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(HANSARD)

Tuesday, November 29, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Tuesday, November 29, 2016

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

Prayers.

SENATORS' STATEMENTS

UKRAINIAN FAMINE AND GENOCIDE ("HOLODOMOR") MEMORIAL DAY

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to recall the Ukrainian Holodomor Famine and Genocide of 1932-33.

On the fourth Saturday of November, we commemorate those who lost their lives in this man-made famine across Ukraine and parts of Kazakhstan, North Caucasus and Russia.

Determined to silence growing nationalist sentiment while financing an ambitious industrialization program, Joseph Stalin's Soviet government adopted a policy of forced collectivization in 1932. Food stocks were confiscated to fill strict quotas and sold in Western markets. Millions died of starvation. Those who resisted were shot.

As I have told this chamber before, American historian Robert Conquest captured the devastation of the famine in his book *The Harvest of Sorrow*.

At the height of the famine/genocide of 1932-33, Ukrainian peasants were dying of hunger at the rate of 17 persons per minute, 1,000 persons per hour, and 25,000 persons per day, while the Soviet regime was dumping 1.7 million tons of grain on Western markets.

Fedir Krikun, a famine survivor, recounted his experience as follows:

They came and they took everything from us. They came with special rods and searched [the ground] to make sure we hadn't buried anything. I went with my sister to collect grain stalks in the nearby field, and the guard who rode around the field shot at us.

Mr. Krikun was eight years old at the time.

Senators may recall that this chamber unanimously took the first action toward recognizing the Ukrainian famine as genocide in 2003.

Senators may also recall that in 2008 Canada adopted the Ukrainian Famine and Genocide ("Holodomor") Memorial Day Act.

This evening, I encourage all colleagues to attend a Holodomor commemoration at eight o'clock in Room 256-S, Centre Block.

The Holodomor Mobile Classroom, which is travelling across Canada to raise awareness through an interactive lesson highlighting survivor accounts, may also be visited today outside of East Block.

Honourable senators, as we celebrate the one hundred and twenty-fifth anniversary of Ukrainian immigration to Canada, let us pay tribute to the victims of Holodomor. Let us acknowledge the strength and resilience of the Ukrainian people, and let us continue to strengthen our resolve in preventing the recurrence of similar tragedies.

NATIONAL CHILD DAY

Hon. Terry M. Mercer: Honourable senators, the Senate acts as the voice of the regions but also of minority interests. We help to focus the public's attention on people whose rights and interests can often be overlooked, including the young.

Nowhere was that attention more apparent than in this very chamber this past Friday when Senators Martin, Munson and I celebrated National Child Day. Over 300 schoolchildren came here so that we could help them celebrate themselves, their diversity, their impact on society and their potential.

National Child Day commemorates the unanimous adoption of the Convention on the Rights of the Child by the United Nations General Assembly on November 20, 1989.

We spoke of inclusion for all children, regardless of race, colour, creed, sexual orientation or identity. We talked about how children and youth inspire us adults in this great society of ours.

We had cadets from the Canadian Armed Forces, young gymnasts from Unigym Aylmer, and members from the Ottawa Children's Choir and Gatineau's children's theatre company, Artishow.

Eva von Jagow spoke about her efforts to improve access to healthy, affordable food for young Canadians in the Far North through the charity she founded, DueNORTH.

Thomas Ribeiro, a Laval high school student who received first place honours at this year's Super Expo-sciences Hydro-Québec explained his "Super Plant" project, which focuses on a cost-effective approach to reducing greenhouse gas emissions. It was very interesting.

Joshua Salt, a young musician currently studying at Algonquin College, sang in Cree and played a song of love and forgiveness.

Honourable senators, it was impressive and it was fun. But most importantly, it reminded us of what the next generation holds for our future.

I would like to thank the organizer of the event, Michel Naubert, who worked very hard to ensure we were successful in highlighting just how much young people can accomplish. In fact, Michel was the MC for a past National Child Day event here in the chamber when he was only 12 years old. Now he's a second-year university student and had the opportunity to work with senators to create this wonderful celebration.

Honourable senators, tomorrow morning we will be hosting a parliamentary breakfast at 8 a.m. in the Senate foyer for community stakeholders and educators to ensure that we all work together to promote children and youth. I would encourage you to attend.

As I said on Friday, young people cannot only identify meaningful problems such as social injustice, rejection, violence or discrimination, but they may also have the best solutions to solve them. All we need to do is listen.

THE ROYAL NEWFOUNDLAND CONSTABULARY

Hon. Fabian Manning: Honourable senators, first I will finish off what I started yesterday.

The men and women of the Royal Newfoundland Constabulary have served us well for over 287 years. We are proud of the traditions and heritage of our police force, and we thank them for their continuing service and commitment to the people of Newfoundland and Labrador as they continue to put their lives on the line for us every single day. We pray to God to keep them safe from harm.

THE LATE FIDEL CASTRO

Hon. Fabian Manning: Your Honour, today I'm pleased to present Chapter 8 of "Telling Our Story," and it has to do with the late Cuban leader Fidel Castro and his connection to Newfoundland and Labrador.

