



# DEBATES OF THE SENATE

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1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 7

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OFFICIAL REPORT  
(HANSARD)

Tuesday, January 26, 2016

The Honourable GEORGE J. FUREY  
Speaker

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

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



## THE SENATE

Tuesday, January 26, 2016

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

Prayers.

### VICTIMS OF TRAGEDIES

#### BURKINA FASO—LA LOCHE

**The Hon. the Speaker:** Honourable senators, I know you share my grief following the recent tragedies that struck Canada both at home and abroad, namely the fatal shootings in La Loche, Saskatchewan, and the terrorist attack in Burkina Faso.

Six Canadians were among the 30 people slain on January 15 during a terrorist attack in Ouagadougou, the capital of Burkina Faso. Last Friday, January 22, four people were killed in La Loche, Saskatchewan, an isolated Dene community in northwest Saskatchewan that borders the Clearwater River Dene Nation.

I would ask honourable senators to rise for a minute of silence in memory of these 10 Canadians who perished tragically in the last two weeks.

*Honourable senators then stood in silent tribute.*

[Translation]

### SENATORS' STATEMENTS

#### TRAGEDY IN INDONESIA AND BURKINA FASO

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, today I would like to remember Canadians — humanitarians — recently murdered by terrorists far away from here.

On January 14, 70-year-old Laval resident Tahar Amer-Ouali was killed by terrorists in Indonesia. Beloved father of five and a grandfather, he was an audiologist who founded clinics in Montreal to give the hard of hearing the beautiful gift of sound.

This good man was taken suddenly when suicide bombers and men armed with grenades attacked, killing Tahar and another person and seriously injuring his brother, Mourad.

ISIS proudly claimed responsibility. One of the terrorists had received a money transfer from the group, and the Indonesian authorities have blocked over a dozen websites celebrating the

attacks. Police said that those arrested were plotting more attacks against the Indonesian government and police, as well as foreign targets — attacks against us, honourable senators.

Together with its allies, Canada is working to degrade and defeat ISIS and to protect innocent people, including Canadians, from terror, torture and death. The brave and skilled crews of our CF-18s are aiming true to prevent the conflict from spreading. Honourable senators, we must maintain our commitment to fighting terrorism wherever it is.

The Indonesian president condemned the terrorists who robbed his people of peace and security, and he vowed that Indonesians would not surrender to the terror of ISIS.

Today we remember Tahar, and our thoughts are with his family.

Just one day after ISIS killed Tahar, terrorists struck again, killing six other Quebecers from Lac-Beauport who were on a humanitarian mission in Burkina Faso.

These Canadians were there to repair a school on behalf of the Congrégation des sœurs de Notre-Dame du Perpétuel Secours.

They were enjoying a meal together, not knowing it would be their last. Jihadists attacked, and during a 12-hour siege they coldly and callously killed 29 people, including our Canadians — a family of four and two of their friends.

Gladys Chamberland, her spouse Yves Carrier, their children Charlelie and Maude, and friends Louis Chabot and Suzanne Bernier died at the hands of terrorists. Four of them were active or retired teachers with longstanding service to the students of Quebec. Yves Carrier was vice-principal and Louis Chabot was a teacher at Jean-de-Brébeuf.

I would like to quote the words of one of their neighbours. He said:

A humanitarian trip isn't supposed to end like this.

Burkina Faso's President Kaboré said that the people of his country must unite against terrorism and his forces would increase their efforts to thwart future attacks. He said al Qaeda seeks to destabilize their country and its institutions, and to undermine efforts to build a free and prosperous nation. I know Canadians want to stand with him against the terrorists who killed his citizens and ours.

What happened in Burkina Faso shows that Canada must not shrink from the fight against terror. In just two days, seven Canadians were murdered. This is our fight too.

Let's remember these humanitarian workers from Lac-Beauport, a city in mourning, and not let their sacrifice be forgotten. We can honour their memory by standing proudly with our allies to defeat terror and protect Canadians and all citizens of the world, wherever they may be.

[English]

### TRAGEDY IN LA LOCHE

**Hon. A. Raynell Andreychuk:** Honourable senators, it is with great sadness that I rise today to express my heartfelt sympathy and deepest condolences — and I'm sure on behalf of all senators in this chamber — to the families, friends and community of La Loche as it mourns the loss of four individuals following last week's tragic shooting.

• (1410)

We mourn the loss of Marie Jacqueline Janvier, a former student of the La Loche Community School, who was killed at the age of 21 while pursuing further education as a teacher's aide.

We also mourn the loss of a favourite teacher, 35-year-old Adam Wood, who moved from Ontario to La Loche only a few months earlier.

Tragedy also touched the Fontaine family. We mourn the loss of brothers Drayden and Dayne, aged 13 and 17 respectively, who were found dead in their home.

Our thoughts and prayers go to another victim who lies in a coma at the Royal University Hospital in Saskatoon and to all others injured in the shooting, which occurred on January 22, 2016.

The community was further shaken by news that the alleged shooter was a young member of the community. This tragedy represents a loss not only to La Loche but also to all in the province of Saskatchewan and, indeed, to Canada as a nation.

Today, I join community leaders, Aboriginal leaders, and provincial and federal representatives as we remember this tragedy. The community has come together with profound sadness as the La Loche residents grieve “at candlelight vigils, church services, grief circles, hockey arena and local shops.” In this spirit the community has united in its determination to heal and prevent future tragedies.

As we move forward, let us learn from their reaction. As Diocese of Keewatin-Le Pas Archbishop Murray Chatlain has noted:

. . . the focus should be on prevention, and everyone should ask what role they can play.

As we grieve these losses, let us ask ourselves how we might continue to support the La Loche community and work together towards the prevention of future tragedies. All too often

heartbreaking occurrences in communities across Canada are overshadowed by other dilemmas and challenges. Let us be vigilant in taking care of our own as we affirm our vigilance for prevention.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Lindsay Tisch, MP, Assistant Speaker of the House of Representatives of New Zealand, accompanied by New Zealand parliamentarians and a representative of the High Commission of New Zealand.

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

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

### QUESTION OF PRIVILEGE

#### NOTICE

**Hon. John D. Wallace:** Honourable senators, pursuant to Senate rules 13-1, 13-2(1) and 13-3(1), and further to written notice given earlier this day, I rise to give oral notice that I shall raise a Question of Privilege this day, January 26, 2016, with regard to the Second Report of the Committee of Selection that was adopted by the Senate on Thursday, December 10, 2015.

The second report was prepared pursuant to the requirements of rule 12-2(2), which necessitate that “the Committee of Selection shall present a report on its nomination of Senators to serve on the standing committees and the standing joint committees.”

The total exclusion by the Committee of Selection in its second report of myself and some other independent senators from nominations of membership on any of the Senate's standing and joint committees constitutes, for the purposes of rule 13-1, a grave and serious breach that violates and directly infringes upon the rights and privileges of the Senate, including those of myself and my ability to carry out and fully discharge my required constitutional duties and functions as an independent senator. Included among the parliamentary privileges guaranteed to all parliamentarians are freedom from obstruction and interference in the performance of their parliamentary functions, and freedom of speech in parliamentary committees.

My total exclusion from any nominations whatsoever to any committee membership positions also creates an injustice and contempt that is an affront to the dignity of Parliament.

Furthermore, the failure of the Committee of Selection to adequately fulfill its obligations pursuant to rule 12-2(2) in a manner that ensures all senators are treated with fairness, equity and equality directly obstructs, impedes and interferes with my

ability to carry out and fully discharge my core or essential parliamentary legislative function and required constitutional duty as a legislator of sober second thought.

Should there be a ruling that the actions and failures of the Committee of Selection constitute a prima facie breach of privilege, I am prepared to move a motion to seek a genuine remedy from the Senate.

### THE LATE ARNOLD WIGHTMAN

**Hon. Elizabeth Hubley:** Honourable senators, I would like to pay tribute to the late Arnold Wightman, an exceptional Islander who passed away on January 3 at the age of 87 years.

Mr. Wightman was born in Montague in 1928 and lived there for much of his life. In the early 1950s, he opened a bookkeeping and accounting service on Main Street. In 1958, he purchased the old Co-op property and opened a Lucky Dollar store. Business was good. Ten years later, he bought another property up the street and built Montague's first mall, which housed the town's first modern grocery store. Over the years the mall expanded to include a number of stores, and it remains a busy spot with many retail shops and offices. During his long career, Mr. Wightman also owned and operated a restaurant, a laundromat and a furniture store, in which he kept a piano and always allowed anyone to play.

His excellent entrepreneurial skills and keen business sense were recognized by induction into the P.E.I. Junior Achievement Business Hall of Fame in 2014.

Mr. Wightman's dedication to his hometown was also unparalleled. He served as the town clerk for 20 years and later became its mayor. In 1957 he joined the Montague Fire Brigade and was President of the Land Use Commission from 1973 to 1981. He was President of the Junior Board of Trade and helped lead the establishment of the Garden of the Gulf Museum, Prince Edward Island's first provincial museum. He played a key role in building the town's life-long rink, Iceland Arena, and was a founding member of the Montague Fiddle Festival. He was the first president of the local rotary, and it is said that he could boast perfect attendance to those meetings.

In a video that accompanied his hall of fame induction, friends spoke warmly of how much he cared about his community and always saw such a great potential in it. He earned the nickname Okey Doke for his standard reply of "Okey doke, that's okay," while serving as town clerk. Never looking for attention, he simply went ahead and got the job done, helping to build Montague into a retail hub in eastern P.E.I.

Honourable senators, to say that Arnold Wightman was a well-respected businessman would be an understatement. He made a lasting impact on his hometown and the people in it. He will be sorely missed.

[ Senator Wallace ]

I would like to offer our sincere condolences to his son and daughter-in-law, Roger and Karen, to his grandsons, Kyle and Andrew, and to all his extended family and friends.

### FLORENCE AND GEORGE KLEIN

#### CONGRATULATIONS TO FLORENCE KLEIN ON ONE HUNDREDTH BIRTHDAY

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, I rise today to recognize an outstanding Canadian couple, George and Florence Klein, long-time residents of Ottawa, and to congratulate Florence on reaching her one hundredth birthday on January 20.

Florence Elizabeth Klein was born in 1916 in Pembroke, Ontario. She moved to Ottawa in 1935 to work with the federal government — quite an accomplishment for a young woman in those days. In 1940, Florence married George Klein, and since a married woman could not hold a position in the federal government at that time, Florence resigned, raised two children and embarked on a life of volunteerism.

During the 1950s and 1960s, she was an active volunteer in a number of areas. She helped nursing staff of the City of Ottawa Health Unit in the local schools. She was a long-time member of the Auxiliary of the Island Lodge, Home for the Aged, on Porter's Island, knitting hundreds of items to support the auxiliary's work at the lodge. She knitted toques for premature babies at the Grace Hospital and hats for newborns at the Almonte General Hospital. For her 40 years as a volunteer, Florence was awarded the Queen's Golden Jubilee Medal and recognition from the City of Ottawa.

During the terms of Governors General Roland Michener, Edward Schreyer and Jules Leger, Florence worked at Government House to organize and hand-address over 3,000 Christmas cards each year.

• (1420)

Her beautiful, flowing cursive writing was instrumental in securing this position and she still maintains this skill today. Florence loved working at Government House.

When Florence married George in 1940, they began a partnership that lasted 52 years. George passed away in 1992, at the age of 88 years.

George Klein is known as the foremost Canadian inventor of the 20th century. He was a quiet, modest and kind man who worked 40 years at the National Research Council laboratories in Ottawa. Among his many accomplishments was the design and building of the National Research Council's first wind tunnel in the 1930s.

George and his team built the first practical electric-powered wheelchair for veterans of the Second World War. He was the chief engineer and mechanical designer for the first Canadian

nuclear reactor at Chalk River. He was internationally recognized in the mechanics of ice and snow and designed an international system for classifying snow.

After retirement, and well past the age of 70, George worked as chief consultant on the gear design for the first Canadarm.

George received numerous recognitions as one of Canada's most successful inventors and design engineers. He was made a member of the Order of the British Empire after the Second World War for his contributions to science in support of the Allies. He was appointed an Officer of the Order of Canada. He was honoured by international organizations such as the Royal Aeronautical Society and the American Society of Mechanical Engineers. He received a Doctor of Engineering from Carleton University and a Doctor of Laws from Wilfrid Laurier University.

Throughout George's career, Florence was the rock that kept the family together, and she gave George the space, support and freedom to work on his numerous inventions.

Honourable senators, please join me in recognizing Florence and George Klein, and in congratulating Florence on the occasion of her one hundredth birthday.

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

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## ROUTINE PROCEEDINGS

### AUDITOR GENERAL

#### COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT—FALL 2015 REPORTS TABLED

**The Hon. the Speaker:** I have the honour to table, in both official languages, the Fall 2015 Reports of the Commissioner of the Environment and Sustainable Development of Canada.

