Conservatives for fear-mongering, the Defence Minister even stating days before the Paris attacks that Canadians need not fear ISIS. We do not have to fear ISIS, he says. I wonder whether our friends in France and San Bernardino would agree with the minister that we have no fear.

Further, I wonder whether these attacks will qualify as evidence for the Liberal government's evidence-based policies on Syria, CF-18s and the overall ISIS strategy.

Prime Minister Trudeau asserted that Harper's insistence that we must increase our military action against the Islamic State was a dismal distraction from his economic record. Well, as it turns out, Stephen Harper was absolutely correct with his comments. ISIS has named Canada and Canadians specifically as targets, and we need to act accordingly. We have the ability to contribute with humanitarian aid as well as with military force. It would be irresponsible for our own national security and the security of those we are seeking to help in war-torn regions to weaken our efforts.

• (1500)

To focus solely on humanitarian assistance without a strong military presence, to quote representatives from diaspora groups in Canada, we would simply be "dropping aid on dead people."

After the Paris attacks, an Ipsos-Reid poll found that the majority of Canadians want us to continue air strikes against the Islamic State, which demonstrates that Canadians are now seeing that the Liberal Party was wrong in their approach. The responsible thing for the government to do at this point would be to respect the will of Canadians on the issue of air strikes and combat and simply admit that they were wrong — something they should be getting quite used to by now.

The government needs to be cognizant of the best interests of Syrian people, most of who, in fact, desperately want to return to their country yet will not be able to do so safely without strong, measured military action.

I am grateful, however, that the Liberals have at least admitted that they were wrong and have in part adjusted their Syrian refugee plan and self-imposed deadline to accommodate for security concerns that were outlined by both the NDP and Conservative parties during the election. However, they continue to throw out numbers with unrealistic and unreasonable self-imposed deadlines, which is troubling. We need to make sure that the security of Canadians remains paramount.

Colleagues, the Speech from the Throne, not surprisingly, mentioned growth of the middle class, as this was indeed a pillar of the Liberal campaign. However, we are quickly finding out that the impact of the Liberals' proposed economic policies will not benefit the middle class, but rather will cost Canadian families. In the Liberals' plan, the biggest tax cut goes to people earning between \$89,000 and \$200,000. If those incomes do not sound middle class to you, that is because statistically they are not.

Furthermore, if the Liberals are seeking to lower the tax burden on the middle class, they are acting in complete contradiction by cutting the Tax-Free Savings Account limit back to \$5,500. The

Liberals asserted that this somehow unfairly benefited the wealthy. Not only are 80 per cent of all Tax-Free Savings Account holders earning less than \$80,000 a year, but the Liberal plan to roll these limits back from \$10,000 to \$5,500 completely cancels out any benefit their so-called tax break would afford the middle class.

As Catherine Swift of the Working Canadians group asked in a news release earlier this week:

This government claims to be concerned that average Canadians are not saving enough for their retirement, and then weakens one of the key means for Canadians to save in a tax-efficient way?

Colleagues, we are now also finding out that the projected \$3 billion in revenue that the tax hike on the rich was supposed to generate in order to offset the middle class tax cut was in fact grossly inaccurate. In fact, the total revenue from the tax cut will be less than \$1 billion, keeping Canadian taxpayers on the hook for the other \$3 billion. Perhaps the Prime Minister should have gotten out the calculator that he told CTV's Steve Murphy that he had no interest in using.

Although now, we are seeing clearly that, like Pierre Elliott Trudeau, our new Prime Minister does not view election promises as binding.

With respect to the Liberals' \$10 million deficit, expectations are being managed downward. The Liberal election platform reads explicitly on page 76 that the Liberal government will have a deficit of less than \$10 billion in each of the next two years. Now Prime Minister Trudeau has downgraded this to a "sincere hope."

The Speech from the Throne was indicative of exactly what many of us expected: a government that values big government and big spending to the detriment of Canadian taxpayers.

Another major concern of mine is the proposed serious changes to our electoral system without a referendum. They are committing to do away with the first-past-the-post system by the next federal election, simply stating that they will engage in a consultation process. This would be a fundamental change to our democratic process, and it is imperative that Canadians consent. And, no, 39 per cent of Canadians supporting this government does not equal consent.

When Justin Trudeau says he wants to take this to Canadians, let him take this to Canadians in the form of a referendum. I imagine that his hesitation has something to do with the fact that every provincial government has opened this issue to the public. Even after gaining their trust as government, they have not received approval to abandon the first-past-the-post system. They will either decide on a proportional representation system, which will leave us with a future of unstable minority governments, or they will choose the option many of us are suspecting, the preferential ballot system, which unfairly benefits the Liberal Party as the self-asserted centrist option.

It is a bit ironic that the Liberals were so opposed to our Fair Elections Act, which did nothing but modernize and strengthen the integrity of the electoral process, and after they claimed that

they were somehow tilting the odds in our favour, were still able to pull off a majority. Now they are proposing self-serving, fundamental changes to our system that so clearly benefit the Liberal Party above all other political parties in our Parliament.

Éric Grenier, an analyst for CBC, concluded that the Liberals' proposed preferential ballot system would only benefit the Liberal Party and would in fact have resulted in more Liberal seats in the past election. This blatant manipulation of the system and moving forward without explicit support of the Canadian public is an affront to democracy.

Colleagues, the Speech from the Throne did not mention the manufacturing sector. It did not mention the energy sector. What is particularly offensive to me as a western Canadian senator — and I have to disagree just slightly with my colleague Senator Mockler when he said that it did not mention agriculture at all. In fact, the only thing in the agricultural sector that it mentioned was in regard to the legalization of marijuana. Not grain farming —

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

**Senator D. Smith:** They smoke a lot of it.

**Senator Plett:** How much do you have? Not grain farming, not dairy farming, no mention of beef or hog producers —

**Senator Tkachuk:** Marijuana!

**Senator Plett:** — or our vast organic farming, production and export capabilities. No, the priority is marijuana. Not medical marijuana, which, of course, is already legal, but recreational marijuana, seemingly without any consideration of the fact that there is no roadside-testing mechanism to determine impairment levels.

**Senator D. Smith:** It's made in Manitoba.

**Senator Plett:** This is a safety issue which this government clearly intends to ignore.

Again, senators, this is an opportunity for the government to outline their key priorities. To afford no consideration to our Canadian farmers and agricultural producers is extremely troubling, given the importance of this sector to our economy and to Canadian jobs.

The agriculture and agri-food industry contributes over \$100 billion annually to Canada's gross domestic product. That is more than the national GDP of two thirds of the world's countries. To completely omit the entire industry as a government priority is offensive and concerning.

Although this is not a new sentiment for Liberal governments, Justin Trudeau said that the Prime Minister of Canada should not come from the West. We all know how much respect his father, Pierre Elliott Trudeau, had for western Canadians when he alienated the entire West. I am sure we can all recall the campaign's infamous quote, "Screw the West, we'll take the rest." Again, where are the seats? How long until we have another national energy program?

• (1510)

Overall as our leader, Rona Ambrose, said there is no mention of the private sector in this speech. Canada's focus on the economy and job creation needs to remain paramount in a fragile global economy.

Honourable senators, the Liberal government, through the Speech from the Throne, has sent a clear message to Canadians as to what their priorities are and what they are not.

**Senator D. Smith:** Democracy!

**Senator Plett:** To those who have been left out of this government's priorities — Canada's farmers, manufacturers, small business owners, victims of crime, to name just a few — as well as all Canadian families who have been misled with respect to tax relief and their ability to save for their families and their futures, rest assured that there is strong opposition in place in both Houses of Parliament, and we will be working on your behalf and we will hold this government to account.

Thank you.

**Hon. Terry M. Mercer:** Would the honourable senator take a question?

**Senator Plett:** I would love to have a question from my friend.

**Senator Mercer:** After such a nonpartisan speech, one wants to compliment the senator for getting into the spirit of what we have all talked about since we have been back, of being together, nonpartisan, and working together. Obviously he missed that newspaper article.

However, I do want to ask the honourable senator about his comments regarding the Department of National Defence. Perhaps he could talk to us about the \$2 billion in unspent funding in the Department of National Defence prior to the election so that the Conservative Party could then run around and say that the budget is balanced.

The budget is balanced because they didn't spend it on building ships, buying tanks or getting those jets they wanted.

The question is did he also read the mandate letter sent to the Minister of National Defence in which the Prime Minister talked about providing on-the-ground training to fight ISIS? He also talked about the provision of transportation planes to move equipment around in the battle against ISIS.

**Senator Tkachuk:** Order! I see you are back. You are not sick yet.

**Senator Mercer:** It would be helpful if Senator Plett could enlighten us in that great, nonpartisan way he is so fond of using.

**The Hon. the Speaker:** Honourable senators, Senator Plett's time has expired. Are you asking for five minutes?

**Senator Plett:** Can I have five minutes?

**The Hon. the Speaker:** Five minutes, honourable senators?

**Hon. Senators:** Yes.

**Senator Plett:** Thank you very much, Senator Mercer. Let me say this in a non-partisan manner: It is so good to see you back in this chamber, and I want to wish you well.

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

**Senator Plett:** I am looking forward to continued lively debates with you, both here and at committee. I made sure that I would be put on a committee that you are serving on so that we can continue our lively debates.

Let me tell you, Senator Mercer, that I was, of course, speaking to the Speech from the Throne and not to mandate letters.

**Senator Mercer:** I see.

**Senator Plett:** Of course, I didn't read all their mandate letters prior to my speaking. I need to mention, when we talk about all of the things that might not have been done by our previous government, another thing that was not done, Senator Mercer, was we did not supply our brave men and women in uniform the wrong colour of uniforms when they are out there fighting.

**Hon. Anne C. Cools:** May I ask the honourable senator a question?

I was listening with care to Senator Plett. Senator Plett just said that he is speaking to the Speech from the Throne.

Is the honourable senator aware that he was not speaking to senators, but was actually speaking to His Excellency, the Governor General of Canada? Is he aware that this is an address, the Senate's direct conversation with the Governor General?

**Senator Plett:** Senator Cools, thank you. He is also aware that although the Governor General did read the Speech from the Throne, it was not written by the Governor General; it was written by the Liberal Party.

**Senator Cools:** Who wrote it is irrelevant. It is not written by the party; it is prepared by the ministry. That is the practice of years. If you have a quarrel with that, well, maybe that is how it is.

However, the fact remains that the question before us right now as the rubric is the address to the Governor General. I am saying to be mindful in your somewhat strong language that you are speaking to His Excellency, not to the government. You are speaking to the Governor General of Canada, the Queen's representative not to the Prime Minister. I feel very strongly about our Sovereign.

**Senator Munson:** You are talking about Her Majesty the Queen.

[ Senator Plett ]

**Senator Plett:** I don't really know that there was a question in that last remark. I had answered your first question, Senator Cools.

**Senator Cools:** I was asking you if you were aware of the —

**The Hon. the Speaker:** Senator Plett's time has expired.

**Hon. Jim Munson:** Honourable senators, to paraphrase anybody, Terry's back and Don never left.

I know you can't use first names, but on this occasion I did.

Guess what, honourable senators? Today is my twelfth anniversary of being appointed to the Senate.

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

**Senator Carignan:** A non-partisan appointment.

**Senator Mercer:** Sunny ways.

**Senator Munson:** I will have you know that through the procedure I was the last appointment of The Right Honourable Jean Chrétien.

But time flies when you are having fun. When I came here, I thought that after working in the Prime Minister's Office and being a journalist for 35 years, what a quiet, quaint place to come to. Who knew?

Honourable senators, we are back in action; it is 2015. With the Speech from the Throne delivered last week, we began this parliamentary session with a sense of the government's priorities. It is useful and wise at the outset to draw a map in broad yet generally clear terms. The speech did exactly that.

