



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 75

OFFICIAL REPORT
(HANSARD)

Wednesday, November 23, 2016

The Honourable GEORGE J. FUREY
Speaker

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

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

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

THE SENATE

Wednesday, November 23, 2016

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

Prayers.

THE SENATE

MOTION TO PHOTOGRAPH THE INTRODUCTION OF NEW SENATOR ADOPTED

The Hon. the Speaker: Honourable senators, after consultations, there has been an agreement to allow a photographer in the Senate Chamber to photograph the introduction of a new senator. Is it agreed, honourable senators?

Hon. Senators: Agreed.

NEW SENATOR

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received a certificate from the Registrar General of Canada showing that Éric Forest has been summoned to the Senate.

INTRODUCTION

The Hon. the Speaker having informed the Senate that there was a senator without, waiting to be introduced:

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

Hon. Éric Forest, of Rimouski, Quebec, introduced between Hon. Peter Harder, P.C., and Hon. Chantal Petitclerc.

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

• (1410)

[*Translation*]

CONGRATULATIONS ON APPOINTMENT

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, once again I have the privilege of introducing you to a new senator.

Éric Forest worked tirelessly for the development of eastern Quebec for over 50 years. As the mayor of Rimouski, he contributed to shaping a respectful and united community.

Rimouski is now regarded as one of the best places to live in Canada. It has a vibrant cultural scene and the many businesspeople that call it home are mostly involved in the knowledge-based economy.

Mr. Forest also worked in the private sector. He was the vice-president and general manager of the Oceanic hockey club, which greatly contributed to enhancing social cohesion throughout eastern Quebec. Some of you may not remember this, but the Rimouski Oceanic gave rise to one of hockey's most unifying stars. I am talking about Sidney Crosby, of course. In 2010, Canadians jumped for joy when he scored the game-winning goal that won Canada gold at the Vancouver Olympic games.

Mr. Forest chaired the Union of Quebec Municipalities for almost four years. During that time, he led the efforts to restore the public's trust in their elected municipal officials.

In closing, I want to point out that Senator Forest succeeded Senator Carignan, the former mayor of Saint-Eustache, on the executive committee of the Union of Quebec Municipalities. Today, both former mayors are reunited. There is no doubt that will reinforce the spirit of collaboration in this chamber.

Welcome to the Senate, Senator Forest.

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I too would like to welcome Éric, or rather Senator Forest, as I shall have to get used to calling him in this chamber. I know Éric well. He is a very dynamic man. Yes, he succeeded me in positions that I once held with the Union of Quebec Municipalities. Éric, I hope that you will one day take over my role in the opposition, not in the government.

Éric, I know how talented, dynamic and energetic you are and how skilled at finding solutions and mediation. You have left your mark on the municipal sector in Quebec, and I am sure that you will make just as great a contribution to the Senate.

I was very pleased to hear of your appointment, and I wanted to be here to welcome you. I will have more to say when the next senators are sworn in, which will probably be next week.

Senator Harder stole my thunder because I, too, wanted to say that Éric is a good friend of Sidney Crosby and challenge him to get Sidney for the Senate. We have a coach here already, and it would be nice to have hockey player Sidney Crosby here one day too.

Good Luck, Éric.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I would like to add my voice to welcome Senator Forest to the Senate, and to extend that welcome to the senators who joined us last week.

It is a pleasure to see the chamber almost — soon to be — at full strength. Senator Forest, I cannot help but say that, as a former mayor and hockey player, you clearly have considerable experience stick-handling issues through a sometimes challenging political process. Those skills will no doubt serve you well in the Senate from time to time.

As with Senator Forest, our new colleagues bring their own background of knowledge, experience and distinct perspectives. I think you will find that you will call on all your cumulative life experience as you set about your work here.

As parliamentarians we have the privilege and responsibility to legislate on the full range of national issues and concerns that affect Canadians. It is truly an extraordinary opportunity to participate in building our country for our fellow citizens, and for generations to come.

The Senate occupies a distinct place in the Parliament of Canada as one of Canada's "foundational political institutions", as the Supreme Court of Canada said. Senators are deliberately structured to be at a distance from the short-term, sometimes hyper-partisan political arena of the House of Commons, or the "other place" as we refer to it here.

As you are no doubt very well aware, we are also engaged in rethinking how the Senate itself could work better. That is of course very important, but how we do our work should never distract us from the work itself that we are here to do for Canadians.

• (1420)

Senator, my colleagues and I look forward to working with you in the months and years ahead. On behalf of the Senate Liberal caucus, I welcome you to the Senate of Canada.

Hon. André Pratte: Honourable senators, on behalf of the independent senators group and our facilitator, Senator McCoy, I too am pleased to welcome Senator Forest. It is striking to see just how well this new senator's traits align with the needs of today's Senate.

First, Mr. Forest is very in tune with Canadians, which is very useful for the Senate. He has a great deal of energy, which is something we need, not because there is a lack of energy here, but because more energy is always a good thing and something we can really use. Mr. Forest is also very pragmatic.

As Senator Carignan pointed out, Mr. Forest is not the sort of person who seeks confrontation, rather, he seeks solutions. Something tells me that it will be particularly useful to have someone who will search for solutions for today's Senate. Mr. Forest also has a unifying influence. That is another quality we can benefit from.

On behalf of the independent senators group, I welcome you. If there is anything you need, our doors are always open.

Welcome to the Senate.

[English]

SENATORS' STATEMENTS

NEW BRUNSWICK

PRESENTATION OF MILITARY ARTIFACTS TO CANADIAN WAR MUSEUM

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I had the distinct pleasure of attending a ceremony at National Defence Headquarters on November 7 of this year to witness the official presentation of two significant New Brunswick military artifacts to the Canadian War Museum: a Vimy Ridge grave marker of a fallen soldier in the First World War at the Battle of Vimy Ridge, and a Canadian Army Show ventriloquist puppet, otherwise known as Private Willie Whitebone.

Private Willie Whitebone was the stage prop of Sergeant Russell Whitebone, a Saint John native who served in the army from 1941 to 1946. Joined by Private Willie Whitebone, Sergeant Whitebone travelled across Canada, England and northwest Europe entertaining troops as a member of the Army Show, lifting the spirits of all who watched. Still in his Second World War battle dress, Private Willie Whitebone was presented to the Canadian War Museum by Holly Riley, Allan Whitebone and the family.

The other artifact, the Vimy Ridge grave marker, once marked the burial place of Private John Firman Ashe, a New Brunswicker who enlisted with the 104th New Brunswick Battalion in April of 1916 at the age of 25. In November he re-mustered to the 26th New Brunswick Battalion, with which he paid the ultimate sacrifice on April 9 at the Battle of Vimy Ridge. Private Ashe is buried in the Quatre-Vents Military Cemetery in Estrée-Cauchy, France. The original wood cross once marking Private Ashe's resting place was presented to the Canadian War Museum by Jim Landry, Theresa Landry and family. They have kept it in the family since 1917.

Honourable senators, Private Willie Whitebone and Private Ashe's grave markers are now in the caring hands of the Canadian War Museum, where they will be put on display for all Canadians to see. These historically significant military artifacts represent just a small portion of the legacy left by the many brave Canadians who fought for our great country in the First and Second World Wars. We will remember them.

MILITARY AIRCRAFT PROCUREMENT

Hon. Pamela Wallin: Honourable senators, the Government of Canada says it intends to purchase 18 Super Hornets, pending a final decision on a permanent replacement for Canada's aging CF-18 fleet.

The men and women of our Royal Canadian Air Force need the best and safest equipment in order to do what we ask them to do — put their lives on the line, for us. The F-35 is the fighter we need.

Canada is an active and contributing member of NATO and NORAD. As of today, the United States, Australia, Italy, the Netherlands, Norway, Turkey, the United Kingdom and Denmark have all placed orders for F-35s. The consortium includes three of our key intelligence-sharing partners and seven long-time NATO partners. The Danish government itself concluded, through an open process, that the F-35 is cheaper, more efficient and more effective, and they chose it over the Super Hornets.

If Canada is to work and fly alongside our allies, interoperability is crucial. It allows for the same fuels, spare parts, weaponry and signalling, the same training. It ensures effectiveness and seamlessness, and it keeps our servicemen and women safer.

If Canada is to protect its sovereignty, especially in the Arctic, the Super Hornet cannot compete with the proposed stealth Russian jets. The RCAF is the guarantor of Canadian sovereignty, and it needs the right equipment to do the job.

Colleagues, I was critical of the last government for not acting decisively on the purchase of F-35s. While today the government refers to this potential purchase of Super Hornets as an “interim measure,” we all understand that, even if an open competition proceeds, the tendency to take the path of least resistance too often prevails.

We are missing a huge opportunity. Defence procurement is and should be a key part of the innovation agenda and the job creation commitments — good jobs, high-tech jobs.