### NATIONAL SECURITY AND DEFENCE

#### REPORT PURSUANT TO RULE 12-26(2) TABLED

**Hon. Daniel Lang:** Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on National Security and Defence, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament.

*(For text of report, see today's Journals of the Senate, p. 61.)*

[*Translation*]

## TRANSPORT AND COMMUNICATIONS

#### REPORT PURSUANT TO RULE 12-26(2) TABLED

**Hon. Dennis Dawson:** Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Transport and Communications, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament.

*(For text of report, see today's Journals of the Senate, p. 66.)*

[*English*]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### FIRST REPORT OF COMMITTEE TABLED

**Hon. Leo Housakos:** Honourable senators, I have the honour to table today, in both official languages, the first report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the Financial Statements of the Senate of Canada for the year ended March 31, 2015.

The audit report declares that the financial statements present fairly, in all material respects, the financial position of the Senate of Canada for the year ending March 31, 2015. The financial statements were prepared in accordance with Canadian Generally Accepted Accounting Principles for the public sector (GAAP) and were audited by the firm of KPMG LLP.

The auditors did not find any errors that required them to recommend adjustments to the financial information they reviewed. KPMG has given the Senate a clean, unqualified opinion of its financial statements and were very complimentary of the professionalism of the Finance Directorate.

Independent audits are an integrated, regular feature of our ongoing financial process to ensure a clear accounting of the administration's financial affairs. The Senate of Canada's financial statements have been audited since the 2008-09 fiscal year and the Senate has received a clean, unqualified report each year.

It is a process we are proud of as we continue to work towards a more open and transparent accountability for the institution.

[*Translation*]

## CANADIAN PUBLIC CORPORATIONS GOVERNANCE BILL

### FIRST READING

**Hon. Céline Hervieux-Payette** introduced Bill S-216, An Act to provide the means to rationalize the governance of Canadian public corporations.

(Bill read first time.)

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

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

[*English*]

### NATIONAL FINANCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FEDERAL ESTIMATES GENERALLY

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

That the Standing Senate Committee on National Finance, in accordance with rule 12-7(5), be authorized to examine such issues as may arise from time to time relating to federal estimates generally, including the public accounts, reports of the Auditor General and government finance; and

That the committee report to the Senate no later than December 31, 2017.

[*Translation*]

### TRANSPORT AND COMMUNICATIONS

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY EMERGING ISSUES RELATED TO ITS MANDATE

**Hon. Dennis Dawson:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on emerging issues related to its mandate under rule 12-7(6);

That it be further authorized to examine and report on the elements related to its mandate found in the ministerial mandate letters of the Minister of Transport, the Minister of Infrastructure and Communities and the Minister of Canadian Heritage; and

That the committee submit its final report no later than June 30, 2017.

[*English*]

### BANKING, TRADE AND COMMERCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

**Hon. David Tkachuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the committee submit its final report no later than December 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 12-7(4), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and

That the committee report to the Senate no later than June 30, 2017.



• (1430)

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES AND REFER PAPERS AND EVIDENCE FROM THE FORTIETH AND FORTY-FIRST PARLIAMENTS TO CURRENT SESSION

**Hon. Daniel Lang:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that later this day, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on Canada's national security and defence policies, practices, circumstances and capabilities;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the Fortieth Parliament and the Forty-first Parliament be referred to the committee; and

That the committee report to the Senate no later than December 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

**Hon. Senators:** Agreed.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Your Honour, I wonder if we might ask for an explanation of why leave is necessary. We've just heard a number of other committees present motions in the habitual form, which they will presumably move tomorrow. What is so urgent about this one?

**Senator Lang:** For the information of senators — and I think it's a very valid question — the reason for requesting leave of this Senate is in order that we get the motion passed for the general terms of reference for the National Security and Defence Committee that allows us then to go out and officially invite witnesses for next Monday. Our meeting is scheduled for next Monday at one o'clock. There are several witnesses that we would like to ask to appear; and in order to be able to officially invite them, we have to have our terms of reference. It's a procedural point of view from the clerk and how the committee functions in respect to invitations.

I should also say, while I'm on my feet, that the terms of reference are the same as they were in the previous Parliament. It gives a general framework or a general template for us within the committee to be able to do the work that the Senate has asked us to do when it is referred to us.

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

**Some Hon. Senators:** Agreed.

**The Hon. the Speaker:** Leave is granted. Accordingly, it is ordered that this motion be placed on the Notice Paper for later this day.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES CONCERNING VETERANS' AFFAIRS AND REFER PAPERS AND EVIDENCE FROM FORTIETH AND FORTY-FIRST PARLIAMENTS TO CURRENT SESSION

**Hon. Daniel Lang:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on:

- (a) services and benefits provided to members of the Canadian Forces; to veterans who have served honourably in Her Majesty's Canadian Armed Forces in the past; to members and former members of the Royal Canadian Mounted Police and its antecedents; and all of their families;
- (b) commemorative activities undertaken by the Department of Veterans Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and
- (c) continuing implementation of the New Veterans' Charter;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the Fortieth Parliament and the Forty-first Parliament be referred to the committee; and

That the committee report to the Senate no later than December 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

## ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

### BILL TO AMEND—PRESENTATION OF PETITION

**Hon. Wilfred P. Moore:** Honourable senators, I have the honour to table a petition from 2,000 residents of British Columbia expressing their support of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins.)

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## ORDERS OF THE DAY

### QUESTION OF PRIVILEGE

#### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, I am ready to rule on the question of privilege raised by the Honourable Senator Hervieux-Payette on December 8, 2015. The senator's complaint dealt with alleged leaks of information from the report of the Auditor General on senators' expenses before it was tabled in this place. Senator Hervieux-Payette initially raised the issue on June 9, 2015, as a question of privilege, which was found to have prima facie merit. The issue was then referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for study. However, the committee did not present a report on the matter prior to the dissolution of the Forty-first Parliament.

[*Translation*]

It is not unprecedented to have a question of privilege brought back from a previous session, and, in keeping with practice in such cases, I have reviewed all the arguments that were raised on this issue.

As senators know, the report tabled on June 9, 2015 was the result of an audit undertaken at the request of the Senate, and there was every expectation that the report would be provided to the Speaker and tabled in the Senate before being made public. It was, therefore, in many ways analogous to a committee report — the Senate should be the first to receive the results of the work it requests.

[*English*]

The leaks that started the first week of June 2015, of which we are all aware, violated the confidential framework within which the audit was undertaken. Let me also note that the leaks put a number of senators in an extremely awkward situation, facing questions about details of a document that was not yet before the Senate and not yet public. That was not right.

To be treated under the special provisions of Chapter Thirteen of the Rules, a question of privilege must meet the four criteria outlined in rule 13-2(1).

First, it must “be raised at the earliest opportunity.” As I stated in my ruling on a point of order on December 8, 2015, our rules and practices do not provide for the automatic revival of questions of privilege in a subsequent session. The matter must be raised again in the new session. The first two sitting days of the Forty-second Parliament, December 3 and 4, were devoted to the traditional ceremonies and procedures related to the opening of a new Parliament. As such, Senator Hervieux-Payette followed the process correctly, as it stands now, and acted as expeditiously as possible.

Let me again note, however, that if honourable senators believe that there could be a better, more efficient process for dealing with outstanding questions of privilege, it is within the powers of this body to develop some other mechanism. This could perhaps be through a recommendation from the Rules Committee. Any possible changes are in the hands of honourable senators.

The second criterion is that the question of privilege must “be a matter that directly concerns the privileges of the Senate, any of its committees or any Senator.” As already explained, the audit was undertaken at the request of the Senate, and there was every expectation that the Senate would be the first to receive the resulting report. It should also be noted that leaks were of a report dealing with sensitive information related to individual senators. Just as the Senate considers the leak of committee reports to be a serious matter, the leak of this audit report, I believe, satisfies the second criterion.

Third, the question of privilege must “be raised to correct a grave and serious breach.” The answer in this case flows from that given to the second question. The Senate should have received the audit report first, and so this third criterion has been met.

Finally, the question of privilege must “be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.” Senator Hervieux-Payette has indicated that she is prepared to move an appropriate motion, and, given the serious impact of such a leak, that is a reasonable approach.

At this stage of the process the Speaker determines whether the question of privilege seems, at first appearance, to have a reasonable basis. This gives the senator who raised the matter the chance to move a motion, on which the Senate itself will make a decision.

On June 5, 2015, towards the end of the last Parliament, it was determined that a prima facie case of privilege had been established in relation to the leaks of the report in question. It is my opinion that, for the reasons outlined here, there is a reasonable concern that the leaks surrounding the release of the audit report may have breached the privileges and rights of the Senate as an institution and those of individual senators. Consequently, I have reached the same determination that was reached last June. A prima facie question of privilege

has been established, and, pursuant to rule 13-6(1), Senator Hervieux-Payette can move her motion at this time. Debate will, however, only begin at the earlier of 8 p.m. or the end of Orders of the Day.

[Translation]

### MOTION TO REFER TO RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT COMMITTEE

**Hon. Céline Hervieux-Payette:** Honourable senators, pursuant to rule 13-6(1), I move:

That this case of privilege, relating to the leaks of the Auditor General's report on the audit of the Senate, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for an independent inquiry be ordered and a report publicly released without delay.

[English]

• (1440)

**The Hon. the Speaker:** Pursuant to rule 13-6(2), debate on this motion is deferred until the end of Orders of the Day or 8 p.m., whichever comes first. This motion will be debated before the question of privilege of which Senator Wallace has given notice.

[Translation]

### 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. Diane Bellemare:** Honourable senators, on December 4, 2015, His Excellency Governor General David Johnston delivered the Speech from the Throne entitled: *Making Real Change Happen*, thereby presenting to Members of Parliament and to all Canadians the major challenges that the new government plans to address over the next few years.

That speech was very different from previous speeches. Not only was it shorter, but it seemed to present a vision and intentions, rather than a specific action plan.

Real change will only happen if Canada's performance improves in many areas. This means doing better in terms of the economy, doing things differently within the government, restoring Canadians' trust in their democratic institutions, doing more to promote the basic principle of social justice, including the principle of equal opportunity, all while creating opportunities in a safe, sustainable environment.

What a plan for the next four years.

What I take from the throne speech, more specifically, is that the government wants to help grow the middle class, open up a dialogue with the provinces and the Canadian public, and stimulate the economy by means of infrastructure projects focused on the use of clean technology.

I have a lot to say about this speech, but since my time is limited, I will focus on a central theme of the speech: growth for the middle class.

I will quote the throne speech, as follows:

First and foremost, the Government believes that all Canadians should have a real and fair chance to succeed. Central to that success is a strong and growing middle class.

To do so, the government will change the tax system and personal transfer payments programs, such as family benefits, employment insurance and retirement plans. It will stimulate the economy through infrastructure projects and will help fund post-secondary education, as well as health care.

Dear colleagues, this strategy takes a Keynesian approach to the economy and is reminiscent of the economic strategy that was so successful in the 30 golden years following the Second World War, known as the *Trente Glorieuses*. Is this approach compatible with the 21st century, when an information- and knowledge-based economy plays such a central role? Is it compatible with the current labour market, in which employees constantly have to adapt to new jobs and ever-evolving technologies? Is it compatible with a world economy characterized by increased interdependence and integration? Is it the best approach to help us shift towards a green economy?

In my speech, I will explain what is fundamentally missing from this approach. I am talking about employment policy or a focus on promoting decent jobs across the country.

In other words, the primary objective of the throne speech, which is to grow the middle class, can only be achieved through a concerted effort by all governments in Canada to promote job creation and skills development in the provinces and territories.

[English]

While there is no consensus about what exactly constitutes the middle class, we can agree that it includes individuals and families who are employed or, if they are retired, who can maintain their standard of living due to income earned while they were working. Those who do not have a job and who depend on meagre public income transfers to live often have very low incomes, and, unfortunately, these people are not who we think of when we talk about the middle class. So if we take this reasoning to increase the middle class, we have to increase employment.

Economists tend to define the middle class based on income. The Organisation for Economic Co-operation and Development, the OECD, defines the middle class as those households whose income is between 75 and 150 per cent of the median income.

[Translation]

Based on that criterion, economists at Université de Sherbrooke calculated that in 2011, the Canadian middle class was made up of families of two or more people with an income between \$51,000 and \$102,000; in Quebec, however, this bracket ranged from \$40,000 to \$90,000.

For other social sciences experts, the middle class cannot be measured just by income relative to median income. The middle class is defined more by lifestyle, consumer behaviour, professional status or social class. The middle class is also a notion that is closely linked to the evolution of income inequality. Growth in income inequality can erode the middle class by making it harder to maintain its standard of living relative to that of families considered to be wealthy.