However, I would have liked to have seen some specific references, especially to the issue closest to my heart. This is the excerpt from the Speech from the Throne:

And to support the health and well-being of all Canadians, the Government will begin work with the provinces and territories to develop a new Health Accord.

That was it. There has to be more, much more.

Also set out under the heading "Growth for the Middle Class," this commitment holds a promise that I hope accommodates the interest and needs of the thousands of people in Canada with Autism Spectrum Disorder.

The federal government needs to sit down with the provinces and territories and work out how best to coordinate existing autism services and resources and to create new services and resources that are lacking. Canada needs a national autism strategy.

The federal government has a unique, pivotal role to play. The timing and circumstances are optimal for work to begin.

Since I started learning about and advocating for people with autism and their families, public awareness of and engagement in helping those impacted by the developmental disorder has increased exponentially. Ten years ago hardly anyone knew what autism was. The misperception was that it was the result of poor parenting. Can you imagine that? It was still prevalent.

Early on my presentations to groups here and throughout the country had one central message related to the challenges endured by the families of people with autism: their anxiety over lack of information, resources and services for their sons and daughters; their financial burden; and their experiences of helplessness, frustration and deep isolation.

The good news is that there have been remarkable improvements in relation to where we began. And guess what, honourable senators, you have to think about this at this time with people talking about non-partisan and less partisan, on a road map that is uncharted, as the Speaker talked about, of where we're going. We have worked together on this issue and many others. And we did it together, so let's think about that.

• (1520)

The first significant push forward happened in the Senate, when the Standing Senate Committee on Social Affairs, Science and Technology undertook a study that I asked for on autism disorder. I had been raising my concerns about autism, its immediate impact on individuals and its eventual impact on society for months.

Senators Art Eggleton and Wilbert Keon, chair and deputy chair of the committee, responded by leading a thoughtful and comprehensive series of hearings with witnesses representing every possible dimension of autism: children, parents, health care workers, policy-makers, educators and therapists. Their voices were captured and amplified in the groundbreaking report based on our study, honourable senators, *Pay Now or Pay Later, Autism Families in Crisis*, released in March 2007.

Autism advocates across Canada applauded the report's recommendations, particularly for the federal government to develop a national ASD strategy. This goal was and remains today a significant catalyst for Canada's autism advocates to pull together to ensure their collective voice is heard. As a result, we have an autism community.

One of my proudest achievements since joining the Senate was the passage of my private member's bill, an Act representing World Autism Awareness Day. Again, we did this together. Now enshrined in Canadian law, this day gives us all an opportunity to show families of people with autism that their plight matters, that the people of Canada respect and admire them for doing the best they can in the name of their children, brothers, sisters, grandchildren, nieces and nephews.

World Autism Awareness Day also sparks empathy among the citizens of this country about autism, its symptoms, the people affected by it and the need to address the crisis it has become.

Ready, Willing & Able is another example of progress. It is a program that brings people with ASD and disabilities together with potential employees, giving all parties the chance to run through real application and hiring processes.

I applaud the former government for being part of this and for funding this program and accepting this program. I remember the great work of the late former Finance Minister Jim Flaherty. He was so good to me and he was so good to us. The former government recognized Ready, Willing & Able for its capacity to help people who typically struggle to find work. The program demonstrates to employers that they are an untapped source of talent and workplace contributions.

In the last federal budget the government allocated a generous investment to supporting Ready, Willing & Able. The former government also took other steps to address the autism challenges. The Income Tax Act includes some helpful provisions such as disability tax credits and national surveillance those initiatives came from the Senate report. It is so important. National surveillance is in its early stages. A research chair in ASD was also created at York University. These are the ideas that came from the people we listened to. It takes commitment to cooperate and break down silos of expertise to work with individuals and organizations that the like-minded are also different.

Established just months following the release of the Senate autism report, The Canadian Autism Spectrum Disorders Alliance embodies such commitment. Eight years since its formation, CASDA continues to grow and is unyielding in its determination to engage all levels of government in addressing its call for inclusion and improved coordinated services.

On April 2, 2014, only a year and a half ago, the alliance, in partnership — and this was also part of our report — with the Public Health Agency of Canada, launched a National Needs Assessment Survey to gather input from almost 6,000 respondents, parents and service providers.

Think of this: We are getting all our statistics from the Centers for Disease Control and Prevention in Atlanta, Georgia about our country, and we are now doing what we should have done long ago but this is being done now.

The rationale behind this was strategic. The findings would be used to have a means to speak with authority and inform evidence-based decision making. With the National Needs Assessment Survey complete and a report prepared, decision makers today have strong evidence in their hands of real human experiences, gaps in services, especially with our Aboriginal people, and what the priority areas for future work should be.

Last year CASDA organized the first national autism leadership summit that was held in Ottawa. The findings of the needs assessment survey were central in discussions and presentations on building commitment for a shared leadership movement.

The summit closed with an announcement representing perhaps one of the most promising advancements to date: a \$2-million investment by the federal government to create a stakeholder

working group led by the Minister of Health. The new Minister of Health has promised that she will carry on this work. That's handing off from one government to another; not changing programs but moving it forward. The group was tasked with the development of a plan for a Canadian autism partnership that would address key issues facing Canadians living with autism.

In preparing my presentation to you, I debated about whether to begin with the good news or the bad. You have now heard the good news. I have provided examples of building blocks and progress in our country's ability to deal effectively with autism. However, in communities where each of you live, there are still families weighed down and incapacitated by the demands of dealing with autism. Waiting times for early diagnosis can be years. Because of this, many young children cannot access intervention treatments early enough to realize optimal benefits.

To avoid waiting and missing out on necessary treatment, parents are paying out of their own pockets for services unavailable through the public health system. Autism is a significant health issue and people need to pay for basic assessment and treatment. By the way, it is also a human rights issue in my view.

Once children with autism turn 18, they lose their pediatricians, they lose their eligibility for public funding of speech and language services and behavioural therapy. At 21, they can no longer attend public school. Only a lucky few live in group homes and attend day programs or even have part-time jobs. And of course, honourable senators, it is not only the children with autism who are getting older, but the parents who care for them are, too, which heaps worry on uncertainty and creates desperation within families.

Honourable senators, if you have talked with parents with autistic children you most certainly have been touched by their stories. In each there is always a common fear: What will happen to my child when I can no longer carry the load? That's the question. It is a thought that haunts each and every parent of a child with autism. And their concern is legitimate. Care and housing options for autistic adults in this country are meagre.

Two years ago, I met with a group of parents in Woodstock, New Brunswick, who were raising their autistic children without the benefit of even knowing what public resources they were eligible for and how to access them. Meanwhile, the provincial government was pattering away less than two hours down the highway from the homes where they struggled in isolation and without support or guidance.

On a stormy night in Walton, Ontario, near Lake Huron, only a year ago, I met with another group of parents. One of them was a mother who spoke tearfully about her experiences raising her autistic son, who was prone to violence. She described how her only defence against being physically hurt by him — and you have to remember she's being loved by him six days a week — was that she could still outrun him. It is 2015, and she has to run from her own son down an isolated country road in the middle of the night.

What people with autism need most is what we all need and want most: the opportunity to learn, to acquire life skills and to become as independent as possible. Where there is a lack of

opportunity to support transitions, gaps must be filled and changes introduced. Inclusion has to be an explicit social and policy priority. Ignoring the necessity for and failing to create these vital opportunities is a human rights travesty.

Honourable senators, after all these years I still wonder when the federal government will live up to its full responsibilities because we always hear it's provincially run. It's not a federal responsibility. Well, it is a federal responsibility. We have a federal responsibility for our Aboriginal children across the country who have no services. There has to be a national summit and there must be collaboration — there really must.

The best efforts of every individual and organization set on helping people with autism will never be enough. The government has to take the lead and bring together all the expertise and approaches that have been achieved by the autism community so we can move forward with strength and hope for every Canadian impacted by autism, for every Canadian.

• (1530)

If people are talking in too many different voices, sometimes it gets too confusing. If we are trying to establish some form of policy direction on autism, we have to be moving in one direction and have people come together with one voice. That's what I said at this autism summit. And who was there with me but my friend Mike Lake, member of Parliament and still a member of Parliament. Not to be partisan about anything, but I'm really glad that Mike Lake won and he's still with us. I'm sorry for the Liberal candidate there, but that's the way it goes. Mike and I work so well together, and we will continue to push this. He has already spoken with the new health minister. We just changed roles in our institutions, but it really doesn't matter. There is no bad seat in the Senate and no bad seat in the House of Commons, so we can still work together.

With autism rates in Canada currently estimated to now be one in sixty eight children, autism is the issue of our times. As much as progress continues, the gaps in services to people who need them only become more unacceptable and unjust.

Carla Qualtrough, the minister responsible for disabilities, Minister of Health Jane Philpott, whose portfolio includes PHAC, Carolyn Bennett, Minister of Indigenous and Northern Affairs, Kirsty Duncan, Minister of Science, member of Parliament Judi Sgro — these are all honourable parliamentarians who have demonstrated commitment to addressing the autism challenge and whose responsibilities relate to the most critical autism issues.

In closing, honourable senators, with each building block added to the platform for a national ASD strategy, with each inroad to reaching our federal decision makers, we are closer to achieving a strategy than ever before. Still, I would like to see more evidence. Our government, this government, needs to make specific reference to a national ASD strategy, and I'm sure as we work here together in the Standing Senate Committee on Social Affairs, Science and Technology and other committees, we can stand together and walk out of here maybe once every month or every three months together as a group and have a news conference outside here and tell the government that we're paying attention and we're not going to let this thing go.

Trusting in the intentions behind the high-level language in the Throne Speech is insufficient.

**The Hon. the Speaker:** Senator Munson, your time has expired. Are you looking for five more minutes?

Senator Munson: Please.

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

Hon. Senators: Agreed.

**Senator Munson:** Honourable senators, I need two minutes. You'll get cooperation from me on this issue and many others. You're going to be surprised. For example, Senator Carignan's proposal. Why not? We have ministers coming here to our committees. Have them sit here and talk to us. Absolutely.

Trusting in the intentions behind the highlevel language in the Throne Speech is insufficient. The stakes are too high.

Honourable senators, with this new government, positioned as it is on the advancements realized by the previous government, and this community's vast, multisector autism community, there has never been a better time to give the country what it needs. Our new government is in the unique and optimal position to take decisive and moral action.

I will add that a national ASD strategy would open the door and give much needed hope to other groups within our population, including others with intellectual and physical disabilities who are also struggling to live fully and realize their potential as human beings. An open door for this, honourable senators, is an opening for all of us who want to live in a country that respects and protects the right of all of its citizens.

I want to thank you for your attention, honourable senators. I look forward to talking with you about this in the months to come. Together we can do this. Thank you.

[Translation]

**Hon. Grant Mitchell:** Thank you, Mr. Speaker. I am very happy that you are sitting in that important seat in this chamber. My colleagues and I would like to extend to you our heartfelt congratulations.

[English]

I know that I am supposed to speak to the Governor General and through him to the Queen, but I wanted to acknowledge the presence of the Speaker in the chair and congratulate him for ascending to that position. I know that we all appreciate that he will do a great job, as he has already proven to this point.

I must say, colleagues, that I was struck as I was thinking about responding to the Speech from the Throne that this is the first time in my 23 years in two separate legislatures that I have had the

chance to respond to a Speech from the Throne from a government that I actually voted for. There was a moment or two when I was at a loss for words. I turned to my wife and I said, "Teresa, what am I to say?" And she said, "Just say 'all good'," and sit down. We agreed with the "all good," but there are a few things I want to highlight and in fact push the government on to some extent, to raise with the government.

Clearly, those of you who have listened to me speak, and I'm sure it's not all of you over the last number of years, will know I am concerned about climate change and about the environment, and that I am deeply concerned about that. Also, as a representative of Alberta and Alberta's energy economy, I am very concerned about the way in which those two elements could be blended. One of the things I would like to highlight in the Throne Speech is the statement that the government makes very clearly, which is that protecting the environment and growing the economy are not incompatible goals. In fact, our future success demands that we do both.