Canada first became involved with this project back in 1997. The benefit of being part of this consortium is that we, as a country, have already enjoyed spinoff benefits key to our aviation and manufacturing sectors, through offsets, contracts and jobs. The return on investment from those jobs and the intellectual property development would cover the cost of the necessary purchases.

Let's do the right thing and take the decision that will garner respect, trust, outcomes and national security. As the former honorary colonel of the RCAF, I am proud of their service and contributions to Canada's security — but we are a middle power, and we must be able to work with our allies in order to actually produce results. The F-35, for all these reasons and many more, is the way to go. I ask the government to keep its mind open and for its promise of a real competition.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Professor Richard Saillant, who is the director of the Donald J. Savoie Institute at the University of Moncton. He is the guest of the Honourable Senator Mockler.

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

Hon. Senators: Hear, hear!

[Senator Wallin]

[Translation]

RICHARD SAILLANT

Hon. Percy Mockler: Honourable senators, I am a bit nervous to rise to speak today. It is nevertheless an honour for me to congratulate the team at the Canadian Institute for Research on Public Policy and Public Administration, the Donald J. Savoie Institute, of the University of Moncton in New Brunswick. Professor Richard Saillant, Director of the Donald J. Savoie Institute, has just published a book entitled *A Tale of Two Countries: How the Great Demographic Imbalance is Pulling Canada Apart*.

Honourable senators, Professor Saillant said, and I quote:

Population aging is hardly a new topic. . . . this phenomenon can no longer be ignored by any government and yet until recently few people had noticed it.

[English]

Honourable senators, in the book entitled *A Tale of Two Countries: How the Great Democratic Imbalance is Pulling Canada Apart*, by Professor Saillant, in his foreword, Donald J. Savoie, the winner of the Donner Prize for 2015-16, calls the great demographic imbalance “one of the country's most demanding challenges for the next two decades.”

• (1430)

Mr. Savoie goes on to say that Professor Saillant “charts a path forward to ensure our future does not lead to balkanization of the welfare state in Canada.” *A Tale of Two Countries* is a must-read for those seeking an accessible, well-documented analysis of Canada's democratic future.

[Translation]

According to Thomas J. Courchene of Queen's University:

This book will be very welcome in most policy circles. It is clearly very timely and very well written and will have an important policy influence. . . . The demographic analysis is a tour de force.

Honourable senators, if you have not yet received your copy, you will get one in French or in English in the next 48 hours. On behalf of senators from New Brunswick, I thank you very much, Professor Saillant.

[English]

THE LATE JOHN NURANEY

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to honour and remember a close and dear friend of mine: former Member of the Legislative Assembly of British Columbia,

John Nuraney. This week my friend John died, surrounded by his loving family, in Vancouver, British Columbia. I would like to share my memories of John with you today.

When I ran for Parliament in 1993 and 1997, John and his wife Gulshan were a source of encouragement for me. When members of the community tried to discourage me by saying that I should not try to become an MP in Canada as that was not a place for South Asian woman, both John and Gulshan would stand with me and urge me to keep fighting for my dream.

Honourable senators, John, as an immigrant from the Democratic Republic of Congo, arrived in Canada in 1974, and he was one of the proudest Canadians that I know. To this day, I can still remember him telling me about his experience of coming here.

I remember that John had been agitated when speaking about how the Congolese government took all his assets, including his citizenship, before he had come here.

However, in an instant, that agitation disappeared as he smiled and told me, “But now, we are Canadians. No one can snatch our citizenship from us!” In Canada, he achieved a better life for himself and his family.

John always kept that pride for his country, Canada, close to him, especially when he was elected a member of British Columbia’s Legislative Assembly.

As an MLA, John worked hard for his constituents. Whether it was to help families unite, find jobs, or just to listen to the pain and needs of his constituents, John would tirelessly work for the sake of the community.

My thoughts and prayers are with his wife Gulshan, along with his children, Nick, Nimet, Alim, Naseem and George, and his grandchildren, Ilahyas, Jaedym, Ava and Aiden, who were his life and joy.

John, while I know you have left us, your voice and words of encouragement will always remain with us.

I will miss you my friend. Rest in peace.

JOURNALISTS REPORTING IN SYRIA

Hon. Ratna Omidvar: Honourable senators, journalists have been talked about in the last little time in the Senate with some frequency, and I rise today to pay tribute to Canadian journalists reporting out of Syria.

Just this week, a team of journalists with the CBC are reporting from in and around Damascus. Their profession takes them directly to the front lines so that we Canadians and in fact the world can get a clearer picture of this most urgent global story.

It can be easy, I think, to take for granted the information that reaches us from war zones, and it is easy to overlook the lives of people who bring us these stories, but here is who journalists are. They travel in the direction of the battle when I think natural instinct is to flee from it. They leave behind spouses and children and lives. They face directly and personally, with significant consequences on their health, mental and otherwise, the carnage and trauma of war, and yet they continue their work.

We should acknowledge that theirs is a dangerous world. Reporters Without Borders called Syria the world’s deadliest country for journalists. To date in 2016, 10 journalists who have been reporting in Syria have been killed. Yet, journalists — Canadians and others — choose relentlessly to return. We are indebted to them for their pursuit of the truth, especially at this moment in time.

Many voices clamour to tell their own truths about what’s happening in Syria and, depending on the source, casualties are either terrorists, freedom fighters or civilians. Again, depending on the source, targets are military objectives, hospitals or schools. The competing versions of truth cloud our understanding and judgment, so who is one to believe? And in this post-truth world, propaganda and often pure fiction — I think we know this — have a real impact on global politics and decision making.

I think now more than ever we need the eyewitness accounts of Canadian reporters whose courage and creed leads them to war zones like Syria. We need their objectivity, their accuracy and their balance.

And let me make one more submission to you, honourable senators. I think now more than ever we need to recognize our role as legislators in ensuring that Canadian journalists have every protection and freedom to continue shining light into darkness here at home and abroad. If we choose to honour their work in this way it would be very powerful.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Bob McLeod, Premier of the Northwest Territories. He is accompanied by Mr. Gary Bohnet and Mr. Doug Pon, who are senior officials of the Government of the Northwest Territories. They are the guests of the Honourable Senator Sibbeston.

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

Hon. Senators: Hear, hear!

NORTHWEST TERRITORIES

Hon. Nick G. Sibbeston: Honourable senators, I’m pleased to welcome Bob McLeod to the Senate. He has come with his cabinet colleagues, and they make the trip every year en masse to meet with the Prime Minister, cabinet ministers, MPs and senators.

While the three territories — Nunavut, Yukon and Northwest Territories — comprise one third of the land mass of Canada, we are only 0.3 per cent of the country’s total population. What we lack in numbers, we make up with vitality, toughness and our ability to live in a harsh environment.

We occupy a country that is so very cold despite global warming, and it is costly to provide the services and infrastructure for people in the North. The government is constantly working and challenged to provide basic services and infrastructure for its people.

The premier and cabinet are here to seek financial assistance to provide infrastructure for people in the North. They also give advice to the federal government in terms of how things should be done in the North because southern people don't always know how to function and do things in the North.

We are a land of ice, icebergs and the Northern Lights. As Christmas arrives, I want to remind senators that we are a land where Santa Claus lives. Mr. McLeod has told me that he has consulted with Mr. Claus, and if he is denied anything from the government and doesn't go back with a full sack, Santa Claus may not come to the South. The government needs to recognize this. For the sake of the world and all the young children in our country, the government must be generous and provide all the things that Mr. McLeod wants.

• (1440)

[Translation]

ROUTINE PROCEEDINGS

INCOME TAX ACT

BILL TO AMEND—EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Larry W. Smith, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 23, 2016

The Standing Senate Committee on National Finance has the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-2, An Act to amend the Income Tax Act, has, in obedience to the order of reference of October 6, 2016, examined the said bill and now reports the same with the following amendment:

1. *Clause 1, page 1:*

(a) Replace lines 16 to 21 with the following:

“paragraph (a), plus

(i) 16.5% of the amount by which the amount taxable for the year exceeds \$45,282, but is equal to or less than \$52,999, and

(ii) 20.5% of the amount by which the amount taxable for the year exceeds \$52,999;

(c) if the amount taxable is greater than \$90,563, but is equal to or less than \$140,388, the lesser of

(i) the maximum amount determinable in respect of the taxation year under paragraph (b), plus one-half of the amount by which the amount taxable exceeds \$90,563 for the year, and

(ii) the maximum amount determinable in respect of the taxation year under paragraph (a), plus 22% of the amount by which the amount taxable exceeds \$45,282, but is equal to or less than \$90,563, and 26% of the amount by which”; and

(b) replace line 26 with the following:

“under subparagraph (c)(ii), plus 29% of the amount by which”.