Castro often stopped in Gander back when the town was a frequent refueling point for international flights in the 1960s, 1970s and 1980s. He gave his first interview outside of Cuba in Gander in 1973.

Former Premier Joey Smallwood made the arrangements for that particular interview. CBC reporter Ken Meeker, who was there that day, said about Castro:

When he looked at you, it felt like he was peering right into your soul

On another stopover in Gander, Premier Smallwood took President Castro on a tour of the town.

When Fidel Castro visited in the winter of 1976, he took a toboggan ride in the snow. A picture of this event hangs in the Gander Airport.

[Senator Mercer]

• (1410)

A lady by the name of Geraldine Maloney shared a toboggan hill with Castro on another trip. She said, "He was dressed warmly because naturally he wasn't used to that climate. He was really muffed up, but he was all excited. He was like a child when it came to getting on the toboggan and going for a run."

Fidel Castro was among many famous visitors to the town of Gander during those years. They included Winston Churchill, Queen Elizabeth II, the Beatles, Elizabeth Taylor, Muhammad Ali, Frank Sinatra and Jackie Kennedy Onassis, just to name a few.

The present mayor of Gander, Claude Elliott, in a recent interview said he was asked to have dinner with Fidel Castro in 1998, shortly after his first election as mayor. As a Newfoundlander, Mayor Elliott said he attended the dinner out of courtesy. He said Castro had a commanding presence, and most of their conversation was about the fishery, but their chat got really interesting when Castro asked Mayor Elliott about his recent democratic victory.

Mayor Elliott went on to say that despite the interesting encounter, he does not support Castro's political actions. "I wouldn't go to his funeral if I was invited, which I know I'm not," said Mayor Elliott, "It's not something that we agree with, persecuting and killing innocent men and women like he did in his career."

Leave it to a Newfoundlander to put it all in perspective.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

FALL 2016 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2016 Fall Reports of the Auditor General of Canada.

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber on Thursday, November 24, 2016, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Douglas Black moved third reading of Bill C-13, An Act to amend the Food and Drugs Act, the Hazardous Products Act, the Radiation Emitting Devices Act, the Canadian Environmental Protection Act, 1999, the Pest Control Products Act and the Canada Consumer Product Safety Act and to make related amendments to another Act.

He said: Honourable senators, I'm pleased to have the opportunity to speak today at third reading of Bill C-13, the legislation that would allow Canada to ratify the World Trade Organization's agreement on trade facilitation.

I would like to begin by thanking the Standing Senate Committee on Foreign Affairs and International Trade for its prompt and thorough review of Bill C-13. In particular, I would like to commend the intelligent questioning and leadership provided by the chair, Senator Andreychuk.

As a senator and as a lawyer, I know that trade facilitation is critical for export competitiveness and the Canadian economy. Facilitating the flow of goods across borders is especially important in today's environment of global value chains, where global production within value chains requires goods to cross multiple borders.

Competitive exporting first requires access to materials and then requires access to export markets. Small and medium-sized enterprises comprise around 95 per cent of companies worldwide, accounting for about half of the GDP and 70 per cent of the jobs around the world.

Growing trade opportunities for SMEs is key to achieve economic growth in Canada. However, accessing new markets is particularly challenging to SMEs, who are disproportionately impacted by trade costs.

A single day's delay at a border can cost 1 per cent of a shipment's value. Expediting the release and clearance of goods at international borders is important for international trade, and that is where the Trade Facilitation Agreement comes in.

For traders, this agreement will ensure faster, simpler and more predictable cross-border trade, resulting in reduced trade costs. For governments, the TFA improvements will reduce the scope for corruption and increase revenue collection, particularly in developing economies.

Securing better conditions for global commerce is not just a noble cause; it has tangible economic benefits. In fact, the WTO estimates that full implementation of this agreement globally will

boost global exports by up to \$1 trillion with up to \$730 billion accruing to developing nations. This is the case because the TFA will notably help developing countries trade among each other.

It is estimated that least developed WTO members will decrease their trade costs by an average of 17 per cent. Reducing the red tape associated with exporting to emerging markets should make it easier for Canadian companies to export to Asia, Africa and Latin America.

The TFA is a win-win agreement. Lower trade costs benefit everyone. Developing economies will require technical and aid-building assistance in order to implement the TFA reforms and to reap the resulting poverty-reduction benefits.

A key feature of the TFA is that it allows developing countries to implement the agreement based on their capabilities and to identify their needs for assistance. It also requires developed WTO members like Canada to provide the practical support necessary to meet them.

Canada is well positioned to provide this assistance, having provided nearly \$47 million in funding for trade facilitation assistance through a range of bilateral, regional and multilateral programs between 2010 and 2015.

This initiative is significantly reducing border delays and trade costs between eastern African community members by establishing a single customs territory and supporting improvements to border customs management practices.

Clearing customs was a slow process. It is the intention of this legislation to rectify that. The trade facilitation initiative will integrate customs procedures through automation and the establishment of one-stop border posts. As a result, average cargo clearance times will be reduced, it is estimated, from three days to eight hours.

Results like this — and this is only one example — have the potential to lift millions out of poverty and make it much easier for Canadian SMEs to export to emerging markets.