I think that that is a breakthrough realization on the part of the Canadian government. It's fundamentally important that we understand it and that, as a chamber, we assist in pushing the government to make sure they find a way to do those two things properly and effectively in the context of knowing that if we do the environment properly we can do energy properly, and we can in fact stimulate a 21st century economy perhaps unlike anything in a positive way that we've been able to imagine.

I have said it before and will say it again: We restructured our economy to win the Second World War, and that did not ruin our economy. That created one of the most successful western industrialized economies in the western world and has sustained an unprecedented level of quality of life for most Canadians for upwards of 70 years. Dealing with the environment properly, dealing with climate change, isn't a threat to our economy. Not dealing with climate change is a threat to our economy. In fact, it's an infinite risk. If we deal with it and deal with it effectively, we will stimulate, catalyze, the 21st century economy comparable to what happened after the war in this country, but for a new century at a new time.

I would like to emphasize that there are a couple of things that are very important. I will make a point about the concern that some people have expressed about establishing targets. I would really congratulate the Minister of Environment for the fact that she has established the 1.5 per cent as a working target. There are those who say the target is too tight and the targets are too low and we can't be doing that. As I was thinking about that argument, I recall an interesting seminar I attended with my wife Teresa on a trip to Goldsmiths College at the University of London in London, England. It was a celebration for the opening of a new and creative innovation centre. It was premised upon bringing together people from science, computing science, music, literature and the arts to understand and study the forces and the power that inspires creativity.

It was very revealing because the theme of that celebration, the theme of the many speakers that presented there, was how it is that if we put parameters around ourselves we actually inspire greater creativity than if we just open everything up. It's the pressures of having to overcome certain obstacles and parameters that actually stimulate creativity. They did that in many different ways.

• (1540)

There was one presenter who was a computer scientist and also a very good musician, and he had composed three compositions using progressively fewer notes. He was not allowed to use certain notes. It was remarkable. There was a poem, a five-minute poem, that was presented without any words using the letter E, and it was amazing how creative that poet had become and that musician-scientist had become.

What I'm saying is that I believe that if we embrace and understand that the world is changing on climate change, that people are concerned about it, that markets are changing and that the energy future will not look the same tomorrow or the next day or 10 years from now as it does today, if we want to be part of it, we have to understand that and change with it. I'm not saying we do away with oil and gas. There is still a long time when that will be present and important in our economy. We know that; coming from Alberta particularly, we know that. But I also know that if we are not to be, as somebody said in a blog recently, the last investor in the buggy-whip company, we'd better figure out a way to generate renewable energy, to be competitive in scientific and intellectual property-type pursuits, to be innovative and to think about a new kind of economy for the future.

When it comes to climate change, I'd like to mention two things, through the Governor General, to our government that I think are important for this government to keep in mind.

First of all, it does have a political mandate to do something about climate change. The Prime Minister brought together the premiers to work together — imagine that — to confront that challenge. So the mandate exists, but what we need to be certain about is that there is the political will, the political credit, amongst the population of Canada to allow that to happen because we know that the best of political intentions can certainly be thwarted and stymied by a democratic public that isn't inclined to agree with what the government wants to do or how it wants to do it.

I think there is general agreement, clearly stated by the electorate: 70 per cent voted against a government that wouldn't even talk about climate change; 70 per cent voted for parties that are determined to do something about climate change. I think there is a mandate.

How do we sustain the will? How do we build the credit? How do we build the consensus amongst Canadians so that that mandate can be fulfilled effectively? I believe it comes down to consultation with the public. There are new methodologies. There is a great deal of research, a great deal of practice now with new consultative methodologies. They come under the category of deliberative democracy, and they do two things. They allow governments or other organizations to solicit the public, to solicit experts as well — stakeholders — to get ideas. But they also, in the same process, allow the building of consensus amongst those stakeholders, the public and other organizations, which allows action to be taken and to be taken effectively.

It's a given. We are going to deal with carbon, and it's pretty clear that we're going to have a carbon price one way or another, in some cases with a carbon tax and, in other provinces, with cap



and trade. Either way, there is going to be a carbon price in this country. It's also clear that the government is committed to funding renewable energy, funding conservation, funding green projects for the future, green infrastructure. But the question is, once we've accepted that these things are on the agenda — and they are — how do we get the best ideas from the public and from stakeholders so that we know we're doing them in the best possible way? If we consult properly, if we use modern technologies and other techniques that allow for that input, we also create a national debate, perhaps a passionate national debate, about that. We can bring people together, and we can set direction and build consensus around ideas about the way to do that most effectively. That's the first thing that I say to the government, that we need to structure a public debate across this country, based on consultative techniques. There are very modern, effective technologies, techniques and methodologies for doing that, and I would push them and encourage the government to undertake those.

Second, a feature of confronting a new energy future is new technologies. There is a very interesting model in Calgary, based in southern Alberta, called TECTERRA. I don't know whether Senator Tannas is aware of it, but he might well be. Perhaps Senator Black and others from Alberta would be. TECTERRA is a group of business people and high-tech academics who got together voluntarily and said, "What is one area where Alberta has advanced in technological development, for example?" They came across one, among many others. It was geospatial technology, basically GPS used in sophisticated ways, for example, used to make sure that when you're tunneling 32 metres under the ground for a sewage tunnel, you don't have to keep adjusting to make sure you're going straight. There are many success stories now in Alberta with that kind of advanced technology. So they said, "Okay, we have some kind of advantage there. We have advancement there. We have a base in academia and a base in business. We have a tech sector that has already embraced that particular area — geospatial technology. What can we do to facilitate that? Rather than have government pick winners and losers, what if we set up a group, called TECTERRA, of business people, scientists, academics, people who are high-tech specialists in this area, who could take grant money from the Alberta government in this case and from the federal government and decide where to put that and make judgments, on a business basis, on where to put that, rather than having government doing that directly? So they set up this remarkable group and a remarkable process that operates like a business, is non-profit, screens their applications extremely carefully with expertise and ensures that the way that they contribute the money to the business meets two criteria: one, it has to go to a project that the business wouldn't otherwise do but has the expertise in and interest in doing — so it's new; it's breakthrough — and two, it has to be structured in a way that doesn't limit that business's ability to go to the capital markets to get more money. It's very carefully done and very smartly done, and what's happened is that they have had a tremendous amount of success.

Over the five years that they have existed, they have put out about \$35 million. They have had \$139 million of actual economic impact, with new projects, new technologies, developments and companies in Alberta, and \$157 million in Canada. They think that the projects that are now in place will have a \$300 million impact by 2018. Two hundred and forty-three new jobs have been created and supported in Alberta, and 303 have been created in Canada. Two hundred and eighty-three professionals are engaged

in technological development and commercialization as a result of these projects, almost 400 in Canada. Also, 121 small and medium-sized enterprises — that's the area that they focus on — have been supported, 182 in Canada. I could go on, but the point that I want to make is that it has been extremely successful in the way that it has developed technologies, inspired business and not been a waste of money. All the projects don't necessarily work out. But most have worked out, and they have returned development and income and jobs well beyond the money that has been invested and would have otherwise been invested in different ways by governments. That's a model that could be used more broadly for green technology and renewable energies, not just for geospatial technology, and it's something that I encourage the government to consider.

Underlining both of my points about the improvement of the environment really is the fact that the environment and dealing with climate change will be essential to the economy and my idea for generating effective investment in green technologies and renewable energies and technologies of the future.

Underlining both of those things is another point that is made in this Throne Speech that I want to emphasize. That point is the emphasis that the government is placing on supporting young Canadians and their effort to get post-secondary education, to make that post-secondary education more affordable. Any of us who have had — Could I have a few more minutes, Your Honour?

**The Hon. the Speaker:** Do honourable senators agree that Senator Mitchell be granted an additional five minutes?

**Hon. Senators:** Agreed.

**Senator Mitchell:** Thank you very much.

• (1550)

I want to emphasize that clearly the kind of economy that I am contemplating, that I know colleagues are contemplating and the government is contemplating for the future will be premised upon having the best educated population in the world. We probably do already. If not, we're awfully close, but we can do better.

It is a struggle for young people to afford post-secondary education. There are many cases, I expect, where young people are making the decision not to pursue that because they are concerned about the cost and the burden of a debt they may carry for many years to come. That is something that I am very happy for the government to emphasize.

I will close simply by saying that I was very encouraged to see that it's clear in the mandate letter to the Minister of Public Safety that there be a focus on cleaning up the culture of the RCMP.

It is not fixed. I don't receive cases daily, but I receive many cases of harassment, sexual harassment, of harassment of women and men.

Yesterday the Commissioner himself admitted that there are racists in the RCMP, and he doesn't want them there. He's been there for four years. What is he doing about it?

I don't think there is enough being done about it, and I am very glad to see that it is clear in the minister's mandate letter. I am extremely glad to hear that. I believe it was the first thing he mentioned publicly that he was going to deal with: harassment and the culture of the RCMP. That venerable institution, which is the epitome, the icon, of Canadian values, needs to be a place where Canadian men and women feel safe when they go to the office each and every day.

I know we've had some cross-house cooperation on that. We did that great study in the Senate committee. There is still much to be done, and I encourage the government and minister in their efforts to do it.

(On motion of Senator Bellemare, debate adjourned.)

### THE ESTIMATES, 2015-16

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

Leave having been given to revert to Government Business, Reports of Committees, Order No. 1:

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2016.

Honourable senators, with leave of the Senate and notwithstanding Rule 5-5(f), I move that the report be considered now.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

**Senator Day:** Honourable senators, we have worked diligently with respect to this particular matter. It's dealing with the Supplementary Estimates (B). It's not that extensive in terms of pages, compared to a lot of supplementary estimates that we've worked on, but it had to be dealt with quickly in order to meet our practice in this chamber of having the report from the estimates before you before you're asked to consider and perhaps vote on the supply bills.

The supply bill that goes with this will arrive from the House of Commons later today or tomorrow, and that will provide for supply for certain departments as outlined herein. I will briefly go over those to give you a bit of an understanding as to what appears in these supplementary estimates and what will appear in the supply bill tomorrow that we will be taking into consideration.

The part of the estimate at the back is an attachment, and that is an abbreviation in short form of what will be in the supply bill. It is exactly the same wording as appears in this, and we always check to make sure that is the case. We will do that again

tomorrow when we get the supply bill. Assuming that it is, then we will have, in effect, pre-studied the bill before it came here by having the advantage of the estimates.

That is probably one of the original pre-study-type activities of this chamber. It's different from a pre-study of a government bill, but not totally unlike a pre-study.

What I will do, honourable senators, is briefly go over the report, which outlines the work in brief. It had to be brief, because we had to get the document done, delivered to you and translated, but it does make a point of outlining some of the salient issues that came up in our hearings over the past three days.

First of all, I would like to thank the committee members for dropping whatever else they had to do in order to get this work done. We met over lunch, early in the day and late in the afternoon to achieve this.

We met with Treasury Board, which is our usual practice because they have developed the document. They have a background binder that helps us delve into the issues.

I want to thank Brian Pagan and Renée LaFontaine, the two representatives from the Treasury Board Secretariat who came before us and did a fine job in outlining some of the issues and why these Supplementary Estimates (B) are important.

Honourable senators will recall that we did the Main Estimates back at the beginning of the fiscal year, the beginning of April of this year, before the general election. There was also a Supplementary Estimates (A) that came out about the same time, before the end of June.

We have this Supplementary Estimates (B), the second one, and my sense is that there will be a Supplementary Estimates (C) before the fiscal year is over at the end of March.

Parliamentary Protective Service came before us. That is another one of the departments looking for funding. Chief Superintendent Michael Duheme, Director; Jean Forgues, Administrative & Personnel Officer; and Sloane Mask, Deputy Chief Financial Officer appeared before us and answered questions. We had a very good discussion.