Respectfully submitted,

LARRY SMITH
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON NOVEMBER 29, 2016

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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 29, 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.

[Senator Sibbeston]

[English]

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, November 28, 2016 at 6 p.m.;

That committees of the Senate scheduled to meet on Monday, November 28, 2016 be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended on that day.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber Tuesday, November 22, 2016, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

MOTION IN AMENDMENT WITHDRAWN

Hon. Scott Tannas: Thank you, very much, Your Honour.

Honourable senators, I wonder if I could have leave of the Senate to speak briefly on a matter of house business and then to make a proposal that, if it is acceptable to all senators, would have the effect of allowing us to deal with the substance of Bill S-203, Senator Moore's bill, when we get to Senate public bills, second reading.

The Hon. the Speaker: Is that agreeable, honourable senators?

Hon. Senators: Agreed.

Senator Tannas: Thank you very much.

Yesterday afternoon was a little bit fluid, and as a response to that I proposed what is known as the hoist motion, and we subsequently deferred the vote to today. The objective of that was to allow some time for discussion and reflection in response to what was unrehearsed and unexpected. We had hoped that over the course of today we could come to some kind of a conclusion that would resolve the situation, and I am pleased to say that I think we have done that.

For these reasons, I would like leave, now, to do two things: first, to cancel the deferred standing vote relating to my hoist amendment on Bill S-203; and second, to withdraw the hoist amendment entirely. If this proposal is agreeable to all of us here, the effect would be, then, that we would be able to deal with Bill S-203, Senator Moore's bill, when it comes up under Senate public bills, second reading.

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

Hon. Senators: Agreed.

(Motion in amendment withdrawn.)

The Hon. the Speaker: Before proceeding, I must inform honourable senators that should Senator Moore proceed to speak for the second time, it will close debate on this matter.

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Dawson, for the second reading of Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak in final reply to Bill S-203, the ending the captivity of whales and dolphins act.

This bill proposes to phase out the captivity of whales, dolphins and porpoises in Canada, with an exception for rescues and rehabilitation. The bill would achieve this result by exercising the federal powers over international trade, animal cruelty and marine mammals in coastal waters.

I've argued that keeping whales in display tanks is an unjustifiably cruel practice; others have disagreed. Thankfully, the Senate of Canada is a place where such debates can take place. I too offer my thanks to members of the chamber for their patience in our deliberations yesterday. I hope that this place continues to operate under the principles of respect and civil dialogue by which we are all bound.

The question before us — Should whales and dolphins be kept in display tanks? — is a moral one, but it must be informed by scientific evidence. Collectively known as cetaceans, these creatures constitute a distinct biological group. They share characteristics such as high-level intelligence, emotions, sociability, complex communication ability and roaming lifestyles. In the view of many, such characteristics oblige us to extend these creatures moral consideration.

• (1450)

That is why Bill S-203 seeks to grant whales and dolphins reasonable protections under Canadian law. Specifically, Bill S-203 seeks to protect them from suffering the harms of captivity.

Those harms include confinement, isolation, health problems, reduced lifespans, high infant mortality rates and sensory deprivation, which must be acute for creatures that experience the world through echolocation.

If Bill S-203 passes, the live captures of whales and dolphins will be illegal except in the case of rescued species. As well, the trade and captive breeding of live cetaceans will be prohibited, and live entertainment shows will require a provincial licence.

In this chamber, the main objection to Bill S-203 has been the claim that it will interfere with scientific research that is crucial for conservation efforts. Even if this claim was sound, and it is not, the research argument mischaracterizes the captivity industry.

The vast majority of captive whales and dolphins in Canada play no role in scientific research. Over 50 beluga whales and dolphins, and one isolated orca, are kept at Marineland, an amusement park in Niagara Falls. Their purpose there is exclusively for entertainment. Phil Demers, a former head trainer at Marineland, told us that the whales are trained using starvation and fed fish containing Valium. I mentioned this previously and would have expected opponents of Bill S-203 to comment.

The Vancouver Aquarium has a much smaller operation. They hold only four cetaceans. Of these four, three were rescued and retained because they could not be released into the wild, which this bill would continue to allow. The remaining beluga, Aurora, was captured near Churchill, Manitoba, in 1990. She was taken from her family in the wild to be used for captive breeding with American theme parks, where the Vancouver Aquarium has additional whales on loan. Aurora has witnessed the death of all of her offspring, including Qila, who died last week. Aurora, we found out yesterday, is dying in the Vancouver Aquarium as we speak. The staff of the aquarium is of course doing what they can, but the fact remains that Aurora has spent her life in captivity for the purpose of breeding and entertainment and will also die in captivity.

Honourable senators, whale captivity is not primarily about research; it's about revenue. Perhaps that is why many scientists, including Dr. Jane Goodall, oppose the captivity of whales and dolphins. As you know from a letter I circulated, 20 world-renowned marine biologists have endorsed Bill S-203. I will read from that letter:

[Toothed whales, dolphins and porpoises] are among the most intelligent and socially complex mammals. As marine mammal biologists, we believe that [these] species inherently cannot fully adapt to confinement in zoos and aquariums. All [these species] are wide-ranging and share certain biological and ecological characteristics that do not allow them to thrive in zoos and aquariums, and this is particularly true for the larger species such as orcas.

The letter continues:

When dolphins were first commercially displayed to the public some 80 years ago, the world knew little about their ecology and behaviour. Much of what researchers have

learned about [them] in the following decades came from studying them in captivity. However, studies on free-ranging animals, starting in the late 1960s and early 1970s and continuing to today, have greatly expanded knowledge on [toothed whale, dolphin and porpoise] biology and ecology. At a minimum, the maintenance of [these species] in commercial captive display facilities for entertainment purposes is no longer supported or justified by the growing body of science on their biological needs.

Honourable senators, this letter should be enough to send this bill to the Committee on Fisheries and Oceans. But there is more.

Dr. Sidney Holt, another supporter of Bill S-203, is one of the most influential marine biologists of the 20th and 21st centuries. Dr. Holt helped end commercial whaling and has held senior positions at the United Nations, the International Whaling Commission, and the University of Cambridge. In support of this bill, Dr. Holt wrote the following:

The aquarium industry attempts to justify the captivity of whales and dolphins as a means of "obtaining crucial scientific knowledge" for their conservation, but this is generally false.

I do not know of a commercial or other public aquarium where it could be justly claimed that its activities were important for the conservation of the species it held. There are certainly interesting observations that have been made but not, as far as I know, any that have contributed meaningfully. Claims that research performed on captive animals is for their benefit are specious, at best.

Captivity is by no means a requirement for us to continue to learn about these animals. There are, in fact, other proven, more ethical ways of performing research with whales and dolphins that do not require a life in captivity and are more likely to provide information that is directly relevant to their life in the wild. For example, I and many others have conducted productive research on bottlenose dolphins in lagoons, from which they could escape, and return, at will.

In the case of highly migratory cetaceans such as belugas, who are used to traveling vast distances, to be held in ponds, pools, and tanks is, I think, a special form of cruelty. No one has ever produced a compelling reason to justify such treatment — certainly not a scientific or conservation-based reason.

As I said, Dr. Jane Goodall has expressed support for the policies contained in Bill S-203, and I quote her:

The current permission of Vancouver Aquarium [beluga] breeding programs on-site, and at SeaWorld with belugas on loan, is no longer defensible by science. This is demonstrated by the high mortality rates evident in these breeding programs and by the ongoing use of these animals in interactive shows as entertainment. . . . The phasing out of such . . . programs is a natural progression of human-kind's evolving view of our non-human animal kin.

We should hear from all sides on this issue. I hope to see a thorough scientific debate at the Fisheries and Oceans Committee, with experts presenting and testing the evidence. I want to hear what the scientists have to say, particularly to each other.

I also hope Marineland will welcome the opportunity to publicly describe the social value of its activities. It is worthy to note that the State of California passed a law similar to Bill S-203 on September 13, 2016, and that SeaWorld supported that legislation.

Currently, Canada's criminal laws prohibit cruelty to animals, including specific practices such as fighting or baiting animals, or releasing birds and then shooting them. Bill S-203 would prohibit additional particularly cruel practices, namely breeding cetaceans or taking new individuals into captivity, except for rescues. As with other animal cruelty laws, this is a moral condemnation of a cruel practice with an appropriate sanction.

For the record, I would support the committee amending the penalty to a summary conviction with a substantial fine, sufficient to deter and condemn the keeping and breeding of cetaceans in captivity. Further, if the committee does not believe breeding whales constitutes animal cruelty, I expect the committee will exercise its independent judgment. The other restrictions proposed in Bill S-203, notably imports and exports, require no changes to the Criminal Code. That is my position, which is now on record.