The TFA implementation could replicate similar results elsewhere. The TFA's potential will be fully shown when it enters into force. This will occur only once 110 WTO members have ratified the agreement.

To date, 98 WTO members have ratified the TFA, including all of Canada's major trading partners. Only 10 more ratifications are needed for the TFA to enter into force. Canada is, at this moment, the only G7 country that has not ratified the TFA. Canada is among only three of the G20 countries that have not ratified this agreement. This must be done. That is a view apparently shared by the Prime Minister who, along with the G20 leaders, committed at the September G20 summit to ratify the TFA by the end of 2016.

Canada should do its part in joining the international consensus to bring the Trade Facilitation Agreement into force as soon as possible. I urge all my colleagues to support the legislative amendments contained in this bill that will enable Canada to ratify this agreement.

• (1420)

Bill C-13 will enable Canada to align domestic acts with two specific provisions of the TFA regarding the treatment of rejected goods upon entry to Canada and goods in transit. Bill C-13 will clarify and strengthen the authorities' ability to deal with non-compliant goods at Canada's border more effectively. As a result, our border procedures regarding the treatment of rejected goods will be more consistent and transparent.

Bill C-13 also provides for measures that will help protect the environment and health and safety of Canadians regarding goods transiting through Canada. The ability of Canadian authorities to protect the health and safety of Canadians, as well as the environment, will not be impacted in any way by Bill C-13.

Enactment of Bill C-13 and Canada's ratification of the TFA would contribute to the prompt entry into force of this agreement and would help, I would suggest, unleash the transformative power of trade. Thank you, senators.

(On motion of Senator Martin, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am ready to rule on a point of order relating to the eighth report of the Standing Senate Committee on National Finance. Colleagues will recall that, when the adoption of the report was moved last Thursday, Senator Harder rose on a point of order. He challenged the receivability of the amendment in the report on the basis that it would increase taxes on some individuals over what is included in Bill C-2. He argued that it does not respect the basic constitutional principle that tax measures, as well as appropriations, must originate in the Commons. This increased tax burden would not, Senator Harder asserted, respect the recognized principle that the Senate can only amend tax bills so as to reduce taxes, not increase them. Senator Bellemare later supported Senator Harder's position, emphasizing that any analysis of the effects of the amendment needs to be done in relation to Bill C-2, not to the existing *Income Tax Act*.

In reply, Senator Smith, the chair of the committee, argued that the consideration of the report should be allowed to proceed. He indicated that, with the amendment, no one's tax rate would rise when compared to existing rates. He did, however, clarify that with the amendment some individuals would pay more than they would if Bill C-2 were to pass without it. As examples, Senator Smith stated that, with the amendment, individuals making \$93,000 per year would see their rate rise from 18% to 18.2%; while those making \$95,000 per year would see their rate go from approximately 18.1% to 18.8%.

[Translation]

Senator Smith did not, however, limit his intervention to the merits of the amendment. He also questioned whether the Speaker should rule on this point of order, since, in his view, it is a constitutional or legal question, not a procedural one.

Senator Cools raised a similar concern, claiming that the Speaker should not call into question the report of a committee.

[Senator Black]

Senator Fraser noted that the Speaker's role is to rule on points of order using procedural analysis, unrelated to the content or merits of a particular issue.

[English]

Honourable senators, let me start by clarifying the role of the Speaker. As stated in rule 2-1(1)(b), the Speaker "rule[s] on points of order, the prima facie merits of questions of privilege and requests for emergency debates". A point of order is defined in Appendix 1 of the Rules as "[a] complaint or question raised by a Senator who believes that the rules, practices or procedures of the Senate have been incorrectly applied or overlooked during proceedings". A senator has raised a point of order, so it is my duty, as Speaker, to make a ruling. In doing so, I must take into account our Rules, practices, and procedures. No consideration is given to whether the matter at issue is desirable or not, only whether it respects our Rules and follows proper procedures and practices. I should also like to clarify that no one has in any way questioned the propriety of the bill as received from the other place, only of the amendment contained in the committee's report.

As senators know, the *Constitution Act, 1867* provides that any bills to appropriate public monies or to impose taxes must originate in the Commons. This is a basic principle of Canadian parliamentary democracy. In addition, measures to increase taxes are the sole initiative of the Crown in the other place, as they must be preceded by the adoption of a ways and means motion.

[Translation]

The authority of the Senate with respect to the application of this principle has led to occasional disagreements between the two houses. As an example, mention was made, during discussion on the point of order, of two earlier bills that had been initiated in the Senate but were found to be out of order in the Commons because they were considered to involve a tax.

Those bills had, however, been determined by the Senate to deal with levies, not taxes. This is why the Senate had concluded that it was in order to adopt them. However, the other place reached a different conclusion, as is its right. But, let us be clear, the Senate did not initiate what it considered to be tax legislation.

[English]

To return to the disagreement on appropriation bills and tax measures, the Commons claims that aids and supplies are its exclusive right to grant and cannot be changed in any way by the Senate. The Senate has never accepted this interpretation.

In 1918, a special committee of the Senate was formed to consider "the question of determining what are the rights of the Senate in matters of financial legislation, and whether under the provisions of *The British North America Act, 1867*, it is permissible, and to what extent, or forbidden, for the Senate to amend embodying financial clauses (Money Bill)". The committee's report, commonly referred to as the "Ross report", was presented on May 15, 1918. It was subsequently adopted, together with an attached memorandum, by the Senate on May 22.