This morning we met with Citizenship and Immigration. Tony Matson, Assistant Deputy Minister and Chief Financial Officer appeared before us as well; Sidney Frank, who is the Director General of the Syria Refugee Project itself; and Mike McDonald, Director General, Operational Management and Coordination. They explained to us how busy they have been.

As an individual, we were very pleased to be able to have, on short notice, Jamie Chai Yun Liew, who is a professor with the Faculty of Law at the University of Ottawa. Ms. Liew is very familiar with respect to refugee issues from a legal point of view, and she also acts for resettlement houses in the Ottawa region and on specific refugee claims. She appeared to be a very capable, resourceful person.

I have no doubt that this particular issue of refugees will be back before Parliament and back before us. I would highly recommend that we keep in mind that person as a resource in helping us understand some of the issues.

• (1600)

Honourable senators, these supplementary estimates are an additional amount that the government is now asking that we approve in expenditures. The additional amount is \$810 million. I will briefly go through the departments that have asked for the funds.

The reason for this is that during the end of the last government and the beginning of this one, during the election campaign and subsequent to that, there have been changes in the fiscal picture in terms of money needed, and money has been made available, sometimes on an emergency basis. That is what Treasury Board's role is. It is called the government contingency vote 5. That vote was used by a number of different departments, and we analyzed some of them. I will not go through them all now, but they're in the report, and you can see where some money went during the period when Parliament was not sitting but money was needed.

During that period of time, \$519 million was paid out by Treasury Board to different government departments. Seventeen different organizations required some additional funding. There are strict rules with respect to when Treasury Board will make that money available.

What we are looking for is a balance between efficiency of government, efficiency of the bureaucracy and parliamentary oversight. There has to be a balance there. In this instance, when Parliament wasn't in session, that amount of \$519 million was needed.

They are now asking us to confirm that that was okay and that the rules posted on their website were followed. The Finance Committee has looked into this on a number of occasions to ensure that the rules are updated and appropriate for the time, because there was a time when there was little oversight of that particular expenditure, which meant that Parliament's approval was not being sought. That was a serious situation that was rectified.

The House of Commons, you will be pleased to know, has asked for another \$9.5 million in voted appropriations, and \$8.3 million of that was money that they didn't, for whatever reason, spend last year. They have a carry-forward, and they are asking now to have that money to go along with the other funds that had been voted earlier.

Other than the carry-forward, other items included wireless telecommunications expenditures and salary increases. "Electronic petition system" was the wording that was given. I will remind honourable senators about that later.

That is what the House of Commons was looking for. That is one of the ones that you are being asked to approve here, or you will be tomorrow, namely, \$9.5 million.

Parliamentary Protective Service is another area. They were asking for \$3.1 million.

Citizenship and Immigration is the major area where funds are being sought, and we spent considerable time discussing that area. I mentioned the witnesses we had on that particular matter. Citizenship and Immigration is looking for almost \$278 million to cover the additional unexpected costs of bringing in Syrian refugees and all the costs associated with that.

They pointed out to us that there are basically two groups. There are the privately sponsored refugees — and the government obviously has many expenses with regard to those, as well, in terms of security checks and perhaps transportation and settlement. But then the local community or a local organization will commit to take care of those refugees for up to six years, making sure that they have proper accommodation. However, there is still government involvement in that area.

One of our honourable senators asked a question about the importance of new refugees coming to Canada having access to health care and, in particular, mental assistance and mental care, because they are coming out of a war zone and because many are suffering from post-traumatic stress. We were assured that that is part of the program.

We also discussed with the immigration personnel the other group, the completely government-sponsored group. All of the expenses there are looked after by the government, although other departments get involved, as well as provincial governments in terms of education and housing. A huge secretariat has been built up, and we were told that upward of 20 to 30 different departments and agencies are involved. Obviously coordination is needed here.

The federal government is in a matching program with donations by individuals up to \$100 million; the government will match a donation if it is directed through whatever agency to help the refugees. That will go to the end of December, but I would suspect that we might see that extended, given the fact that the number of refugees coming to Canada is now 10,000 until the end of December and then another 15,000 to the end of February. So the program will probably be adjusted to help out in that regard.

Those are just some of the salient points that came out of the session we had, honourable senators, that I wanted to bring to your attention.

I promised I would go back to a couple of figures, and this is helpful in looking at these particular documents.

To put it into perspective, the approved estimate for the House of Commons' expenditures for this year was \$443 million, and they are now asking for almost another \$10 million. The Senate, on the other hand, has an approved expenditure for this year of \$88.7 million — so \$88.7 million versus \$443 million. This new Parliamentary Protective Service is anticipating an estimate of expenditures of \$53 million.

I wonder, honourable senators, if I might have another five minutes to conclude my remarks?

**The Hon. the Speaker:** Honourable senators, is it agreed?

**Hon. Senators:** Agreed.

**Senator Day:** That service was set up only in June of this year, so it will take a while for them to determine what their steady state is. They are estimating now around \$53 million a year for security services in the precinct.

• (1610)

By comparison, the Auditor General has a budget of \$78 million this year. It is always interesting to look at the different numbers. We know how important the services are that are being offered.

One of the other figures that we got today that honourable senators should be aware of is that of the 10,000 refugees that the government is bringing in before the end of December, or is attempting to, 8,000 will be privately sponsored refugees; 2,000 of the 10,000 will be purely government sponsored. I repeat: 2,000 government; 8,000 private for the first group.

If you look at it overall for the 25,000, they anticipate it will be 15,000 government sponsored and 10,000 privately sponsored.

As I mentioned earlier, even the privately sponsored refugees have a lot of government departments involved, and there is a lot of government expenditure involved there. We will definitely be seeing more requests for funds from other government departments.

The one we see here is only for the Immigration department, and there are 15 to 20 departments involved here. For the 25,000 refugees that will be coming to Canada before the end of February, \$70 million to \$80 million will be needed for transportation and health care alone, irrespective of whether they are privately or publicly sponsored.

We were told this is a monumental increase and a huge task never before faced by the department, but the department did tell us that they have approximately 10,000 refugees a year; so they do have a system set up. This is a rapid expansion of knowledge that they had already developed. That was important for us to learn as well.

I think, honourable senators, those are the highlights. One honourable senator wanted to know the total number of refugees around the world, because we are just talking about Syrian refugees here. The number is somewhere around 7 million or 8 million individuals around the world who have been displaced or are in extreme situations.

Honourable senators, those are the points I wanted to bring to your attention. I can make a few more points tomorrow when we look at the supply bill, but from the point of view of this report, it

is important for our practice to have this report adopted before the supply bill that goes to it is adopted. Thank you.

**The Hon. the Speaker:** Another five minutes, honourable senators?

**Some Hon. Senators:** Yes.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Mr. Chair, I heard your comments, and it seems as though many departments are involved in this work. From what I understood from the testimony, it seems as though there is a lot of uncertainty regarding costs, and the answers you received seem to indicate that the total cost of the overall operation is still unknown.

Did you manage to get any specific answers regarding the final cost of the entire operation, or do we just have no idea? Did you ask questions about the amounts that could be reimbursed to other administrations, such as the municipalities? There was talk in the French-language media of a mayor who hired a consultant at the cost of \$1,800 a day. Will those expenses be reimbursed by the federal government?

**Senator Day:** Thank you, Senator Carignan, for your question. First, between 15 and 20 federal departments will be involved in the planning process for taking in these refugees. We asked about the costs. The amount is approximately \$678 million over six years for all of these departments.

We still don't have any information regarding the other non-federal agencies. We talked about it, but we haven't gotten any answers yet.

**Hon. Pierrette Ringuette:** Thank you, Senator Day, for your comments and for that information. However, I am intrigued by the fact that Atomic Energy of Canada Limited is asking for \$232.8 million, which is 45 per cent of the budget under vote 5. I understand that you did not have much time, but it seems as though the stakeholders did not appear before the committee. AECL is asking for 45 per cent or almost half the budget under vote 5. Was the Treasury Board able to answer all of your questions regarding Atomic Energy of Canada Limited?

**Senator Day:** Yes, for vote 5, the amount requested in this bill, which will be introduced here tomorrow, will be \$519 million in total. The amount for Atomic Energy of Canada is \$232 million, which will allow the company to continue its operations during the transition period, when a new administration will be put in place. Once that has happened, those expenses will be paid by the new company. For the time being, these costs must be paid by the government because the transition has not yet taken place.

[English]

**Hon. Anne C. Cools:** Senator Day, I am asking you about something that is very familiar to us. It is now many months since the dissolution of Parliament. As you know, we have had big

[ Senator Day ]

problems in years past. These were that in the interim periods when Parliament's houses were not sitting, governments tended to easily resort to the use of Governor General's Special Warrants. My question is respecting the use of Governor General's Special Warrants. You know this has been a big issue for you, for myself and for many.

• (1620)

Therefore, my question to you is this: During the period since the adoption of the last supply bill last June, have either the outgoing Harper government or the incoming Trudeau government, resorted to the use of Governor General's Special Warrants to defray the public expense?

This was a big issue for our National Finance Committee on many occasions. I am very interested to know if Governor General's Special Warrants were used.

**Senator Day:** Thank you very much for your question.

You are quite right, that is an area of interest and it has been for some time when we served together on the National Finance Committee, Senator Cools. We, of course, explored that issue. You have a checklist of a number of those interesting points.

There was no use of Governor General's Special Warrants. They were not used at all during this down time of Parliament. They have been in the past and there was some concern that they might be used a little too freely, so the Treasury Board Secretariat has tightened their rules.

At page 3 of our report, under the Treasury Board Secretariat, we talk about funding for a pre-existing program. Under the contingency vote, which has to be used up before Special Warrants can be tapped into, and all other sources of revenue from each of the departments, reallocation of funds, et cetera, all now have to be searched out and Treasury Board must be satisfied before they will allow a Governor General's Special Warrant.

A Governor General's Special Warrant is basically a note from the executive to the Governor General saying that we can't get parliamentary approval so will you please approve this for us to keep the machinery of government going until the next Parliament is formed?

**Senator Cools:** I want to congratulate you as past Chairman of our National Finance Committee for succeeding in this very important area of endeavour.

**Senator Kenny:** Hear, hear!

**Senator Cools:** I praise you and I thank you. Also, in addition to what you have said, perhaps you could also explain that it is a royal prerogative alternative bypassing the houses. After all, the so-called "control of the public purse" belongs to the two houses, most particularly the House of Commons. For at least 25 years, this issue has been a thorn in the side of the Senate. So I am glad to say that and to thank you, again.

Perhaps you could explain further how these warrants defeat Parliament's control of the public purse.

**Senator Day:** Absolutely. Thank you for the question, Senator Cools.

Contingency Vote 5 is one of those areas where parliamentary oversight in the normal process is not found and Governor General's Special Warrants is another one. There are a number of other funds. The Department of Global Affairs has a budget as well of a significant number of millions of dollars that they can use in an emergency situation as well.

I hope that the new Finance Committee will continue to spend particular attention on any of those funds that we create and approve so quickly at the beginning of the year and then there's no parliamentary oversight specifically for them. I hope that we as a Senate committee will continue to do that good work in that area.

**Hon. Salma Ataullahjan:** Senator Day, will you take a question?

**Senator Day:** Yes.

**Senator Ataullahjan:** I thank you for your remarks.

This morning, when we heard from Ms. Liew, she had four recommendations. One of those recommendations was that funding should not be allocated for the resettlement of Syrian refugees only. A refugee is a refugee and there are many groups of persons in need of protection and also in need of settlement and other services. Equal treatment and access to resources should be given to all refugees.

As mentioned, before the new committees are formed and while you're still chair of the committee, can you reassure us that you will convey the message to the government that we should not forget about the plight of other refugees around the world, refugees like the Rohingya who have been suffering for so many years, and we will maybe agree to give sanctuary to them, too?

