



# DEBATES OF THE SENATE

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1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 70

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OFFICIAL REPORT  
(HANSARD)

Thursday, November 3, 2016

The Honourable GEORGE J. FUREY  
Speaker

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

## THE SENATE

Thursday, November 3, 2016

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

Prayers.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, before commencing with Senators' Statements, after consultations through the usual channels, it has been agreed that the clerk at the table should stand 10 seconds before the time for a senator's statement expires. When the clerk stands, senators are asked to bring their comments to a close, as the three minutes for statements will, as a general rule, be applied.

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## SENATORS' STATEMENTS

### THE HONOURABLE JAMES S. COWAN

CONGRATULATIONS ON 2016 ADVOCACY AWARD  
CONFERRED BY THE AMERICAN SOCIETY  
OF HUMAN GENETICS

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I rise to draw the chamber's attention to an event that took place in Vancouver on October 21. Our colleague Senator Cowan, together with the Canadian Coalition for Genetic Fairness, was awarded the 2016 Advocacy Award by the American Society of Human Genetics at their annual convention.

The American Society of Human Genetics is based near Washington, D.C. Their nearly 8,000 members include researchers, academics, clinicians, laboratory practice professionals, genetic counsellors and nurses — the full range of professionals who specialize in human genetic science and medicine in the United States, Canada and around the world.

This was only the second year the society has given this award, and they chose Senator Cowan and the Canadian Coalition for Genetic Fairness for their work to prohibit and prevent genetic discrimination in Canada.

As colleagues know, Senator Cowan has been working on this issue for several years now, having first tabled legislation in this chamber in 2013. His private member's bill, Bill S-201, passed this chamber in April of this year and is now before the Standing Committee on Justice and Human Rights in the House of Commons, after receiving unanimous support in a standing vote at second reading in that chamber.

Now, Senator Cowan would be the first to caution that the bill has not yet passed in the other place, but this award, from the leading genetic science association in the world, is an impressive

international recognition of the importance of his work in our Parliament, in the Senate of Canada, and how we make a mark in the world.

Our colleague is truly a national and now an international champion for genetic fairness. Please join with me in congratulating him and the Canadian Coalition for Genetic Fairness for the award and especially for their important efforts to end genetic discrimination in Canada.

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

### REMEMBRANCE DAY

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, next week is one of the most important and solemn weeks we commemorate on our national calendar. It is Veterans' Week and Remembrance Day.

Canadians have long answered the call of our nation; it is echoed in our national anthem; it is depicted in countless memorials that dot villages, towns and cities from coast to coast to coast; it surrounds us on the walls of this solemn chamber; and it is interwoven throughout the narrative of the "True North, strong and free."

Indeed, it is that last word, "free," that demands from time to time the sacrifice of Canadians. We have never shirked from that sacrifice.

When king and country called in defence of her sovereignty and those of her allies in World War I, Canadians came. They fought in horrific battles of attrition, measured not in miles but yards in the fields of Flanders, on the ridge of Vimy, at Passchendaele and on the River Somme.

During World War II, Canadians were there. They were in the skies over Britain, on the beaches on D-Day, in the hills at Monte Cassino and defending the lifeline to Europe during the Battle of the Atlantic.

A few short years later, in a remote part of Asia, far from the consciousness of Canadians, malice and oppression in the form of communism threatened the peace and stability. When the United Nations appealed to the free nations of the world to halt the North Korean invasion of South Korea, Canadians stood tall and stepped forward, over 26,000 volunteering to fight for a place and people they knew nothing about and had no bonds or common ties. Canadians would once again sacrifice body and spirit in the air and sea and on the land.

After 9/11, Canadian soldiers would find themselves being asked yet again to don battle dress and fight in the valleys and hills around Kandahar in Afghanistan; this time to fight a new enemy with an all too familiar and ancient cause — to deny others of their lives and liberty.

Canadian peacekeepers and those tasked on NATO missions continue to serve, building a reputation known throughout the world for its readiness to stand in harm's way and to protect people who cannot protect themselves and to say "not today" to those who would murder, rape and enslave.

Next year is our nation's one hundred and fiftieth anniversary. Despite our country's relative youth, Canada has always answered the call and sacrificed far above its weight to protect those precious liberties that Canadians hold dear.

When we reflect next week, many of us will utter the phrase "lest we forget." I wonder how often we truly consider the weight of those three small words. "Lest" is a word often used in phrases expressing fear, worry, or anxiety. Why should we fear forgetting?

There are over 117,000 reasons why we should.

Honourable senators, it is because of the sacrifices of millions of Canadians and for the approximated 117,616 who paid the ultimate sacrifice so that you and I and our children and grandchildren would have nothing to fear.

That is why we must never forget.

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

#### **ABDUCTION OF CHIBOK SCHOOLGIRLS BY BOKO HARAM**

**Hon. Mobina S. B. Jaffer:** Honourable senators, once again I rise to speak about the kidnapped Chibok girls of Nigeria.

As many of you may know, 933 days ago, 270 girls had been savagely kidnapped by Boko Haram from a school in Chibok, Nigeria.

Two weeks ago I heard news that strengthened my hope that the girls would return home. On October 13, 21 girls had been freed after a series of negotiations between the Nigerian government and Boko Haram. Sadly, that same week, I met one of the girls who escaped from Boko Haram's captivity. She described to me how the lives of girls from a peaceful Chibok village changed forever one day as they heard distant gunshots.

At first the girls thought the armed men were from the military and they had come to lead them to safety. Trusting these men, the girls listened to the men's instructions and climbed into their trucks. However, as the trucks started moving, the armed men starting beating the girls viciously. At this point, the girls realized that the men were from Boko Haram.

When the truck passed through the forest at night, the Chibok girl I met and one of her friends saw an opportunity to escape and jumped from the truck. Luckily, their escape succeeded and they were able to return to their homes within the next few days.

[ Senator Martin ]

This same girl begged for us to save her fellow schoolgirl friends from the brutality of Boko Haram. Currently, 197 of the girls still remain in captivity, forced to suffer through horrifying violence and sexual abuse. While progress has been made towards freeing the girls, there is still much work to be done.

Honourable senators, I rise today to ask to you join me in asking Michelle and Barack Obama to use the last months of their presidency to continue fighting to bring the girls home.

• (1340)

The First Lady and the President have taken an active role in bringing attention to the kidnappings and pushing to have the Chibok girls returned. Both have stated on separate occasions that the Chibok girls are like their own daughters. Now I ask them and us to work harder to bring these girls home. Thank you.

#### **VISITORS IN THE GALLERY**

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Colonel, Retired, Tony Battista, CEO of the Conference of Defence Associations and the Conference of Defence Association Institute. He is accompanied by Mr. Peter Forsberg and Mr. Robert Legere, staff of the institute. They are the guests of the Honourable Senator Lang.

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

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

#### **JAMES A. BOUTILIER**

##### **CONGRATULATIONS ON CONFERENCE OF DEFENCE ASSOCIATIONS INSTITUTE VIMY AWARD 2016**

**Hon. Daniel Lang:** Colleagues, next Friday, November 11, we will as a nation come together to honour the sacrifices made by the women and men of the Canadian Armed Forces in defence of our country and our national interests. And next April, we will commemorate the one-hundredth anniversary of the Battle of Vimy Ridge, where Canadians won international acclaim.

In honour of their sacrifice and in recognition of the many Canadians who have served in uniform, I rise to salute the twenty-sixth recipient of the Vimy Award, which will be presented at a gala dinner tomorrow evening at the Canadian War Museum.

The Vimy Award was originally conceived in 1991 under the auspices of the Conference of Defence Associations, and proudly sponsored since then by the CDA Institute. It is presented annually to one Canadian who has made an outstanding contribution to the security and defence of Canada, and to the preservation of our democratic values.

The award honours the bravery and sacrifice of the Canadian soldiers — comprising the four divisions of the Canadian Corps — who were victorious in the Battle of Vimy Ridge in April 1917.

This year's recipient is Dr. James A. Boutilier.

Dr. James Boutilier is the Special Adviser, International Engagement, at Canada's Maritime Forces Pacific Headquarters in Esquimalt, British Columbia.

He is currently responsible for advising the Commander of Maritime Forces Pacific on matters of security, defence and foreign policy, and his in-depth expertise of the Indo-Pacific region has been highly sought after for over 50 years.

Prior to his appointment Dr. Boutilier spent 24 years at the Royal Roads Military College in Victoria as head of the history department and then as Dean of Arts. He is also an adjunct professor at the University of Victoria and President of the Maritime Awards Society of Canada.

Born in Halifax, Nova Scotia, Dr. Boutilier attended Dalhousie University and went on to earn a PhD from the University of London in 1969. He has served in the Royal Canadian Navy Reserve, as well as the Royal Navy Reserve. Following his time in London, he went on to teach at The University of the South Pacific in Fiji before returning to Canada.

Dr. Boutilier's field of expertise is the Royal Canadian Navy, Indo-Pacific security and defence issues, and maritime strategy.

On a personal note, I have gotten to know Dr. Boutilier as a result of his many appearances before the Standing Senate Committee on National Security and Defence, as well as through the biannual Maritime Security Challenges Conference in Victoria, B.C., which he conceived and continues to champion.

This year's conference brought together over 200 participants, including 23 flag officers from various countries, including the Commander of the U.S. Pacific Fleet, Admiral Scott Swift.

What one quickly learns is that despite his gentle manner, Dr. Jim Boutilier is a powerhouse who counts amongst his former students many senior members of the Royal Canadian Navy.

His friends and admirers span the globe and include many political, diplomatic and academic leaders with whom he meets regularly to promote Canada's national and maritime interests.

Colleagues, the 2016 Vimy Award is a fitting tribute to the achievement and legacy built by Dr. James Boutilier — a scholar, a sailor and a great Canadian.

On behalf of the Senate of Canada, please accept our congratulations.

[*Translation*]

## ROUTINE PROCEEDINGS

### STUDY ON THE FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES

THIRD REPORT OF ABORIGINAL PEOPLES  
COMMITTEE—GOVERNMENT  
RESPONSE TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the government's response to the third report of the Standing Senate Committee on Aboriginal Peoples entitled: *Border Crossing Issues and the Jay Treaty*, tabled in the Senate on June 22, 2016.

[*English*]

### THE ESTIMATES, 2016-17

SUPPLEMENTARY ESTIMATES (B) TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (B), 2016-17.

NOTICE OF MOTION TO AUTHORIZE NATIONAL  
FINANCE COMMITTEE TO STUDY  
SUPPLEMENTARY  
ESTIMATES (B)

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

### CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-224, An Act to amend the Controlled Drugs and Substances Act (assistance — drug overdose).

(Bill read first time.)