The conclusions and principles set out in the report dealing with money bills received from the House of Commons express and govern our practices, to the extent these matters are not specifically addressed in our Rules. Therefore, with respect to Bill C-2, I can assure senators that we are indeed dealing with a procedural matter, and not a legal or constitutional one. As an aside, I should note that this report did not actually examine the authority of the Senate in respect of bills originating in this place that seek to reduce a tax. This remains an unresolved issue.

The first conclusion in the Ross report, and one that still applies, is that the Senate does have the power to amend appropriation or taxation bills, but only by reducing amounts proposed therein. The report reads:

That the Senate of Canada has and always had since it was created, the power to amend Bills originating in the Commons appropriating any part of the revenue or imposing a tax by reducing the amounts therein, but has not the right to increase the same without the consent of the Crown.

The report also states that “The Senate . . . cannot directly or indirectly originate one cent of expenditure of public funds or impose a cent of taxation on the people.”

• (1430)

[*Translation*]

This fundamental conclusion has guided the Senate since, and on a number of occasions we have amended taxation bills.

[*English*]

This conclusion also makes clear that when amending such bills our power is limited. We can only propose changes that would reduce amounts contained in the bill. Whether an amendment is, overall, revenue neutral is not relevant — the question is whether it would increase taxes or not, and the Senate cannot increase the amounts.

When dealing with Senate amendments, reference must be made to the amounts in the bill before us, not to the existing law. This is clear from the use in the Ross report of the word “therein”, which identifies the bill passed by the Commons. If the Senate deletes a clause or defeats a bill, we revert to the current law. This fact does not, however, mean that we can use the status quo to determine the amendments we can propose. Our reference point for textual amendments is the bill passed by the House of Commons, which is, in the case of tax increases, based on a ways and means motion introduced by the Crown and adopted by the House of Commons.

During consideration of the point of order, it became clear that the amendment proposed in the report would increase tax rates for some individuals. This increase would come about through a change initiated in the Senate, and is therefore contrary to established practice. It violates a basic principle governing parliamentary business in general, and the Senate’s specific understanding of how it deals with tax bills.

The amendment in the report is not receivable, since it amends the bill by increasing taxes.

To be clear, this finding does not affect the conclusion of the Ross report that the Senate can amend money bills from the Commons by reducing the amounts they contain.

Let me hasten to note that this situation, in which amendments in a report are not receivable, is not without precedent. On December 8, 2009, a point of order was raised about amendments in a report being beyond the scope of the bill in question. The next day the Speaker ruled that this was indeed the case. The content of the report was therefore evacuated, resulting in the report being without amendment and the Speaker asking “When shall this bill be read a third time?”

This is a sound precedent that can be followed in the current case. Since the report only contains an amendment now determined to be out of order, the content of the eighth report of the National Finance Committee is evacuated. In consequence, the report proposes no amendments to Bill C-2 and, under rule 12-23(2), stands adopted. As in 2009, the next question that must be put to the Senate is therefore the procedural one of “When shall this bill be read a third time?” To be clear, this is for third reading of the bill without amendment.

Hon. Joseph A. Day (Leader of the Senate Liberals) I presume His Honour is calling for information as to when this bill shall be read the third time?

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

Senator Day: Thank you, Your Honour. I move this bill be read the third time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

TAX CONVENTION AND ARRANGEMENT IMPLEMENTATION BILL, 2016

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Runciman, for the second reading of Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement.

Hon. Stephen Greene: Honourable senators, I move that this bill be referred to the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker: Before moving that, Senator Greene, I have to ask if senators are ready for the question.

Some Hon. Senators: Question.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Tannas is the official critic of this bill, and he was scheduled to speak today. If I may, I will take the adjournment in his name. We can revert to this item when he returns.

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

UNDERGROUND INFRASTRUCTURE SAFETY ENHANCEMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Omidvar, for the second reading of Bill S-229, An Act respecting underground infrastructure safety.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I have been preparing to speak at second reading on this item but have since spoken to various colleagues who are urging me to speak to this as soon as possible. I have also spoken to the sponsor of this bill about it. At this time, because I don't want to delay and I know that there are others who may wish to speak at second reading, I will not speak at this time and save my questions I had regarding the bill until after Senator Mitchell has spoken. Perhaps it's something I would ask the committee to look at.

I will no longer speak at second reading, but I know that one or two other senators wish to speak, so I will no longer delay the matter at this time.

Some Hon. Senators: Question.

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

Some Hon. Senators: Question.

Senator Martin: Senator Neufeld came to me today saying this was something he wished to speak to. May I take the adjournment in Senator Neufeld's name? I thought Senator Hubley was going to take the adjournment, so I will take the adjournment in Senator Neufeld's name.

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

• (1440)

THE SENATE

ROLE IN THE PROTECTION OF REGIONAL AND MINORITY REPRESENTATION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Seidman, calling the attention of the Senate to its role in the protection of regional and minority representation.