**Senator Day:** Thank you, Senator Ataullahjan. I appreciate your comments. Professor Liew was very clear in her presentation. She talked about the refugee assistance needs from the government need to be increased to the various agencies that are involved in helping them that are non-government. She talked about re-settling. A coordinating body was extremely important but they're not under the government funding regulations, not considered to be a refugee assistant agency and, therefore, they don't get any money. She felt that should change.

She mentioned as well that refugee assistance should be provided to refugees anywhere in the world, not just Syrian refugees, and finally, that refugee assistance should include affordable housing and access to mental health care. That was a very good presentation that we received from her.

As far as my undertaking as chair, I won't forget the points that we've learned here and, whether it's while I'm still chair or afterwards, the points are in my mind.

**Hon. George Baker:** To be clear, Mr. Chair, we're talking here about \$810 million you say, in the supplementary estimates, and as well we're talking about replenishing the contingency fund, the \$500 million. You told us that \$277 million would be dedicated toward the Syrian refugee program.

The total cost of that program, as I understand it, is about \$700 million. You mentioned that this will include the \$277 million from the federal government that is requested here under supplementary estimates — some from the private sector — but as I understand it that component requires federal expenditures, it's not all privately funded. What you're left with is a huge sum of money that presumably — and I am only presuming this — will have to be paid by the provinces. Is that your understanding? Did they discuss which provinces are requesting additional monies from the federal government to meet these commitments?

**Senator Day:** Thank you, Senator Baker. In part your comments raised the same issue that Senator Carignan raised a short while ago. The figure that we were given, the best estimate they can make right now, from a federal government department point of view, is \$678 million over six years, all government departments. However, these are federal government departments and other agencies, private agencies and provincial governments, and it is all a matter of negotiation at this time and has not been worked out. Therefore, the overall cost, if you take all of that in, will be something quite a bit more than the \$678 million.

**Hon. Lynn Beyak:** Thank you, Senator Day, for your always thorough oversight and presentations. It's very much appreciated.

You mentioned that you heard from the immigration and refugee officials at committee and the original budget to bring the first wave was about \$250 million. That has now been raised to \$277.9 million.

Will you assure me, on behalf of the kind and compassionate senior citizens at home who still think that \$27.9 million is a lot of money and who are living on \$24,000 a year, that you will watch that this amount doesn't continue to grow and grow beyond what the original budgets were and that you will keep your oversight steady? Thank you.

**Senator Day:** Thank you, Senator Beyak. Your question presupposes that I'm speaking on behalf of the government, which I'm not. I am an independent Liberal senator here, and I am as interested as you are in protecting the public purse. If that involves criticizing the current administration, then so be it.

• (1630)

We must keep this, and I think that was behind Senator Carignan and Senator Baker's questions as well. There is a real chance that this thing will get out of hand. There are promises being made and statements being made without the opportunity to do the costing that has to be done to determine how much this is really going to cost.

I'm very worried about third parties as well. It's going to be easier for government departments and agencies, the 15 to 20 of them, to come here with Supplementary Estimates (C) saying, "We need extra money because we had to help out Immigration

with refugees," but it's not as easy for the provincial government departments and the non-government agencies to get this additional funding that they're obviously going to need.

**Hon. Larry W. Smith:** Honourable senators, before I follow up with a quick summary, I would first thank Senator Day for doing such an outstanding job as our leader, mobilizing the group quickly. It was a great team effort to go through the process over the last couple of days.

In summary, we're talking about \$519 million to the Treasury Board, \$277 million to Citizenship and Immigration, \$9 million to the house and \$3 million for the Parliamentary Protective Service.

Some little facts maybe weren't delivered earlier, through no fault of our chair. In the Parliamentary Protective Service, there will be 500 people working in that particular group, which gives you the dimension of where we were in the past with 100 of our own people. Now there will be 500.

In terms of Treasury Board, some of you asked questions about the thoroughness of the plan with Citizenship and Immigration. The Treasury Board was very good, but they stated that this is a fluid, moving project because of the size of the project. If we go back to one of the last major refugee crises from Southeast Asia, in around 1978, that was the last time we had the scope of the situation we have now.

The other question that was asked, which is interesting, and Senator Baker asked it, was about the total cost of the project over six years. The response we received was \$678 million, and then we asked, "Is there a contingency in this?" The answer was that there is a \$114 million contingency.

To go to the question that was asked in terms of provincial and local municipal involvement, those people are on their own, and they will have to come back and try to negotiate some form of compensation for their part in this project, if it's doable or not.

We're talking about \$812 million. We're talking about a major project, which all of the members of the committee were supportive of. What we want to do, and this goes to Senator Beyak's question, is to make sure that people manage the money properly to protect Canadians in terms of making sure that our interests are best served and we do the best job. It's a fluid project. Don't forget the world is looking at Canada to make sure that we do a great job, so it's in our best interests that this thing is managed professionally and tightly so that we can make sure we get the great results and the feedback we hope to achieve from folks all over the world.

Again, Senator Day has done a great job, and we appreciate it. Probably one of the greatest experiences I have had in my five years is to work with Senator Day, and I thank him for his leadership.

Thank you.

**The Hon. the Speaker:** Senator Day, did you wish to move the adoption of the motion?

**Senator Day:** Thank you, Your Honour. I move the adoption of this report.

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

(Motion agreed to and report adopted.)

## COMMITTEE OF SELECTION

### FIRST REPORT OF COMMITTEE ADOPTED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 1:

The Senate proceeded to consideration of the first report of the Committee of Selection (nomination of a Speaker *pro tempore*), presented in the Senate on December 9, 2015.

**Hon. Elizabeth (Beth) Marshall** moved the adoption of the report.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

### SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection (nomination of senators to serve on committees), presented in the Senate on December 9, 2015.

**Hon. Elizabeth (Beth) Marshall** moved the adoption of the report.

**Hon. Elaine McCoy:** Honourable senators, I was expecting Senator Marshall to make some amendments to the second report indicating that some accommodation for independent senators had been made in allocating assignments to committees. I understand that there were some conversations overnight. The way the report stands now, there are still five sitting senators who do not have any appointments to any committees.

Leaving that aside for just one moment, I do have a couple of other reasons to express my dismay with this report.

One is the allocation of numbers with respect to committee membership. It has been a long-standing practice to allocate the number of senators to a committee by standing in the house, so, depending on which group you belong to, whatever percentage the Conservative caucus, for example, might have in sitting senators, that is approximately the number that they get on each committee.

Overnight I did the arithmetic, and I have to tell you that I was taken aback for two reasons. One, all the committees had been fully populated. There are no vacancies, so there is no room,

initially anyway, for the easy addition of a new senator. Second, when you do the arithmetic, for 45 senators, the number of Conservatives in the house that are sitting, out of 81 that are sitting, that's a 55.5 per cent status; and 29, the Liberal caucus, is 35.8 per cent. The number of independents, of which there are 7, is 8.6 per cent.

• (1640)

Sorry, I'm having trouble catching my breath because I've got bronchitis or pneumonia, but I wanted to be here to speak. So I'm just a little slower than usual.

If you multiply out, on a 15-member committee, those percentages, you would assign eight seats to the Conservatives, five to the Liberals and at least one to the independents. That leaves one seat, so it depends on how generous you are as to where you take them. But when you look at the two committees that have 15 members on them — Internal is one, and Rules is the other — the Conservatives have allocated to themselves 10 members instead of 8.

If you look at most of our committees, they have 12 members. If you do the multiplication of the percentages, you would get 6.6, so 7 Conservatives, 4 Liberals and 1 independent. But, on all of the 12-member committees the Conservatives have allocated to themselves 8 members.

Once again, they have allocated more than their standing in the Senate.

For a 9-member committee, it would be 5, 3 and 0.7, so you would probably negotiate 1 independent. On an 8-member committee it's 4, 3 and 0.7, so you would probably put an independent on it. In fact, those committees again have a vast majority. The eight-member committee has five instead of four, and the nine-member committees have six instead of five for the Conservatives.

In every instance I find the allocations to be unfair and inequitable. It's beyond just the independents. This is a pure allocation on the basis of standing in the house.

I have one other point to make. We do not have, as yet, a Conflict of Interest Committee, and I haven't heard anybody discussing a Conflict of Interest Committee. The Conflict of Interest Committee is constituted of two members elected from the government caucus and two members from the opposition caucus. We don't have a government caucus or a government house leader so, as the rules state, it's not possible to constitute a Conflict of Interest Committee.

Of course, we could manage to govern ourselves by unanimous consent to agree to modify our rules in these special circumstances to get a Conflict of Interest Committee going. So what we really should do is pause. We should pause and send the Selection Committee back to reconsider the allocations and bring back new recommendations, and also to recommend to us how we get a Conflict of Interest Committee going. After all of the turmoil that we've been through in the last 24 months, to even think of constituting committees without one of our major safeguards in place is mind boggling, and it will be mind boggling to Canadians.

## MOTION IN AMENDMENT

**Hon. Elaine McCoy:** Therefore, honourable senators, I move the following motion in amendment:

That the report be not now adopted, but that it be referred back to the Committee of Selection and that they be asked to reconsider allocations both as to appropriate proportional allocations and how we might constitute a Conflict of Interest Committee contemporaneously.

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

**An Hon. Senator:** Question.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Is there an agreement as to the time for the bell?

**Senator Plett:** Thirty minutes.

**Senator Munson:** I'll do 15 minutes. A 15-minute bell would be appropriate.

**The Hon. the Speaker:** A 15-minute bell. The vote will be at 5:02.

Call in the senators.

• (1700)

Motion in amendment negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Baker  
Bellemare  
Chaput  
Dyck  
Eggleton  
Jaffer

McCoy  
Mercer  
Merchant  
Meredith  
Nancy Ruth  
Ringuette

Joyal  
Kenny  
Massicotte

Smith (*Cobourg*)  
Watt—17

NAYS  
THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Beyak  
Carignan  
Cools  
Cowan  
Dagenais  
Downe  
Doyle  
Fraser  
Hervieux-Payette  
Housakos  
Maltais  
Marshall  
Martin  
McInnis  
McIntyre

Mitchell  
Mockler  
Munson  
Ogilvie  
Oh  
Patterson  
Plett  
Poirier  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Tkachuk  
Wells  
White—35

ABSTENTIONS  
THE HONOURABLE SENATORS

Boisvenu—1

• (1710)

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**An Hon. Senator:** On division.

**The Hon. the Speaker:** Carried, on division.

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



## THE SENATE

### MOTION TO INVITE MINISTERS OF THE CROWN WHO ARE NOT MEMBERS OF THE SENATE TO PARTICIPATE IN QUESTION PERIOD ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Martin:

That, notwithstanding usual practice, the Senate invite any Minister of the Crown who is not a member of the Senate to enter the chamber during any future Question Period and take part in proceedings by responding to questions relating to his or her ministerial responsibilities, subject to the Rules and practices of the Senate.

**Hon. James S. Cowan (Leader of the Senate Liberals):** Colleagues, I wanted to say a few words in support of Senator Carignan's motion this afternoon.

As parliamentarians, we have a right and, I would argue, a duty to obtain information directly from the government of the day. There are a number of reasons for this: to inform us as we carry out our responsibilities in the examination of legislation that is going to come before us, to bring issues to the attention of the government and to enable us to properly represent the regions and provinces that we represent here. It is also to report and to ask questions about the interests and concerns of our constituents, and our constituents are not just those within a particular geographic boundary, as is the case for our colleagues in the House of Commons; we have responsibilities beyond that — indeed, for all of the provinces that we represent.

In my view, these rights — these duties — belong to all parliamentarians and not just to those who happen to be members of the House of Commons.