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

[English]

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

## NATIONAL SECURITY AND DEFENCE

### STUDY ON POLICIES, PRACTICES, AND COLLABORATIVE EFFORTS OF CANADA BORDER SERVICES AGENCY PERTAINING TO ADMISSIBILITY TO CANADA—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REQUEST A GOVERNMENT RESPONSE TO THE SIXTEENTH REPORT OF THE COMMITTEE TABLED DURING THE SECOND SESSION OF THE FORTY-FIRST PARLIAMENT

**Hon. Daniel Lang:** Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the Sixteenth Report of the Standing Senate Committee on National Security and Defence, entitled: *Vigilance, Accountability and Security at Canada's Borders*, tabled on June 18, 2015 and adopted in the Senate on June 22, 2015, during the Second Session of the Forty-first Parliament, with the Minister of Public Safety and Emergency Preparedness being identified as minister responsible for responding to the report.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. The Government of Canada, of course, respects the court ruling, and it is entirely appropriate that those who have broken the law in any matter, including this, be dealt with appropriately and that the appropriate response to the court ruling take place.

[Translation]

**Senator Carignan:** I don't think the leader understood my question. The Government of Canada brought civil suits against those involved in the sponsorship scandal. This is not about calling the ruling into question or finding Jacques Corriveau guilty. These are civil suits. My question is perfectly legitimate. Can you elaborate on the Government of Canada's legal action against those involved in the sponsorship scandal?

• (1350)

[English]

**Senator Harder:** I would expect the appropriate minister to respond to the question that is obviously a result of the recent ruling, and I would be happy to report to the honourable senator the reaction.

[Translation]

**Senator Carignan:** Will the leader take the question as notice and provide us with a written response, even if it is just the court record?

[English]

**Senator Harder:** Yes.

[Translation]

[Translation]

## QUESTION PERIOD

### JUSTICE

#### RECOVERY OF SPONSORSHIP FUNDS

**Hon. Claude Carignan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. This week, Liberal organizer Jacques Corriveau, a close friend of your former leader Jean Chrétien, was found guilty of fraud, forgery and money laundering for his role in the sponsorship scandal. Yesterday, the Liberal Party of Canada indicated that it had no intention of repaying the misappropriated funds, including for buying the silence of an organizer and protecting the party.

It looks like it will be up to the courts to decide, and perhaps they will allow taxpayers to recover the \$40 million that were misappropriated through the sponsorship program. The Government of Canada filed suit against the players in the sponsorship scandal. Can the Leader of the Government give us an update on the legal proceedings that were initiated by the Government of Canada to recover the public funds that were misappropriated during the sponsorship scandal?

#### HUMAN TRAFFICKING

**Hon. Paul E. McIntyre:** My question is about Bill C-452, which deals with exploitation and trafficking in persons. This bill relates to a question that you were asked in this chamber before, in May. In the answer you gave on September 28, you said that the government was committed to meeting the objectives set out in the bill. Could you tell us whether you have had any discussions with the Minister of Justice in this regard and whether there are any new developments on the implementation of this bill?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** First of all, I thank the honourable senator for his question. As his question indicates, I gave an answer earlier on this. I have not had an updated response since then, but I would be happy to inquire and respond to the honourable senators' question.

[Translation]

**Senator McIntyre:** Could you ask the minister responsible why the federal government continues to delay the implementation of this extremely important bill, even though Parliament voted unanimously in favour of it?

[English]

**Senator Harder:** I will indeed.

## THE SENATE

### COMMITTEE MEMBERSHIP

**Hon. Nicole Eaton:** My question is to the Leader of the Government in the Senate regarding Senate committees.

Last evening, senator, the Standing Senate Committee on Foreign Affairs and International Trade met. Senator, at this meeting two members of the independent Liberal caucus were present. Five members of the Conservative caucus were present, and one non-aligned senator arrived an hour late.

Likewise, at this morning's meeting of the same committee the same numbers were in attendance: two independent Liberals, five Conservatives and again one non-aligned senator who arrived 30 minutes late.

Senator, it is my understanding that there should currently be two non-aligned senators sitting on the Foreign Affairs Committee, with the place formerly held by Senator Rivard remaining unfilled since his retirement last spring.

One, can you please inform this chamber as to who will fill the empty seat on the Foreign Affairs Committee? Two, can you foresee a time when the government liaison will convince those unaligned senators, unavoidably absent from committee, to ensure they are replaced, as is the convention in this chamber? Three, who should take responsibility for filling the empty seats at the Standing Senate Committee on Foreign Affairs and International Trade?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. As the deputy Speaker, she would know that that question is not government business.

[Translation]

## OFFICIAL LANGUAGES

### SERVICES FOR LINGUISTIC MINORITY COMMUNITIES

**Hon. Rose-May Poirier:** Last March, your government eliminated the title of Minister of Official Languages. Now, no one in the Trudeau government is responsible for official languages. Last week, we saw the first signs of the impact this decision will have. Many francophone organizations have

indicated that federal funding for francophone immigration to minority communities will be redirected to organizations in majority communities. Without an official languages minister, how will the government ensure that minority communities get their funding?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. The minister responsible for official languages is Minister Joly, and she takes an active interest in these affairs, and I would hope that at an early opportunity she will be able to participate in Question Period as we invite ministers to attend so that questions on this important subject can be addressed directly in this house as well.

[Translation]

**Senator Poirier:** The vitality of francophone minority communities depends on the funding that was promised to them. What concrete changes does the Trudeau government plan to make in order to ensure that this situation never happens again? Could you try to get an answer for us, please?

[English]

**Senator Harder:** Yes, I'd be delighted to do that and want to assure all members of the house that Minister Joly and the Government of Canada remain deeply committed to official languages.

[Translation]

## NATIONAL DEFENCE

### MODERNIZATION OF ARCTIC DEFENCE SYSTEMS

**Hon. Thanh Hai Ngo:** My question pertains to the presence of Russian military forces in the Arctic. Russian air force activities have increased considerably in the Arctic in recent years.

Russia has built new airfields and deep-water ports in this region. Earlier this year, Vice Admiral Clive Johnstone, Commander of NATO Maritime Command, reported the highest level of activity in the North Atlantic by Russian submarines since the end of the Cold War. Not only has Russia increased its level of operational activities, but it has also made tremendous progress in terms of technological advances. For instance, it has plans to build the tallest nuclear icebreaker in the world. Considering the increased Russian military activity in the North, it is important that Canada ensure the operational capacity of its radars for the coming years.

Can the Leader of the Government in the Senate tell us about any investments the federal government has made to modernize our radars and our access and area denial capabilities in the North?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. I would like to respond in two parts.

First, of course, Canada, along with our allies in the United States, is actively and vigilantly paying attention to our continental security, including the North, and discussions are under way to ensure that the northern perimeter of North America remains as well protected as technology and vigour and attention will allow.

I would also like to point out that it is important, in regards to the Arctic and all matters of the Arctic, not just protection of security in the Arctic, that Canada be actively engaged with the Government of Russia to ensure both appropriate monitoring and appropriate recognition of our expectations with respect to Arctic matters.

**Senator Ngo:** Could you tell us what kind of investment the Government of Canada will make to modernize?

**Senator Harder:** I would remind the honourable senator that a significant review of our defence policy and capabilities is under way, and I would expect, as the minister has made clear, that with that policy and with the discussions that have yet to take place within the government decisions will be made with respect to the equipment and capabilities that are required to fulfill those policy objectives.

## VETERANS AFFAIRS

### SUPPORT SERVICES FOR VETERANS

**Hon. Don Meredith:** Government Representative in the Senate, we just had a wonderful ceremony recognizing those individuals who have fallen and our veterans who have done so much for this country. I was moved by the ceremony, and I'm sure that, representative, you are as well. The minister was here in this chamber.

One of my concerns is the consistent lack of support for our veterans. Can the Government Representative enlighten this chamber as to what specifics are being done to support veterans who are suffering with PTSD or other health-related issues because of their service given to our country?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and share with him an appreciation for the importance of the ceremony that we had within this chamber earlier today, which in many respects is the launch of remembrance week. It was great to see so many senators and other parliamentarians participate in that ceremony, including Your Honour.

• (1400)

As the minister indicated in his comments this morning, Canada highly values the commitments it has made to our veterans and the honour that our veterans deserve from all of us. I would like to begin by underscoring that, and I believe it's a shared value across all parts of this chamber.

The 2016 Budget delivered on improving veterans' benefits, including providing veterans with more compensation and more choice in planning their financial future. The disability award to a

maximum of \$360,000 was announced at that time. Veterans are receiving more local, in-person government services as well as better access to case managers.

As you know, there was also a commitment to open some of the closed offices, and they have begun to be reopened. I know there was a reopening of the first of the offices in Corner Brook, Newfoundland, earlier this year. It is the hope and expectation that by spring of next year, all of the nine offices will be restored so that local service to veterans can take place.

I would be anxious and supportive of reporting on a regular basis about further improvements to the veteran support system.

## THE SENATE

### COMMITTEE MEMBERSHIP

**Hon. Donald Neil Plett:** Honourable senators, my question is for the honourable leader in the Senate. Supplementary to Senator Eaton's question that you said wasn't your responsibility to answer, I find it strange that it would not be your responsibility to answer her question.

Let me rephrase it this way: Yesterday I asked you, leader, about being on "Power & Politics" and sharing with Terry Milewski your frustrations about questions similar to what Senator Eaton asked. Yesterday you were on "Power & Politics" again talking about the non-aligned senators coming in and their roles.

First, I'm wondering, leader, why it would not be your responsibility to answer Senator Eaton's question. I appreciate you say you are not the leader of the non-aligned senators, but on "Power & Politics" you seemed to indicate that you certainly had a very vested interest in them and you wanted to know why these spots were not being filled and why they were not given more spots. Now Senator Eaton asks you a question, and you say that it isn't your responsibility to answer.

So let me ask you again, leader: When will the spots that aren't there be filled by the non-aligned senators in reference to what you said to Terry Milewski? Also, when they cannot make it — I know you can't answer on behalf of them — how would you suggest that these spots be filled?

Yesterday Senator Lankin said she could not put somebody in her place when she couldn't make it because they couldn't vote. Why would an independent want another independent put in place of her, because, of course, they're both independents, so they would not necessarily vote the same way?

How do we square this whole box that you and your colleagues seem to be concerned about when you aren't doing what is already there for you to do?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. It raises a number of issues in my mind. Certainly, I expected the honourable senator

[ Senator Harder ]



to reflect that all senators are independent in their vote, and a replacement does not necessarily guarantee the vote of the subsequent replacement.

Let me simply reiterate that the issues of representation, fairness and proportionality are ones that I am deeply concerned with and will advance in every fora possible.