No legal expertise is required to determine whether cetacean captivity is cruel. Colleagues, this is a moral and scientific question, and the Fisheries and Oceans Committee is best positioned to make that assessment.

Supporters of Bill S-203 include Dr. Marc Bekoff of the Jane Goodall Institute; Gabriela Cowperthwaite, Director of the CCN-distributed documentary *Blackfish*; Ric O'Barry, the former trainer of Flipper and subject of the Oscar-winning documentary on dolphin drive hunting, entitled *The Cove*; the Canadian Federation of Humane Societies; the British Columbia Society for the Prevention of Cruelty to Animals; three ex-trainers from SeaWorld in the United States; and Zoocheck Canada.

Vancouver Mayor Gregor Robertson has publicly opposed captive breeding, and Niagara Falls Mayor Jim Diodati has called for a graduated opportunity for Marineland to reinvent itself.

And because individuals like Phil Demers and Vancouver's Gary Charbonneau have worked tirelessly to get the word out, 5,775 Canadians have petitioned the House of Commons to pass this bill. An internationalchange.org petition has over 27,000 signatures, and Elizabeth May of the Green Party looks to receive this bill as sponsor in the other place.

I now ask that the Senate make a decision on second reading. In doing so, I only ask that this bill on its merit receive fair and timely consideration, and be put to a free vote.

The question is whether, in 2016, we should keep whales and dolphins in display tanks for the primary purpose of human entertainment.

• (1500)

I submit that, if we continue to allow these intelligent, empathetic creatures to be owned and sold, we place ourselves on the wrong side of history.

Please consider the evidence and search your hearts. I think you'll find that whales and dolphins deserve to live free lives, among their kind, in the open sea.

Your Honour, if you would, the question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator Moore, bill referred to Standing Senate Committee on Fisheries and Oceans.)

SENATE MODERNIZATION

FIFTH REPORT OF SPECIAL COMMITTEE— DEBATE SUSPENDED

On the Order:

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

Hon. George Baker: Honourable senators, just a couple of words concerning this particular report. As honourable senators know, I don't have a prepared speech today, but I'd like to pay special tribute to this in excess of 40 senators who spent three days discussing what needs to be done as far as the Rules are concerned in the Senate. This happened last year. It was organized by Senator Massicotte and Senator Greene, a sitting Liberal independent member and a Conservative member. Over 40 senators responded to a questionnaire, and it was quite dramatic in the questions on which 100 per cent of the senators agreed.

Let me preface my point — my point is quite simple — by saying that, every day, as you all know, I read case law. The committees of the Senate are referenced many more times than committees of the House of Commons. In fact, for one three-month period recently, Senate committees were referenced 17 times more than committees in the House of Commons.

In case law, that means not just our provincial courts, our superior courts, our courts of appeal and the Supreme Court of Canada, but all of the tribunals and quasi-judicial bodies and boards that make decisions on a daily basis in Canada, and they reference Senate committees because of two things. First, the special reports that Senate committees do; and second, especially in our courts, it relates to the intention of Parliament on passing legislation.

In the mid-1990s, there was a study published by Elmer Driedger and Ruth Sullivan. I always ask the Clerk because the Clerk is very knowledgeable in this area. He has published an incredible amount concerning legislation and the Parliament of Canada. The result of that interpretation of statutes was that one would judge a law based on what the normal intention is but also what the intention of Parliament was in passing the law.

Let me illustrate the point. In the last two months, the Alberta Court of Queen's Bench, Superior Court of Alberta, 2016, 391, references, at paragraph 126, the Standing Senate Committee on Banking, Trade and Commerce.

The Tax Court of Canada, 2016, TCC 173, at paragraph 240 and 241, again, it's the Standing Senate Committee on Banking, Trade and Commerce.

U.S. Steel, that case before the Ontario Court of Appeal, 2016, 662, and they reference, again, a report done by the Standing Senate Committee on Banking, Trade and Commerce.

Then we have the Federal Court, 2016, 4,937, references the Standing Senate Committee on Agriculture and Forestry.

We have the Alberta Court of Appeal, on November 15, that was just a couple of days ago, and they reference the intention of Parliament. They quote, at paragraph 104, the Standing Senate Committee on Legal and Constitutional Affairs and their proceedings of Wednesday, February 20, 2008. The Supreme Court of Canada, in this judgment, quotes a report by the Senate on debtors and creditors sharing the burden.

The Supreme Court of Canada, this year again, 2016, 22, references something that's coming before Parliament now, 159 of the Criminal Code. They reference the background and history, and they go back and say, at paragraph 81:

... An explanatory note added by the Standing Senate Committee on Banking, Trade and Commerce, to which the initial bill was referred, indicated that. . . .

And then it continues.

We have *R. v. Summers*, the Supreme Court of Canada again, the intention of Parliament under that heading, referencing the standing committee of the Senate.

We have the Superior Court of Quebec, 2016, 588, referencing procedures. In this case, one of the intervenors was the Honourable Serge Joyal, but it references questions put by Senator Joyal to Professor Andrew Heard before a standing committee.

• (1510)

The Saskatchewan Court of the Queen's Bench 2016, 245 references the Senate standing committee. The Federal Court 2016 80 references the Standing Senate Committee on Social Affairs, Science and Technology. They go into the questions and answers of senators during that committee report and then a special report of that standing committee.

On September 9, 2016, the Ontario Court of Appeal references the intention of Parliament, and they reference the Senate. The Trademarks Opposition Board, a rather peculiar board under the Trademarks Act, referenced — I'm not going to go into it because Senator Frum is quoted here liberally, as is Senator Eaton. I don't know what these matters concern, but I'm sure that Senator Frum would know. Regardless, these were speeches given here in the Senate.

Senator Mockler was in the chamber a few moments ago. What's known as the Mockler report is the "bee report." Here we have the Superior Court of Quebec on September 8, 2016, giving a decision on whether that Senate report could be admitted into evidence. I want to congratulate Senators Maltais, Mercer, Beyak, Dagenais, Gagné, Merchant, Ogilvie, Oh, Plett, Pratte, Tardif and Unger. They are members of that committee.

There is another case as well that starts off by saying that the issue has, in fact, given rise to an investigation and a report of the Canadian Senate.

Then I go to one just the other day where a provincial court in Saskatchewan is dealing with an 11(b) argument. We have all heard of these cases where persons who are convicted of very serious violent crimes are having their entire case thrown out — stays of proceedings, subsection 11(b) of the Charter. And the Senate committee is examining this. In this provincial court decision of October 17, 2016, *R. v. Park*, 2016, SKPC 137, the judge starts off by quoting the Supreme Court of Canada for one page in *R v. Askov*, Justice Cory, and then goes on for three entire pages and quotes:

In August 2016, The Standing Senate Committee on Legal and Constitutional Affairs released its interim report

That's how up to date we are in the Senate with our contribution to case law in Canada on a daily basis.

That's the role of the Senate, as far as I can see; that's the primary role. It's a role that the House of Commons no longer has. They've abrogated their responsibility as a legislative body. We'll soon see bills enter here that have deemed to have passed second reading, deemed to have been sent to a committee, deemed to have been reported and deemed to have been read a third time. Nothing happened to those bills. You'll see the list pretty soon. Christmas is coming up, and it's up to the Senate to provide that interpretation in our committees.

Now, why am I suggesting all of this? Why am I mentioning this? It's to make one point. The meeting we had here last year with over 40 senators attending was unanimous on two things. The first was to do away with Question Period. One was to

eradicate not one single senator, and they all signed on the dotted line. Senator Greene and Senator Massicotte, if he were here, could give testimony to that. It's their report.

They said they wanted to get rid of politics in the Senate.

Senator Cools: Hear, hear.

Senator Baker: That's number one.

Second, they wanted more time in the Senate dealing with our committees.

It's rather embarrassing sometimes when you go to a university and you're talking to a group of students — 200 to 300 people — and I've got another one scheduled for January — and somebody pops up and asks me about a report of the Senate, and I have to say that I didn't sit on that committee. Usually, I don't know what the content of that report is.

People who belong to committees here know what is going on in those committees. The general opinion of those senators who met was that that period of time, Question Period, should be devoted to committee period and have a total examination of what's going on in our committees — the real value of the Senate.

Over the years, I've noticed that what we have now is a Senate that has contributed more to case law than any other Senate in our history. We're quoted more, and we're used more. Now with these new senators, that's going to increase because of the expertise of our new senators.

So my simple message is that in the reorganization of the Senate, we devote more time to our committees, expunge Question Period from the procedure of the Senate — expunge it — look at the real value — our contribution of the Senate — and on an urgent basis make sure that the independent members are a part of our standing committees.

Thank you.

Hon. Pierrette Ringuette: Senator Baker, would you take a question?

Senator Baker: Yes.

Senator Ringuette: As usual, thank you, Senator Baker, for a very thoughtful speech.