Hon. Joan Fraser: Honourable senators, I just dropped my notes. Furthermore, the notes as they stand are in a not very legible form because I was hoping to rewrite them legibly while the chamber conducted other business.

However, I do think that this inquiry that Senator Seidman has put on the Order Paper is laudable and important, and I want to thank her for it. It is my view that few roles of the Senate are more important than its role in the protection of regional and minority representation. We all know that the Senate was originally billed as a chamber of sober second thought, and the famous quotations from Sir John A. Macdonald and George Brown are familiar to all of us.

But it is also true that the whole original design of this place was conceived as an institution that would protect regions and minorities in this country. There are not many countries where the protection of regions and minorities is as fraught a topic as in Canada, because this is such a very large country and misunderstandings can therefore arise so easily between regions or, indeed, between minorities.

Professor Gil Rémillard — I think he's a professor — the eminent constitutional lawyer and former cabinet minister in the Province of Quebec, wrote in the book that was so superbly edited by our colleague Senator Joyal:

In the minds of the Fathers of Confederation, the Upper House would . . . properly reflect the principle of participation, which forms the basis of federalism, counterbalancing the dominance of the more populous regions in the House of Commons by giving the regions an equal voice in the Senate. The Upper House would also represent the national minorities in Parliament, that is the English-speaking population of Quebec and the Francophone populations of the other provinces.

Now, I think there are a couple of points worth making in that context. First, to say that we were constituted to represent the less-populous regions and, subsidiarily, the less-populous provinces, does not mean that we were constituted to represent the governments of those provinces and regions.

To take, for example, my own province, which is also a region — the province of Quebec — the Government of Quebec is not Quebec. It is a very important element of Quebec and it

represents, as best it knows how, the interests of Quebec. But no government is the region or the territory that it is elected to govern. It is our job to be, in addition to the directly elected representatives of the region and the provinces, representatives of the longer-term interests of the broader societies that we are here to represent, not the provincial governments, but the provinces and the regions. There is a distinction to be drawn there that we should, in my view, always keep in mind.

The second element raised by Mr. Rémillard and by many others is the fact that the upper house would represent what were then considered to be the two great national minorities in Parliament: the English-speaking population of Quebec and the francophone populations of the other provinces. That was extremely important. It is why, in the case of Quebec, we Quebec senators each represent a specific division — a specific piece of territory. Those divisions were originally designed to protect the English-speaking minority because what they did was relate to what was then the system of electoral divisions within Quebec, and those electoral divisions tended to follow the lines of the population. Of course, populations have shifted since then, but the fundamental notion that there should be protection for the representation of my minority was important.

[*Translation*]

We often forget that, in creating this protection for the English-speaking minority in Quebec, the same protection was created for Quebec's francophone population, which is, and always will be, the minority in Canada. Consequently, if we reserve certain divisions for anglophones, the very nature of this means that the other divisions would be dedicated to the interests of the majority in Quebec, in other words, the francophone majority.

[*English*]

Since the days when political discourse in this country really considered only those two national minorities — anglophones and francophones — our understanding of minority interests and of our responsibility with regard to minorities has broadened considerably. This is not a recent phenomenon. It has been, by and large, a constant trend through Canada's history.

Back in the 1940s, for example, the eminent political scientist R. McGregor Dawson, in his famous book on the Government of Canada wrote:

The appointments to the Senate are frequently used to give not only provincial representation, but also representation to economic, racial, and religious groups in the provinces. Organized labour and other economic interests have been given special, although very uneven, representation. The Roman Catholic minority in Ontario and the Protestant minority in Quebec have both been over-represented in the Senate on the theory that they do not obtain an adequate number of seats in the House. "Similarly," writes Professor MacKay, "senators have been appointed as the avowed representatives of the French in Ontario, of the Germans in Ontario, of the French in Western Canada, and of the Acadians of the Maritime Provinces. Indeed, the appointment of representatives for religious and racial minorities has become such a tradition that a Prime Minister would find great difficulty in ignoring it."

This was written, I repeat, some 70 years ago. Dawson went on to say:

And of course the scramble for recognition on special grounds was greatly increased when the question of sex was introduced. In 1930, Mrs. Cairine Wilson was made a senator as the avowed representative of the women of Canada. The natural consequence was not long delayed, and the demand was made that the women of each province should have their own senators; there are now seven ladies in the Senate, from six provinces. In short, the problem of balancing race, creed, sex, and province shows signs of getting out of hand.

• (1450)

Some Hon. Senators: Oh, oh!

Senator Fraser: And that was when there were seven women here.

By the time we get the complete introduction of all of the new senators, by my count, we're going to be more like 45 per cent women here, and you'll bear with me if I say I think that is an absolutely fantastic thing.

Some Hon. Senators: Hear, hear!

Senator Fraser: Because the fact is that the presence of a given group in a legislative body does affect the deliberations and the decisions of that legislative body. It is a very long time since politics in Canada was considered an affair of white, middle-class men. Part of the reason for that is this chamber. Look around and see the extraordinary, fabulous diversity that we now have, with people here who come from every continent, every race, and I don't know how many language groups. Every one of these senators makes a difference to all of us; every one helps us to understand a greater portion of the amazing complexity of this country and helps us to respect that complexity and that diversity.