What I think is not my role is to speak for groups that are not part of the Government Representative team and to allow — hopefully outside of a question-and-answer period — the appropriate senators to get together to find mechanisms that are less cumbersome than those in the existing Rules that allow for the replacement of those senators who do not have partisan whips to facilitate that.

Rather than make it a partisan issue in the chamber, I would hope that we could simply all agree that we should have this conversation outside of the chamber to facilitate the ease of replacement and to respond to the arrival of 21 new independent senators within the next few weeks with a more appropriate representation of the Senate as it exists.

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

**Senator Plett:** Well, I find it strange that you would want to have these conversations outside of the chamber and not inside of it. We're having the conversation here, and I'm not sure the question I asked you was a partisan question. I think it was a non-partisan question.

The fact of the matter is when we replace somebody on this side of the chamber, if my colleague wants somebody to replace them, I don't whip the vote, leader. I am simply mandated to find a replacement for that person, as we did even with Senator Boisvenu, who sits on the other side as an independent but has allowed himself to be under the direction of this party and this party's whip if he can't make it. That doesn't mean we whip the vote. That means we replace him. Of course, that's just an explanation.

I will simply ask you, leader, whether you would take it upon yourself to then communicate with people on your side of the chamber, to see if they would fill the spots that they so desperately want us to give them, and when they are given to them, they leave them vacant. Would you take it upon yourself to ensure, before going on "Power & Politics" to voice your concerns about it, that we have at least done everything to fill the spots that are there for them?

**Hon. Elaine McCoy:** On a point of order, Your Honour.

**Hon. Claude Carignan (Leader of the Opposition):** It is Question Period.

**The Hon. the Speaker:** Senator McCoy, we are in Question Period, and no points of order can be raised during Question Period. Senator Harder.

**Senator Harder:** I thank the honourable senator for his question. I would be happy to have conversations, as I already have had, with leaders of the partisan caucuses and Senator

McCoy. I am seeking to facilitate arrangements that would make the ease of replacement as transparent and comfortable as those that you just described for your own caucus.

I think, though, that we also need to deal with the fairness issue and the proportionality issue that is before the Senate. It was before the Senate, particularly in the Modernization Committee and the report that was tabled with respect to Motions 7, 8 and 21. It is of ongoing concern. I will continue to speak vigorously publicly and elsewhere on the importance of Senate modernization and that we welcome a less partisan, more independent, transparent and complementary body, which this Senate ought to become.

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

## INFRASTRUCTURE AND COMMUNITIES

### INFRASTRUCTURE INITIATIVES

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I have a question for the Leader of the Government in the Senate.

Leader, the Liberal government promised a huge influx of infrastructure investment for municipalities across the country. However, the first phase has yet to materialize. According to Bloomberg, only one infrastructure project of 860 approved by the Liberal government has actually broken ground.

Why is it taking so long for the Liberal government to get the project started? Is this the type of poor management Canadians will see throughout the Trudeau government's phases of infrastructure investment?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. I believe this question is similar to the one that was asked earlier this week, in particular with reference to the Bloomberg report.

I want to re-emphasize to all senators that infrastructure spending is a very significant investment. The procedures are transparent and are appropriate for the level of public assuredness in the spending of public funds.

This is an infrastructure program designed for a long period of investment. It requires federal, provincial and, in some respects, municipal coordination. The government is anxious, obviously, to move on this infrastructure programming while respecting appropriate funding, procurement and transparency requirements that sound public management requires.

• (1410)

**Senator Martin:** I appreciate the complexity of concluding projects, but 1 out of 860 is quite a concerning number. and as well, there are concerns that have been raised by municipalities, with discussion about the infrastructure bank that is being considered.

I am curious whether the municipalities were consulted on this proposed initiative in that the mayors seem to be saying, "Let's

go ahead with our projects,”” and for them to wait for some other structure to be established would take quite a bit of time. There would be further delays.

My question concerns the continual delays we may anticipate because of how long all of this is taking.

**Senator Harder:** The honourable senator raises the appropriate balance between levels of consultation that are required to respect jurisdictions and decision making, at the same time wanting to move ahead in the most expeditious fashion.

The infrastructure bank to which the honourable senator referred is a recommendation coming out of the Barton commission, which itself had broad consultations across the country. The minister has announced the broad parameters of the proposal, and I would expect there to be further opportunities, including parliamentary opportunities, to review the process.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Leader of the Government, it seems that the consultations to be held and the compromises to be made with other levels of government are making it a little more complicated for you to invest in infrastructure. I know that you are considering where to spend your money, and I have a suggestion for you. This was the subject of a recent Radio-Canada news story. It shed light on the fact that importers, exporters, port authorities and Canadian and foreign shipowners have criticized, through various groups, the inadequate service and the lack of solutions to the problem of icebreakers on the St. Lawrence Seaway. The article stated:

The lack of funding from Ottawa to replace the icebreakers is at the heart of the problem. Pressure behind the scenes has not yielded results.

Nicole Trépanier, the President and CEO of the St. Lawrence Economic Development Council had this to say:

The very reputation of the St. Lawrence is being jeopardized. We have extended the lifespan of the icebreakers, which have now become too dangerous to operate.

In this era of economic trade, and at a time when the Government of Quebec is specifically focusing on the St. Lawrence Seaway as the economic corridor that will help develop Quebec and the rest of Canada, and as we sign the free trade agreement with Europe, which states that the St. Lawrence will be one of the main routes for the export and import of goods, what is the government doing to repair the icebreakers or replace them as quickly as possible?

[English]

**Senator Hon. Peter Harder (Government Representative in the Senate):** I thank the senator for his question. He articulately describes the gaps in infrastructure in Canada. Those gaps did not emerge in the last 365 days, but rather have been the result of under-investment in infrastructure.

We all need to work together as a Government of Canada and together with other entities, including provinces and municipalities and, where appropriate, other entities that you referenced, ports, et cetera, to ensure that the investment that we

[ Senator Martin ]

will make over the next number of years is appropriate so we don't have the deterioration of infrastructure that you so rightly described.

[Translation]

**Senator Carignan:** Mr. Leader of the Government, I just want to remind you that, with respect to icebreakers, purchasing vessels is an exclusively federal matter, as is the St. Lawrence Seaway. When will the government make these investments? They're under its jurisdiction, so it can dispense with the need to consult anyone and can spend quickly, which is what it seems inclined to do.

[English]

**Senator Harder:** As I said earlier, the Government of Canada is actively reviewing all of its infrastructure programs to ensure it supports the export orientation of its economic program, and I would be happy to articulate in greater detail what that program will look like over the coming number of years.

As you referenced, if we have success in concluding the CETA and, if all goes well with respect to maintaining our trading relationship with the United States, we need to have greater infrastructure for Canada's export markets.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation of young francophone parliamentarians from the Assemblée parlementaire de la Francophonie.

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

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

[English]

## ORDERS OF THE DAY

### CANADA LABOUR CODE

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act.

**Hon. James S. Cowan (Leader of the Senate Liberals):** Thank you, Your Honour. Honourable senators, I'm pleased to join the debate on Bill C—4, which is a bill, as you know, to repeal

Bill C—377 and in effect Bill C—525, both of which were passed by this chamber in the previous Parliament.

Those honourable senators who were here during the debates at the time will recall that I stood strongly opposed to the passage of those bills. I spoke on both. Indeed, I spoke to Bill C—377 on several occasions and, as honourable senators might also recall, at some considerable length. I suspect there may be some relief that in my current position I'm no longer permitted unlimited time for my speeches.

I detailed my concerns in those speeches and I don't propose to list them all again now. But colleagues will not be surprised to hear that I welcome this bill that is before us today.

In brief, Bill C—377 and Bill C—525 upset the critical balance between organized labour and management that is essential for good labour relations and a healthy economy. We were told repeatedly that both bills were solutions in search of problems, that our system was working fine and not only did we not need either bill, that, in fact, these bills would do harm.

Both Bill C—377 and Bill C—525 appeared to be driven primarily, if not solely, by an anti—union animus. Bill C—377 imposed a truly unprecedented and shocking level of public disclosure of deeply personal information, including financial information, but also and information about personal political activities, to be disclosed to by a large number of Canadian individuals and businesses that were somehow, in some cases, very tenuously connected with the a union local. This information was to be posted on the Internet for the world to see — friends, enemies, relatives, business competitors, anyone. I know that many of us on both sides of this chamber were deeply concerned about the invasion of privacy required by Bill C—377.

I don't propose to focus on those matters this afternoon. They were amply detailed on the public record in the last Parliament. For anyone wishing to understand why those bills engendered so much opposition, I commend the debates that took place in this chamber at that time.

Today I want to focus my remarks on the role that the Senate played with respect to those bills. There were some aspects relating to the actual passage of each of them that did not make me especially proud of the chamber. But setting that aside, I believe that our work on those bills represented some of the very best of the Senate.

Canadians were watching, and they were paying attention. And from many conversations I have had since, those bills — Bill C—377 in particular — opened the eyes of many to what the Senate can do for Canadians.

Bill C—377 first arrived in this chamber on December 13, 2012. It was a private member's bill from the other place. And I think it is fair to say that it had not received the benefit of the detailed and extensive scrutiny that its provisions warranted.

Since it was a private member's bill and not a government bill, it was not vetted by the Department of Justice, and then the committee in the other place spent a total of four hours hearing from witnesses on the bill.

When the legislation arrived here in the Senate, we set about our work and quickly identified a number of issues that quite simply were missed in the other place. These included a number of very significant issues with the way the bill was drafted. For example, we quickly saw that the bill's scope was much larger than its proponents suggested. In fact, an extraordinary number of Canadians and organizations would be swept up in the disclosure net.

• (1420)

But arguably even more importantly, we quickly realized that there were significant constitutional issues with the bill, in particular whether Parliament had the constitutional power to pass the bill in the first place. All of these issues were missed entirely in the other place.

That, colleagues, was the Senate doing its job and an important reason why second legislative chambers exist in so many countries.

Following second reading, we sent the bill for study to our Standing Senate Committee on Banking, Trade and Commerce. In contrast to the other place, where as I have said the committee was able only to spend four hours listening to witnesses, our committee devoted three weeks of hearings to the bill. Forty-four witnesses appeared and even more interested Canadians and organizations sent in written submissions.

The committee heard from constitutional experts who confirmed our suspicions that the bill was beyond the legislative jurisdiction of the Parliament of Canada — that if we passed Bill C-377, it would be declared unconstitutional and of no force and effect by the courts.

Five provinces wrote to our Banking Committee, two of whom also sent representatives to testify in person, urging us not to pass the bill. All said that it was unconstitutional, not needed, and would disrupt labour relations in their province.

The Privacy Commissioner of Canada testified that the bill as drafted would result in a "significant invasion of privacy." Witness after witness before our committee raised serious concerns and urged the Senate to exercise sober second thought and not pass Bill C-377.