Traditionally, but perhaps not always, senators have had a minister of the Crown here, either as Leader of the Government in the Senate or as an additional minister, as we had with Minister Fortier a few years ago, who is able to respond on behalf of the government to senators who are raising issues for the purposes that I outlined.

But that, as we know, is not the choice of the current government. And that is their choice; it is not ours.

In my view, Senator Carignan has proposed a sensible and even more useful mechanism for our consideration in the wording of his motion.

As he knows better than most, the responsibility and the job of Leader of the Government in the Senate is a very difficult one. That person is expected to be the master of all the files across the broad spectrum of government, and I am sure that that is a very difficult job for anyone to do. Certainly from the point of view of one who has been on the side asking those questions, I would think it would be an understatement to say that we are not often

satisfied with the answers we receive. That is not always the fault of the person who is the occupant of the chair of the Leader of the Government in the Senate; it is simply that it is impossible for one person to master all of the files across the broad spectrum of government responsibilities.

Today, I would ask colleagues to support Senator Carignan's motion. It is an approach that we could try for a while. I will be speaking again in a few minutes about my own motion to set up a special committee, but I think this is something that we don't have to immediately move to change rules and set in stone. Instead, we can simply agree to try new things. If they work, then we can proceed to entrench them in our rules or even in our practices. But I think we should be open, and I think we are open, to trying new things to see if they work. If they work, that is fine. If there are unintended consequences of things that, on the face of them, like this, seem to be useful and turn out not to be, then we can move, adapt and come up with some other mechanism.

Someone asked, I think in a question to Senator Carignan, "Well, in half an hour, how could you possibly have enough time?" We might very well find that having a minister here for that finite period of time is not a useful expenditure of either the minister's time or our time and that we don't get what we expect out of it, which I think might be termed "accountability" on the part of the government to the Senate. I would prefer to look at it as responsiveness to senators' legitimate concerns in performing their responsibilities as senators.

So I suggest, colleagues, that we really have nothing to lose and everything to gain by trying something like this. Judging from the public comments of Minister LeBlanc, I think he expressed on behalf of the government a willingness to make sure that ministers are available to meet with us. I think his suggestion of having them come and participate in Question Period is a useful one.

I will make one final point, one that one of my colleagues mentioned, but it is important and I wanted to reinforce it. Elections are wonderful things, and the people are always right when they express their views in an election. But one of the consequences of the system we have is that we don't always have an opposition represented in the other place from all regions of the country. For instance, in Atlantic Canada today and in the North, there are no opposition members in the House of Commons. I am sure colleagues opposite — or we would all acknowledge, perhaps, is a better way to put it — that the opposition is also underrepresented in major urban centres across the country.

It seems to me that adds a burden to those in the Senate who represent those areas of the country that are not represented in the House of Commons. We had the same situation in the previous government where there were no Liberals from the province of Alberta, but we had several active Liberals in the opposition here who were able to raise the concerns of that province in this chamber in a way that they were not able to raise them in the other chamber.

For those reasons, colleagues, I intend to support Senator Carignan's motion, and I would urge all of you to do the same.

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

**An Hon. Senator:** Question.

**Senator Carignan:** Question.

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

**Some Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1720)

MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE  
MODERNIZATION—DEBATE ADJOURNED

**Hon. James S. Cowan (Leader of the Senate Liberals),** pursuant to notice of December 9, 2015, moved:

That a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective within the current constitutional framework;

That the committee be composed of fifteen members, to be nominated by the Committee of Selection, and that five members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than June 1, 2016.

He said: Colleagues, in the few days since we returned to this chamber, several of our debates have quickly turned into lively discussions about how we can and should operate as the Senate of Canada. Yesterday we had interesting debates about our Question Period and about the composition of our committees.

These are issues that are of serious concern to all of us, so it should come as no surprise that senators returned to them, even in debates on apparently unrelated issues. Indeed, in his first statement here on Tuesday, Senator Carignan raised the need to consider ways to modernize the Senate, and I echoed those remarks when I spoke.

That only makes sense. Each of us is acutely aware of the challenges faced by the Senate as an institution, and each of us as senators. The Senate in its current form is not working as it should and as it can. We know that. Canadians know that. The Senate was established, amongst other things, to be an independent body to conduct effective legislative review.

But along the way, while the words were always spoken, and no doubt with the best of intentions, too often we simply failed to do our job. We allowed our studies to be rushed, we declined to hear important witnesses and we refused to pass amendments that we knew would have improved the legislation before us. This has been attributed by some to excessive partisanship in the Senate. They argue that we allowed partisan considerations to overwhelm this chamber's ability to conduct our mandated effective legislative review.

Meanwhile all of this, especially when combined with the actions of certain individual senators, has corroded the reputation of the Senate.

Where do we go from here? How do we reinvent this institution and our role as senators to regain the confidence of Canadians?

There have been many discussions about changes to our rules, practices and procedures to make the Senate a more open, transparent and accountable organization, and these, of course, are essential. But as I said last June before we broke for the summer recess, 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 efficiently we manage our budget, but rather on how effectively we operate as a legislative body. In my opinion, the time has come to take a serious, structured look at how we operate and how we approach our work.

On May 8, 2014, our late colleague and former Speaker Senator Pierre Claude Nolin proposed the establishment of a special committee on Senate modernization:

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

I welcomed the initiative at the time, but quickly realized that my view was not universally shared. I believe — I hope — that there may now be a broader consensus, with senators throughout the chamber now agreeing with our former Speaker that a focused examination would be beneficial to all of us and to the Senate itself.

We have an opportunity, as I said in this chamber a few days ago, to make history, to participate in finding new ways for this chamber to operate. We all agree that the Senate was intended to be an independent chamber of Parliament. That intent is absolutely clear in the Confederation debates, and was confirmed in the two Supreme Court references on the Senate.

What does this mean and how can we make that work in our Westminster parliamentary system? There has been a lot of discussion about reducing partisanship, and how that could work in what is, without question, a political institution. I am hopeful

we can work together to find a new balance that still allows senators to assert political values that may align with a political party, but without those partisan ties compelling one to take a position on a matter even when it runs counter to one's best judgment, that we can create new ways for our chamber to operate to foster this greater independence, to make our Senate a more effective legislative body, as envisioned by the framers of the Constitution, and as we know Canadians want and expect from us.

As I noted earlier, this is a matter that concerns all of us, and many of us have already begun examining what can be improved. There were many excellent interventions by colleagues in the seven inquiries launched by Senator Nolin. They were initiated to foster a better understanding of the Senate's work, the principles underpinning it and the scope of the roles it plays in our parliamentary democracy.

There was also a superb symposium at the University of Ottawa organized by Senator Joyal that brought together parliamentary authorities from across Canada to discuss improvements to the Senate. Most recently, Senators Greene and Massicotte took the initiative of convening senators to propose and discuss ideas to move the Senate forward. I know, from private conversations I have had with colleagues and with parliamentary experts around the country, that there are many other good ideas for Senate renewal.

I believe now is the time to bring together all these ideas for consideration by appointing a special committee charged with this purpose. This is not a task to be carried out behind closed doors. We should be looking to reinvent how the Senate works, to make it more responsive and to respond to the concerns and expectations of Canadians, all of which can be summed up by saying that our purpose is to make it a more effective legislative body in the Canadian constitutional framework.

The motion before us today is virtually identical to that proposed by our esteemed late colleague more than a year and a half ago.

The Supreme Court of Canada has provided an excellent roadmap for Senate renewal in their decision on the Senate reform reference, issued on April 25, 2014. The next steps are up to us.

We have an opportunity, colleagues, to work together across party and regional lines to create a better way forward for this institution. It is an opportunity, but it is also our responsibility. We owe it to our predecessors here, we owe it to our successors and, frankly, we owe it to ourselves. Above all, we owe it to Canadians.

I invite you to join with me to pass this motion before we rise for the holiday break.

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

**Hon. George Baker:** I congratulate the mover of this motion.

However, during his address the mover referenced certain bills that we passed that were deficient and faulty in the last session. That is correct, but wouldn't the honourable senator moving the

motion agree that it wasn't because of the *Rules of the Senate* or the actions of the Senate, but it was because of the rules of the House of Commons? Committee chairs here — and I reference Senator Runciman sitting in his place — moved motions and wrote letters to the Clerk of the House of Commons asking for the clerk's assistance, and to the leaders in the other place to correct their rules because we had bills which were supported by senators on the government side. They were introduced by the senators — good legislation. But if they were deficient, as they were, four of them, if we amended the bill, it would kill the legislation. Why? Because of the rules of the House of Commons. The decision was made, and I think it was correct, to allow these matters to go through in the hopes and with the guarantee that this would be corrected down the road. And that's what we did.

• (1730)

So the mistakes we made, yes, we made errors in passing legislation, but it was not the fault of the rules of this place or the actions of senators in this place. It was because of the rules of the House of Commons.

I therefore ask the mover of the motion: In moving this motion is he also hopeful that the committee will have a look at the rules of the House of Commons that are to the detriment of the passage of legislation in this chamber that are put forward by private members and require an amendment, and to ask the House of Commons to change their rules to allow the Senate to do the job that it wants to do?

**Senator Cowan:** Thank you for the question, Senator Baker. My own view is that we would be well advised to stick to our knitting and to look at our own rules, our own practices, our own procedures, and let the House of Commons handle theirs. It seems to me that there's a great danger if we start providing directions to the House of Commons as to what their rules ought to provide. It wouldn't be very long before they'd be back here telling us how we should do our business. I think that would be unfortunate.

We are an independent house. You've heard Minister LeBlanc on a number of occasions in the last month or so say that the Senate is independent, it ought to be independent, and it ought to manage its own affairs. They said they would welcome reasoned amendments proposed by this institution, and I think we should hold them to that and see how we get along. But I think there's a lot for us to do here without worrying what happens down the hall.

I think the particular point you refer to had to do with a peculiarity dealing with how the bill had been introduced over there. You will recall as well there were several occasions in the last Parliament where we identified problems, but because of the pressure to get business done with the anticipated election, we ignored them. In hindsight, I think most of us now would think we shouldn't have proceeded in that way.

I'm not suggesting for a moment that this was a practice that began only under the last government. You've been here a lot longer than I have, and I'm sure that you will admit perhaps when you were a member of the other place and a minister in the other place you were impatient to see the Senate pass legislation that came from your department. That is a fact with which we have to deal.

The House of Commons needs to understand that we are an independent institution and will do our work in the way that we see fit. The ultimate test is whether we are doing our job, as I think we all agree we need to do. When we fail to do that, as has happened, then all it seems to do is provide further ammunition to the critics of this place, and God knows we don't need more critics.

**Senator Baker:** I understand the argument of jurisdiction, of course. There are two separate jurisdictions. Senator Tannas knows exactly what I'm talking about. The whip of the official opposition knows exactly what I'm talking about because on two of the bills he supported, he was the mover. Senator Tannas was another mover of bills. These bills were passed in the House of Commons, referred to the Senate, but they were private members' bills. The rules of the House of Commons are that if you amend a private member's bill in the Senate, it will then go back to the House of Commons and go to the bottom of a very deep list of bills. It takes up to two years for that bill to recirculate. So Senator Tannas and Senator Plett and other senators on the then government side explained to us, "Look, there's a deficiency in that bill. The Senate has a job to amend that bill, but if it is amended, it will be dead."

The intent of the legislation is good. It amends the Criminal Code to support things we want to support. So the deficiency here in the Senate of allowing faulty bills to go through rests with a procedure in the House of Commons that deals with going to the bottom of the list once a bill is amended in this place that is introduced by a private member. That's what I'm referring to. I think this committee should take notice of that in its reports, because if we don't do that, and if the House of Commons does not change its rules, then every private member's bill that's passed in the House of Commons midway through a session cannot be amended in the Senate. They can't be amended unless that House of Commons rules are changed.

I'm sure that the honourable senator moving the motion would, as his father would say, take judicial notice of a deficiency in the rules of procedure in the House of Commons.