I understood that you're speaking to the fifth report of the Special Senate Committee on Senate Modernization. That fifth report was tabled in the Senate Chamber on October 4. That's a month and a half ago. From that specific report, let me read the following:

That the Senate direct the Committee on Rules, Procedures and the Rights of Parliament and the Committee on Internal Economy, Budgets and

Administration to draft amendments to the *Rules of the Senate* and the *Senate Administrative Rules* by 30 November 2016 —

— not 2017. It was essentially respecting a grouping of nine senators and recognizing them as either a caucus or a group in regard to the *Rules of the Senate* and in regard to the *Senate Administrative Rules*.

Today, Senator Baker, we are November 23. The deadline for the Committee on Rules and Internal Economy for SAR only have one week in regard to the recommendation from a bipartisan committee of this chamber on Senate modernization.

So, Senator Baker, what do you think about this — that the committee recommended on October 4 that all these changes be implemented by the Committee on Rules and —

The Hon. the Speaker pro tempore: Senator Baker, do you require more time to answer the question?

Senator Baker: Yes.

The Hon. the Speaker pro tempore: Five minutes, colleagues?

Hon. Senators: Agreed.

Senator Ringuette: Senator Baker, may I go to my question?

On Tuesday, October 4, a mixed, bipartisan committee of the Senate recommended that the Committee on Rules and the Committee on Internal Economy, by November 30, which is a week from now, have all these rules in place recognizing a group of nine or more senators to be a parliamentary group and also to allow for the financing of such a group.

• (1520)

Senator Baker, do you think that, in the Rules Committee or Internal Economy, if a question was asked today — because they only have one week to fulfill the recommendation of the Modernization Committee — they would have time to fulfill that recommendation?

Senator Baker: First of all, I spoke on this particular subject because I was told to by my friend to my right there, and I didn't really look at the content of the motion. All I looked at was modernization of the Senate. That's the first point.

Second, to address your direct question, of course, that requires a motion. This requires a motion of the Senate, and if the Senate were to pass that motion today, in fact, the Rules Committee would be ordered to do it. In the Rules Committee, there's no appeal. A decision of the Senate is not appealable to any other body, including the Supreme Court of Canada, or anyone else. It stands all by itself, so the question is: Will this motion be adopted to force the Rules Committee to accommodate a recommendation that's on the Order Paper?

That's the question, and of course if any other senator wishes to speak on this subject, I'm sure they will stand after I finish and say, "I will take the adjournment of this debate."

Hon. Nick G. Sibbeston: Honourable senators, I wanted to say a few words on the subject and also, at the same time, talk about the changes that are occurring in the Senate. It is becoming very much like the legislature of the Northwest Territories, because there is less and less partisanship and political parties are becoming less relevant. In many ways, it's becoming a better Senate because people can speak independently without worry about partisanship and whether they are stepping beyond the bounds of their ideology and so forth.

If you look at the Legislative Assembly of the Northwest Territories, we have no political parties, and it works very well. Issues are dealt with on their merit and goodwill is generally shown, despite differences. Generally, eventually, consensus is arrived at. It's called a consensus government. It's like a combination of the Aboriginal, Dene and Inuit ways of making decisions linked with the British Westminster model.

In my view, while we're in this transition, while we are going through this process of the Senate becoming better, more respected and more relevant, you can look to the North, and I think in this way we in the North can give something to Canada, the national institution.

We always think, sometimes, that everyone in the South is so smart and everybody in the South is more sophisticated.

An Hon. Senator: Oh, no, no.

Senator Sibbeston: No? I didn't know that. I always thought coming from the North, I was shier and less, maybe, confident in myself, and always thought that people in the South are so much more sophisticated and smarter than me. But not so, apparently. Well, thank you for that, then, I'll feel better about myself, and I'll tell the people of the North.

I know over the years there have been many discussions and initiatives to modernize the Senate, and I know the Prime Minister wanted to make some changes on a constitutional basis. However, they didn't really materialize, and that's interesting. I'm not being partisan. I'm just recognizing that Prime Minister Trudeau made the most significant changes in the least little way, in a sense, by just kicking the Liberal senators out of their caucus. Some people didn't like it, but I thought it was great. It just means that Liberal senators would be less partisan, less bound, less tied to the government so that we could be much more independent. And I think that has worked well.

I remember years and years where I saw the fighting between the parties, and the silliness. In the North we could never understand how big people, mature people, can act and behave the way they do, as I saw in the Senate at times. That's the case in the other house too, and even more so, maybe. Here we tend to be gentler and a little more mature. Maybe we have the odd nap, but it can be the place of sober second thought that Canadians have meant it to be.

So now instead it seems like we are leaning toward having a government in the Senate. We have the Government Representative in the person of Senator Harder who has to use

persuasion to get things done. I'm not aware there is any whip process or any suggestion that anyone follow or support government bills. In this regard, I find the changes very good.

I do like the freedom of the Senate. It's becoming more so that way. You can say anything you want without any constraints, and I can speak on behalf of the people of the North in a true, honest fashion without worrying whether I am toeing the party line or whether I'm saying anything untoward and being critical of the government. I like that aspect. The Senate is becoming that way, and I like it very much.

I came into politics when I was young, in 1970. I was elected to the territorial council which, at that time, was a body consisting of federal appointees and elected people. There were nine elected and five appointed members, and the commissioner at the time was the big government. He was the guy that governed the North, in a very Santa Claus kind of manner. He was gentle, kind and really tried to do good for the people of the North, so he has left a good legacy, but unfortunately he died just a few years ago. This was Mr. Stuart Hodgson.

Right from the beginning there was never any political partisanship. If there was any opposition, it was to the federal bureaucrats — the federal government people — that were on the territorial council. We from the North elected people we felt had the voice and feelings of the people, and we could speak about it and put it into action in terms of government programs and ways of doing things.

The federal government it seems, though, was always a hindrance. We have a long history of eventually kicking out the federal bureaucrats and taking over the government to the point now where we have an elected, truly responsible government. Bob McLeod was here today, the Premier of the Northwest Territories, and so we have gained a lot, and we made great advancements in the North, without partisanship.

The Hon. the Speaker: I'm sorry to interrupt you, Senator Sibbeston, but it's almost 3:30. The minister has arrived and you will have the balance of your time when debate resumes tomorrow. The debate will not be adjourned. The balance of Senator Sibbeston's time remains until tomorrow, after which it can be adjourned or there can be further debate.

(Debate suspended.)

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Jane Philpott, the Minister of Health appeared before honourable senators during Question Period.

The Hon. the Speaker: Honourable senators, I wish to advise that pursuant to the order adopted, the Honourable Jane Philpott, P.C., M.P., Minister of Health is with us today to partake in proceedings by responding to questions relating to her ministerial responsibilities.

As the case in past weeks, colleagues, I would ask that you limit your questions to one and one supplementary as we have a fairly lengthy list of senators who wish to ask questions of the minister. Minister Philpott, welcome.

• (1530)

MINISTRY OF HEALTH

DEMENTIA

Hon. Kelvin Kenneth Ogilvie: Minister, thank you for being with us today. As you are aware, the Standing Senate Committee on Social Affairs, Science and Technology tabled its report on dementia last week. I am pleased to say the Senate endorsed that report last evening.

It was an extensive study, one which heard from a broad range of experts, including medical professionals, researchers, dementia advocacy groups, organizations and most importantly from patients themselves.

As a medical practitioner, you will be aware of the challenges ordinary Canadians and their families face when struck by a dementia diagnosis.

The number of Canadians with dementia is set to rise to 1.4 million by 2031.

Have you been briefed on our report, and do you have a personal opinion on our call for a national strategy on dementia and the 29 recommendations we put forward to support such a strategy?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for the question. I want to say to all honourable senators, it's a privilege to be here this afternoon, and I thank you for your interest in addressing matters of health. I particularly want to welcome the new senators in your midst. It's a privilege to work with you all.

Thank you for your question on the matter of dementia and for your great leadership on the committee in addressing health over a number of years on so many important issues.

The matter of dementia is something I am absolutely concerned about, both in my capacity as a health care provider for more than 30 years, and, as you may have heard because I made it public last week, that my own father suffers from dementia. I understand in all of those respects, of course, the tremendous challenge that people suffering from dementia and their families face. In my capacity as Minister of Health, it will be my honour to work with you and others to address the needs of Canadians and their families who are suffering from dementia.

The report from the Senate committee is helpful, and I have had a preliminary briefing and discussions with my staff. I look forward to working with you on the recommendations.

You may be aware there has been discussion in the other place about the matter of a national or pan-Canadian approach to

dementia, and that's something we have been supportive of. I will be honoured to work with you on that in the days and months to come.