Our committee then took a very unusual step. Let me read to you the observations the committee appended to the bill when it reported to the Senate:

While the committee is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study — hearing from 44 witnesses and receiving numerous submissions from governments, labour unions, academics, professional associations and others — the vast majority of testimony and submissions raised serious concerns about this legislation.

Principal among these concerns was the constitutional validity of the legislation both with respect to the division of powers and the Charter. Other issues raised include the

protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.

The committee shares these concerns.

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

Colleagues, this report was adopted by the committee members working across party lines. The committee was chaired at the time by Senator Gerstein, a dedicated Conservative party member, indeed a strong and very active supporter of the then-Conservative government. Notwithstanding his partisan affiliation, he acted in an exemplary, impartial manner as chair during the committee's consideration of the bill.

The committee members who voted in favour of that unusual report included senators from both the Liberal and Conservative caucuses in the chamber. Indeed, the only committee member who voted against the report was Senator Ringuette, then a member of the Liberal caucus who is now with the independent senators group.

By the way, at that time, June 2013, the Senate Liberal caucus was still a part of the national Liberal parliamentary caucus.

So the debate moved back to the Senate floor. As the committee had anticipated, there was a very active and engaged third reading debate in the chamber. Several senators, including myself, put forward thoughtful, reasoned amendments and sub-amendments based on the issues raised during the committee's study.

One of these amendments was presented by then-Senator Hugh Segal, and that amendment was adopted. Senators came together across party lines; Liberal, Conservative, Progressive Conservative, as Senator McCoy was in those days. Senators of all political stripes and no political stripes joined to amend the bill and send it back to the other place.

That was a great moment, in my view, for the Senate. I'm sure that others like me had their in-boxes and telephone message bins filled with messages from Canadians commending the good work of the Senate and thanking us for what we had done.

Now, what happened next was truly unusual. We spent considerable time on the bill and the various amendments, so it was late June 2013 when we passed the amended bill, and the House of Commons had already risen for the summer recess. We sent a message down the hall to the other place, but technically, there was no one there to receive it.

On September 13 of that year, Prime Minister Harper prorogued Parliament. The result of the combination of the timing of our amendment, prorogation and the standing orders of the House of Commons, was that when Parliament returned in October of that year, the bill was back before us in its original form, as though none of our work had taken place, none of the committee's study, debate and certainly without the Segal amendment.

It was strange. I'm sure I wasn't alone in finding difficulty trying to explain what had happened to the many Canadians who went from being overjoyed at what we had done to amend Bill C-377, to utter dismay when they saw the original bill reinstated and back before us.

Now, some may say — and I was one of them — that given those unusual circumstances, and all the work that had been done, that we should simply agree as a chamber to pass the same amendment and send it back to the House of Commons as quickly as possible. That amendment had been, after all, our best advice. But because of the unusual circumstances, the House of Commons had never had an opportunity to consider our advice. Many of us felt they ought to have been given that opportunity. Others disagreed, and their view carried the day.

While there was no general desire to quickly repass the Segal amendment, there was also no appetite to reopen this intense debate and controversial bill. So nothing happened. It sat on the Senate Order Paper for close to a year. And then the process began anew.

The many significant issues with the constitutionality, policy, and drafting of the bill had not disappeared with the passage of time. If anything, we discovered more problems as more Canadians came forward with comments and insights on the bill.

You will recall that I said earlier that five provinces had come forward in 2013 to voice their objections to the bill on constitutional and policy grounds. By the end of our debate, in June 2015, this had grown to seven provinces. Those provinces represented 81 per cent of Canada's population and every region of the country. They included the largest and smallest provinces, as well as provinces in between. They expressed their concerns clearly and forcibly. For all of these reasons, many of us again worked hard to amend the bill and send it back to the elected chamber for their reconsideration. A majority disagreed. In the end, Bill C-377 passed without amendment. That was on June 30, 2015.

With that vote, the Senate rose for the summer and the election followed. The passage of Bill C-377 was the last act of the last Parliament.

**Senator Plett:** A good one, too!

**Senator Cowan:** That was not the end. This was an issue of great concern for many Canadians, organizations and businesses, as well as of course the traditional labour unions. So the bill became an issue in the last election. It made it into the Liberal party platform, with the Liberal party promising to repeal both Bill C-377 and Bill C-525; legislation that they wrote in their platform "diminishes and weakens Canada's labour movement." That's at page 16 of the platform. Bill C-4 is now before us to fulfill that election promise.

Colleagues, in my view, there's no question that our work in the Senate played an important part in exposing the many problems with Bill C-377 and therefore contributed to the legislation before us now. I take pride in that. We reached across party lines and worked together in the best interests of Canadians. I am confident we will do the same in our work on Bill C-4.

Before I move to Bill C-525, I would like to draw the chamber's attention to an aspect of our role in the Bill C-377 saga which

should not be overlooked. There has been some discussion, including in our Senate Modernization Committee, of the idea of giving the Senate a six-month suspensive veto of bills from the other place.

Colleagues, this is not the time to debate that idea. But let me just point out that had a suspensive veto been in place, Bill-377 would have been law in June 2013, weeks before Senator Segal tabled his amendment.

• (1430)

All the study, the representations by the provinces, the constitutional evidence and the hearings where Canadians were able to be heard, all that would have been for naught. The government of the day, or perhaps friends of the member who proposed the private member's bill, would only have to drag their feet in this chamber and then the bill would automatically come into law, however strong the arguments against its merits and validity.

Sometimes — rarely, but there are times, and I believe this was one — the power of time itself is important. As George Washington is reported to have said, a second chamber is like “the saucer that cools the tea.” It provides the sometimes critical time to reflect, to distance the debate from the hot political flames that produced a proposal. I would be very wary of a suspensive veto.

Colleagues, I have focused on Bill C-377. Let me make a few brief remarks about the other bill that would be undone today, Bill C-525. Again, I want to focus not on the substance of the bill — Senator Bellemare has addressed that in her remarks — but rather on the contribution made by the Senate.

**The Hon. the Speaker:** Senator Cowan, your time has expired. Are you asking for five minutes?

**Senator Cowan:** If I could, colleagues. I would appreciate it.

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

**Hon. Senators:** Agreed.

**Senator Cowan:** Once again, this was a case that demonstrated what senators can do. When the bill came to our chamber, it had already been amended by the House of Commons from its original form. However, problems arose as a result of those amendments which were made, as Senator Tannas would remember it, at a very late stage in the proceedings in the other place, problems that no one in the other place noticed. Lawyers in our Law Clerk's branch found the first one, and Senator Bellemare brought it to the attention of the Legal and Constitutional Affairs Committee during clause-by-clause consideration of the bill. My office found a second mistake.

We debated the issue, first in committee and then in the chamber as a whole. To my disappointment, the Senate voted to pass the bill anyway, without any amendments to fix the mistakes.

The majority of members decided that it would be best to allow the government to fix the mistakes at some future date in some separate bill.

I know that some honourable senators felt pressured to vote to support that decision. I was disappointed when Senator Bellemare, who had proposed the first amendment to correct the bill, not only voted against my third reading amendment, but on the final vote, she abstained. Now, of course, she is sponsoring this legislation to repeal a bill that she didn't rise to oppose when the final vote was called and counted.

I believe that what took place on Bill C-525 influenced some in their decision to leave a political caucus and sit instead as a so-called “independent.” I understand that, but I must tell you that I don't agree with it. As I've said before, we are all independent in this chamber. Independence does not depend on where you sit but on how you act.

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

**Senator Cowan:** In fact, that is a personal choice. It's always a personal choice. One may regret a decision one makes — and each of us, I'm sure, has regretted decisions — but that was always, and remains, one's own decision.

There are many considerations to balance in choosing a caucus where one feels most comfortable and that can provide the best support for one's work in the Senate, but our independent decision making should be a *sine qua non* for each of us by virtue of being a senator, irrespective of the name of the caucus in which one sits.

Colleagues, I welcome Bill C-4. It is legislation that implements an important election promise of the current government, a promise I wholeheartedly support on its merits. My only regret is that Bill C-377 and Bill C-525 were ever passed by this chamber.

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Would Senator Cowan accept a question?

**Senator Cowan:** Of course.

**Senator Bellemare:** Isn't it true, Senator Cowan, that I fought *bec et ongles* against Bill C-377 from the start to the end? And isn't it true that an abstention is not in favour of a bill, but it's a “no,” a polite “no,” when in a caucus you receive a lot of pressure?

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

**Senator Cowan:** Thank you for your question, which I think was more of a comment, Senator Bellemare. Obviously, I can't speak for what pressures you may or may not have been under because I was clearly not part of that discussion.

I think an abstention is very different from either voting in favour of a bill or voting against it.

I have abstained, on occasion, very rarely, when I felt that the process itself was flawed. I did that on the motions to suspend some of our colleagues because I felt that it was flawed and that the appropriate action for me to take was an abstention, but I never viewed that as being, in effect, a vote in favour of the motion or a vote against the motion. It was an abstention.

That was a choice you made. I respect that choice, Senator Bellemare, but it's your choice; you made it. I made a different choice.

**The Hon. the Speaker:** Senator Cowan, your time is going to run out in about three seconds. I don't want to interrupt Senator Carignan again. Are you going to ask for another five minutes to answer more questions?

**An Hon. Senator:** One question.

**Senator Cowan:** Why don't we compromise? I'd be happy to answer my friend's question if I can, and then we'll leave a chance for others to contribute to the debate.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Senator Cowan, you say that concerns were raised over the constitutionality of the bills. Do you know whether any constitutional challenges were filed in Canada over Bills C-377 or C-525?

[English]

**Senator Cowan:** Thank you for the question, Senator Carignan. I believe, as I recall, the objections were really on the question of the division of powers and, apart from the policy aspects, that they represented an intrusion into labour relations, which, traditionally and for the most part, has been the responsibility of the provincial authorities. That is the substance of the objections that were raised by the provinces, in particular.

**Senator Carignan:** Maybe it's the translation, but I asked if you know that they have a lawsuit somewhere in Canada against those dispositions.

**Senator Cowan:** I'm not aware of that, Senator Carignan.

(On motion of Senator Tannas, debate adjourned.)

## FOOD AND DRUGS ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Fraser, for the second reading of Bill C-13, An Act to amend the Food and Drugs Act, the Hazardous Products Act, the Radiation Emitting Devices Act, the Canadian

Environmental Protection Act, 1999, the Pest Control Products Act and the Canada Consumer Product Safety Act and to make related amendments to another Act.

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to speak to Bill C-13. I do know that Senator Black has been eagerly waiting for my response. I will try to be as succinct as he was in his remarks on this bill last Thursday. Unlike some of the comments, I find Bill C-13 very exciting. I may be the only one in this room who does.