[English]

To keep up with the Joneses, as we say, the middle class will borrow and get strangled.

[Translation]

That being said, is the middle class in jeopardy?

Here are some facts taken from national and international studies on the matter.

First of all, there is no consensus on whether the middle class is eroding. That depends on the dates used and the income brackets studied.

However, there is consensus that the middle class, as defined by income, differs significantly from the middle class prior to the 1980s. In other words, its demographic profile has changed.

People also agree that middle-class incomes are not rising as fast as upper-class incomes. All of the experts agree that income inequality has grown significantly.

[ Senator Bellemare ]

Although it is unclear that the middle class is shrinking, the rich are richer than before, and the incomes of the poor, like those of the middle class, are not going up as much as those of the rich.

However, and this is an extremely important point, international studies show that the middle class is much larger in Scandinavian countries, which are social democracies, than in liberal countries such as the United States, the United Kingdom and Australia.

This is worth taking a closer look at. What are those countries doing differently from the others? Some economists suggest that the middle class is larger in those countries than elsewhere mainly because taxes are higher and social programs broader. They theorize that those countries are successful because they are welfare states.

[English]

I studied this issue when I was a university professor, and I carried out research using comparative analysis that was then published in a number of scientific reviews. Comparative analysis of Sweden, Germany, Norway, Austria and Canada revealed the fundamental difference between Canada and these other four countries. Each country used unique methods and strategy, but they all experienced better long-term growth than Canada because their policies targeted employment. In their cases, making full use of their human resources is a fundamental objective shared by the governments and by society as a whole. These countries prospered and kept the middle class strong by focusing on employment for everyone who wanted to work.

• (1450)

[Translation]

We know that these countries provide a wide range of social services to their citizens, such as very affordable post-secondary education and social insurance programs. However, what sets them apart from other countries is the fact that they maintain their focus on job creation, even in their educational programs and especially in skills development. Their social policy exists within the broader context of a job creation strategy. Public transfers are often associated with insurance programs linked to holding a job and not public transfers linked to citizenship, for example.

Their welfare state is not as simple as we make it out to be. It does not merely target the redistribution of income. In addition to rights and privileges, the citizens of these countries also have responsibilities that include participating in the collective production effort, which makes it possible to fund public services and a good standard of living for the entire population.

It is in Canada's interest to learn from these models. Otherwise, it is quite likely that the strategy for growth of the middle class outlined in the Speech from the Throne will not succeed and will perpetuate the significant development gaps in the country as a whole. Furthermore, the proposed measures for stimulating the growth of the middle class could result in large deficits without stimulating the economy and generating the revenue required to

restore fiscal balance. The multiplier effects on economic growth will be optimal if we give priority to the impact that the measures, programs and strategies adopted will have on job creation.

In other words, social measures and economic strategies interact with one another and must converge on shared prosperity. That is the condition that will ensure that budget deficits posted during a downturn will be temporary and that the growth generated will cover the deficits.

Here are some examples of what it means to target job creation and adopt an employment strategy.

[English]

For the federal government, it means that one objective of its monetary policy must include the pursuit of full employment, as is the case in these countries and in the United States. Actually, the goal of monetary policy is only to achieve an inflation rate of around 2 per cent. At the moment, monetary policy is not impeding the pursuit of full employment but it could happen, as was the case in the 1980s and 1990s where it created a lot of problems in many regions in Canada.

[Translation]

This government wants to review the employment insurance program, and such a review must include promoting employment rather than just income support for the unemployed. To this end, the government could do as Germany does and broadly use employment insurance to promote work sharing instead of layoffs in companies.

[English]

In addition, Employment Insurance funds could be used to promote job-related skills and to support the adaptation process for companies that need investments in training. In other words, the EI fund could be used more actively instead of passively. According to OECD data, compared with the Scandinavian countries and Germany, Canada is one of the countries that invests the least, with the United States, in active measures through its Employment Insurance program.

[Translation]

Taxation could also be used more effectively. For instance, it could be used to supplement the incomes of families that work full time in low-paying jobs. Today's labour market is creating some good jobs, but also minimum-wage jobs. However, those jobs are necessary to the creation of jobs further up the pay scale. We will always need handlers so that engineers can create new products to be handled. If, because of increased global competition, businesses can no longer pay decent wages for some jobs, income support through taxation for people who work in those jobs should be a collective responsibility. This strategy is fairer than paying people to do nothing through modest social assistance programs.

Stimulus programs targeting private investments should also target job creation and proper use of human resources. For instance, if the Minister of Finance decides to stimulate the

economy in the short term, particularly through home renovation projects, he could announce subsidies for labour expenditures, but not necessarily the hardware. That's what Sweden did when it adopted an ambitious home renovation program to deal with the financial crisis. This program also had a positive side effect: it reduced work done under the table.

Similarly, subsidies to encourage foreign businesses to invest in Canada must put an emphasis on training the workforce instead of on concrete and physical investments. If these companies ever decide to leave the country, we would at least be left with a skilled workforce.

[English]

What can we say about the infrastructure investment plan? The economic action plan introduced in 2009 by the previous government succeeded in protecting the Canadian economy from a crisis much more serious than the one we experienced. The current slowdown is, however, different from the crisis of 2008-09, and Canada needs to move to a more diversified and greener economy that can create jobs in all provinces and territories.

To this effect, the billions of dollars that the government plans to invest must be part of an overall strategy that will maximize our use of human resources in the short, medium and long term. If there is one area of public spending where the impact on employment must be taken into consideration, it is public infrastructure. I repeat: by taking into account the effect of this expense on employment, the government will create prosperity.

[Translation]

I would like to ask for five more minutes.

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

**Hon. Senators:** Agreed.

**Senator Bellemare:** To add to the examples I gave, I want to talk about what can happen if we do not make a concerted effort to focus on jobs.

For example, in Canada, governments have tended to focus on unemployment instead of jobs, by providing income support instead of developing jobs at the local level.

That is why for years, and until very recently, provinces like Saskatchewan and Alberta have experienced full employment, while Quebec and the Maritimes posted two-digit unemployment rates.

The main consequence of this approach is that communities accepted living with high unemployment rates. A culture of unemployment developed and became institutionalized in social practices and in human resource management within businesses. That is difficult to change.

Another direct consequence was that provinces adopted an accounting approach to managing employment insurance and social assistance. For example, for years, and this is still seen today, provincial governments sought to make individuals on social assistance eligible to receive employment insurance, or else they used employment insurance funds set aside for active measures to fund provincial programs or social assistance programs instead of continuing to invest in training programs.

Esteemed colleagues, wouldn't it be better if governments worked together to promote job creation and adopt economic behaviours that benefit everyone? I think that working together to promote job creation would unite governments so they can focus on the middle class.

When a society doesn't prioritize job creation, those with jobs resist change because they fear losing their job and being unable to find another. If the federal government wants to stimulate a green revolution, it will have to clearly demonstrate its commitment to promoting full employment in order to bring about that revolution.

• (1500)

Finally, when we don't care about job creation and we invest haphazardly, our choices can result in labour shortages, as was the case in Alberta, Saskatchewan and even southern Ontario in the 1980s. At that time, governments had simply stopped stimulating the economy.

Esteemed colleagues, I would like to end my speech with the hope that my words will inspire the Prime Minister, the Minister of Finance and all of government to make job creation a real priority, particularly when preparing the budget. I would like to add that making job creation a priority is key, and it will promote lasting cooperation between the federal and provincial governments, because it is a winning strategy for everyone. If all governments work together to make job creation a priority, then it becomes a strategy for economic growth and growth for the middle class. It becomes a positive-sum game, rather than a zero-sum or even negative-sum game.

Thank you for listening.

[*English*]

**Hon. Elaine McCoy:** Will the honourable senator take a question?

**Senator Bellemare:** Yes.

**Senator McCoy:** I have two questions. I found your remarks very interesting in terms of targeting jobs. It was a very compelling argument you put forward for a job strategy, and I, for one, would encourage us to undertake a study in that regard. In fact, I hoped you would pursue your comments a little further along those lines. What happened, because time is limited, no doubt you wanted to focus your comments. I'm curious to know

[ Senator Bellemare ]

how, in the grander strategy, the following topics fit. One is foreign credentials. Does that apply? Are you thinking that would be an example of a piece of the strategy that focuses on jobs? The second is the issue of temporary foreign workers. Does that focus on jobs? Would that contribute to a good jobs strategy for Canada?

**Senator Bellemare:** Thank you for the questions. They are very interesting. The first one on credentials —

[*Translation*]

Mr. Speaker, may I respond to the senator's questions?

[*English*]

**The Hon. the Speaker:** Is permission granted for five more minutes, honourable senators?

**Hon. Senators:** Agreed.

**Senator Bellemare:** The first part of the question is about the credentials. Yes, it is part of a job strategy, because many people, and especially the unemployed, learn while working. There are all sorts of competencies and qualifications that one acquires while working that are not recognized. If you have a very broad national strategy for the recognition of qualifications, as they have in the U.K., for instance, and in many European countries, then it is very easy for people, even immigrants, to get official recognition for those qualifications. Then they can be more mobile in the labour market. It would also improve their competencies by acquiring what is missing in order to have a more formal recognition.

The problem of credentials is larger than the recognition of diplomas. It is more related to competency. The U.K. has the NOS, the National Occupational Standards, where you can use the model of competence development even to promote productivity, because it is all related to productivity also. Maybe we will have a chance to talk a bit more in this chamber about this topic.

With respect to foreign workers, countries that have employment strategies don't forbid foreign workers. Maybe it's not that important, but it's part of a reality. When you want to reduce seasonality, you can adopt some methods so that the seasonal jobs become extended more on an annual basis. So for seasonal reasons, places with employment strategies can often employ foreign workers. Germany has many, as do Sweden and Norway. But it is within a broader framework where you also promote jobs with macroeconomic policies and also with an all-sectoral policy.

It is a matter of focusing on a result. If you don't focus on this result, it is the same thing with inflation: monetary policy focused on price stability, and then strategy will focus on health. So when you focus on jobs, you take it into account — while otherwise you don't. You say, "Come on. We will have the foreign enterprises that will come into the country. Let them come, and we will subsidize them." Usually we subsidize concrete things; we do not

subsidize training. As I said previously, when they are done, we are left with a piece of concrete that we cannot use and people who are not necessarily trained properly.

When you focus to maximize the use of your resources, everyone wins.

Thank you.

(On motion of Senator Martin, debate adjourned.)

#### BUSINESS OF THE SENATE

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Honourable senators, if it would be agreeable, I would be prepared to move the motion standing in the name of Senator Hervieux-Payette, which I believe she would wish me to do.

**The Hon. the Speaker:** The motion has already been moved by Senator Hervieux-Payette. It is a question now as to whether we stand debate because she is not present. I would recommend that we stand debate until she has a chance to return.

Is it agreed, colleagues?

**Hon. Senators:** Agreed.

#### QUESTION OF PRIVILEGE

**The Hon. the Speaker:** Before recognizing Senator Wallace, let me remind honourable senators of rule 2-5(1), which reads as follows:

The Speaker shall hear arguments before ruling on a point of order or a question of privilege. When the Speaker has heard sufficient argument to reach a decision, a ruling may be made immediately or the matter may be taken under advisement. The Senate shall then resume consideration of the item of interrupted business or proceed to the next item, as the circumstances warrant.

• (1510)

This means that the rules that generally govern debate are placed in abeyance when the Senate is dealing with a question of privilege or a point of order. This includes the provisions regarding speaking times and the number of times a senator may speak. These matters remain at the sole discretion of the Speaker. The Speaker also determines when sufficient arguments have been heard, and can then end the discussion.

I would also like to remind senators that there is no right of reply. While my predecessors have, before concluding consideration of a question of privilege or point of order, sometimes returned to the senator who initiated the matter, this remains at the discretion of the Speaker.

This said, I will now recognize Senator Wallace.

**Hon. John D. Wallace:** The current reality we face as senators is that public confidence and respect for our Senate institution has reached an all-time low, to the point that many, including some provincial premiers, are now calling for the Senate's outright abolition.

The reasons for these opinions may vary, but undoubtedly they have been significantly influenced by the highly publicized issues concerning Senate financial expenditures, as well as what appears to be a widespread public belief that senators provide little that is of actual public value, choosing instead, for the most part, to act as "rubber-stamp agents" for the political will and direction of their respective political parties in the house.

These are the public opinions and challenges that we as senators must be prepared to realistically confront and effectively address, if we are to have any reasonable hope of instilling a renewed sense of public confidence and respect for our Senate institution.

Ultimately, I remain optimistic that we can greatly improve in this regard, but to do so I have no doubt that this will have to be based on what it is that we actually do, how we conduct and fulfill our senatorial functions and duties, and not merely on the basis of what we say. Aspirational statements and speeches about the need for increased openness, transparency, accountability, effectiveness and modernization are one thing. Saying all of that is the easy part, but actually getting the job done, and done right, is something else again.