[Translation]

CANADIAN FOOD INSPECTION AGENCY— BOVINE TUBERCULOSIS

Hon. Claude Carignan (Leader of the Opposition): Thank you, minister, for joining us today. The question I want to ask you is extremely important and falls under your jurisdiction as the minister responsible for the Canadian Food Inspection Agency.

As you know, over 30 farms in southwestern Alberta and two farms in Saskatchewan have been placed under quarantine following the discovery of cases of bovine tuberculosis. News of this magnitude is disastrous, particularly at this time of year when ranchers are selling their animals. That is their main source of income. These ranchers are forbidden from selling their calves while quarantine is in effect, but they still need to feed their herds. Farmers whose herds have been destroyed are eligible for federal compensation, but not those whose farms have been placed under quarantine.

Minister, the agency began its investigation on September 22 and no one can say how long it will take. This is a major issue. In fact, I am going to request that the Senate have the Senate Agriculture Committee hold a special sitting on this subject in the coming days. How long will the Canadian Food Inspection Agency's inspection go on, and what is the deadline for companies under real threat?

[English]

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you, senator, for the question. It is a matter of serious concern, and I have been in discussion with my colleagues, the Minister of Agriculture and Agri-Food about this matter. As soon as I became aware of this issue, I asked for a briefing from the new president of the Canadian Food Inspection Agency to be sure I understood the details of the situation.

The lead on this issue in our government is the Minister of Agriculture, and I spoke to him about it today. I know they are working very hard to address the matter. As honourable senators will understand, it's important that tuberculosis has been found in the herd, and obviously this needs to be taken with the utmost seriousness to be sure there is no spread of this illness. But that needs to be balanced with recognizing the challenges the ranchers will face.

I believe your approach to making sure there is an urgent study on this matter is a good approach. I have called for the CFIA to work with the utmost urgency to make the appropriate inspections of these other herds as quickly as possible to address these economic challenges. Obviously, the economic realities faced by ranchers will need to be brought into the conversation as we go forward.

[Translation]

Senator Carignan: Can the minister confirm that ranchers will be compensated? The fact that their cattle are under quarantine is

beyond their control. They are the victims of very specific circumstances and should be compensated.

[English]

Dr. Philpott: I thank the honourable senator for his question. I have to say that we are obviously aware of the concern in this area and that it is not the fault of the ranchers. Once again, the health concerns of the livestock need to be taken with the utmost seriousness.

At the same time it will be recognized that there is an economic challenge for those involved. I will be very pleased to work with other members of my government, including the Minister of Agriculture and Agri-Food, as well as other members who will make decisions related to the matter of compensation.

MENTAL ILLNESS

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Welcome. It is nice to have you with us.

According to the Mental Health Commission of Canada, 500,000 Canadians are unable to work in any given week due to mental health problems.

In your role as Minister of Health, I understand that you have to respect and support the provinces in the delivery of health care.

But the federal government does play an important role in setting standards for effective and appropriate health care for Canadians, especially for groups such as First Nations, refugees, Canadian Forces members and veterans, and inmates in federal prisons who fall under federal jurisdiction.

Yesterday, I met with the Canadian Nurses Association, whose delegates highlighted the mental health issues faced by more than 8.1 million Canadians who perform care giving duties.

Last week we heard from members of the Canadian Alliance of Student Associations, who emphasized the increase of mental health disabilities among post-secondary students in Canada.

In the Standing Senate Committee on Human Rights, we have heard from refugees and community organizations on the front-lines, which are not receiving the appropriate resources to address a very real and unique mental health issue facing Canadian newcomers.

Can the minister tell me what the government is doing to support the segments of the population that are battling mental illness and the community organizations on the front-lines assisting Canadians in the most vulnerable populations?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for raising the issue of mental health. This is an issue that I

consider one of the most important issues within my mandate, to play the appropriate role we should as a federal government.

I have to commend the Senate, because I know this is an issue that has been addressed repeatedly, including some excellent reports that have come out of the Senate in years gone by, and I believe we owe it to the authors of those previous reports to act appropriately on many recommendations, which I don't think have been adequately fulfilled in the past.

You have raised the matter of statistics related to mental health. I like to say that even though statistics say that one in four or five Canadians is affected by mental illness, I believe that every Canadian is affected by mental illness. I don't go to any gatherings where I can find people who haven't had a friend or a colleague or a family member who has been affected by mental illness.

• (1540)

It affects us deeply. It is an economic tragedy, \$50 billion of lost productivity due to mental illness. We have to, as a whole society, do better in this regard.

I won't have time to go into all of the details. It's a topic that I'm very interested in and would be very pleased to speak with you about again.

You talked about, for instance, our responsibility within the First Nations and Inuit Health Branch, which does fall within my portfolio. We were able to make some investments in mental wellness this year, in the order of \$69 million of commitment to raising the number of mental wellness teams and mental health crisis teams, which has been met with, I think, a good response, but it's still insufficient. I will be the first to acknowledge that. I have also been working very hard with my colleagues in the provinces and territories, who, of course, have the bulk of the responsibility for the delivery of mental health services in this context, to let them know that that's an area we would be interested in working with them on and supporting them in through the negotiation of our new health accord. It was, in fact, one of the mandate priorities that the Prime Minister gave me, to make sure that we find ways to support our colleagues in the delivery of better mental health services.

You also raised the important matter of caregivers and first responders and so many people who are affected by the fallout of mental illness. There is much work to be done in this regard, and you certainly have my commitment to work with you and, as I say, to work on putting into place steps that will actually act on Senate recommendations of years gone by that have not been adequately addressed.

MEDICAL ASSISTANCE IN DYING

Hon. Frances Lankin: Thank you, minister, for joining us. I would like to raise a question with respect to Bill C-14. After passage in both houses of Parliament, the legislation was given Royal Assent on June 17. In particular, I wanted to ask a question with respect to section 9.1(1), which is the provision for independent review of requests by mature minors, advanced requests and mental illness.

[Senator Carignan]

As you will recall, we had discussions about those areas, and, not contained within the reference, we had discussions about those people with disabilities and a need to understand, in the circumstances of those populations and the vulnerabilities experienced by many members of those populations, how advanced requests for medical assistance in dying would, in fact, be able to apply to them. This is at the crux of some of the concerns that many of us had about the full Charter compliance of Bill C-14 as it was amended and then passed. I wondered if you could give the chamber an update on where we are at with launching those independent reviews?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for that question. It brings back memories of the last opportunity that I had to meet with you here to discuss this very important matter. I have to commend honourable senators for your good work on this particular issue. It is something that was obviously challenging, but, I think that, in working together, we certainly found a place where we know now that Canadians are able to access medical assistance in dying. While there have been some challenges along the way, we have received, overall, some very good reports of how it has supported Canadians and allowed them to have that access that they require. We did make a commitment, through the legislation, to develop a review process for those issues where we felt that there was insufficient time to fully address them as they deserved. I'm happy to let you know that, in fact, my department has recently come to me with some proposals. I asked them to do an analysis, along with my colleagues in Justice, around what particular organizations might be able to provide the guidance in those reviews. I believe that we will very shortly be able to make a public announcement as to the details of what that review will look like, but we have certainly been active on this. I will be pleased to get back to you with the specifics of the details. I want you to know that there is work being done on this.

Senator Lankin: Supplementary to that question, of course, the provision calls for the reviews to be launched within 180 days, and I'm sure you're aware of that. That deadline is coming up in a matter of a few weeks. I'm interested to know whether, given the role of joint parliamentary committees in the history of this piece of public policy and leading to the enactment of Bill C-14, whether or not, in the review, you will involve parliamentarians from both houses, along with expert groups. I'm also interested to know whether or not you are doing the further work that was promised to look at the definition of who is eligible. As you know, based on some of the concerns around Charter compliance, there is an area that I think you undertook, not in the legislation but in general, to continue to review and to understand, together with the provinces and the regimes, that need to be put in place to better understand how the barriers to access that still remain for many Canadians who are in grave need of access to this right will be examined, addressed and hopefully removed.

Dr. Philpott: Thank you again for your interest in this. I know that it's an issue that there is a tremendous amount of interest in, both in the Senate and in the other place, and I believe that we need to find mechanisms to make sure that parliamentarians can contribute appropriately to the review process. I look forward to discussing that with you in detail in the weeks to come. I think the other thing that you will be pleased to hear is that the very questions that you have raised in terms of eligibility will be addressed in the terms of reference of the review process so that we can ensure those very questions, which were perceived to be the most difficult, will be properly addressed by this review.

OPIOID CRISIS

Hon. Vernon White: Minister, thank you for coming today and taking my question.

In April of this year, we brought forward a bill to make the precursors of fentanyl illegal to possess without a permit. Two months later, that bill was passed unanimously in this place. Thank you to honourable senators.