I was reading a series of speeches by Prime Ministers the other day, and I was really struck by the way that several of them, from both sides of the aisle, talked about respect for diversity as a core Canadian value. I believe that to be true, and I believe that this chamber does a — I was going to say magnificent; let me not overstate my case — fine job of putting into practice that truly important principle.

As I tried to say earlier, our respect for and acknowledgment of and welcoming of diversity just grows and grows. It took on fresh impetus with the arrival of the Charter of Rights, but it did not originate with the Charter of Rights. And it will not end when we think we have a final understanding, if we ever do, of the implications of the Charter of Rights. We will continue to broaden our representation of and understanding of minorities in this country.

Think, just for example, of the fantastic work that is done by our Committees on Aboriginal Peoples, Official Languages and Human Rights. Two of those committees, Human Rights and Official Languages, are relatively new, but the work they do has made an enormous difference in the lives of the communities that they have studied and represented in this place. All of these

committees, perhaps most of all the Committee on Aboriginal Peoples, have broadened the understanding of all of the rest of us of this country and of our duty to this country.

We all know that out there in media land this is not the view of our institution that is normally held. Out there, we are considered to be a bunch of probably upper middle-class, probably very self-satisfied, almost certainly lazy, time servers. It doesn't take very long for a senator who joins this place to realize how false that image is and has always been.

One of the books that I really enjoy going back to is the memoirs of the late, much-celebrated and lamented Eugene Forsey, who was not only a great writer and a great political analyst but actually a senator. So he knew whereof he spoke. In one passage in his memoirs, he refers first to a distinguished journalist who had said that the Senate is made up of has-beens and never-weres, and then Forsey went on to say:

. . . according to the received journalistic wisdom —

And I remind you all that I'm a former journalist.

— the Immigration and Refugee Bills and the Unemployment Insurance Bill, the Senate should have passed them, unamended, in jig-time. Why bother about the poor and the persecuted? But instead the Senate also subjected these bills to intense scrutiny, to prolonged hearings of experts in the field concerned, and proposed a string of amendments to make the legislation more effective, more humane, and better able to stand up to what promised to be formidable challenges in the courts. Apparently, the collection of has-beens and never-weres has not understood the infallible pronouncements of the press. It is clearly dead and damned. But, being dead, it yet speaketh; being the tool of the big interests, it stands up for the small man and the ordinary citizen, the poor and him that hath no helper.

I think that's a pretty good summary.

I'm asking for two more minutes, Your Honour.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Fraser: I think that's a pretty fair summary of what we, at our best, do. We stand up for him that hath no helper, and he that hath no helper is usually in a minority. That's what we're here to do, colleagues, and I submit that our responsibilities can only grow as the years roll on.

[*Translation*]

Hon. Ghislain Maltais: I will be brief because Senator Fraser covered everything. In fact, I feel that her speech deserves a place in the annals of the Senate.

I would like to talk about the distinct situation in Quebec. Senator Fraser was right when she talked about protecting English and French. I want to talk about this again because I

[Senator Fraser]

raised the issue during a motion. There is an anachronism in Quebec that we must eliminate now. Mr. Speaker, I invite all senators from Quebec, seeing as all of the seats are now filled, to meet and study the current situation and take the right steps, the best steps, the only steps that will rid us of that anachronism. All 24 senators must agree to ask the National Assembly of Quebec to pass a resolution that it can then convey to the House of Commons for adoption there so the Senate can then adopt it here.

I think we need to rid ourselves of this anachronism, which has persisted since Canada was founded 150 years ago. I have nothing against Senator Patterson's bill. Senator Patterson is entitled to correct his personal situation, which is really a specific one in our country, and I fully agree with him. However, in Quebec's case, all of the Quebec senators will have to agree.

I have always heard people call the Senate the voice of the voiceless. That is a special role in a legislative assembly, a Parliament, because we listen to those whom nobody hears. The way the electoral system works is that two or three political parties, possibly four, appear on the ballot. However, there are many other groups that are not represented in Parliament and who have the right to be heard. They are full-fledged Canadians in all their human and cultural diversity. These people have the right to be represented in Parliament. We need to remember that.

• (1500)

Senator Fraser, I commend you on your speech, which was very well articulated. You quoted many people who worked on the Senate file. You were right to discuss it, but with the anachronism that exists in Quebec, the 24 Quebec senators will have to talk to each other if we want to find a solution to this problem.

Let's take advantage of the opportunity afforded by the 150th anniversary of Canada to make this correction, which will serve us for the next 50 years. Thank you.

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

[*English*]

TAX CONVENTION AND ARRANGEMENT IMPLEMENTATION BILL, 2016

BILL TO AMEND—SECOND READING

Leave having been given to revert to Government Business, Bills, Second Reading, Order No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Runciman, for the second reading of Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement.

Hon. Scott Tannas: Honourable senators, as critic, I wanted to speak to Bill S-4, to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement.

Honourable senators, strengthening Canada's relationship with any country committed to deepening trade and investment is, as my kids would say, a "no-brainer." Parliamentarian and trade expert Ed Fast has said on numerous occasions that with increased trade comes improved prosperity, strengthened financial security and a higher standard of living. In order to protect and strengthen the financial security of hardworking Canadians, we must pursue policies based on practical realism over those based on outdated and long-discredited anti-trade ideology. Bill S-4 provides such an opportunity.