I must say in this regard I was impressed with the frankness and accuracy of the following comments made by Senator Cowan as part of his address to this Chamber on December 10, 2015, regarding his motion to establish a special committee on Senate modernization:

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.

. . . 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.

I am in complete agreement with Senator Cowan that most certainly we will be judged on how effectively we operate as a legislative body, and in no small way that will be determined by how we respond to and resolve significant problematic issues as they arise; and particularly so to issues that relate directly to the performance of the core or essential functions of the Senate, and each of us as its members.

Honourable senators, the issue that is being addressed in the question of privilege before you today is, without doubt, one that

relates directly to the performance of the Senate's core or essential legislative functions, and is one of those problematic issues that I believe requires our immediate attention and rectification.

Notice of this question of privilege was delivered to the clerk today pursuant to rule 13-3(1) of the *Rules of the Senate*, and I believe that all members of this chamber have received a copy.

Further to rule 13-1 and 13-2(1) of the *Rules of the Senate*, I rise on a question of privilege regarding the second report of the Committee of Selection that was adopted by the Senate on Thursday, December 10, 2015.

The second report was prepared pursuant to the requirements of rule 12-2(2), which states:

. . . the Committee of Selection shall present a report on its nomination of Senators to serve on the standing committees and the standing joint committees.

Honourable senators, the total exclusion by the Committee of Selection in its second report of me and some other independent senators from nomination for membership on any of the Senate's standing and joint committees constitutes, for the purposes of rule 13-1, a grave and serious breach that violates and directly infringes upon the rights and privileges of the Senate, including mine, and my ability to carry out and fully discharge my constitutional duties and functions as an independent senator.

My exclusion from any nominations whatsoever to any committee membership positions also creates an injustice and contempt that is an affront to the dignity of Parliament. In this regard, the *Senate Procedure in Practice*, Chapter 11 at page 230, references the following description of contempt as found in Erskine May:

Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results, may be treated as a contempt . . . .

This particular Senate document also confirms that both breaches of privilege and contempts of Parliament may be raised as questions of privilege.

Furthermore, the failure of the Committee of Selection to properly fulfill its obligations pursuant to rule 12-2(2), and in a manner that ensures all senators are treated with fairness, equity and equality, directly obstructs, impedes and interferes with my ability to carry out and fully discharge my core or essential parliamentary legislative function and constitutional duty as a legislator of sober second thought.

Rule 13-2(1)(a) requires that in order for a question of privilege to be given priority it is to be raised at the earliest opportunity.

In terms of the availability of reasonable time within which I could obtain, adequately review and consider the information that is both necessary and relevant to this question of privilege

and then raise this question of privilege in accordance with the provisions of rule 13-2(1)(a), today, being the first chamber sitting day since Friday, December 11, 2015, is the earliest opportunity I have had to raise this question of privilege.

Additionally, in this regard I further submit that this question of privilege is indeed being raised at the earliest opportunity in accordance with rule 13-2(1)(a), given the late conclusion of the sitting of the Senate at 6:17 p.m. on the day of the adoption of the second report, namely Thursday, December 10, 2015, and rule 13-3(1), which states:

If the question of privilege is to be raised on a Friday, the notice shall be provided no later than 6 p.m. the day before.

Should there be a ruling that the actions and failures of the Committee of Selection constitute a prima facie breach of privilege, I am prepared to move a motion to seek a genuine remedy from the Senate.

The leading Supreme Court of Canada case *Canada (House of Commons) v. Vaid and Erskine May's Treatise on the Law, Privileges, Proceedings and Usages of Parliament* describe parliamentary privilege as the sum of the rights, privileges and powers that are accorded to both houses of Parliament and their members, free of interference, obstruction and intimidation, and without which parliamentarians — in our case senators — could not fully discharge their parliamentary functions.

• (1520)

In Senate Procedural Notes, Number 12, specific parliamentary privileges that are guaranteed to all parliamentarians are described as including freedom of speech in parliamentary committees and freedom from obstruction and intimidation.

The Supreme Court also confirmed that the valid exercise of parliamentary privilege must be related to and necessary for the functioning and protection of the Senate and all of its members in the performance of the Senate's core or essential functions.

The Senate is, first and foremost, a house of legislative review, with its primary function being to review and revise legislation adopted by the House of Commons. In this regard, the Supreme Court of Canada, in its 2014 decision in *Reference re Senate Reform*, referred to the Senate's fundamental nature and role as that of a complementary legislative body of sober second thought. A fundamental and necessary component of the Senate's legislative role as a chamber of sober second thought is, of course, the participation and contributions of senators in the work and functioning of our Senate committees.

The rights and privileges that are afforded to senators undoubtedly include the right of all senators, regardless of whether they sit as government members, opposition members, members of recognized parties or independent senators, to receive fairness, equity and equality without discrimination in the performance of their core parliamentary legislative function.

In the circumstances at hand, these rights and privileges of fairness and equity and equality are directly applicable to the membership of all senators on Senate committees, as well as to the



full participation and contributions of all senators in the work and functioning of our Senate committees.

Without the protection of these rights and privileges, each and every senator would be unable to carry out and fully discharge their core parliamentary legislative function.

The rights that are afforded to all senators are referenced in the following manner in sections 3 and 7 of the *Senate Administrative Rules*, Division 1, Chapter 1:02.

Section 3 states:

The following principles of parliamentary life apply in the administration of the Senate:

(a) a Senator has the constitutional rights, immunities and independence applicable to that office and the carrying out of the Senator's parliamentary functions, free from interference or intimidation . . . .

And section 7(1) states:

Every individual is equal in law and has the right to equal opportunity and service within the Senate without discrimination . . . .

Honourable senators, I now wish to bring to your attention the following factual information, which I believe to be highly relevant to the question of privilege that is before you today.

One, on Friday December 4, 2015, the first day of regular Senate business in the chamber since June 30, 2015, the Senate adopted a motion to appoint a Committee of Selection for the purpose of providing its nomination of senators to serve on the various Senate standing committees. The nine-person Committee of Selection included five Conservative and four Liberal senators. None of the current seven independent senators, which excludes the speaker and two others who are on leave, were proposed to be members of the Committee of Selection.

Two, although not requested to do so by the Committee of Selection, I wrote and hand delivered to each of the committee members on Monday, December 7, 2015, indicating my personal preference and request to serve as a member of the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on Energy, the Environment and Natural Resources.

The reason why I requested membership on these two committees arose directly from my personal interest and my professional experience in these two particular fields. During my professional career prior to the Senate, I practised corporate and commercial law from Saint John, New Brunswick, for approximately 34 years, during seven of which I served as corporate counsel for a Canadian petroleum company that has extensive petroleum retail, commercial and distribution

operations in Canada and the United States and that is also the owner and operator of Canada's largest oil refinery. I had also previously served as the chair and deputy chair of the Senate Legal Committee and as a member of the Senate Energy Committee.

Three, on Tuesday, December 8, 2015, I was approached in the Senate Chamber by the Liberal Whip. He indicated that, of the Senate committee membership positions that were being specifically reserved by the Committee of Selection for Liberal senators, there were two, including the Fisheries Committee and one other, that he could make available to me, provided I agreed to be under the responsibility of the Liberal Whip for the purpose of any membership changes. This would include the exclusive decision of the Liberal Whip to choose any other senators who might be required to replace me on those committees, including on a temporary basis, if I was unable to attend particular committee meetings. Inasmuch as I appreciated his gesture, I had to decline his offer. I would await the decision of the Committee of Selection on my request. But, in any event, I had just recently resigned from the Conservative Senate caucus and, as an independent senator, I was not prepared to put myself under the influence and control of the Independent Liberal caucus for any purposes that would relate to the performance and full discharge of my core parliamentary function.

It is the duty and obligation of the entire Committee of Selection, under rule 12-2(2), to make nominations for Senate committee memberships.

Under rule 12-2(2), that is clearly not the role of only the Liberal or Conservative Senate Whips or any other political caucus leader. An independent senator receiving a committee nomination from the Committee of Selection would be able to act in a truly independent manner and not be under the influence and control of any political caucus.

Four, the minutes of the meeting of the Committee of Selection held on Wednesday, December 9, 2015, at 12:30 p.m., confirmed that the committee members finalized nominations to the various Senate committees. Included among their nominations were six Senate committees for each of the following Conservative caucus leaders: Senator Plett, Conservative Senate Whip; Senator Wells, Conservative Caucus Deputy Whip; and Senator Frum, Conservative Caucus Chair. As well, there were five Senate committees for Senator Martin, the Conservative deputy leader, and four Senate committees for Senator Carignan, Conservative Senate opposition leader, who is also an *ex officio* member of all other Senate committees. With the exception of Senator Cools and Senator McCoy, the Committee of Selection made no committee nominations for any other independent senators, including myself.

Five, on Wednesday, December 9, 2015, the second report of the Committee of Selection was presented to the chamber. Once again, the second report did not include nominations to any Senate committees for myself and some other independent senators.

Six, on Thursday December 10, 2015, the Conservative-dominated Senate Chamber adopted the second report of the Committee of Selection on division and without amendment.

Honourable senators, in referring to the Senate's fundamental nature and role as that of complementary legislative body of sober second thought, the Supreme Court of Canada, in its 2014 decision, also confirmed the requirement for the Senate, through the actions and undertakings of its Senate members, to fulfill its role as an independent and non-partisan body.

“. . . it is clear that the intention was to make the Senate a thoroughly independent body which could canvass dispassionately the measures of the House of Commons” . . . . The framers sought to endow the Senate with independence from the electoral process to which members of the House of Commons were subject, in order to remove Senators from a partisan political arena that required unremitting consideration of short-term political objectives.

This requirement, which has existed since the time of Confederation, to act as an independent, non-partisan body, clearly distinguishes the Senate in a very significant and fundamental way from the House of Commons and its members of Parliament.

As regards this non-partisanship that is required of all senators, I was particularly interested in Senator McCoy's recent comments in this chamber, when she made reference to the definitions of “partisan” and “partisanship” that are found in the *Oxford English Dictionary*. Both of these terms are referred to in the *Oxford English Dictionary* as behaviour that is in support of a cause, party, or person that is blindly one-sided, prejudiced, lacks impartiality.

• (1530)

I would suggest to you that actions of this type are obviously well beyond and would not include an individual's mere self-identification of, and affiliation with, a political party of his or her choosing.

Furthermore, I have no doubt that “partisanship” as defined in the *Oxford English Dictionary* was what was being referred to by both Sir John A. Macdonald and the Supreme Court of Canada in the context of the required performance by senators of their core parliamentary functions.

It is partisanship of this nature, and the appearance of partisanship of this nature, which all too often results from the decisions and actions of senators, that we must continually guard against.

This requirement that the Senate be an independent, non-partisan legislative body was also referenced by Prime Minister Trudeau in his letter of January 29, 2014, to Speaker Kinsella:

I am writing to inform you that I have taken the decision as Leader of the Liberal Party of Canada, that Senators, who are previously members of the Liberal National Parliamentary Caucus, are no longer members of this Caucus, and as such, are independent Senators. I have informed these Senators of this decision today.

[ Senator Wallace ]

This decision is about ensuring that Canadians have a Parliament that works better for them. I believe that this is best achieved through a reformed Senate without partisanship and patronage.

Clearly, honourable senators, I would say to you that considering all of the circumstances that are relevant to this particular question of privilege, the actions and decisions of the Committee of Selection, as evidenced by its second report, have not been non-partisan in nature, quite to the contrary.

The subject matter of this question of privilege, namely, the failure and breach by the Committee of Selection to nominate myself and some other independent senators to be members of any of the Senate's 19 standing and joint committees directly obstructs, impedes and interferes with my ability to fully and adequately participate and contribute, on an equal basis with all other senators, in the performance of the Senate's core legislative function.

The work performed by senators as members of Senate committees is a fundamental and necessary component of the Senate's core legislative function as a chamber of sober second thought, since it is at committee where detailed analysis and scrutiny of bills occurs. This analysis and scrutiny includes, of course, receiving testimony and other evidence from a wide range of relevant witnesses, expert and otherwise.

The critical importance of the role and work of Senate committees, and its members, is foundational in nature and underlies the core legislative function of the Senate. This is obvious from references contained in the following Senate of Canada publications:

1) Senate publication *Fundamentals of Senate Committees*, October 2015 version:

Much of the valuable work done in the Senate is accomplished by its committees. On average, over 40 bills are examined and 50 special studies are undertaken each year by the Senate's standing, joint and special committees. . . .

Committees have been an integral part of parliamentary work since long before the Canadian Parliament was established.”

2) Senate of Canada fact sheet:

Committees are at the core of the Senate's work. They are recognized for their major contributions to legislation and public policy. Committees were called “the heart and soul of the Senate” by Senator Muriel McQueen Fergusson, the first female Speaker of the Senate . . . .