In the Standing Senate Committee on Foreign Affairs and International Trade, we have studied the issue of trade agreements and how we further prosperity in Canada. Many witnesses have come before us to say that trade agreements are one significant aspect of improving our economy and maintaining our position in the world, but we need many other levers and factors.

I find Bill C-13, even though I'm the critic, a necessary and excellent move. Bill C-13 seeks to amend six different acts in order to enable Canada's ratification of the World Trade Organization Trade Facilitation Agreement; in short, the TFA.

The TFA marks the first multilateral agreement to be concluded by the WTO since its inception, and that is a long time ago. The WTO defines "trade facilitation" as the "simplification and harmonization of international trade procedures."

• (1440)

I think this is necessary internationally. As we have heard from the Banking Committee, we should try to harmonize and facilitate within our own country. This is the other side of that coin.

In short, the TFA seeks to reduce barriers to trade by "... expediting the movement, release and clearance of goods, including goods in transit."

The agreement also seeks to address customs compliance matters.

The negotiation process took over 10 years to complete, and the formal conclusion of the agreement was announced on November 27, 2014.

I pay tribute to all of the negotiators and Canadian governments that have been involved.

Two thirds of the WTO members must internally ratify the agreement prior to full implementation. To date, 96 members have ratified the agreement. It is time for Canada to join international partners in ratifying this agreement.

At this time, we are compliant with the majority of the provisions under the TFA. However, amendments to some Canadian statutes are required in order to comply with two provisions of the TFA.

[ Senator Cowan ]

The first, Article 10.8.1, relates to non-compliant goods, while the second, Article 11.8, relates to goods in transit.

Article 10.8.1 states that importers must grant exporters the right to return or re-consign rejected goods:

. . . on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations.

In accordance with Article 10.8.1, rejected goods may be seized, detained, forfeited or disposed of.

In order to comply with this provision, Bill C-13 sets out legislative amendments within the following five acts: the Canada Consumer Product Safety Act, the Food and Drugs Act, the Hazardous Products Act, the Pest Control Products Act and the Radiation Emitting Devices Act.

The proposed amendments would give Canada the authority to take certain actions against non-compliant goods.

Rejected goods may be returned, re-consigned, seized, detained, forfeited or disposed. Moreover, Article 11.8 of the TFA states:

Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade on goods in transit.

At present, the transit of certain goods that do not comply with Canadian health and safety regulations is prohibited.

Bill C-13 proposes amendments to allow Health Canada and Environment and Climate Change Canada to exempt certain goods in transit from Canadian technical regulations.

In compliance with Article 11.8, Bill C-13 proposes to amend the following four acts: the Food and Drugs Act, the Pest Control Products Act, the Radiation Emitting Devices Act and the Canadian Environmental Protection Act, 1999.

Honourable senators, competitive trading nations like Canada stand to benefit from the TFA. The United Kingdom, the European Union, the United States, China and Japan have already ratified this agreement. By ratifying, we will ensure that our investors and exporters maintain a competitive advantage and benefit from open cross-border trade.

Furthermore, a more efficient trade process will reduce trade costs. The World Trade Organization estimates that the TFA will lower trade costs for WTO members by an average of 14 per cent. It also estimates that the agreement will lower trade costs by an average of 17 per cent for the least developed countries.

As Senator Black noted in his remarks, reduced technical barriers and lower trade administration costs will be of particular benefit to Canadian small and medium-sized enterprises. Moreover, the further reduction of tariff and non-tariff barriers to trade will help developing countries integrate into global value chains.

I'm particularly impressed with this trade facilitation agreement as it will help the least developed countries.

Honourable senators, we have spent a lot of time on development assistance and many Canadian dollars, but African countries — especially those I'm familiar with — have said they want an equal opportunity to get involved in the value chains and in the prosperity that economic development can bring. This is one tangible feature.

David Shark, Deputy Director General of the World Trade Organization, noted the following in his remarks at the Trade and Investment Conference on June 1, 2015. He said:

[Global value chains] have played a key role in the rapid expansion of trade in a large number of developing countries and this result suggests that the circle of beneficiary countries will continue to expand in the future. . . . The Agreement will also help developing countries attract FDI, increase customs revenues and reduce the incidence of corruption.

Honourable senators, both Canada and the international community stand to benefit from the Trade Facilitation Agreement.

Nevertheless, there is risk associated with technical bills, such as the one before us. Bill C-13 seeks to amend six substantial pieces of legislation. Each of these acts serve to protect and maintain the security and well-being of Canadians.

We need to make absolutely certain that the amendments proposed in this bill have been carefully reviewed and contain no inadvertent implications or unintended consequences.

Furthermore, as the amendments proposed by Bill C-13 repeal existing technical barriers to trade, we must ensure that proper mechanisms for oversight, where necessary, will be implemented.

We must ensure that alternative and adequate oversights are maintained, and that the proposed legislation falls in line with existing health, safety and environmental regulations.

Furthermore, maintaining the security of our borders is imperative, as changes to border policy must be accompanied by updated approaches to preventing illegal activity.

I wish in this case to acknowledge the work of the committee in the other chamber and their thorough and detailed study of this complex legislation. We rarely note their adequate work, and I wanted in this case to point out that I trust it's not the exception but that it is good parliamentary practice.

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

**Senator Andreychuk:** The committee's study concluded with an amendment related to the labelling of pest control products. And this is the committee in the other house.

As this bill progresses to our committee, let us ensure that it is once again thoroughly reviewed so that we may also support its

implementation without reservation and join other WTO members in creating a more open global trade market.

Thank you, honourable senators.

**Hon. Kelvin Kenneth Ogilvie:** I wonder if the senator would accept a question.

**Senator Andreychuk:** I will try.

**Senator Ogilvie:** Senator, I listened carefully to your presentation, and there are a number of things that this act will cover with regard to imports that can affect the health and quality of life of Canadians.

Regarding your comment that it will ensure there are no unintended consequences, I frankly cannot imagine any piece of legislation that could guarantee there will not be unintended consequences. In fact, in my experience since being on the Hill, bills generally ensure that there will be unintended consequences.

My question to you is this: Based on the changes that you have here, are you absolutely confident that this bill will not increase the potential for impure or counterfeit products affecting the health of Canadians to enter our borders?

**Senator Andreychuk:** If I said that I can guarantee it, I will take that statement back. It was not intended that way. I think we should look at every bill and find out what the experts in the field tell us. All our health and safety experts and all of our community stakeholders can tell us what they think the act will do.

• (1450)

We know what it will do in a trade sense. What we need to know now is that it is harmonious and supportive of our basic laws. I think that is what our committee will have to address.

The unintended consequences, I think, have been minimized by the way the TFA operates. We're talking about goods in transit and about changes to the border. We are not talking about changing the framework of our own practices within Canada.

What I think we will do in our committee is ask those interested people, those people who have the responsibility to ensure our safety, health and environmental standards, to come before us and advise us of what they have done to ensure that they meet our standards and that we are minimally intruding on Canada's own laws. In fact, I understand we are more than compliant in over than 90 per cent of our Rules and actually exceed what is perhaps in this bill.

The other point I made is that we need oversight mechanisms. The unintended consequences don't come at the start; they come with the practice and implementation of bills. We need to be sure that someone continues to track this bill to ensure that if something hasn't been thought of, that it is addressed by an oversight mechanism. It would be the job of the government to ensure this, and then we should track whether the government has put in oversight mechanisms on this piece of legislation.

[ Senator Andreychuk ]

**Senator Ogilvie:** Senator, I understand your response. I've had the privilege to sit on two committees that together have looked at the issue of contamination of foodstuffs and pharmaceuticals entering this country in bulk, for which those very experts that you're referring to are in fact officially charged with overseeing and protecting us in these areas. I, for one, am completely unconvinced that that is being done to the degree that it needs to be to protect the health and safety of Canadians.

I'm wondering if, during the course of review and study of this bill, you are approaching officials such as those and demanding to know how the existing processes that are apparently in place — which I've already indicated I have considerable suspicion of — will be enhanced to protect us under this new regime.

**Senator Andreychuk:** As I understand this bill — and I am allegedly the critic of this bill — I'm critical of the fact that, on the one hand, we should be balancing our needs to be a trading nation, to respect multilateral agreements and to ensure that we maintain our own standards.

We are not in this bill addressing the majority of the internal issues you've referred to, senator. I regret that you feel the oversight mechanisms in place are not strong enough or inadequate, and I'm certainly going to take that into account.

What we're doing here is we're not judging the behaviour of our standards within Canada. What we're talking about is the transport of goods and the additional issues that are raised.

I will take into account that you are saying you are not sure of our standards, and I will address that with the officials. They can then make the distinction to us whether, by bringing in Bill C-13, we are weakening or strengthening our system, or is it a little of both?

I would invite the senator, with his great knowledge, to join us at the committee. His expertise would be very welcome.

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

**Hon. Wilfred P. Moore:** I have a question, senator.

**Senator Andreychuk:** Certainly.

**Senator Moore:** You mentioned that this bill does not deal with some of the internal issues that Senator Ogilvie has raised. Does that also cover the matter of labelling?

**Senator Andreychuk:** You may be getting into more of the detail than I can answer right now. I know that one member in the other place was worried about labelling on pest control products. They had actually looked at it a lot and I think they felt that they were fine, but they felt that the wording of the labelling on pest control products was not adequate. So they changed the definition and that's embedded in Bill C-13.

That is exactly what I think the committee has to do, is to look at the issues that you're raising within our committee.



**Senator Moore:** I have a supplementary question. Does this bill cover the movement of foods? If so, it would seem to me that it should indicate whether those foods are genetically modified. Canadians have a right to know; they have a distinct right to know what the content is. Whether or not GMO foods are good or bad is another issue, but they should have the right to know, and that should be on the labelling. I wonder if that is part of this consideration.

**Senator Andreychuk:** I will certainly raise that with the experts and government officials who come before us. This bill talks about transit of certain goods, and we will have to define exactly which goods are being transited.

I must say that I read the content of Bill C-13 a long time ago, and as a good lawyer — it didn't come across my desk again — I forgot most of it. But what I know is that there's disclosure within the World Trade Organization, and in that disclosure the facts that have been raised within the WTO will have to be disclosed. Whether modified goods are in there exactly, I hope that the committee can answer that question.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Black, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

[Translation]

## THE SENATE

MOTION TO AFFECT QUESTION PERIOD OF  
NOVEMBER 15, 2016, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of November 2, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, November 15, 2016, Question Period shall begin at 3:30 p.m., with any

proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

She said: Honourable senators, I move the adoption of this motion.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ADJOURNMENT

MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of November 2, 2016, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 15, 2016 at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1500)

## FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-228, An

Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children).