In August, I was informed by your office that the ingredients will be listed by the government, which will take place early in 2017, rather than using the legislative process. It took six months to take action, and then only after it was passed by the Senate. Minister, two people are dying every single day as a result of illegal fentanyl overdoses in British Columbia alone. That figure is expected to reach 700 this year, just in the province of British Columbia.

It caused the Minister of Health in B.C. to ask if we would be so slow if this were occurring in Ontario. In fact, some will suggest that up to seven people will die every single day in Canada from fentanyl overdoses.

Police organizations are saying that they see fentanyl in virtually every illegal drug seized. From China to the streets of our cities and towns, illegal fentanyl is killing Canadians daily. Six months after a bill to help in the fight against fentanyl, we will see a small step by listing ingredients, but, minister, how many people have to die before the federal government takes action against suppliers overseas, China in particular, action against distributors in Canada in relation to pill presses and fentanyl manufacturing and action in support of addicts on our streets, with real solutions like replacement therapy?

As I said, two people a day are dying in British Columbia, but we are waiting. What are we waiting for? What are we going to do to combat this national tragedy? How many people will have to die? We need action today because people will die today as a result of this.

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you, senator, for this question and for your very hard work on this matter. I share with you a deep concern for the serious and exponentially growing crisis being faced across the country but, in particular, in areas like British Columbia, which is truly the epicentre of the opioid crisis.

In fact, I want to assure you that my department and I are working on this, and I can tell you that, every single day, these matters are being addressed and that we are moving forward on it. I can give a long list of the things that have been done to date, including one of the very early decisions that I made as Minister of Health, to make sure that we supported people who had an accidental overdose with opioids, to make sure that naloxone was available on non-prescription status. That was a decision I made very early on, and it was well received.

The Premier of British Columbia was here last week with the news that they have evidence that that decision alone has saved thousands of lives. We also took steps to make sure that intranasal naloxone was imported from the United States in order to allow alternate routes. We took steps to expedite the approval of intranasal naloxone.

We've taken steps, as you very well know, around the precursors of fentanyl. We have taken steps to make sure that there are additional supervised consumption sites in communities that want and need them, including our approval of the Dr. Peter Centre supervised consumption site. We gave a four-year exemption to Insite in Vancouver as well.

• (1550)

This requires an absolutely comprehensive response. It's a whole-of-government response and a whole of society response; it's one of the most serious public health concerns we are facing in this country.

It's for those reasons that I brought together stakeholders from across the country last weekend. We had 250 people or more gathered here in Ottawa. We had people who had lived experiences; family members who had lost loved ones due to opioids; and health care providers, including the educators and regulators of health care. We had all levels of government there.

No measure can be enough for the families that have lost their loved ones, but we must do our utmost to save lives. I'm determined to do that. I look forward to continuing to work with you on this matter, and I believe that we are finally making progress. I look forward to making legislative changes in the months to come, which I also think will be helpful.

REGULATION OF PLASMA PRODUCTS

Hon. Pamela Wallin: Minister, thank you for being with us today.

I think all of us in this chamber are old enough to remember the sad history of the tainted blood scandal that cost hundreds of lives. As a result, our national blood system operator, the Canadian Blood Services, was created in 1998. It's expanding its plasma-collection efforts to secure a safe blood supply.

However, Health Canada's approval of a controversial private plasma broker in Saskatchewan, which will directly compete with the CBS and could cause a deficit of supply as private brokers export plasma out of Canada, and given that this activity is against the law in Ontario and Quebec — and I know there are other provinces considering this — why has the government granted a licence to this company? Is it ever revisited?

Hon. Jane Philpott, P.C., M.P., Minister of Health: I thank you for this question. It's a good question. The Senate is a very good place to have a conversation about that, because you can have a lengthier explanation. This is a bit of a complicated matter, but thank you, first of all, for raising the challenges that our country has faced in the past as it relates to blood products.

Plasma collection is different from blood collection. It's run now by CBS and in Quebec by Héma-Québec. We have one of the safest blood supply systems in the world, in large part because there were serious errors made in the past and we had to correct our ways. So this is something extremely serious.

The matter of plasma requires some particular understanding. Plasma protein products are essential for the treatment of life-threatening conditions, including hemophilia. The unfortunate reality is that in this country, as in many countries,

the need for this to save the lives of people with hemophilia and other illnesses far outstrips the supply through voluntary donations.

This is a huge challenge. About 70 per cent of the supply of plasma protein products given to Canadian patients is purchased from outside the country, from companies in the U.S. In fact, the majority of plasma protein products manufactured in the U.S. are from sources where donors have been compensated in some measure for the donation. This is the reality we face.

The good news is that international bodies have studied this, including an international Dublin Consensus on the matter, which has documented proof that in terms of the safety of supply of plasma protein products, regarding whether or not a donor is compensated, there is no evidence that it has any impact on the safety of the product.

I hope that will give you some reassurance on the safety and the need to make sure people will have the product they need.

The responsibility of Health Canada is to make sure that we test that the facilities are safe and regulated. All across the country, facilities that collect plasma, as well as blood products, are regulated by Health Canada.

The decision about a specific clinic, whether it can operate and whether it can compensate donors — and they compensate them with something like a \$25 gift card for groceries, for example — those decisions are not made by Health Canada but by the provinces and territories within which those clinics rest.

We're always happy to have conversations about making sure that the decisions made are appropriate. I've examined this in great detail, because I have been asked about this many times. I want Canadians to be absolutely assured that the blood supply in this country is safe and that plasma protein products used in this country are safe.

Senator Wallin: On a brief supplementary, I'm not even raising that question. I agree that the standards are quite high.

The issue is that we know there is provincial jurisdiction, but you are the licence-granter. Because several provinces indicated that they don't support or like this activity, is there any reconsideration of this on your part in terms of licence-granting?

Dr. Philpott: To clarify, Health Canada determines whether the facility is appropriately run and should be allowed to function. The decision in terms of which particular clinics can be opened and whether those clinics compensate is a matter of provincial jurisdiction. People are free to speak to those particular provinces.

I think it's an issue in that we as parliamentarians and as Canadians need to find more creative ways to encourage Canadians to donate blood and plasma. It's really unfortunate that we can't manage to get voluntary donations to meet the very serious need for plasma protein products, so I encourage all senators to find ways to donate blood and plasma as soon as possible.

[Dr. Philpott]

OPIOID CRISIS

Hon. Mobina S.B. Jaffer: Minister, I want to take this opportunity to thank you for being here again, answering our questions.

I have two questions, but I cannot ask you two, so I have done one in writing on assisted dying. As you know, it is a particular passion of mine, but I will give that to you in writing, because I would be remiss if I didn't ask a question on the opioid crisis.

I come from B.C., and I walk on the streets in Vancouver where the first responders are dealing with the issues regarding the opioid crisis. Two people die in my province every day. That is absolutely unacceptable. Seven die in Canada, and two out of those in my province.

I have two questions. First, Senator White's bill proposes a simple solution to the crisis, adding six drugs that contribute to the creation of fentanyl and other opiates to the Controlled Drugs and Substances Act. Are you going to do that?

Second, I watched how seriously you have taken this issue, and I thank you for that. But our children are dying. These are Canadian children. I don't want to be dramatic, but it's two in my province every day. Are you looking at doing an awareness campaign in schools to raise this issue?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for raising this issue. It is so important. I walked the streets of the Downtown Eastside in Vancouver when I was there a number of months ago. When I was back there about a week ago, I went to Fire Hall No. 1 in Vancouver, which is truly at the epicentre of this. I met with first responders to give them thanks. They are saving lives every single day. In spite of that, as you say, people tragically die every day.

I have to tell you this weighs deeply on me. There are many things I wish I could snap my fingers for and fix immediately in our system so that they didn't have to die. When you listen to the families of these people, these are very often young people — people from all walks of life and from all socio-economic levels. It's truly heartbreaking to see what is happening.

In terms of your specific question on fentanyl precursors, that is moving its way through the regulatory process. I am sure those in this room understand the painfully slow process that it takes to go through regulatory measures, but I want to assure you that I know for a fact it has moved on its way down the line; there is progress on that.

Senators will be pleased with an announcement that I believe is about to be made this afternoon in terms of the matter of illicit fentanyl and the work that our law enforcement officials are able to do to address the massive influx of illicit fentanyl into this country.

I want to let you know again that we are introducing a number of steps. We have heard the request around things like pill presses and the concerns around the examination of small packets coming across the border. As I said to the Minister of Health from British Columbia last week — and he is very aggrieved about this —

I told him there is no recommendation that has been made to me that I'm not digging into and asking my department to dig into. I'm really applying every measure of pressure I can. I am always open to hearing more ideas, and that was my message last week at the conference and summit. If there is something we haven't thought of, please come to me, come to my department and come to my team. Let us know. There are few things that are of such serious concern as this.

• (1600)

Senator Jaffer: Minister, I also asked, have you considered a really strong campaign?