3) The “Orientation Guide for New Senators,” April 15 version:

Committees are at the core of the Senate's work and are recognized for their high quality contribution to legislation and policy. In committee, senators examine the proposed

legislation referred to it by the Senate for in-depth analysis, conduct special legislative studies and examine the government's spending proposals.

Honourable senators, the total exclusion by the Committee of Selection of myself, as well as some other independent senators, from its nomination of senators to serve on Senate committees shows complete disregard for my legitimate senatorial rights, privileges and interests, and as such constitutes a grave and serious breach that violates and directly infringes upon the privileges of the Senate, including those of myself, and my ability to carry out and fully discharge my required constitutional duties and functions as an independent senator.

The decisions and actions of the Committee of Selection are unreasonable, unfair, inequitable and discriminatory, and they directly obstruct, impede and interfere with my ability to fully and adequately discharge my core parliamentary function and constitutional duty as a legislator of sober second thought, and as such have also created an injustice and contempt that is an affront to the dignity of Parliament.

The unreasonable and inequitable nature of these actions and decisions are evident from the following comments of the committee's deputy chair during its December 9, 2015, meeting regarding Senate committee memberships:

We can't live in a hypothetical world. We just know that a promise has been given that five new senators could be here at the end of January. They could be here at the middle of February; they could be here in March. We don't know that. We have to get on with the business of the Senate. But room will be made for the new senators. I'm sure this will happen with open arms. With that, there will be plenty of work for the new senators to do.

Honourable senators, I also wish to bring to your attention the following additional matters that I believe to be highly relevant to the Question of Privilege before you:

1) Senate rule 12-2(2) requires the Committee of Selection to present a report on its nomination of senators to serve on Senate committees. This rule does not require or request the committee to present its nominations only in respect of Conservative or Liberal senators, or only some independent senators, nor does it assign or delegate this nomination requirement to the Liberal or Conservative Whips, or any other political caucus leader.

The spirit and intent of this rule is obvious, in that the nomination of senators to serve on Senate committees is to be applied equally to all senators in respect of the constitutional requirement of each of us to carry out and fully discharge our parliamentary duties and functions.

2) There are currently seventeen regular Senate standing committees and two joint committees with the house, comprising a total of 204 available Senate committee membership positions for all of the 83 current sitting senators, an average of between two and three membership positions for

each senator. In this regard, I would also refer you to the Senate's "Orientation Guide for New Senators," which states as follows at page 21:

Most senators are members of two or more committees.

3) The times reserved for regular Senate committee meetings confirm that scheduling conflicts would exist for the following Conservative caucus leaders in respect of the six committees to which each of them were nominated:

- Senator Plett, in respect of his Aboriginal and Transport committees;
- Senator Wells, in respect of his Aboriginal and Rules committees, as well as his Fisheries and Internal Economy committees;
- Senator Frum, in respect of her Rules and Transport committees; and
- Senator Martin, who was nominated to five committees, in respect of her Rules and Transport committees.

Consequently, it would obviously be impossible for these senators to attend and participate in all of their nominated Senate committee meetings. Once again, the Second Report of the Committee of Selection made these nominations notwithstanding these scheduling conflicts and at the same time failed to make any committee nominations for myself and some other independent senators.

- (1540)

4) As I previously mentioned, in my own situation as an independent senator, I submitted my request in writing to each of the members of the Committee of Selection on December 7, 2015, to serve as a member of the Senate's Legal and Energy Committees. Minutes of the meeting of the Committee of Selection held on December 9, 2015 confirm as follows: Conservative Deputy Leader Senator Martin nominated eight Conservative senators, and no others, to serve on the Senate Legal Committee. Liberal whip Senator Munson nominated four Liberal senators, and no others, to serve on the Senate Legal Committee. I was obviously not nominated by any of the Conservative or Liberal members of the Committee of Selection to serve on the Senate Legal or Energy Committees, nor was I nominated by the Committee of Selection to serve on any other of the Senate's 18 standing and joint committees.

Once again, this refusal and failure of the Committee of Selection to provide any committee membership nominations whatsoever to myself as well as some other independent senators directly obstructs, impedes and interferes with my ability to fully carry out and discharge my core parliamentary legislative function.

This breach by the Committee of Selection is contrary to the requirement that all senators, regardless of their political affiliation or non-affiliation, be permitted in a manner that is

fair, reasonable, equitable and non-discriminatory to carry out and fully discharge their parliamentary duties and functions.

5) Furthermore in this regard, during the Senate chamber debate on December 11, 2015, on Senator Cowan's motion to strike a special fifteen-member Committee of Senate Modernization, I questioned Senator Carignan as to his thoughts as to how independent senators should be represented on this special committee, since majority control in this chamber resides, of course, with the Conservative members. I prefaced my question by reminding Senator Carignan that none of the most recent seven independent senators had been nominated by the Committee of Selection to serve on any Senate committees. Prior to commenting specifically on the membership of the Special Committee on Modernization, Senator Carignan offered the following:

Senators make their wishes known, but obviously there are only a certain number of spots on each committee. If we chose committee members based exclusively on senators' wishes, then we would have too many people on some committees and not enough people or none at all on others. Establishing and creating committees requires a certain amount of coordination.

Honourable senators, I would respectfully suggest that it should be readily apparent to all concerned what the results of this type of coordination actually look like in practice.

6) All senators who are not members of a Senate committee may, of course, attend and partially participate in the meetings of most committees. Non-committee members, however, are not permitted to vote or count against quorum in committee on particular matters, which include clause-by-clause passage of all government, public and private bills, proposed amendments to bills and adoption of Senate committee reports and studies, which at times may include observations proposed by committee members. Additionally, non-committee members are not permitted to move motions or raise points of order in committee.

In this regard, I would say in the strongest of terms that the ability to fully participate in each of these committee functions as full members without interference and without obstruction is absolutely necessary in order for all independent senators to be able to carry out and fully discharge their core legislative function.

The actions of the Committee of Selection in denying myself, as well as other independent senators, the right and ability to be members of and to be able to fully participate and contribute in the work of any Senate committee is improper, wrong and, quite frankly, outrageous and, as such, would compel me to be involved in the work of Senate committees as a non-member, with the absence of all the rights and privileges denied of senators acting in that capacity.

My ability to fully participate in the performance of the work of Senate committees, other than as a non-member with the consequential denial of rights and privileges that I have just described, also constitutes a direct violation, breach and entirely unreasonable restriction on my right and privilege as a senator to

freedom of speech, which, of course, would include my right to move motions, raise points of order and, most importantly, vote in committee.

In this regard, I again refer you to the following reference on page 1 of *Senate Procedural Notes Number 12* under the heading "Parliamentary Privilege."

The privileges guaranteed to parliamentarians include:

- freedom of speech in Parliament and its committees;

Current membership in the Senate includes 45 Conservative members, 28 independent Liberals and 9 other independent members, excluding the Speaker; plus, there are 22 vacancies that Prime Minister Trudeau has indicated, 5 of which will be filled with new, independent, non-partisan senators before the end of February 2016, and the remaining 17 by the end of 2016 and possibly as early as summer adjournment on June 30, 2016. Furthermore, it has been publicly confirmed that one of the first five new appointees will become the government's representative in the Senate.

Consequently, in view of the immediacy of the arrival of the new independent senators to this chamber, I respectfully suggest that the matters concerning the nomination of independent senators to committee membership positions by the Committee of Selection and that are the subject matter of this Question of Privilege require immediate clarification and resolution.

This particular reason for the sense of urgency is, of course, in addition to the current reality that Senate committees will begin holding their regular meetings this week without the participation of all existing senators and, in particular, all independent senators as committee members.

The issues being addressed in this Question of Privilege significantly impact the rights and privileges of individual senators, but what should also be of great concern to each of us is the effect that these issues and the manner in which they are addressed in this chamber and hopefully resolved has on the reputational credibility, dignity and integrity of this entire Senate institution. As I referred to earlier, in the words of Senator Cowan:

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.

I couldn't agree more. The integrity, dignity and reputational credibility of our Senate institution depend on it.

If after consideration of the matter before you today our Honourable Speaker determines that a prima facie breach of privilege has been established, I am ready to immediately move the following motion to seek a genuine remedy from the Senate:

That, to address the issues raised in this case of privilege dealing with the right of all senators to participate fully in committee work, the Committee of Selection be directed to

report to the Senate with new nominations of senators to serve on the standing and standing joint committees.

• (1550)

That, in developing these new nominations, the Committee of Selection take into account the need to ensure that all senators are treated equally, with fairness and with equity, and have reasonable opportunities, by serving as members of committees, to contribute fully to the Senate's role as a complementary legislative body of sober second thought;

That, in its report to the Senate with these new nominations, the Committee of Selection identify the criteria it used to develop its nominations; and

That the Committee of Selection report its new nominations during the first six days that the Senate sits following the adoption of this motion.

In order for a question of privilege to be accorded priority under the *Rules of the Senate*, rule 13-2(1) requires that it be raised at the earliest opportunity; be a matter that directly concerns the privileges of the Senate, any of its committees or any senator; be raised to correct a grave and serious breach; and be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.

Honourable senators, I respectfully submit that this question of privilege before you today addresses and satisfies each of these four specific requirements.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Colleagues, I've listened with great interest and with my habitual respect for Senator Wallace to his arguments. It seems to me that Senator Wallace has a real legitimate grievance, but a grievance is not necessarily a question of privilege.

His grievance, which we can all sympathize with, is that there is essentially no real mechanism to ensure the participation of independent senators as independent senators in our committees. We all know how much we value committee work, both our own committee work and collectively for the Senate. And we know — at least we have every reason to believe — that the number of independent senators is about to grow very substantially.

Therefore, it seems to me that just about the first item of business on the Modernization Committee, which the Senate has voted to set up, should be a very thorough and careful consideration of the role in all respects of independent senators, who are valuable members of our community.

That said, as I say, I do not believe that this is a question of privilege if you look back over the way both houses of Parliament have governed their affairs for about 150 years.

As a parenthesis, I would thank Senator Wallace for acknowledging that our side did offer him a committee slot when the negotiations for committees were afoot. We undertook to provide two slots for independent senators, for Senator Cools and Senator McCoy. We did that. When it became apparent that other independent senators were not being given slots, we also offered slots to Senator Wallace and to Senator Demers. Senator Demers accepted; Senator Wallace, for the honourable reasons he has outlined, chose not to do so. It seems to me that under the present system, it is incumbent upon him to accept the consequences of that choice.

It has long been established that it is the Senate itself that names members of committees, pursuant to a report from the Committee of Selection, but that those memberships are the fruit of negotiations. I would quote from the *House of Commons Procedure and Practice*, second edition, at page 1019, which says, and I think this is a long-established procedure:

The number of members to be selected from each of the recognized parties is the subject of negotiation among the parties at the beginning of each Parliament. The resulting informal agreement —

— informal —

— is not set down in the Standing Orders or anywhere else, but is reflected in the composition of each committee, which generally reflects the proportions of the various recognized parties in the House.

It's not set down anywhere. Most matters of privilege are, in fact, set down and indicated somewhere, but this is not one of those elements.

On the same page, the *House of Commons Procedure and Practice* says — it applies to us. This is a fair description of our practice, and I am actually quoting it from the extremely instructive volume entitled: *Companion to the Rules of the Senate of Canada*, second edition, which on page 269 quotes the passage that I was about to cite:

... an independent Member rarely sits on a committee unless a recognized political party allots him or her one of its seats.

And that is the way we have operated here for many years, that independent members, with the possible exception of Senator Hartland Molson, get their seats on committees because one of the recognized parties agrees to provide that slot, and I don't think there's anything particularly wrong with that.

Senator Wallace suggests that the Committee of Selection has a duty, in order to respect senators' privileges, to name independent members as independent members to committees of this place, and I suggest that he is wrong. I'm not saying it wouldn't be a good and appropriate practice to adopt, but I don't believe that it is a matter of privilege as understood in this place and in other parliaments for many decades.

I would draw to colleagues' attention the passage from *Beauchesne* at citation 28. This is in the 6th edition of *Beauchesne's* on page 12:

. . . it is clear that many acts which might offend against the law or the moral sense of the community do not involve a Member's capacity to serve the people who have chosen him as their representative nor are they contrary to the usage nor derogatory to the dignity of the House of Commons.

That suggests that they're not contrary to privilege. Even if every single one of us agrees that independent senators ought to be members of committees, that does not make it a question of privilege or of contempt, as Senator Wallace suggested.

There is no rule that says the Committee of Selection has to name a given number of senators to our committees, but what is in the rules is a maximum number of senators, not a minimum number of senators, and it has led to interesting Speakers' rulings over time.