**Hon. Chantal Petitclerc:** Honourable senators, you will not be surprised to see me rise in support of Bill S-228, which is sponsored by Senator Nancy Greene Raine. This bill seeks to protect the health of children by prohibiting food and beverage marketing directed at persons under 13 years of age. As a strong advocate of healthy living, I recognized how important the principle of this bill was at first reading.

[*English*]

I have to be honest, Senator Greene Raine, and tell you that it is not the eloquence and passion of your speech that convinced me of the essential role this bill could play.

In fact, I became a true supporter exactly two days after the introduction of this bill when I lost a fight against a green fish cracker. Let me explain. I speak today as a senator but also as the proud mother of a three-year-old child. As such, I should know better than to go to the supermarket at dinnertime with a toddler. It is always a bad idea, but that is parenting in a busy world. You do your best every day.

So there I was with my little Elliot riding on my lap when he spotted exactly at eye level the now-infamous green fish cracker. That's when he went "Oh, maman, maman! Fish, fish!" To make it worse, the cracker box had his favourite movie character on it, very smart marketing. So Elliot was now on a mission. He wanted those fish. We don't let them in the house for health reasons, but they're in the supermarket; I was on enemy territory.

So to make the story short, I said no, and before I knew it, Elliot was off my lap on the run. Lucky for me I'm still a tiny bit faster. I caught him and stopped him before he could get his hand on this high-sugar, chemically-coloured empty food.

That of course was followed by a frantic toddler collapsing on the floor in front of everyone, not understanding why I, his mother, would refuse him access to his favourite movie character on a green cracker. That, honourable senators, is the exact moment when I became a full supporter of Bill S-228.

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

**Senator Petitclerc:** I know, of course, that one toddler's tantrum does not scientific evidence make. This is when I went home and did my homework.

I read Bill S-228. It is pretty straightforward.

[*Translation*]

The bill prohibits food or beverage marketing directed at children under 13 years of age. It also prohibits food and beverages from being labelled or packaged in a way that is directed primarily at children, including the way that the label or package is presented.

It will also be prohibited to offer or provide, in exchange for the purchase of a food or beverage, any direct or indirect consideration, such as gifts or surprises, intended primarily for children.

I have to say that the timing of this bill could not be better, and it has been favourably received by leaders in the health field. The bill seeks to implement an important recommendation set out in the excellent report issued by our Standing Senate Committee on Social Affairs, Science and Technology in March 2016. The report recommended that the federal government assess the prohibition on advertising food to children in Quebec and design and implement a national prohibition on the advertising of food and beverages to children.

This bill is clearly part of Minister Philpott's recently released health care strategy.

[*English*]

Introducing her healthy Canada strategy, Minister Philpott's focus is on three pillars: healthy eating, including the updated food guide and new labelling and marketing rules; healthy living; and healthy minds.

[*Translation*]

I completely agree with the minister when she says that we must not use the complexity of the legal and regulatory environment governing marketing to children as an excuse to do nothing. We have to protect society and our young people.

[*English*]

In fact, in her mandate letter from Prime Minister Justin Trudeau, she is asked to promote public health by introducing new restrictions on the commercial marketing of unhealthy food and beverages to children, similar to those now in place in Quebec.

My home province of Quebec, many have mentioned it, has been a trailblazer when it comes to protecting our children from aggressive marketing. The introduction of Bill S-228 has been very well received in Quebec because it would help the province fill some gaps that still exist.

[*Translation*]

Quebec's Weight Coalition has repeatedly reminded us that exceptions in the Quebec legislation, which allow packaging and advertising in store windows and display cases, remain problematic. Bill S-228 corrects those flaws. In Quebec, sections 248 and 249 of the Consumer Protection Act protect our children in that regard. Since 1980, Quebec law has prohibited advertising to children under 13 years of age because experts found that prior to adolescence young children cannot distinguish between information and advertising.

In 1989, after a nine-year legal battle, the Supreme Court finally ruled that Quebec's law was constitutional. That law has had some very positive impacts on our children's health.

[English]

On October, 6, 2016, an article in the *Ottawa Citizen* read:

Far ahead of its time, Quebec since 1980 has banned the commercial advertising of all goods and services to children under 13. The result? A 2011 study concluded that the law is associated with a 13-per-cent reduction in the likelihood to purchase fast food and that “the social welfare impact of such a ban can be significant. Quebec has the lowest obesity rate in Canada among children age six to 11 and the highest rate of fruit and vegetable consumption.

When we know how Bill S-228 would only strengthen the Quebec legislation, this is good news for my province. With the help of Bill S-228, plus if we can get our kids off the screens and in the field of play a bit more, then, honourable senators, we’re on to something significant.

Of course, not everyone agrees with this bill. Some are skeptical and ask: Is marketing to kids really so efficient? It is, according to our own Social Affairs Committee study, according also to the World Health Organization who targets marketing as one cause for child obesity.

It will really take only 30 minutes of research to be overwhelmed with how much serious data has been documenting the efficiency of marketing to children. This one is my favourite: A reliable study in the U.S. tells us that when on a cereal box a character is placed 23 inches off the ground with eyes looking down at 9.6 degrees, kids prefer it 28 per cent more than other cereals.

I’m not sure what scares me the most, that it works so well or that those big, big companies obviously invest a lot of time and money to make sure that they do target our kids.

Some will also say you are taking the fun away from the food. I only have one reply to this: How much fun will we have when our kids grow up to be unhealthy, overweight adults with all the well-documented related health problems?

[Translation]

The priority here is the health of our children and making sure that we have all the tools we need to protect them. Some may call this meddling and accuse the government of falling into the trap of moralism. It is true that we must be very careful when interfering in people’s lives. The real trap in this case would be failing to carry out our responsibility to protect our children out of fear of being too intrusive.

• (1510)

[English]

Senator Raine said it herself:

As a Conservative, I believe government shouldn’t unnecessarily interfere with our lives. It is up to parents to do the parenting. But we need to support parents in being able to do the right thing.

[Translation]

Senator Eggleton makes the same argument when he states that the time has come for the federal government to take action to support parents who are trying to make good choices. I could not agree more. The situation is alarming and it is right that we intervene.

[English]

One other argument that I read in a few newspapers is that this bill will deprive parents of a great opportunity to teach their kids how to make good choices.

Allow me to be blunt here and say, “Please, give me a break.” I mean it. As a busy working mom, give me a break. I need a break. The Canadian family needs all the help they can get. This is one good side effect of this bill. It gives parents a break.

That’s not the reason I’m supporting it, but if it can help parents while saving our kids, why not? I can guarantee you that all parents will find dozens of other opportunities to teach their kids valuable life lessons.

Then there are, believe it or not, some people who still wonder: Is our kids’ health really that big a concern and a problem? Well, it’s not just a problem. Everywhere I read, they call it an epidemic, because that’s what it is.

[Translation]

Globally, the number of cases of obesity has doubled since 1980, and in Canada it has tripled. The term “epidemic” is not too strong.

Let us not be fooled. This legislation will not solve everything. The reality is that the main cause of excess weight and obesity in children is the energy imbalance between the calories consumed and the calories burned. In general, more calories are consumed than burned. There is still much work to do. Junk food and its marketing are one aspect of the problem, but physical activity is another challenge that must be addressed. This bill is an excellent starting point.

My question is very simple, honourable senators: What are we waiting for to take action? Clearly, the studies, research, and recommendations have been done. Despite everything, the epidemic of child obesity has still not been resolved.

[English]

This bill would be a very concrete start in the right direction. And the reality is, unless we take action, it’s a lost fight.

In one corner, you have multi-million-dollar companies investing billions of dollars in marketing. And let’s be honest; they would not do it if it did not work. And in the other corner, you have three-year-old Elliott wanting a fish cracker, with no judgment skills and no ability to differentiate a fictional character from reality. So it is a lost fight, until and unless we have someone in the middle to set some ground rules, and that’s exactly what our job is, to protect the most vulnerable — in this case, our children.

[Translation]

That is why I commend Senator Greene Raine's initiative and why I am pleased to support it.

**Hon. Joan Fraser:** Thank you very much, Senator Petitcherc. I too had young children who used to have tantrums in the supermarket, and like most senators, I have a great deal of sympathy for the challenges you've had to overcome.

I am from Quebec and, as you indicated, advertising directed to children has been banned there for 40 years or more. I understand that Senator Greene Raine's bill was inspired by the Standing Senate Committee on Social Affairs, Science and Technology study that focused on obesity. Nonetheless, do you really think that we have any chance of success if we try to amend this bill to ban all advertising directed to children? When my children were little, when we travelled to other provinces, I remember being shocked every time by the amount of advertising, not only for food, but for all kinds of toys, each more harmful than the last. Why should we stop at protecting children only from advertising for food and beverages?

**Senator Petitcherc:** I grew up in Quebec and I was 10 when that legislation passed, so that was all I knew, and I now recognize the benefits. With your years of experience, you are in a better position than I am to answer that question. Personally, I would love to see this bill cover other things besides food and beverages, but as I said in my speech, this is an excellent first step. Does it address all the problems caused by marketing? Of course not. Could the bill be amended? I don't have the expertise to answer that question at the moment. The purpose of Senator Greene Raine's bill is to tackle the childhood obesity epidemic that is now sweeping our society.

**Senator Fraser:** If I understand correctly, the answer is that too often the perfect is the enemy of the good and that we should focus on the good that might be attainable. Thank you, senator.

(On motion of Senator McCoy, debate adjourned.)

[English]

## OFFICIAL LANGUAGES ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Moore, for the second reading of Bill S-209, An Act to amend the Official Languages Act (communications with and services to the public).

**Hon. Elaine McCoy:** Honourable senators, I do intend to speak to this matter, but I don't have all of my thoughts pulled together, so I move to adjourn the debate for the remainder of my time.

(On motion of Senator McCoy, debated adjourned.)

[ Senator Petitcherc ]

• (1520)

## SENATE MODERNIZATION

### SIXTH REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Wells for the adoption of the sixth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Speakership)*, presented in the Senate on October 5, 2016.

**The Hon. the Speaker pro tempore:** Senator Tannas, you have one minute remaining. Do you wish another five?

**Hon. Scott Tannas:** There were questions, probably forgotten by now. If that's the case, I will let it stand, and somebody else can adjourn it if they wish.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** If the honourable senator has a question, then by all means.

I was going to move the adjournment in the name of Senator Mercer.