**Senator Cowan:** Taken.

**Hon. Serge Joyal:** First, I apologize to honourable senators. I have a bad flu today, so my voice might be very low. I am on medication and I promise I won't speak to Senator Andreychuk today.

Honourable senators, I will be very quick. I know that the hour is late, but I would be remiss if I didn't offer some food for thought at this period of the year, whereby tomorrow we're going to be adjourning and coming back on January 26.

I want to remind honourable senators that when the late Senator Nolin introduced the motion to establish the special committee, I seconded it. I want to read to you the words of Senator Nolin when he introduced that motion.

The government also recognizes that the public clearly wants our institution to be much more effective, and we must all work to fulfill this legitimate aspiration. We must

pursue this goal quickly and without delay. It may be status quo in terms of the Constitution, but the Senate's institutional transformation must move forward.

That's essentially the framework I understand from the Honourable Senator Cowan and, I think, from the Honourable Senator Carignan. I have not heard Senator Carignan on the floor, but I'm sure he will take part in this debate. That is essentially the objective. The objective is not to change the Constitution. The Constitution was interpreted by the Supreme Court in April 2014 in a lengthy, unanimous ruling. Therefore, we will not be on that committee to change the Constitution or to recommend changes to the Constitution. We know that's beyond our purview.

However, there is a lot of room for transformation. There is a lot of room for improvement and there is a lot of room for initiative to adapt the operation of the Senate, the practices of the Senate, the convention that rules the governing of the Senate and the *Rules of the Senate* that also govern our institution. In other words, there is a whole realm of initiatives that we could take after deep sober second thought.

It is in that context that last winter, at the end of January, I took the initiative, with the support of Senator Nolin, to organize a symposium at the Faculty of Law at the University of Ottawa with five leading Canadian scholars. There was Professor Paul Thomas from the University of Manitoba, the home province of our colleague Senator Plett. There was Professor David Smith, who is a distinguished visiting professor at Ryerson University in Toronto and a former emeritus professor at the University of Saskatchewan. There was Professor Stéphane Beaulac from Montreal University. There was Professor Desserud from Prince Edward Island University and Professor Mendez from Ottawa University. In other words, there was input from the various regions of Canada.

• (1740)

Each of them came with documents. It was not just a social gathering to just peruse over the institution. They came with documents. We had that open discussion, I would say, in an academic context.

Following that free exchange, I prepared a report on their contribution. It's 26 pages, in both official languages, entitled, "Working Together: Improving Canada's Appointed Senate." I would seek authorization to table that report. During the Christmas break, senators who still have a genuine interest can read through it. It's user-friendly, not in a language that is so arcane that anyone would feel lost. It's in a practical language, and it contains the substantial proposal from those five learned scholars from all the regions of Canada. That's the first report I would like to table.

Meanwhile, you know I have had a personal interest since joining this chamber. I published a book in 2003, *Protecting Canadian Democracy: The Senate You Never Knew*. I published that book in 2003, and I have never stopped thinking about our institution.

When the ruling of the Supreme Court was made public on April 25, 2014, more than a year ago, I contacted Professor David Smith and said, "Should we put our minds together to try

to analyze the implications of that ruling?" In other words, forget the difficult judicial language used by the court. Let's try to understand the parameters of the ruling so that we can share that with senators who are interested in understanding our institution.

That's what I did last summer, and I have another report, in both official languages, signed by Professor David Smith and me. It is a compendium of all the principles that underlie that decision. It's easy reading. I offer it to you and want to share it with you, honourable senators. We don't know who will be a member of that committee, but it is available for anyone who is deeply interested in the future of this institution. We know that our institution is under stress at this point in time. I want to share that with you at this time of the year. It's not my Christmas gift — you will receive that through the mail — but I think it could be helpful for all of you. With your authorization, I would like to table that.

**The Hon. the Speaker:** Is leave granted to table the reports?

**Hon. Senators:** Agreed.

**Senator Joyal:** I will conclude on that, honourable senators, before I collapse because I took so much medicine so that I could last until the late hour today. I don't think I can say it any better than what I just offered to you.

[*Translation*]

**Hon. Diane Bellemare:** Thank you, Mr. Speaker. I will be rather brief, because I have not prepared a formal speech. I would first like to take a moment to congratulate our colleague, the Honourable Serge Joyal, on the hard work, expertise and thoughtful reflection that he has put into addressing the issue of the Senate over the years. I think this will provide us with some very timely reading over the winter break.

I want to address certain aspects of the motion currently before us. I think it is welcome. For several weeks and even months now, the members of this chamber have been asking for a duly formed committee to examine the question of modernizing the Senate. However, when I read this motion, a few things came to mind.

First of all, regarding modernization, I think that everyone wants it, the public wants it, and maintaining the status quo is impossible. We can talk about modernization, but we must recognize that we have in fact made some changes since the headline-grabbing scandal that affected us, for instance in the area of ethics. We have made some strides.

This brings me to the point that the motion refers to modernization, but it fails to define the committee's mandate. On this point I very much agree with Senator Baker, who just pointed out that our work here complements the work done in the House of Commons and that, to a certain degree, it would be very hard to modernize the Senate without also thinking about modernizing the work of the House of Commons. Since we work together and our legislative work is very important, we eventually are going to have to align our rules and procedures so that we can really create some added value from a legislative standpoint.

With that in mind, without necessarily formally amending the motion, we should all agree in this chamber that if, when we are talking about modernizing the Senate, we see the limits of what we can do and we can identify changes that are needed in the House of Commons, we should not refrain from doing so, even though that goes beyond our mandate.

Incidentally, when we look at the numbers on the work we do here in the Senate — my assistant crunched the numbers this summer — it is rather astounding. Since 1960 — which was the Twenty-fourth Parliament — and including the Forty-first Parliament, 709 bills have been introduced during each parliament, on average. Of course, not all of these bills were passed in the House of Commons. Of the 709 bills we received, we passed, on average, 145. Of those 145 bills we passed, we amended just six, on average. The average accurately reflects what happens in the different parliaments. There are some variations. For example, during the Forty-first Parliament, just one bill was officially amended and passed, but during the Thirty-seventh Parliament, 12 bills were amended and passed. There are variations, but on average, the number is six.

We could be more effective. In that sense, modernizing the Senate means adding greater value through our work. I think that would be a worthwhile direction to take, even though it is not written in the motion.

I am on board with inviting experts. I think that this is explicitly stated in the motion, but there are experts here in this chamber, and we must not forget that a number of problems in this chamber, in my opinion, are the result of internal rules and procedures. When I came to this chamber three years ago, I didn't really understand what was going on. I had spent 25 years at a university, where we managed ourselves, everything was collegial, and it was in no way chaotic. Since we are senators, people with experience, I thought that we would be recognized as having that experience and that we would be able to work relatively independently, although I realized we are affiliated with a political party. However, I was surprised to see that we are treated as though we are kids in school because of the rules. I was a professor for 25 years and I know the rules. I didn't treat my students as strictly as we are treated here with our rules.

In a way, with the passing of time, some processes have become institutionalized in order to foster party discipline. In fact, we are a political chamber and we must pass government legislation. However, is it necessary to institutionalize practices that force us to act without the luxury of reflection? In my opinion, that is the reason why we are unable to provide the added value that is expected of us, which is to improve legislation and foster debate.

• (1750)

If someone were to ask me what has struck me the most in my three years in the Senate, I would say that it is the fact that there is no debate in this chamber. There is some debate, but most of the time people don't listen to each other. They plug their ears, close their eyes or look elsewhere. They don't look at each other, so the debate doesn't exist. There is no added value.

I think those are very important elements to consider. In that regard, the services of experts are worthwhile, but we have to think about these things ourselves to set rules and an operating

structure for ourselves. We don't want chaos. We want to operate in a disciplined manner.

That is why I am going to support Senator Cowan's proposal. However, I am going to say what others might be thinking. I am wondering whether we need to form another committee. Haven't we reached a point where we could discuss how to modernize the Senate in the chamber? Senator Greene and Senator Massicotte organized a meeting of senators and it went extremely well. The people who participated put a lot into it. They filled out a questionnaire, and there was a great deal of discussion.

We need to organize how we look at this issue, and I hope that the 15-person committee will come up with some fresh ideas. On that note, I would like to ask Senator Cowan if he would agree to meet half way between an ongoing debate in this chamber and a discussion in a specific committee. I would ask him if he would agree to add a short paragraph to his motion that would require the committee members to systematically report back to the chamber on their debates and deliberations.

You say, "that the committee be empowered to report from time to time." I would like regular reporting. I would like there to be a monthly report in this chamber because let's not forget, honourable senators, that we will have new recruits in this chamber who will be rather lost. My concern is that if there are 15 of us discussing this, when we report everything back here, objections will be raised and in the end all the fine proposals we make will fall by the wayside.

Thus, to help all our senators grasp what we are discussing and take ownership of the changes and proposals that are made, I would propose a monthly report.

I therefore propose that, notwithstanding usual practices, in the first five days when the Senate sits each month, the committee report to the Senate on the committee's progress on its study.

For the committee to report regularly, the first five days are important. I ask if you would agree to introduce that. If so, I will not move a motion. If not, I will move an amendment. Thank you, honourable senators.

[English]

**The Hon. the Speaker:** With the agreement of the house, Senator Cowan, if he wishes, can respond to Senator Bellemare without closing debate. Is it agreed?

**Hon. Senators:** Agreed.

**Senator Cowan:** The rules talk about questions or comments, so maybe I can ask a question or make a comment and put it all together, with leave.

Senator Bellemare was kind enough to take me aside and mention the latter two points to me. The first part I didn't hear. Certainly, in the motion itself, I suggested that the committee be empowered to report from time to time, and I would certainly

hope that they would not wait to complete the whole of their work before reporting back to us, but rather, as they came forward with a suggestion they wanted us to try, they would come and report on that in a series of interim reports. If we want clarify that, as you suggest, I have no objection to that.

I might make another point by way of comment as this was a point that Senator Bellemare mentioned to me outside. She said, and alluded to it in her remarks, "Why don't we just do it all here instead of having a special committee?" My response to her, which I would like to put on the record, is that in my experience, when you have an important task and you make it the responsibility of everybody, it becomes the responsibility of nobody. I think this is such an important thing that I do believe we need to give this job to a select group who will be acting on our behalf and who will focus on this task, reporting, as you suggest, Senator Bellemare, on a regular basis to us by way of interim reports. If we give these people this particular responsibility, of course, any senator will be able to attend these committee meetings. They're not to be held in private. If the motion passes, I would suggest they be public. I think many senators, even those who will not be on the committee, will attend and provide the expertise that you speak about. That's my intention, and I readily agree to the suggested amendment.

(On motion of Senator Martin, for Senator Carignan, debate adjourned.)

[Translation]

## BANKING, TRADE AND COMMERCE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY EXPORT PERFORMANCE—DEBATE ADJOURNED

**Hon. Céline Hervieux-Payette,** pursuant to notice of December 9, 2015, moved:

That the Standing Senate Committee on Banking, Trade and Commerce, when and if it is formed, be authorized to examine and report on Canada's export performance as compared to international best practices in order to provide recommendations to improve Canada's current export performance, the worst in 30 years according to the OECD;

That the committee make a preliminary report on the current export performance to the Senate no later than April 14, 2016; and

That the committee make to the Senate a final report on the implementation of an integrated policy for all partners to improve Canadian exports to all countries, especially those with which Canada has a free trade agreement, no later than December 16, 2016.

She said: Honourable senators, considering the time, I will spare you my speech and, with your leave, take it up again at the next sitting.

(On motion of Senator Hervieux-Payette, debate adjourned.)