I would draw your attention in particular to a Speaker's ruling on May 9, 2007, where the Speaker said that you don't even have to name a single member of a given recognized party to a committee. In other words, the Committee of Selection could simply not name any Conservatives, or it could not name any Liberals and, even more so, could not name any independents to a given committee. That may sound surprising, but here is what the Speaker said:

. . . while recognizing that the permanent withdrawal of all members from one side could alter the operations of a committee, this aspect of the issue is also beyond the authority of the Speaker, as long as there still can be quorum at meetings.

• (1600)

That seems to me a pretty fair statement that the privileges of the Senate are not a matter of the Committee of Selection's jurisdiction.

Part of the problem that has bedevilled us relates to the rule that Senator Wallace cited, which is rule 12-5, and that has to do with changes to the membership of a committee. Suppose that I am the leader of the NDP caucus in the Senate, but I have chosen to give up one of my NDP slots to an independent member of Parliament— let us say Senator Preston Manning. If Senator Manning is absent one day but we need the vote — we even need the seat to be filled to meet quorum — the only rapid, effective and efficient way to replace that person on a committee is to have substitution authorized by the leader of a recognized party or that leader's designate. Normally, it's the whip.

If the leader of the recognized party or the deputy leader or the whip of a recognized party doesn't have authority over Senator Manning, for the sake of argument, then it has to go to the Committee of Selection and back to the Senate — a time-consuming, cumbersome and difficult procedure, which, in the normal way of events, we have wished to avoid. That has been one of the practical impediments to naming independent senators, to committee slots.

[ Senator Fraser ]

I repeat: most of us would agree that they should have — not the right, because I don't want to confuse this with privilege, but they should have seats on committees. They bring tremendous expertise, judgment and wisdom to our work, and the more there are of them the more they will be doing that.

We have to go back and look at our system and find a new one, but that is a matter for the Senate to determine for the purposes of its efficient and effective functioning. It is not a matter of privilege.

Membership in a committee is not essential for the core functions of a senator that are protected by privilege. Our first core duty is to attend this place, this chamber. It is by failure to attend this chamber that we may lose our seats. Failure to attend committees will be a grave discourtesy to our colleagues, but it doesn't affect our ability or our right to sit as a senator.

Not being a member of committee does not affect our freedom of speech, which is, of course, one of the essential elements protected by privilege. We can speak here — can and do and should. If we have motions to bring, if we have amendments to propose, we should do it here. We should do it in committee if the occasion offers but, above all, if it has not been done in committee, here is where it should happen.

I agree with Senator Wallace that in recent years the Senate, and indeed a number of its committees, has not been as assiduous in that duty as we should have been, but that does not affect the fact that here is where that duty exists. It is the preservation of our ability to do all those things here that is the core element of privilege, it appears to me.

Committee membership and committee work can involve privilege but it is, in my view, definitely secondary to what happens here.

I sympathize with Senator Wallace. I hope the modernization committee will come up with far-reaching, excellent recommendations to solve the conundrum he raises, but I cannot agree that he has, as matters now stand, a case of privilege.

**Hon. George Baker:** Thank you, Your Honour.

I have to disagree with Senator Fraser.

**Senator Fraser:** What a surprise!

**Senator Baker:** By the way, Senator Fraser, I think you didn't mean Senator Preston Manning; you meant Fabian Manning.

Your Honour, this is perhaps one of the key issues that you will be asked to adjudicate in your term of office, and I congratulate you for the decision you made today and I know you will do it in a judicious fashion because you are a practitioner of law and you know that when you examine a question like this you do it within the four corners of the motion.

However, after listening to Senator McCoy and Senator Wallace explain their predicament, and understanding that we have a government today in Canada that abides by the notion that senators will be independent — they will not be connected to a political party — and knowing that we will have

over 20 appointments to this chamber of new, independent senators, who, as Senator Wallace pointed out, will not be too enthusiastic about accepting a position under the Conservative or Liberal banner, from which they can be removed at any time because they're filling a Liberal or a Conservative seat.

It is very unfortunate, but I suppose it is fortunate that it is Senator Wallace who is bringing this motion. He was a great chairman of the Standing Senate Committee on Legal and Constitutional Affairs. He moved, I would say, in his short period of time more motions in the house introducing bills on behalf of the Government of Canada than anybody has done.

I disagree with the premise of the previous speaker's comments. The previous speaker is also now the chair of the Rules Committee. The reason why I disagree with it is that she says that the Rules say this so therefore it's not a question of privilege. That's why you are bringing it up. The Rules are wrong. The procedures are wrong. Is it a question of privilege?

The definition of a question of privilege in chapter 13 is, "a matter that directly concerns the privileges of the Senate, any of its committees or any Senator . . . ."

So it's the privileges of the Senate and the Senate committees that he is talking about, Your Honour. He's talking about the present independent members, and 22 more to come in a short period of time, having to be on a list of the Conservatives or the Liberals in order to sit on a Senate committee.

The previous speaker mentioned that it's not a core duty to belong to a Senate committee.

• (1610)

Your Honour, you know as well as I do, from reading case law in this country, that the courts in this country quote daily from our committees of the Senate — not very often from here in the Senate, but from our committees. They do so three times more than they report on House of Commons committees. Why? Because, as the Supreme Court of Canada said in the reference, the main function of the Senate is to provide sober second thought. On what? On legislation passed by the House of Commons.

That's our core function. That's what this motion is all about.

I'll sit down soon because I know other persons want to speak, but Your Honour, after listening to Senator Wallace and Senator McCoy, what you have here is, as you would say in legal terms, a constellation of objectively discernible facts that point toward a legitimate question of privilege.

Thank you.

**Hon. Serge Joyal:** Thank you, Your Honour. Honourable senators, as my predecessor has said, he is disagreeing with the previous speaker. I humbly disagree with the previous speaker.

And I will explain to our esteemed colleague, Senator Baker, why in substance I agree with Senator Wallace. As a matter of fact, in December, I voted to support the motion introduced by Senator McCoy. I'll explain why.

Legally, Senator Fraser is right. The *Rules of the Senate* are clear. The Senate has exercised its privilege to manage its own affairs in a specific way. This is a privilege — the privilege of the Senate to organize its work the way the Senate sees fit, as much as the court can organize its affairs the way it sees fit. That's why the court doesn't look into how we organize our business — our daily proceedings — as much as Parliament cannot intervene in the court to tell the judge how to organize their court. Both of those public institutions have that privilege.

In its former wisdom, the Senate organized its way to fill the committees. I would have used another word — namely, to "man" the committees — but in a politically correct society, we cannot use this word anymore. To "person fill" the committee. And how did the Senate organize the way to fill the committees? By providing the appointment of a selection committee, and that committee operates on the basis of party identities.

Our institution is composed of parties: the government side and the opposition side. Traditionally, that's the way to organize the debate.

I explained, as you know, in a book some 10 years ago that party allegiance determines the debate. What is party allegiance in the Senate? It's not because we have been elected. It's not because we have a mandate from the electorate; I don't retain a mandate from the electorate, and neither do you. We have a commission from the Governor General. In that commission, no party allegiance is mentioned at all. Look at your own commission. Mine does not say that Senator Joyal, a Liberal, sits on the Liberal side. It just says the Honourable Senator Joyal sits in the Senate. But when we enter this chamber, individually we decide to which like-minded group we are going to belong. I repeat: to which like-minded group.

It happens that in this place, traditionally, there are two like-minded groupings: There is the Conservative Party, and there is the Liberal Party — I should say there was the Liberal Party. The Senate, in exercising its privileges in 2001, provided that if five senators happen to declare they belong to a party that has run candidates in a previous election and that is recognized in the Canada Elections Act, they can be recognized as another like-minded group. In other words, if five senators were to stand up here in front of the Speaker and declare themselves as belonging to the NDP or the Green Party — there would have to be a minimum of five of them — they would be recognized as a group within the Senate chamber.

That's how the Senate, in exercising its privilege to organize its work, has seen fit in the past to provide for the debate.

As I have said here a couple of times, debate happens when there is a conflict of minds. If we were all thinking the same thing at the same time on the same issue, we would pass immediately to another item of business, because there would be no debate; we'd all agree.

So that's not the gist of this institution. The gist in this institution is a conflict of ideas — to the point of a conflict of sets of values. That's why people group into like-minded societies or parties; we call that a party in a political institution.

This institution is predicated in organizing its work on like-minded groups of political allegiance, even though, as I said and will repeat, I have not received a mandate by any part of the electorate of Canada to sit in this chamber as a representative of the Liberal Party of Canada. I don't sit with such a mandate, and that's why I might say the partisanship of this chamber is reduced, in a way. I belong intellectually to the Liberal family, but I have no mandate to fight tooth and nail for the Liberal Party in this place on any piece of legislation — to the last comma of legislation — not at all. And I think you can judge my behaviour in this chamber for the past number of years.

But when we look into the point raised by Senator Wallace, by Senator McCoy and also many times by Senator Cools, the independents in this organization do not yet have a defined place. That's why, when Senator Wallace stands up and looks into what is going on, he asks, "Where do I fall in this organization?" Up until now, nowhere. As they are written down, the rules don't give you a right, unfortunately, when you are independent. Of course, as Senator Fraser has said, you have the right to sit in this chamber, and you have the right to stand up and say whatever you think on whatever subject in whichever way you want to express it. That's the right you have. But the organization of the work of this chamber doesn't give you any right on any aspect of its organization.

Does it have to change? My answer is yes. I have voted in support of Senator McCoy. This issue will be pressing and pressing, as much as some of you have said: Five new senators will be coming in the next few weeks and 20 more before the end of this year. At the end of the year, there will be 26 senators at least who will be exactly in the same position as Senator Wallace.

What will happen? In all common sense, 25 per cent of the members of this chamber will want to take a fair share of the debate and study and input into the committees' work. It falls under common sense.

Is the proper way to achieve that a question of privilege, as Senator Wallace has raised today? I was to say to him, "Unfortunately, I think no." But you have the right, and we have the responsibility to look into this issue the way that Senator McCoy has stated it. There is no doubt that there has to be a motion to refer the issue of participation of independent senators in the context of review of the *Rules of the Senate*. We can sit in our place, since we are likeminded people on the Tory side or the Liberal independent side, and wait and see, but, sooner or later, we will have to address that issue. They have addressed it in the House of Lords. They have the cross-bencher, and I look at my friend, Senator Baker. You know where the cross-benchers sit, Senator Baker? They sit in the middle, in between both sides of the House of Lords. They sit exactly to describe where they are. They are cross-bench. So on some issues they vote with that political family and on another issue they vote with that other political family. That might be what will happen with the 26 or 7 or 8 senators that will enter this chamber in the coming months. We can't put our hands in front of our eyes and say that they

don't exist and have them sit frustrated, as Senator Wallace sits frustrated because he cannot have direct access to the committee's work. We all know that it is in the committee's work that we have a free hand to have input and have the debate and express the views and question experts and provide amendments to the legislation and report and discuss the substance of the report.

• (1620)

In other words, this issue will recur, honourable senators. It will recur in maybe three weeks, when five new senators will say, "Where do I go? To which committee do I go?" They can go to any committee they want, but they will not be a member. Not being a member, they won't be able to ask a question, unless the chair gives them two seconds at the end of meeting. They won't be able to introduce any amendments, and they won't be able to contribute witness and expert suggestions for the debate and so forth or to vote, of course, as Senator Moore has said. No vote at all. They won't vote. They will sit there as any member of the public, more or less.

There is no doubt that we will have to address that issue. The way to address that issue, in my humble opinion, is to table a motion, as Senator McCoy and Senator Cools did in some other circumstances, whereby the Rules Committee will be invited to look into this issue of managing the participation of independent senators. Unfortunately, Senator Wallace, I don't think it is by calling upon His Honour to rule on privilege to solve that problem. That problem will be solved by us, and we won't get an order from His Honour, in my opinion, with what you propose today to solve that issue. That issue will be solved by us coming to the conclusion that there is a new situation that we have to address. In the past, there was only one independent senator. It was Senator Hartland Molson — Senator Gerstein will remember him — from the Molson family, a famous Montreal and Canadian family. Senator Molson was a member of the Banking Committee. I remember I was a young member of Parliament in those days. There was no problem. Senator Molson was a friend of everybody. He was crisscrossing all benches at the same time, and everybody liked him because everybody drank beer. Senator Molson was a popular figure. He sat on the committee he wanted to sit on, and the problem was solved.

Unfortunately, we are no longer in the period of Senator Molson. Maybe Senator Cools remembers him. We exist in another context. As I said in December, we are in a new era of the history of this institution. We will have to manage a position in committees for the independents. It will be up to us to determine how we want to manage that and how we want to be fair and how, in fact, we want to benefit from the expertise of such distinguished senators as Senator Wallace, Senator McCoy, Senator Cools and the others who will enter through our doors.