**Hon. Pierrette Ringuette:** I'm sorry, but I was standing for —

**The Hon. the Speaker pro tempore:** I didn't see you.

**Senator Ringuette:** — for a while before Senator Day.

**The Hon. the Speaker pro tempore:** Do you have a question?

**Senator Ringuette:** I would like to adjourn the debate in the name of Senator Lankin.

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

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Sorry, Your Honour, on a small point of order. It is on a point of order but simply to address something. Earlier Senator Seidman had risen first to adjourn the debate on Bill S-228 after Senator Petitcherc, but when the table clerk stands, he is in the way of your sight to this side of the chamber not just to Senator Seidman but to this side of the chamber.

I wanted to raise it at this point only because it has happened before. I just raise it at this time.

**The Hon. the Speaker pro tempore:** Thank you. I apologize to Senator Seidman. I did not see her.

That bill was adjourned in Senator McCoy's name. Perhaps she could speak after Senator McCoy.

**Senator Martin:** Yes, thank you.

(On motion of Senator Ringuette, for Senator Lankin, debate adjourned.)

FOURTH REPORT OF SPECIAL COMMITTEE—  
DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Special Senate Committee on Senate Modernization, entitled: *Senate Modernization: Moving Forward (Order Paper)*, tabled in the Senate on October 4, 2016.

**Hon. Stephen Greene** moved the adoption of the report.

He said: Ladies and gentlemen, I have the honour to rise today to open the debate on the fourth report of the Special Senate Committee on Senate Modernization.

Let me begin by thanking the witnesses who testified before the committee. Let me also thank the clerk, the analysts from the library and, of course, our wondrous chair, Senator McInnis, who had the toughest job of any chair in modern times.

I wish to thank all the senators who participated in the work of the committee, and there were many — and I mean many. You never knew who was going to drop in or what they were going to say.

From the outset, colleagues, you should understand that the work of the committee is the result of many compromises. I say “compromises” because some of us more ardent modernizers are like a bulldog with a bone hoping to see long-term institutional changes. Our desire for change goes back to when Stephen Harper was Prime Minister, a Liberal victory was an impossibility and the threat of an avalanche of independent senators was beyond comprehension. So it’s deep-seated, our quest for reform.

While the pace of modernization is not lightning fast, to say the least, I certainly hope it will not settle into a stalemate with the various sides entrenched in their positions, for we must move forward.

I, for one, would wish our four leaders, Senators Harder, Carignan, Day and McCoy will find expeditious and creative pathways to speed up the process.

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

**Senator Greene:** Turning now to the subject at hand, which is the Order Paper, I am putting forward these recommendations not because I hold a specific brief for these recommendations in particular or because they are my favourites. Rather, I was asked to do these by our chairman. I am no expert on the Rules.

These recommendations are, as I’m sure you will agree, not earth-shattering. You will find they have all been discussed before. But now I believe we must actually do them.

As you know, all items of business before the Senate are listed on the Order Paper, and each day the reading clerk at the table stands and calls each of them individually, waiting to see if anyone will rise to debate. Of course, there is often advance notice given to the table through the respective leaderships or facilitator, but we still call each and every item every day.

Items are broken into two main categories: government business and other business.

Under each category, the Senate’s business is further broken down by bills, motions, inquiries and reports from committees, all of which appear in the order they were most recently debated.

Some senators have commented that this numbering system can lead to confusion and make it difficult to follow. But imagine what it would be like if we brought television into the picture. That is why the special committee has made a series of recommendations in the area of Order Paper modernization, which I now present to you.

The first is that the Senate direct the Rules Committee to develop an amendment to the *Rules of the Senate* so the clerk at the table would call only those items for which a senator provided advance notice of intent to speak.

The current system is highly egalitarian, in that every senator can rise at any time to debate an item that is called. And to preserve that equality amongst senators, after all those items for which advance notice was given are called, the Speaker will then rise and invite all senators to speak to any item on the Order Paper which was not called, thus preserving the right of senators to speak to any item.

I would note that any item not called by the table or raised by an individual senator afterwards would be deemed to have been automatically stood, thus avoiding the habitual yelling of “stand” or “reportée” by one of the deputy leaders or facilitators.

There are other recommendations regarding the Order Paper that have to do with the ordering of business on the Order Paper.

Business will still be categorized as government business or other business and will still be broken down by type — bills, motions, inquiries, et cetera.

But rather than ordering the various items by which had most recently been debated, items will be listed in numerical order based on when they were introduced to the Senate.

That is to say bills will be listed by their bill number regardless of when they were last debated. Motions and inquiries will similarly be listed by number. Number one will precede number two, and number three will precede number four — amazing reform, right?

The same will be true for other business-like committee reports. So instead of searching for motion or inquiry number 20, let’s say, by when it was last debated, any senator could simply look at the Order Paper and find the item they are looking for easily because they will be listed in simple numerical order.

These are simple changes that will make it easier for senators, as well as the watching public, to follow the business of the Senate. This will hopefully make it easier for all of us to contribute to debate.

I commend the report to honourable senators for adoption. Thank you.

**The Hon. the Speaker *pro tempore*:** Senator Greene, would you take a question?

**Senator Greene:** I'm not really sure, but —

**The Hon. the Speaker *pro tempore*:** You are a great expert on process.

**Hon. Anne C. Cools:** How can you be unsure? I should inspire your confidence.

**Senator Greene:** Please.

**Senator Cools:** I was listening to you very carefully, Senator Greene, and I wonder if you could share with us the parliamentary authorities that the committee relied upon when it was making these recommendations?

**Senator Greene:** Well, I will probably have to get back to you on most of that question, but we did have presentations from various table officers of this chamber.

• (1530)

**Senator Cools:** I heard about that. When you talk about the parliamentary authorities, we do not speak of our staff. Some them one day would be viewed as parliamentary authorities. I was just thinking that perhaps you could cite for me the research and the names of the authors, or as I said before, the authority.

A committee's wish is very good and useful, but it should speak from a point of view of authority.

**Senator Greene:** I will be happy to provide you a list of those authorities at a future date.

**Senator Cools:** We have time. The debate is young. Thank you.

**Hon. Joan Fraser:** Thank you very much. Would you take a question or two?

First, did the committee do any work to ascertain the amount of time spent in this chamber saying "stand"?

**Senator Greene:** No, we have not conducted a study like that.

**Senator Fraser:** I have one or two times. Both times it was five minutes, which didn't seem to me to be an enormously burdensome procedure. If you watch the other place on

television, easily five minutes in every session is consumed by procedures that are impenetrable for the public.

That's a small thing. I thought I'd like to get that on the record.

My more substantive question has to do with not only this report but all of the reports from the Modernization Committee, the ones that thankfully you have chalked up into more digestible bits for the Senate to consider. That was an extremely wise decision. I have read and reread the full report to understand the reasoning in it. I'm truly impressed by the dedication and the obviously very careful thought that has gone into much of it.

As you may know, I am the Chair of the Rules Committee. In that capacity, I find it very strange to have so many recommendations couched in language such as "That the Senate direct the Rules Committee to do X," even in those cases where, in the body of the main report, the Modernization Committee has said, "Oh, but we leave it to the Rules Committee to figure out how to do this."

I'm just trying to figure out what you had in mind when you said, "We direct the Rules Committee to do X and Y and Z, very precisely, but we leave it to them to figure out how to do it."

There's a little bit of a dilemma here. I wonder if you could clarify my thinking.

**Senator Greene:** It's a very good question, actually. I invite other members of the Modernization Committee to give their views. From my point of view, it's a general direction. In most cases the recommendations are very specific.

In cases such as those, I don't think it should be too difficult to translate the request or the intention into a rule. There may be other rules or other recommendations which are a little too vague, or you might wonder what we had in mind, in which case you should probably come back to the Modernization Committee to express your concern.

**Senator Fraser:** That's an entertaining, interesting way to envisage things.

I have some experience in this place with the rewriting of the rules. Part of that experience, hard-earned, has been that no matter how simple you think a specific change is, it turns out almost never to be simple. There are always unintended consequences and implications that you didn't think about when you set out to do what you thought was going to be dead easy or a snap piece of work.

The Rules Committee has not done a study of any of these recommendations yet, so this is just based on my individual, semi-casual reading. However, I do see areas in a number of these specific recommendations that contain ambiguities or gaps.

I have difficulty with this word "direct," because that's a very specific order from the Senate. I'm not saying this out of some hidden desire to delay anything. I'm saying it out of a very clear and explicit desire that the changes we make be really well

[ Senator Greene ]

grounded and get where the whole Senate actually wants to go, as distinct maybe from some unintended and alleyways. That's more of a comment than a question, but I did feel I needed to say it.

**Senator Greene:** If I could make a comment to your comment. Perhaps a mechanism could be that a subcommittee of each committee meets to discuss potential issues which may arise where the Rules Committee is confused or uncertain as to what is intended.

**Hon. Scott Tannas:** Senator Greene, a couple of things. First of all, would you agree that five minutes of saying "stand" three times a week, 27 weeks a year, actually would add up to 6.75 hours, which given our average sitting time would be two full days of our Senate Chamber sitting time every year?

**Senator Greene:** That is very interesting. I had no idea.

**The Hon. the Speaker:** On debate.

**Hon. Grant Mitchell:** I am very encouraged that the Order Paper is being looked at. Having sat here for 11 years, I must say there are moments when I lose track of it. I am very interested in the proposal to streamline the "stand" initiative, but I would like to add one thought to that.

I've argued many times that one of the real strengths of the Senate is everything comes up for debate every day. It's not, in a sense — I don't want to say "manipulated" — but not negotiated to the extent or to the degree that it is on the other side. There may be structural reasons for that, but it is one of the endearing advantages of this place. Far more than endearing, in fact it makes this place more open and transparent and encourages spontaneous debate, some of which can be very powerful.

I would like to add my thoughts on the stand provision. There should be two stages. Those things acknowledged throughout the day, at the first stage of the day, would be as the proposal suggests — somebody would have had to give a notice to be on the Orders of the Day, on the scroll. Once that opens up the debate, any other members can get up and speak to it.

At the end of all of that, we should just have a period where we would revert to open up, and the Speaker could say, "Is there anything that remains on the Order Paper that somebody else would like to speak to?" It's already there. I read it and wasn't sure. I wanted to reinforce that point because I think it's extremely important that's not forgotten.

• (1540)

The other thing is that under Orders of the Day, it's extremely important to streamline that, and the numbering will make a tremendous difference. But there is one other confusion that exists, and maybe this is covered as well, but I didn't see it.

"Government Business" and "Other Business." Under both of those sections there are headings that are exactly the same: "Government Business," and then "Bills — Messages from the House of Commons"; and "Other Business," and then "Bills — Messages from the House of Commons."

There needs to be a way to further identify those. It might be "Government Business," "(A) Bills — Messages from the House of Commons," "(B) Bills — Third Reading," and so on. By the time you get to "Other Business," you would have "(J) Bills," and then "(J) No. 1, (J) No. 2, (J) No. 3."