[ Senator Bellemare ]

## COURT CHALLENGES PROGRAM

## INQUIRY—DEBATE ADJOURNED

**Hon. Maria Chaput** rose pursuant to notice of December 8, 2015:

That she will call the attention of the Senate to the Program to Support Linguistic Rights, the importance of ensuring public financing of court actions that seek to create a fair and just society and to the urgent need for the federal government to re-establish the Court Challenges Program.

She said: Honourable senators, today I am drawing your attention to the Language Rights Support Program, which replaced the Court Challenges Program that was abolished by the Harper government in September 2006 without any consultations. The abolished program provided financial assistance to cases that were likely to advance language rights and equal treatment in the courts. Abolishing the program was unacceptable to official language minority communities in Canada.

The creation of the LRSP was announced in June 2008, and the University of Ottawa became the managing institution in September 2009. The LRSP defines its purpose as follows:

To promote awareness of constitutional language rights through public education;

To offer access to alternative dispute resolution processes to settle disputes out of court;

To support litigation that helps to advance and clarify constitutional language rights when test cases are involved and dispute resolution efforts have not resolved matters.

I want to draw your attention to the last aspect of its purpose: the importance of supporting litigation, often against the government. We need to take a look back. When the federal government decided to create a program to support litigation by official language minority communities, it did not do so out of solidarity. It was only after the Fédération des communautés francophones et acadienne du Canada took legal action in 2006 that the government finally agreed to launch this program.

Before 2006, we had the Court Challenges Program. This program had a language rights panel and an equality rights panel. Between 1994 and 2006, the language rights panel approved 304 applications for financial support, which resulted in 51 rulings on language rights. The Court Challenges Program played a direct role in the Supreme Court's landmark decisions in *Beaulac* (1999), *Arsenault-Cameron* (2000) and *Doucet-Boudreau* (2003) and in the Ontario Court of Appeal's decision in *Lalonde v. Ontario*, the Montfort Hospital legal saga.

• (1800)

The last time the federal government performed a summative evaluation of the Court Challenges Program was in 2003.

**The Hon. the Speaker:** Excuse me, Senator Chaput.

[English]

**The Hon. the Speaker:** Honourable senators, I am sorry to interrupt Senator Chaput. I must draw attention to the clock. It is now six o'clock.

Is it your desire not to see the clock, honourable senators?

**Hon. Senators:** Agreed.

[Translation]

**Senator Chaput:** In that evaluation, the government recognized that the Court Challenges Program ensured greater access to the courts for official language minority communities.

However, in 2006, the Minister of Canadian Heritage decided to cut off financial support to the Court Challenges Program, including the language rights program. When the Fédération des communautés francophones et acadienne du Canada learned about that decision through the media, despite its many requests for consultations, it brought the matter before the courts.

After investigating that decision, the Commissioner of Official Languages, who also intervened before the Federal Court, found as follows, and I quote:

... the evidence is overwhelming that the Court Challenges Program directly and significantly assisted in the advancement of language rights in Canada and, in so doing, contributed to the vitality and development of our official language minority communities.

Consequently, he concludes that, and I quote:

... in the absence of positive measures, the termination of federal funding under the 2006 expenditure review is contrary to the Government of Canada's commitments and obligations under Part VII of the *Official Languages Act*.

The Fédération des communautés francophones et acadienne du Canada was right to worry about the future of the Court Challenges Program. Here is what the Fédération des associations de juristes d'expression française had to say, and I quote:

It was thanks to the Court Challenges Program that George Forêt from Manitoba was able to take his case all the way to the Supreme Court of Canada, which recognized that Manitoba is a bilingual province in its laws, its legislative assembly and its judicial system.

My very identity, as a proud Franco-Manitoban, is closely tied to this very important program that was abolished.

This was equally true for the component of the Court Challenges Program pertaining to equality rights. Prior to 2006, the test cases funded by the equality rights panel concerned family law, immigration, accessibility, social and economic rights, Aboriginal law and access to justice, generally speaking.

In its information kit, the Court Challenges Program gave the following examples of cases that had received funding:

First Nations people opposing a section of the Indian Act that prohibited them from voting in Band Council elections if they lived off reserve;

Same-sex couples seeking the same rights to certain benefits and deductions under the Income Tax Act that are accorded opposite sex couples;

Parents of children with disabilities who were seeking employment insurance for periods when they must be off work to provide care for their children; and

The legality of the current laws that restrict the courts from admitting evidence of prior sexual activity on the part of sexual assault complainants.

Honourable senators, this is no small matter. A tally of just the cases that were supported by the equality rights panel between 1994 and 2006 shows:

96 cases dealing with Aboriginal law;

17 cases dealing with age;

14 cases in matters of citizenship;

54 cases concerning issues of colour, race, nationality or ethnicity;

59 cases dealing with disability;

28 cases involving poverty;

18 dealing with criminal records;

41 based on sex; and

44 based on sexual orientation.

These are opportunities to advance the law, to clarify it, and to allow it to represent us and protect us better.

A report drafted in February 2008 by the Standing Committee on the Status of Women at the other place referred specifically to

the role that the Court Challenges Program played for Aboriginal women, and I quote:

Witnesses informed the Committee that the Native Women's Association of Canada would not have succeeded in bringing to the public's attention the problem of family property provisions on Indian reserves had it not been for funding of the Court Challenges Program. Furthermore, witnesses pointed to the impact that the program has had in bringing other challenges forward in relation to Aboriginal women's equality.

The [Indian] Act itself has been challenged by women as a denial of women's equality. It was challenged by Jeannette Corbiere-Lavell. It was challenged by Senator Sandra Lovelace Nicholas. It has been challenged by Sharon McIvor. It's challenged by a Mohawk family from Ontario called the Perrons. There are now over 35 challenges to the Indian Act that are being brought by women, primarily in the area of Indian registration. The Court Challenges Program has had a tremendous amount to do with those challenges.

Why then get rid of such a program? The decision to eliminate funding for the Court Challenges Program was not simply a matter of economics. There was ideology behind that decision, an ideology that was very clearly expressed by the parliamentary secretary to the minister. On October 17, 2006, he said that the decision to abolish the Court Challenges Program was based on the government's commitment to the democratic process and its belief, and I quote:

... Canadians should be rewarded for practising that right and to experience their hopes and beliefs become reality through laws that are created and passed by those they elect to the House.

He went on to say:

The Canadian court challenges program is inherently flawed in that it promotes and encourages special interest groups to advance causes that do not reflect the view of the majority of Canadians. It allows special interest groups to use hard-earned Canadian tax dollars to promote a public policy agenda that is not always in line with the majority of Canadian voters. This manipulation of the system is neither transparent nor accountable.

Honourable colleagues, I must express my total disagreement with that ideology. The government clearly said that, by going to court to assert their rights, vulnerable groups and communities in Canada were trying to manipulate the system. At the very least, the government said that it was not up to taxpayers to pay for that kind of access to the courts.

We must unequivocally oppose that approach. The last CCP annual report, published in 2006-07, stated:

Financial assistance under the Program promoted the clarification and assertion of language rights for official language minorities and equality rights for disadvantaged



groups regarding issues of national significance. By enabling people to challenge the government using the Charter guarantees, the Program had a critical and positive impact on the protection of rights and freedoms for all Canadians. The Program's cancellation jeopardizes the future of language and equality rights in Canada.

That is not manipulation. That is validating Canada's constitutional system.

I would like to read from the letter that the Canadian Bar Association sent Prime Minister Stephen Harper in 2006 after the federal government decided to abolish the program:

Claimants who have benefited from the Court Challenges Program include disabled children and their families, French speaking minority groups, women who have experienced sexual assault, Aboriginal groups, and gay men and lesbians. Characterizing these groups as "third parties" suggests and "us versus them" mentality that has no place in Canadian society. The *Canadian Charter of Rights and Freedoms* protects the rights of *all of us*. All of us have a gender, a first language, a race, a nationality, a sexual orientation, and certain physical and mental abilities, among other things. Striking down discriminatory laws alleviates the historical disadvantage experienced by vulnerable groups. A more egalitarian society benefits us all.

• (1810)

In the recent election campaign, the Prime Minister promised to restore the Court Challenges Program. This was applauded by many, including feminist groups, who believe that this kind of program could allow some women to win pay equity cases. Legal expert Michel Doucet has also suggested that the new program be created by an act of Parliament so that it is not as easy to abolish as the Court Challenges Program was. I fully support his position. Although the LRSP has, to some extent, been able to replace the language component of the Court Challenges Program, there is no guarantee that it will not be abolished as well some day. Furthermore, our democracy has been weakened because there was no replacement for the second component of this program, which dealt with equality rights.

Some may wonder, as the federal government did in 2006, why a government should fund legal challenges against itself. It is true that this could seem strange at first glance. However, one need only think of the principles of the rule of law and access to justice to justify such a program. Any government must recognize that it can only legislate within the purview of the Constitution. It must work within the framework of the Constitution and its limits. Of course that also includes the Canadian Charter of Rights and Freedoms. Any good government must also recognize — and this is sometimes the hardest part — that even though the government may pay a political price, it is in Canada's interests for an unconstitutional law to be declared as such by the courts.

We also know that access to justice is expensive. Even when a fundamental right is violated, it is difficult for the average person to engage in a legal battle against the government. Even community organizations and advocacy groups have a great deal of difficulty funding challenges to assert their rights.

The last annual report (2006-2007) of the Court Challenges Program that was abolished by the Harper government, drafted after the announcement that the program's funding was being cut off, expressed this very eloquently.

What is what is the rationale behind the entrenchment of a Canadian Charter of Rights and Freedoms that protects language and equality rights, if these Charter guarantees can be bypassed without providing for meaningful remedies in support of victims? —

**The Hon. the Speaker:** Is more time granted to the honourable senator?

**Hon. Senators:** Agreed.

**Senator Chaput:** —

Charter rights and freedoms must be significant and purposeful. As guardians of the Constitution, courts alone are entitled to determine the scope and significance of these rights and freedoms. If affected parties cannot use courts, then what is left of access to justice or the protection of our fundamental rights and freedoms?

If the current federal government were to restore funding for the LRSP and possibly a new court challenges program, this would strengthen Canada and make it more just and equitable. A government that recognizes the difference between its own short-term political interests and the ongoing protection of fundamental rights and freedoms is a responsible government that is truly acting in the interest of its citizens.

As you know, honourable senators, I am from Manitoba's francophone community. Our community has been able to survive and assert its rights not simply because of the goodwill of successive governments, but rather because we fought before the courts to ensure that our rights would be respected. Legal challenges are never anyone's first choice and they are never the easy choice, but having them as an option allows minority groups and vulnerable groups to ensure that their voices are heard.

Some people think that such a program "promotes and encourages special interest groups to advance causes that do not reflect the view of the majority of Canadians." However, I would submit that it actually shows that Canadians recognize the importance of sometimes turning to the courts to uphold the Constitution and the Charter and that we need to level the playing field. After all, the federal government has the Attorney General's Office at its disposal. Its legal experts are always there to defend the constitutionality of a law or a decision made by the federal government. Taxpayers foot the bill for defending the case of the government of the day, even if the courts find that the government is in the wrong. Shouldn't we give civil society some basic means to play this vital watchdog role?

The President of the Fédération des communautés francophones et acadienne du Canada, Sylviane Lanthier, stated:

During the recent federal election campaign, the Liberal Party promised to reinstate the Court Challenges Program.

It is a priority for francophone minorities to have access to a mechanism that will allow them to go to court to stand up for certain aspects of their language rights and for this mechanism to offer better financial support for such efforts.

We know that it costs a fortune to go to court. If the Liberal government plans to reinstate the Court Challenges Program, we want to participate in the discussions that will lead to the creation of this new program.

Honourable senators, a government that provides society with the means to challenge its imperfections is a mature government,

one that also encourages access to justice and, above all, shows a profound respect for the Canadian constitutional order.

Thank you.

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

(On motion of Senator Maltais, debate adjourned.)

(The Senate adjourned until tomorrow at 9 a.m.)

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