This bill is not complicated, as much of it is rooted in the decade of Harper governance when over 40 trade agreements were negotiated and over 92 tax agreements were signed. I believe Senator Greene referred to it as the "continuity of a government bill from the previous government."

Taxes can strain growth. The more tax, the less growth. So when Canada signed the convention with Israel and began to implement a tax arrangement with Taiwan, there was never an intention to tax people twice. Taxing them once, some would argue, was more than enough.

For me, Bill S-4 makes complete sense. As noted by Senator Bellemare, this legislation is effectively composed of three parts. It stems from a previously announced convention with the State of Israel and an arrangement with Taiwan. The bill also amends the Canada-Hong Kong Tax Agreement Act, to add greater certainty.

What I would like to bring to the attention of honourable senators is the direct impact the bill will have on the province that elected me to this place, specifically the special relationship that Alberta has fostered with the people of Taiwan. As far as I can tell, only the Provinces of Quebec and Alberta have provincial registration and representation in Taipei, encouraging and growing trade.

Here are some other facts that I would like to share with you. Alberta has maintained a presence in Taipei since 1988 and is co-located with the Canadian Trade Office in Taipei. Taiwan ranks as Alberta's fifteenth largest export market. From 2011 to 2015, Alberta's exports to Taiwan averaged \$172 million per year and consisted primarily of hides and skins, wood pulp, plastics, nickel, cobalt, beef and pork, and iron and steel. From 2011 to 2015, Alberta's direct imports from Taiwan averaged \$216 million a year and included electrical machinery, iron and steel products, machinery, vehicles, rubber and plastics.

As recently as 2015, the Alberta forestry division participated in an engineered wood products workshop organized by Alberta Innovates Technology Futures, the Alberta Taiwan Office and United Forestry Products Cooperative. The workshop launched a joint initiative to promote Alberta-engineered wood products in Taiwan, a direct impact on Alberta's forestry industry and their exports to Taiwan.

In 2014, the Alberta Taiwan Office held the Alberta Shale Gas Development and Opportunities Seminar to share some of the

latest developments in Alberta's energy industry for Taiwanese professionals, with speakers from Alberta, including the Alberta Energy and the Canadian Energy Research Institute.

On the education front, there are a number of partnerships between Alberta post-secondary schools and Taiwanese institutions. In 2014-15, there were 151 students from Taiwan who pursued post-secondary degrees, diplomas and certificates in Alberta.

Honourable senators, for many Albertans and many more Canadians, Bill S-4 will have a real and direct impact. This bill also speaks to the vision of the former prime minister and his government and Stephen Harper's commitment to pursue a very aggressive trade policy — one that this government, we hope, will continue.

For these reasons alone, I urge all honourable senators to support this bill and send it to committee. For my kids and for me, it's a no-brainer.

Some Hon. Senators: Hear, hear.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Greene, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That, for the purposes of its consideration of Bill S-4, An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement, the Standing Senate Committee on Banking, Trade and Commerce have the power to meet, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

PRINCE EDWARD ISLAND LITERACY

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals) rose pursuant to notice of September 28, 2016:

That she will call the attention of the Senate to the current state of literacy and literacy programs on Prince Edward Island, including the need for federal support of the PEI Literacy Alliance.

She said: Honourable senators, I'm pleased to rise today to speak to you about an issue that has been neglected over the past decade: literacy. I know many of us find it hard to believe, especially in this high-tech world, but 48 per cent of Canadians do not have the literacy skills to participate fully in our society.

Our good friend Senator Demers has told us what it is like to live with low literacy skills. He has spoken about his experiences and the challenges he faced. He has become a true role model, inspiring others to improve their literacy skills, and he has helped bring this important topic to us in this chamber. I wish he were here with us today to bring his wisdom to this debate.

I would also like to pay tribute to our former colleagues Senators Catherine Callbeck and Joyce Fairbairn for their work on this file. As we all know, both made enormous contributions to the cause of literacy in the Senate.

• (1510)

Sadly, not much has changed in recent years. As I said, 48 per cent of working age Canadians have low literacy skills. Yes, nearly half of Canadians aged 16 to 65 do not have the minimum skills required to succeed. Indeed, even more — at 55 per cent — have numeracy skills below the minimum level to participate fully in our society.

Some of the lowest literacy rates in the country are found in Atlantic Canada: 50 per cent in Nova Scotia, 54 per cent in New Brunswick, and 56 per cent in Newfoundland and Labrador. In my home province of P.E.I., it's 46 per cent.

This is a serious problem. How can we expect to prosper as a nation when our population lacks the skills necessary to succeed?

There are significant benefits related to literacy, both to individuals and to our communities. The first should be obvious — economic. We already know that there is a correlation between literacy and wage levels. We know that Canadians with low literacy skills are about twice as likely to be unemployed. They are more likely to receive social assistance. In fact, 65 per cent of social assistance recipients have low literacy skills. When employed, they're more likely to be employed in the lowest paying jobs. Nearly half of low-income Canadians also have low literacy skills.