If you are distracted for a moment in the middle of the sitting, you come back and see where we're going. Otherwise, it's very easy.

Yes, the numbering will help and the ordering of the numbering will help, but it's not definitive. That confusion still exists.

(On motion of Senator Cools, debate adjourned.)

## THE SENATE

### MOTION TO ENCOURAGE THE GOVERNMENT TO EVALUATE THE COST AND IMPACT OF IMPLEMENTING A NATIONAL BASIC INCOME PROGRAM—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson:

That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.

And on the motion in amendment of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:

That the motion be amended to read as follows:

That the Senate encourage the federal government, after appropriate consultations, to provide support to initiatives by Provinces/Territories, including the Aboriginal Communities, aimed at evaluating the cost and impact of implementing measures, programs and pilot projects for the purpose of helping Canadians to escape poverty, by way of a basic income program (such as a negative income tax) and to report on their relative efficiency.

**Hon. Pamela Wallin:** Honourable senators, after more than 60 years of discussions and recommendations that have been ignored or shelved, today our former colleague Hugh Segal released a discussion paper on basic —

**The Hon. the Speaker:** Senator Day was rising on a point of order.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Thank you.

I apologize for interrupting, but this matter was adjourned in the name of Senator Eggleton, and he had given half of his speech. I think he would be pleased to have you give your intervention at this time, but could you please make the point that the matter will be adjourned in the name of Senator Eggleton?

**Senator Wallin:** I spoke with Senator Eggleton about that. I intended to do that at the conclusion of my remarks, that it would be adjourned in his name.

Is there any other permission that I need to seek?

**The Hon. the Speaker:** Senator Wallin.

**Senator Wallin:** Thank you. I will begin again, because I think there was some confusion.

Honourable senators, after more than 60 years of discussions and recommendations from all sorts of sources, many of which have been ignored or shelved, today our former colleague Hugh Segal released a discussion paper on a basic income pilot for the province of Ontario. The province has now invited comment with a view to actually launching a pilot project before the end of the province's fiscal year in April of 2017.

Our colleague Senator Eggleton has in this motion already proposed a broad launch of pilot projects reflective of the sustained work he has done on this file for many years.

There is a sense of momentum today because this approach just makes sense. This is a pragmatic, efficient, humane and respectful way to bridge people back to the workforce and out of poverty.

The disincentives to work, now found in all of our provincial welfare systems, would be replaced with powerful incentives and a basic income floor beneath which no one would be allowed to fall.

My support for Senator Eggleton's motion is really about the traditional approach of my province and the people of Saskatchewan to offer a hand up. As an independent senator from Saskatchewan, it seems to me that a guaranteed annual income is one of those projects where collaboration could cross party lines and federal and provincial borders.

It's not about left or right. After all, a social democratic premier and a Baptist minister proposed universal health insurance in the 1960s. A Progressive Conservative Prime Minister from Saskatchewan retained Supreme Court Justice Emmett Hall to report how that Saskatchewan idea was in the national interest. That now-famous Hall report was filed with Liberal Prime Minister Mike Pearson, who began to work with all provinces and across parties, parties as diverse as the Social Credit, Union Nationale, Progressive Conservative, Liberal and CCF to bring in universal health insurance for all Canadians.

This was accomplished by crossing party and provincial lines and because it was in the best interests of Canadians. That's my view of the Canadian way. That is why I would like to encourage

the federal government to study, evaluate and sponsor pilot projects with regard to assessing the cost and viability of a national basic income program.

Governments in industrialized countries have been providing social assistance in some form for decades. In Canada, there is general agreement that we have a moral obligation to help one another, particularly those in need, and to maintain a minimum standard of living for all.

Senator Segal elegantly described the concept as vital infrastructure: the infrastructure of civility and opportunity, a guaranteed annual income for the more than 3 million Canadians who never have enough for rent, food, medicine, clothing and utilities all in the same month.

As Canadians, we spend over \$180 billion per year on social transfers to the provinces, and this does not include the really big-ticket items such as health and education. Still, more than 3 million Canadians live below the so-called poverty line. The mish-mash of welfare programs seldom comes close to lifting them over it.

This 10 per cent poverty number has not changed in 60 years, no matter how many Band-Aid solutions have been tried. Many in need can't get access for bureaucratic or technical reasons.

It's true that some programs are misused or abused, but the real problem is that these rules-based programs place barriers to people moving on up. It makes no sense to encourage people to better themselves through education when the rules say that all social assistance will be cut off should they be accepted into university and apply for a student loan, because that would be considered double-dipping.

It is absurd that a single mother who finds a part-time job, once her child is in school, discovers that should her paycheque exceed \$100 per month, her social assistance will be clawed back dollar for dollar.

There is a more effective, more efficient and more sensible way to offer a hand up to those battling poverty and need: a guaranteed annual income, basic income, negative tax credit — call it what you will — financed through a refundable tax credit. It allows people to make the best decisions for themselves and their families.

The problem with the current system is that we are asking those often least equipped to try to navigate a complicated and bureaucratic system that simply puts up too many walls.

Administering a GAI through the federal tax system would be a delivery mechanism that requires no new bureaucracy. It would be automatic for anyone whose income falls beneath an established poverty line as determined on their federal income tax return.

Those who qualify would no longer be on provincial welfare rolls, and it would liberate millions of provincial dollars that could be invested in education, health care and infrastructure. Let's remember that the penalties for falsifying a federal return are far more onerous than those relating to provincial social services fraud.



This idea is not a radical one. It is a principle already well established with Old Age Security and with the Guaranteed Income Supplement for seniors. It has been tested. In the mid-1970s in Dauphin, Manitoba, Ottawa and the provincial government joined forces in an experiment called MINCOME.

• (1550)

It assured everyone in the farming community a top-up at year's end should crop prices fall or yields be insufficient. And thanks to the work of Dr. Evelyn Forget and her analysis 30 years later of more than 1,800 boxes of data, it has now been shown that there was actually no disincentive to work, crime and hospital visits fell, and more young kids stayed in school because it wasn't necessary for them to quit to help out on the farm.

These are, by any standards, outcomes that society wants. And the bonus is that there is "payment" and recognition for the full range of activities, including caregiving.

The only cohort of people who left employment because of a GAI were usually women who were then able to stay at home to look after young children or elderly or ailing relatives, thereby again providing substantial savings for the province in daycare or health care costs.

Detractors of a GAI always point to the price of such a program but pay too little attention or no attention to the cost savings that would result in health care, policing, the courts and illiteracy — so many of these costs are the direct result of poverty.

A guaranteed annual income also gives the marketplace more flexibility — much needed in a global work market.

The time has come to move forward on a debate that has been under way, as I said, for 60 years. In 1967 we witnessed the introduction of the Old Age Security's GIS, Guaranteed Income Supplement. By the early 1970s it was the Special Senate Committee on Poverty, chaired by Senator David Croll, which recommended a GAI. It was, in his words, "an idea whose time had come" and was a way to replace all income maintenance programs.

Then the Royal Commission on the Status of Women called for a guaranteed annual income for the heads of all one-parent families with dependent children. By the 1980s, the topic was back up for discussion when the Macdonald Royal Commission on the Economic Union and Development Prospects for Canada called for reform of the welfare system by implementing a UISP — a Universal Income Security Program — and the Forget Royal Commission on Unemployment Insurance echoed the call for this new approach.

It is estimated that it could cost around \$12.6 billion to top up the 3.5 million Canadians who live beneath the poverty line. That is less than 5 per cent of the federal budget and less than half the cost imposed on the economy by poverty and its effects.

We need to re-envision the concept of income security, and Senator Eggleton's call for a federal study and sponsorship of pilot projects may give us the incentive and the current data we would need to proceed.

As former Senator Segal said today, the main purpose of a pilot is to determine whether a basic income plan will reduce poverty more effectively, will encourage work, will reduce stigmatization and will produce better outcomes for better life chances for its recipients.

In closing, I will leave you with the words of Senator Segal, who for 45 years has championed this concept. He offers us a challenge, in a way. Over the last quarter century he said there is probably no area of public policy in either urban or rural Canada where creativity encouraged from governments has been less evident than on the issue of poverty faced by working-age adults.

So let's try to change this and take up the challenge. And thank you, Senator Eggleton, for your motion and for your work on this matter. This discussion now remains adjourned in your name.

**The Hon. the Speaker:** Senator Omidvar, a question.

**Hon. Ratna Omidvar:** Will the honourable senator take a question?

Thank you. I welcome this added impetus on this whole question of a basic income, although I do worry about a predilection to experiment in the face of overwhelming evidence. But that's not my question. My question is about whether or not Senator Segal makes a comment or gives advice on the selection of pilot sites. I ask that because Ontario is a very big place, and in order to get that kind of evidence we would have to make sure that a basic income works one way in dense neighbourhoods, urban centres, and a completely different way in First Nation communities, for example.

**Senator Wallin:** Yes, absolutely. And I think the point of this now is to open themselves to exactly this kind of guidance or comment. Because I think that is the experience in the past. The experience in Manitoba was very narrow and very limited and went into a rural farming community so that they were dealing with apples and apples and not apples and oranges.

I am assuming that that's what they are looking forward to hearing, and obviously the programs will have to be somewhat modified, given urban and rural differences.

**Hon. Michael Duffy:** I have a question for Senator Wallin.

Does Senator Wallin remember, like me, the Macdonald royal commission of 1984, where half of the equation was free trade with the United States, but the other half, which got dropped, was a guaranteed annual income of \$17,000 per Canadian at no additional cost to the treasury? I'm sure there's a tonne of research in their archives that could be put towards this worthwhile idea. Do you have any comment on that?

**Senator Wallin:** Yes, I did mention that in my remarks, and certainly I know that both Senators Eggleton and Segal are well aware of that and cited it in their earlier comments on this issue.

I haven't read every last word of the document presented today. I've got it on my personal device here, but it just came out this

afternoon. I'm assuming that has all been included. It was certainly Senator Segal's intention.

[*Translation*]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Will the honourable senator take a question?

**Senator Wallin:** Yes.

[*English*]

**Senator Bellemare:** What is the minimum level of income you would encourage the government to adopt, and would it be the same level across the board in all provinces?

**Senator Wallin:** The numbers vary, and in Manitoba I think it was the \$15,000 mark. The Macdonald commission said \$17,000. I think we have to assess that in today's marketplace and take a look at that issue, and then, as is suggested, manage this through the federal income tax system so that it becomes an automatic deduction. The choosing of the number is a question of simply crunching numbers and coming up with an agreed-upon number.

That might change from year to year. I think these are some of the issues they want to study at this point.

(On motion of Senator Wallin, for Senator Eggleton, debate adjourned.)

(The Senate adjourned until Tuesday, November 15, 2016, at 2 p.m.)

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