Honourable senators, I think, with all due respect for the intention of Senator Wallace, we have to ask ourselves how we want to approach this issue, and it won't be easy. It won't be easy because, as you know, when you share powers, it means that you abandon part of your share of powers. The pie is there, and there are too many members for committees. If we make room for independents, it would mean that we are going to compromise the room occupied previously by former like-minded people. This is the reality. I'm sure honourable senators understand that as much



as, if not better than me, but we will have to address this issue. It was written clearly on the table with the Constitution of Canada, and it is the way this institution has been living for the 150 years of its history. But it's up to us to do that. I hope we will do it sooner rather than later because it takes time to reflect on that. We might want to look, as I said, into how the House of Lords did it with the cross benchers, how the system works and how the cross benchers are organized. I don't believe that the 22 independents will come through our doors and will sit here and not be organized. They will have to get organized. Look at what happens in the House of Lords, those of us who have been there. They have a convener. In other words, they have a shepherd. Call it that if you want. They have somebody who tries to organize them. Because, as I said, this institution operates on the basis of likeminded people who group together to organize the debates and make sure that there is a lively exchange of views on the proposal of legislation, on policy issues and so forth. So we will have to do it.

Since we have accepted to strike a special committee to study the way that this institution operates within the constitutional framework, maybe it should be the first issue that this committee should look into to make sure that we have a preliminary report some time down the road, when those colleagues will come, so that we know how we will manage them and that they won't be sitting in their seats frustrated and not have the personal satisfaction to contribute to the making of Canada. That's what we are doing here; we are contributing to the making of our country. There is no greater honour than to have that privilege. I see our colleague Senator Gerstein, who will be sometimes see things from another perspective, but he knows that the greatest privilege is essentially this: To contribute to the making of this country, and there is nothing more frustrating than to sit there and see the parade passing, while, in fact, you should be on the float in the parade and helping to build Canada.

This is an issue, honourable senators, that we will have to address. Unfortunately, Senator Wallace, I don't think that the order can come from His Honour in ruling on a question of privilege. I think it will come from the free vote of this chamber, on a motion to manage the position of independent senators in the daily work of this institution.

**Hon. Elaine McCoy:** Thank you, for raising this issue, Senator Wallace, once again, and I do support you in your position. Not to repeat all of what was said, but I have been reading a book by Alpheus Todd. Alpheus Todd was Canada's first Chief Librarian of the Library of Parliament. A very interesting fellow, he immigrated to Canada when he was eight years old and never went to school. He was entirely self-taught and got himself a job in the mailroom of the precursor to Parliament, before Confederation. He worked himself up to become the Librarian of Upper Canada and then became Chief Librarian of the Parliament of Canada.

In 1866, Alpheus Todd wrote a book called *Parliamentary Government in England: its origin, development and practical operation*. He says in his introduction to this that it struck him that everything that was written down about how the Parliament worked in Britain — which of course we were just about to start and adopt here in 1867 — was true as of 150 years ago. But not everything they were adopting in 1866 was written down. So for all of the parliamentarians who were convening in Ottawa on July 1, 1867, Alpheus Todd was writing what was essentially a primer to help the politicians of the day understand how to

conduct themselves according to precedents. That is how we got to where we are and why we do things the way we do today. Whether it's written down or not, this is the practice that we follow today.

• (1630)

Alpheus Todd wrote his book in 1866. That's 150 years ago this year. What strikes me is that we are at another turning point, 150 years later, and we are again addressing — and Senator Bellemare used this expression earlier today — a “sea change.” We are at that point once again. We need to recognize that the rules that we are operating under in the Senate today were first adopted in 1991. They haven't been cast in stone forever.

The rule, in particular, that pertains to the Senate Committee of Selection doesn't tell the Senate Committee of Selection how to operate. Those things that were being quoted earlier are simply usages and practices that have been annotated in some primer. The fact of the matter is — and Senator Baker said it — they are wrong. Our practice for today, contemporary usage for the Senate of Canada in 2016, is wrong. They might have been appropriate in years past, and I think they have served the Senate well in years past. I am not debating what has happened before, but I am saying that today they are wrong, and we need to address them quickly. It is not good enough for us to say, “Well, this is the way we've done it. We'll continue doing it this way, and we'll push the whole thing off into a special committee which will report back later this year.”

That is why I brought my motion forward asking the Selection Committee to reconsider. Senator Fraser quoted the practice of proportional representation. I cited the example of our Internal Economy, which has 15 members, 10 members of which are assigned to the Conservative Party, which is much more than proportional representation. So even with contemporary or previous usage, that's an abuse, for all of the reasons that Senator Wallace and Senator Baker raised.

Now, is it a Question of Privilege? Well, consider this: Senator Wallace has requested full participation, and he was denied it. He's saying it's not a question of general practice. He's saying, “I, Senator Wallace, have been denied full participation, having requested and shown a willingness to participate in this manner.”

I think that shifts the arguments in this case over to raising a Question of Privilege. I think His Honour's job, of course, is merely to say is there a prima facie case. His Honour does not have to determine whether there is a Question of Privilege, only if there are reasonable grounds to think there is a Question of Privilege. The Question of Privilege is first decided by another committee and then by the Senate as a whole. So we're not putting His Honour on the hot seat other than as a hurdle so we don't get frivolous questions of privilege. We do require that there be reasonable grounds apparent before this particular question is raised.

I would suggest in this instance, in Senator Wallace's particular case, that there are. I would say that it is insufficient argument against it to say, “This is the way we have done it before,” if, in fact, having “done it before” is wrong in contemporary circumstances. Thank you.

**Hon. David P. Smith:** Honourable senators, I hadn't planned to speak on this matter today, but Senator Joyal has inspired me to do so. I was sitting here and got out the rule book and started looking down.

When you look at "Breach of Privilege", it's something that "must be raised at the earliest opportunity . . ." Well, we're just setting up the committees — and it must ". . . be a matter that directly concerns the privileges of the Senate . . ." or ". . . any of its committees or any Senator." That's what it says, ". . . or any Senator." And it must ". . . be raised to correct a grave and serious breach. . . ." which is, basically, he doesn't have a level playing field. Furthermore, it must ". . . be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available."

Well, how could one seriously accept the proposition that not everybody is entitled to sit on a committee who is a senator? I think that is not a level playing field. To me, it's a no-brainer. There's an old phrase, "Where there's a will, there's a way." I'm sensing a will here, to be fair, and to have a level playing field and that they should also be entitled to serve on committees.

Your Honour, where there is a will, I'm sure you will find a way. Thank you.

**Hon. Anne C. Cools:** Honourable senators, I rise to join this substantive and extremely important debate on this question of privilege raised by Senator Wallace. I wish to begin by thanking Senator John Wallace, whom I believe is a fine and outstanding senator. I thank him for bringing this issue forward and for putting it before us. We must recast the role of independent senators on Senate committees.

Senator Wallace, is the man of the hour. He has raised an issue whose time has come. There are many of us senators who have been waiting for this for a long time. In my view, to use the local lexicon of equality, as we called for racial equality, gender equality and sexual equality, we now need senators' equality. I think it is very important that all senators may be permitted to serve on Senate committees.

Honourable senators, Senator Joyal raised the name of the late Senator Hartland Molson. He was a splendid fellow. I knew him. Not only did he serve on Senate committees, he chaired committees. I cite the name of another independent senator, Lowell Murray. As an independent senator, he had chaired the National Finance Committee of which I was the deputy chair.

I think it is time for us to shift into a certain gear and to understand that it is hopelessly unfair that all and every senator is not equally and fairly considered to serve on Senate committees. It is time for us as senators to abandon this and to turn our backs on these unfair practices concerning independent senators.

Honourable senators, I wish to make another point that Senator Joyal hinted at. We call ourselves independents, meaning non-partisans. I learned that term "independent" here. In old parliamentary parlance, "independent" did not mean "non-partisan." It meant members who were not ministers. Members of Parliament who are not ministers are expected to be

independents and fully functioning. The British still do not use the term "independent" to describe non-partisans as Senator McCoy and I are. The British use the term "cross benchers" to describe members who are non-partisan. Perhaps "independent" is a term we may have to rethink or at least explore.

• (1640)

Honourable senators, I come now to the notion of privileges. Very clearly, colleagues, senators' privileges have been breached — very clearly. There can be no doubt about it. Senators such as Wallace, McCoy and I begin every session of Parliament never knowing if we can serve on a committee and never able to choose the committee that we wish. This is a totally unsatisfactory situation, which is not proper. It is not fair, and is seen as unfair, it has to be a breach of privileges granted to us by the Constitution Act, 1867, section 18.

Now to Senate Speaker's ruling on Senator Wallace's question. I think we should let our minds rest on that question. Our Speaker, in ruling on this claimed breach does not rule on the question as to whether or not there is a breach of privilege or whether or not Senator Wallace's privileges have been breached. The Speaker will rule "prima facie." That means at first blush, on if it is an appearance of that which is deserving of study. The judgment on the issue itself, on the actual breach of privilege, belongs to the Senate as a whole. Its study begins in our Senate committee on the rights of Parliament.

I think we should take the Speaker out from under any unnecessary pressure that he may feel. There is no pressure whatsoever on you, Your Honour. You should nourish and refresh yourself in that fact.

Honourable senators, having said that, colleagues, Alpheus Todd, I believe, is the greatest writer on Parliament. I am and always have been a vigilant and diligent reader of Alpheus Todd. As a Canadian writing on Parliament, he predated Erskine May in England. Anyone who wants to instruct themselves should read Todd.

The point is that we are long past the time in history when these questions have been resolved and settled in the most terrible carnage and in the most terrible bloodshed. I think we should remind ourselves from time to time in this house when we sit here that our parliamentary liberties came at an extremely enormous and high cost in human life, and we should always remember that.

Even at the time of Confederation, the Fathers themselves as they sat down in Quebec and agreed on their 72 resolutions, that became the British North America Act. They, too, were under threat and concerned about annexation and takeover from the United States of America, which itself was in a civil war and going through the most terrible carnage.

Honourable senators, we must remember that the Fathers of Confederation came up with our Constitution because they were very attentive to the regional differences that would be Canada, and they were concerned with the equality between all the different parts of Canada, then four. They were especially concerned with the conditions of the less populous provinces.

So they, with all their limitations, created this Senate in their well-established, studied, hard-fought and hard-won constitutional principles.

Well aware of the differences that their agreement was settling, they cast their remarkable achievement in stone. That is what a constitution is, colleagues. Constitutions are intended to resist change.

In addition, they designed a Senate that they thought would last as long as the federation of Canada would last. They hinged the existence of the federation to that of the Senate, and they created the Senate to actualize and to actuate Confederation. That is why the new senators were chosen from the old members of the legislative councils. Queen Victoria, in her proclamation of the British North America Act, named and identified all the new senators by name individually.

Honourable senators, I think we allow the Fathers of Confederation to speak to us as they do through the Constitution Act, 1867. They created a fantastic document. The challenge before constitution changers and reformers is to create something, one, that can receive wide support across this country, and, two, create something that can last as theirs. Our Constitution has lasted 150 years. This is long in constitution time. So to all those would-be constitutional changers and reformers, I challenge them to bring forward something that can get universal support across this country and that can last as long as the act has lasted.

The British North America Act is a divinely organized statute, laid out very clearly, to show every power. I shall read section 18, which said:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Section 18 covers privileges. I shall read that section again for us, in case it is forgotten:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland . . . .

Honourable senators, they constituted the Senate with powers to constitute itself, if necessary, to act as an appellate court. That is why the section did not give us privileges equal to the House of Lords. They gave us privileges equal to the United Kingdom House of Commons because the House of Lords contained the Judicial Committee of the Privy Council, the court of appeal for all colonies. They wanted no confusion.

The point I am driving at is that they intended that senators be able, strong-minded, willing and determined individuals, learned in their different fields, willing to stand the vicissitudes of politics and to serve their country well.

That is what we do. It may be fashionable currently for some to hurt us — the Senate — but I promise you that this Senate will outlive all its detractors and continue to serve Canadians. I have seen it happen now for 30 years.

Honourable senators, we must understand that the model of the Fathers of Confederation was taken directly from the British Constitution. I wish to record that here. The term “proceedings in Parliament.” is important because every Senate committee functions as a result of a proceeding in Parliament, and so committees are included in proceedings in Parliament.

It is clear that the Fathers of Confederation followed the British model to the extent that they accepted the same language and relied on Article 9 of the Bill of Rights 1689, which settled the British Civil War and put liberty and parliamentary government into our politics.

Article 9 says:

. . . freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in the court or placed out of Parliament.

The Fathers of Confederation and their Act intended all senators would have the same powers to serve. All senators should be permitted to serve on Senate committees. The Fathers of Confederation never intended that some senators should serve on committees and others should not. The Fathers of Confederation intended that every single senator would be a full, active and participating member. Right now we know that that is not the case.