Dr. Philpott: Yes, and I apologize for not having answered that.

In June, I put out a five-point federal action plan on opioids, in terms of what I felt that we as a federal government need to do, and number one in that was public education. In fact, I'm looking and hoping now to get some new resources to support that, which I think will be very helpful to make sure we get the message out. That includes things like making sure that there are better warning labels on prescription medications so that people understand that the medication they're taking is highly addictive in certain circumstances.

We're working on supporting prescribers. We know that health care professionals are very concerned about this. They have unfortunately been involved in part of one of the drivers of this, and they believe amongst themselves as professionals that they want better guidelines. Actually, new prescribing guidelines are coming out in January.

The third thing we're doing is addressing the flow of unnecessary opioids.

We are working on better access to treatment, including harm-reduction facilities.

And the fifth thing that is part of our plan is making sure we have better evidence and better research on the matter.

If there are any things that we have missed in that, any things we're not working on, I'm absolutely always open to hearing your great ideas.

CANADIAN FOOD INSPECTION AGENCY—
BOVINE TUBERCULOSIS

Hon. Scott Tannas: Thank you for being here, minister.

I would like to return to the issue that was raised by the Leader of the Opposition a few minutes ago, specifically this unfolding potential catastrophe of bovine tuberculosis that's in Alberta and Saskatchewan.

I'm from southern Alberta. I can't overstate the potential that this has, as long as it carries on the way that it's carrying on, for tremendous financial hardship and stress on farm families, particularly those that are going through the quarantine.

My question for you has to do with the Canadian Food Inspection Agency and how they are managing the investigation. You're in charge of this agency, as we know. Right now, the CFIA is not using local veterinarians to conduct testing, and this is slowing down the process of completing that testing. If we can use local veterinarians, it would speed things up, and there's a protocol that's in place right now that is calling for more civil servants to come from different provinces, so we've got potato inspectors coming from P.E.I., or whatever it is, to do this.

You're a doctor. Imagine if this situation was unfolding for your patients, and you were not good enough to help. You're there to help, you see that help isn't coming fast enough, and you're not allowed to help.

Minister, would you instruct the CFIA to use local veterinarians in the process? And if you would be unwilling to do that, why would you be unwilling to do that?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for raising this matter again. I want the honourable senator to know that, in the other place, I've been approached by many members of Parliament as well from Alberta who are very concerned about this issue, so I've certainly been made aware of it.

There are two ministers who have an association with the CFIA: myself and the Minister of Agriculture and Agri-Food. Not to imply that it diminishes my responsibility in this, but the lead on this, I want you to know, is the Minister of Agriculture and Agri-Food, and I spoke to him about it today.

We both have responsibilities within the CFIA. I think that your suggestion is a very good one, and I am absolutely committed to taking that to the CFIA. I can't make a promise that they will be able to deliver on that until I hear, but I will absolutely deliver the message, and I will deliver it today.

The new president of the Canadian Food Inspection Agency happens to have recently been the associate deputy minister in Health Canada, so I know him very well. He's a very hard-working public servant who works very hard on this. I will specifically reach out to him today with this recommendation.

You're right: We need to move on this with the utmost rapidity. I know that neither you nor any of the ranchers involved would want us to be negligent about making sure that no other herds are infected with tuberculosis, so obviously the work needs to be done. The speed with which it's done is the concern that I hear you raising with me, and I will certainly take this very good suggestion.

PHARMACARE STRATEGY

Hon. Art Eggleton: Thank you for being here, minister. In a study last year on the costs of prescription drugs, the OECD said that Canada ranks fourth when it comes to spending per capita on drugs out of its 29 member countries. And by the same token, it says that Canada has one of the lowest percentages of public coverage of pharmaceuticals.

More alarming than that is that, a study published in the *Canadian Medical Association Journal* indicated that a quarter of Canadians have no drug coverage and that 1 in 10 do not take

prescriptions because they cannot afford them, leading to a lot of people ending up in hospitals and more expensive care in that system.

Over the years, we've had two royal commissions and a health forum recommend that we should have a universal drug coverage plan, and in a couple of other very recent studies as well, there have been suggestions that the government could save a lot of money. The Canadian Medical Association says that it could reduce spending on drugs by \$7.3 billion. The Canadian Centre for Policy Alternatives came out with four different scenarios suggesting, again, billions of dollars of possible savings, depending on the scenario.

Minister, isn't it time for a comprehensive national pharmacare program?

Hon. Jane Philpott, P.C., M.P., Minister of Health: Thank you for your excellent question, and I want to thank you, senator, for your excellent work on a whole range of matters on health. I know you have been part of the committee that addresses many of the health issues in the Senate, and I want to thank you for your very active work on that.

This is a great question. It's a really important one. You are absolutely right that the cost of pharmaceuticals is one of our most pressing drivers of the costs of health care overall in this country. The data you raised is concerning. The most recent examination I have had is that we are now teetering between second- and third-highest in the world per capita for our drug costs. Number one is the U.S., numbers two and three are between us and Germany, and we're getting close to second place.

So in fact it's worse than in those previous studies, which means we have to do something about this. I have a mandate to address the cost of prescription drugs. I know your question was related to pharmacare, and I'm getting to that, but first I want you to know that I'm doing some work with my team that I think is going to be very helpful in working toward what you're looking for.

One of the first things we've done is we joined, as a federal government, the pan-Canadian Pharmaceutical Alliance, which is a bulk-purchasing program across the country. That was greeted with great enthusiasm by the provinces and territories, and we are on track to save \$1 billion a year by negotiating the price of pharmaceuticals along with the provinces and territories, so that's fantastic news.

The other really interesting work that we're doing, which very few people are aware of — and I think it's fascinating to consider the levers we have that haven't really been used to date — has to do with an agency called the Patented Medicine Prices Review Board, which I suspect you're familiar with. It sets the prices of patented medicines. And in fact, there is some very interesting regulatory and guideline work of the PMPRB that could be done that would address those costs. I would be happy to go into details, but I want to spare you. There is some very effective work, and in fact they are out consulting now on possible regulatory changes which I think could be very helpful.

One of the other things I'm hoping to get progress on with the provinces and territories is working towards a national formulary.

All of these are steps that need to be taken if, someday, this country were ever to institute national pharmacare, which I know there's a real call for. I know the Health Committee in the other place is looking at this issue right now, and about to deliver a report on pharmacare, very soon, I hope. They have heard some of the same statistics that you have in terms of potentially incredible savings that could come from that in this country.

However, there is some work that needs to be done. One of the things is the development of a national formulary: agreeing upon which drugs should be covered across the country, for example, so it's an area I'm interested in.

• (1610)

I look forward to receiving the report of HESA, which is the Health Committee in the other place, and I think it's something we need to seriously examine. Thank you for your pressure on that matter.

[Translation]

CANADIAN FOOD INSPECTION AGENCY—
BOVINE TUBERCULOSIS

Hon. Ghislain Maltais: Madam Minister, my question is on bovine tuberculosis in Canada. I believe this is an extremely dangerous epidemic. As a doctor by profession, you know that all too well.

Would it not be appropriate for the Minister of Agriculture and yourself to call on the provincial ministers of agriculture and health to conduct tests in dry lots found primarily in Manitoba, Ontario, Quebec, the Maritimes, and British Columbia?

The federal government would not have to spend a dime.

Do you not believe that preventive screening is essential in order to prevent this bacteria from contaminating the entire country?

[English]

Hon. Jane Philpott, P.C., M.P., Minister of Health: I want to thank you for that question and thank you particularly for your preventive health approach, which is always the best way to go and an excellent recommendation.

It gives me an opportunity to share with you some further information that has been brought to my attention by my staff. I think it will be helpful to you to know that it confirms that the CFIA has in fact already brought in additional staff to support the investigation, including on-farm testing. CFIA laboratories are also preparing for additional TB samples for testing.

Here's the piece that you'll probably be most happy to hear: I've had confirmed to me that the CFIA has agreed to pay compensation for any animals ordered destroyed because of bovine tuberculosis. That's good news that we can share.

I want you to know that Agriculture and Agri-food Canada, including their collaboration with Alberta Agriculture and Forestry and Alberta Beef Producers, are discussing options for financial assistance for producers whose animals are in quarantine but will not be destroyed because they test negative for bovine tuberculosis. There are further specifics, but when I speak to the president later today, I will pass on your recommendation for a very proactive and preventative approach.

The Hon. the Speaker: Honourable senators, the time for Question Period has ended. I'm sure all senators would like to join me in thanking Minister Philpott for being with us today. Thank you, minister.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, it being past four o'clock, Question Period being ended, pursuant to the order adopted on February 4, 2016, I declare the Senate continued until Thursday, November 24, 2016, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, November 24, 2016, at 1:30 p.m.)

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