• (1650)

Honourable senators, I wish to close on this — Senator Joyal is correct. Most of us here are clear that change is required and that, for whatever reason, the Committee of Selection has acted for years in a certain way, and colleagues and members have also acted in a certain way. But it is time to review those ways, because I do not believe that some of us should have greater rights to serve on committees than others. I think Prime Minister Trudeau has led on this front in terms of urging us and suggesting that we do things a little differently.

Honourable senators, having said that, I want to thank Senator Wallace again. If Your Honour feels that he cannot rule on this situation because it is not properly a question of privilege, I think he should say and do that. However, no matter how you cut it, this is a question of privilege because some of us have had our privileges violated for many years.

I thank Senator John Wallace yet again for his diligence in this, for the clarity of mind he has brought to this debate. Well-done presentation was gentle and loving but firm and strong.

Thank you.

**Hon. Lillian Eva Dyck:** First I would like to thank Senator Wallace for his very carefully articulated arguments. They were very logical and easy to understand. I would also like to thank all the other speakers. I didn't intend to speak, but it's such an interesting conversation.

As you know, when I first came to the Senate I basically was an independent senator and remained that way for a number of years. I felt that put me at a disadvantage, but not having the legal background and expertise of some of my colleagues I wasn't aware there was any way of getting around that.

As you know, I was an independent senator but also initially an NDP senator. Some of us did toss around the idea of getting five of us together and forming our own NDP caucus here as well, but we didn't formalize that.

When Senator Wallace was speaking, he used the words "unfair" and "discrimination" towards independent senators, and I believe that to be true. But I believe the basis for that is simply because of our Rules, those rules that govern our committees. Typically, rules that discriminate against people do not include those people in their rules. Independents are not considered in the rules because it's a new situation; it's a modern situation that we are going to have to deal with.

Senator Cools talked at some length about the Fathers of Confederation. We all know there were no "Mothers" of Confederation, so we had to change our rules to allow women to become "persons" and to become senators. To me, this is a similar situation. In the original rules, there was no mention of women. Women didn't get the vote until our rules were changed. Aboriginal people in Canada did not have the right to vote until we changed the rules.

I don't know the rules regarding privilege as well as many of you here do, but I would submit to you that those same rules have been made and interpreted by people who belonged to the Conservative Party or the Liberal Party. Those same rules will be looked at, assessed by and suggestions made in committees, but those committees are made up of people who exclude those who will be affected. How can that possibly be fair? That would be like saying we're going to have a committee that decides whether women should be included in our committees, but we're not going to allow any women to be part of that committee.

It seems to me that, without having to quote certain sections of our Rules, the constitution or whatever, it's just not right. In strictly logical and common-sense terms, it is a question of privilege to me.

**Hon. Pierrette Ringuette:** Honourable senators, I want to rise in support of the facts that have been provided by Senator Wallace.

[ Senator Cools ]

[*Translation*]

I am no lawyer, but there is a hierarchy of law, and clearly the Constitution ranks first. The powers granted to the Senate are set out in the Parliament of Canada Act. There too there is a hierarchy, or precedence. Section 4 deals with parliamentary privileges, while section 20, which concerns the Senate only, deals with operating expenses.

Really, upon reflection, it seems to me that the entire issue concerning the Senate's right to manage its affairs the way it sees fit, is subject to section 20, and only with respect to financial management. I may be wrong, I may be right. As for the rest, should the Senate not, at the very least, reflect the Constitution of the land?

Mr. Speaker, I am making these humble arguments in support of my colleague because a few years ago I proposed a series of necessary changes to the *Rules of the Senate*. However, it seems that some have this notion of temporal power, which doesn't do our chamber justice. Thank you, Mr. Speaker.

[*English*]

**The Hon. the Speaker:** I would like to thank all honourable senators for their very thoughtful and erudite comments. I will take the matter under advisement.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO STUDY THE INCREASING INCIDENCE OF OBESITY AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTY-FIRST PARLIAMENT TO CURRENT SESSION

**Hon. Kelvin Kenneth Ogilvie,** pursuant to notice of December 11, 2015, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the increasing incidence of obesity in Canada: causes, consequences and the way forward, including but not limited to:

- (a) food consumption trends;
- (b) specific elements of diet;
- (c) the processed food industry;
- (d) lifestyle;
- (e) provincial and federal initiatives; and,

(f) international best practices.

That the papers and evidence received and taken and work accomplished by the committee on this subject during the Second Session of the Forty-first Parliament be referred to the committee; and

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

He said: Honourable colleagues, this is simply a request to reinstate the order of reference the Senate gave us to authorize our study into obesity in Canada.

The report would have been dealt with by the committee for final approval; unfortunately, it was trumped by one week by the call of an election. The final draft is ready to go to the committee. There is no further expense to be incurred in the order of reference that we have here. With your support today, our committee will consider this tomorrow.

• (1700)

**Hon. Serge Joyal:** Would Senator Ogilvie entertain a question?

In your study will you look at the labelling of products so that the content of sugar or various elements — seen by the medical profession as being contrary to good health — would be improved, and in fact more informative of a certain number of elements? Will your study look into that also?

**Senator Ogilvie:** Senator, that is obviously a direct and important question to the overall topic. Without revealing the contents of the report, which is not official until it's tabled in this chamber, I can tell you we had witnesses appear before the committee on that very issue. The committee has been very thoughtful with regard to what it heard in that regard. I hope that we will see something in that regard after the committee approves the final report.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Honourable senators, I have a supplementary question. As we are all aware, Senator Ogilvie, the population is aging and with advancing age comes decreasing eyesight. I don't know about everybody else, but all the people I know who are my age or my friends' find it increasingly difficult to read the fine print on those labels, of which there seems to be more and more.

I will not ask you to unveil the contents of your report, but I would ask you to take into consideration my suggestion that even a footnote to that effect would be gratefully received by many of us.

**Senator Ogilvie:** Senator, I can assure you that your observation has been made well. In fact, I waxed rather enthusiastically about how unlikely it is that Canadians actually refer to the labels of foodstuffs and other things they deal with.

It is a fact, however, that the existing laws and regulations require that a great deal of information be provided in a relatively small area. I can assure you that the committee looked into other ways of trying to get across to consumers, in a fairly rapid way, the degree of nutritional value in food products.

I'm not certain that you will find "solomonesque" conclusions in that regard, but certainly it was considered by the committee.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES AND REFER PAPERS AND EVIDENCE FROM THE FORTIETH AND FORTY-FIRST PARLIAMENTS TO CURRENT SESSION

**Hon. Nancy Greene Raine,** for Senator Lang, with leave, pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on Canada's national security and defence policies, practices, circumstances and capabilities;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the Fortieth Parliament and the Forty-first Parliament be referred to the committee; and

That the committee report to the Senate no later than December 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

**Hon. Jane Cordy:** Honourable senators, I'm not sure if my question will be to Senator Lang or Senator Raine. I note that the reporting date is December 31, 2017. As the Deputy Chair of the Subcommittee on Communications, I have noticed in the past that a lot of committees have reports due at either the end of December or the end of June, with the result that communications staff are overworked, I guess would put it mildly. Some excellent Senate reports then sometimes do not receive the press they should.

Would you consider either moving it a month later or a month earlier, if that would be possible? I'm saying that as the Deputy Chair of the Subcommittee on Communications so that the Defence Committee, which always does excellent reports, gets the best possible press.

**Hon. Daniel Lang:** Colleagues, I put that to the administration as far as the committee was concerned. That recommendation came from the clerk because we were initially going to go for a year. We went for two years because the position put forward was that generally a new Parliament is in session within two years. The other aspect is that we are not looking at that as the final date. We will do any reports in conjunction with the communications department. Obviously, we as a committee will determine that as well. We will make the best effort, as we have in the past, to have any reports that we publish done at the most opportune time to ensure the Senate and our committee get the optimum media exposure.

We are recommending that particular date because of the recommendation that I received from the administration of the committee. That's why it was there.

**Senator Cordy:** I know it says "no later than," but history has shown that they tend to be close to that date. You're suggesting that while this says "no later than," you will work with communications and find a time most beneficial to the work the committee does?

**Senator Lang:** Definitely. That's one the areas of weakness that we have experienced over the last number of years as an

institution, and also with the work that we do as committee members. We haven't necessarily taken the best opportunities that have been available to us, especially as far as timing is concerned, to optimize the exposure that these reports deserve when they are completed. Through the experience I have gleaned over the past number of years as chairman of this committee we, as a committee, have learned to take the time and effort necessary to ensure planning is in place for the purpose of publishing our reports.

**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?

**Hon. Senators:** Agreed.

(Motion agreed to.)

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

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## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

**THE SPEAKER**

The Honourable George J. Furey

**THE LEADER OF THE SENATE LIBERALS**

The Honourable James S. Cowan

**THE LEADER OF THE OPPOSITION**

The Honourable Claude Carignan, P.C.

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

Charles Robert

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Michel Patrice

**USHER OF THE BLACK ROD**

J. Greg Peters



**THE MINISTRY**

(In order of precedence)

(January 26, 2016)

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

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(January 26, 2016)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George Furey, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
James S. Cowan	Nova Scotia	Halifax, N.S.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.

Senator	Designation	Post Office Address
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ghislain Maltais	Shawinegan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas Johnson McInnis	Nova Scotia	Sheet Harbour, N.S.
Tobias C. Enverga, Jr.	Ontario	Toronto, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.

## SENATORS OF CANADA

### ALPHABETICAL LIST

(January 26, 2016)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Conservative
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Conservative
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Independent
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Independent
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Enverga, Tobias C., Jr.	Ontario	Toronto, Ont.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Independent
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinigan	Quebec City, Que.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Independent (PC)
McInnis, Thomas Johnson	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Independent
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Independent
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
White, Vernon	Ontario	Ottawa, Ont.	Conservative

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**  
 (January 26, 2016)

**ONTARIO—24**

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

## QUEBEC—24

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


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**NOVA SCOTIA—10**


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


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


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


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**MANITOBA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson . . . . .	Manitoba . . . . .	Gimli
2 Maria Chaput . . . . .	Manitoba . . . . .	Sainte-Anne
3 Donald Neil Plett . . . . .	Landmark . . . . .	Landmark
4 . . . . .		
5 . . . . .		
6 . . . . .		

**BRITISH COLUMBIA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer . . . . .	British Columbia . . . . .	North Vancouver
2 Larry W. Campbell . . . . .	British Columbia . . . . .	Vancouver
3 Nancy Greene Raine . . . . .	Thompson-Okanagan-Kootenay . . . . .	Sun Peaks
4 Yonah Martin . . . . .	British Columbia . . . . .	Vancouver
5 Richard Neufeld . . . . .	British Columbia . . . . .	Fort St. John
6 . . . . .		

**SASKATCHEWAN—6**

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk . . . . .	Saskatchewan . . . . .	Regina
2 David Tkachuk . . . . .	Saskatchewan . . . . .	Saskatoon
3 Pana Merchant . . . . .	Saskatchewan . . . . .	Regina
4 Lillian Eva Dyck . . . . .	Saskatchewan . . . . .	Saskatoon
5 Pamela Wallin . . . . .	Saskatchewan . . . . .	Wadena
6 Denise Leanne Batters . . . . .	Saskatchewan . . . . .	Regina

**ALBERTA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Claudette Tardif . . . . .	Alberta . . . . .	Edmonton
2 Grant Mitchell . . . . .	Alberta . . . . .	Edmonton
3 Elaine McCoy . . . . .	Alberta . . . . .	Calgary
4 Betty E. Unger . . . . .	Alberta . . . . .	Edmonton
5 Douglas John Black . . . . .	Alberta . . . . .	Canmore
6 Scott Tannas . . . . .	Alberta . . . . .	High River

SENATORS BY PROVINCE AND TERRITORY

**NEWFOUNDLAND AND LABRADOR—6**

Senator	Designation	Post Office Address
The Honourable		
1 George Furey, <i>Speaker</i> . . . . .	Newfoundland and Labrador . . . . .	St. John's
2 George S. Baker, P.C. . . . .	Newfoundland and Labrador . . . . .	Gander
3 Elizabeth Marshall . . . . .	Newfoundland and Labrador . . . . .	Paradise
4 Fabian Manning . . . . .	Newfoundland and Labrador . . . . .	St. Bride's
5 Norman E. Doyle . . . . .	Newfoundland and Labrador . . . . .	St. John's
6 David Wells . . . . .	Newfoundland and Labrador . . . . .	St. John's

**NORTHWEST TERRITORIES—1**

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston . . . . .	Northwest Territories . . . . .	Fort Simpson

**NUNAVUT—1**

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson . . . . .	Nunavut . . . . .	Iqaluit

**YUKON—1**

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang. . . . .	Yukon. . . . .	Whitehorse

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