But improving these skills increases the potential for a better job with a better wage. One Statistics Canada study has indicated that each additional year of education is worth more than 8 per cent on their paycheck.

For the nation as a whole, a paper done by TD Bank Financial Group found that a 1 per cent increase in literacy skills would create a workforce that is 2.5 per cent more productive and would increase our GDP by 1.5 per cent.

Literacy rates also have an impact on health.

First and foremost, a person with low literacy skills can be more likely to have accidents at work, simply because they are unable to read health and safety regulations or machinery instructions. Overall, they are more likely to be employed in primary resource or the construction industries, and these have accident rates well above average. This results in higher absenteeism, lower productivity and can even put co-workers at greater risk of injury.

At home, people might experience more mis-medications because they don't understand the pharmacist's instructions. They have difficulty finding and understanding health information. They may not understand their doctor's instructions, and so do not ask questions and they do not learn more about their health.

As to communities, increasing literacy has a beneficial effect on civic engagement. People with low literacy are less likely to be active in their communities. They are less likely to volunteer. In Ontario, about half of people with low literacy skills volunteer, while nearly 80 per cent at the highest levels do.

People with low literacy are also less likely to vote. A UNESCO report on the political benefits of adult literacy put it this way:

In modern societies, literacy skills are fundamental to informed decision-making, to active and passive participation in local, national, and global social life, and to the development and establishment of a sense of personal competence and autonomy. . . . it has been demonstrated that as individuals acquire greater knowledge and information, they also demonstrate a greater propensity to participate in various political practices.

We will all benefit from a more informed and engaged population.

On the negative side, low literacy levels are highly prevalent in correctional facilities. About 82 per cent of offenders have skills that test lower than Grade 10, while 65 per cent test lower than Grade 8. Inmates with poor literacy skills are also more likely to re-offend once released. The good news is that prison literacy programs can be a big help, lowering recidivism by up to 30 per cent.

According to the Canadian Association of Chiefs of Police, it can also help youth at risk to develop the skills they need to find and keep jobs, and thus escape poverty.

We lose out financially when Canadians are held back by low literacy. There is a real cost involved, in areas like social assistance, health care, Employment Insurance and prison upkeep. The World Literacy Foundation estimates that the economic and social costs of illiteracy in Canada run more than US\$32 billion.

As surprising as it might sound, the problem is that these numbers are not going to get any better. Even with more and more young people pursuing post-secondary education, they will not offset the number of adults with low literacy skills.

The fact of the matter is that if people do not use their literacy skills, they will lose them. Reading is not something a person learns as a child, and then it stays with them, unchanging, all their life. The loss of literacy skills is a gradual process that begins at the age of about 25, peaks at around 40, and tapers off during late middle age, at about 55.

Luckily enough, in my home province of P.E.I. we have people who are working with great passion and dedication to make some headway on this challenging issue. The PEI Literacy Alliance is one. They have a number of programs I feel it necessary to highlight:

- Summer Tutoring Program for Kids: Over the summer, a child's reading skills can deteriorate. Some call it "summer slide". This program pairs kids at risk with a tutor, so that the child can keep up their skills. More than 10,000 students have participated over the last 15 years, and the vast majority of students maintain or improve their skills.
- Adult learning program bursary: Many low-income working people simply don't have the financial means to go back to school. This program helps them to go, so that they might earn their GED or Grade 12 certificate.
- PEI Volunteers for Literacy: This is one-to-one tutoring for adults, including seniors, to improve literacy skills.
- Free Books for Kids program: It is a fact that parents who have books in their home increase the level of education their children will attain. This program helps families build their home libraries. More than 21,000 books have been given out since 2010.

The PEI Literacy Alliance does great work, but like other provincial, territorial and national literacy coalitions, their federal core funding was cancelled by the previous government in 2014.

Strapped for money to operate, only 9 of the 15 coalitions are still operating, and the PEI Literacy Alliance is in real danger of closing in the near future.

Project-specific funding is helpful for specific projects, but core funding is absolutely necessary to keep the doors open. The alliance needs staff to initiate, organize and run the many programs that it provides. Reinstating core funding for this organization and all those that remain would go a long way to helping increase literacy skills on the Island and beyond.

Another organization that does great work is Workplace Learning Prince Edward Island. Many people simply don't meet the model to gain literacy and essential skills on their own. Programs at college or private institutions are not made for them. They may not have the skills to qualify to attend, or they work and can't take time off. They might be challenged by anxiety because they had bad experiences at school or they lack confidence in their ability to learn. But Workplace Learning helps by assessing needs, developing a learning program that suits the person's schedule, and providing one-on-one support and guidance.

Workplace Learning also partners with employers to set up essential skills programs. In their own words:

It has been shown that employees with developed essential skills, such as math, reading and using workplace documents — respond better to change, make fewer mistakes, work safer and contribute more at work.

● (1520)

Workplace Learning can help set up a place for learning at the work site so that employees don't have to travel. They can assess employees to identify needed areas of improvement, then help employers and employees to achieve that goal. The benefits for the employer are impossible to deny. They point to a recent study on Canada's hotel industry, which found an average of 25 per cent return on investment for training programs, with some participating companies reporting returns as high as 300 per cent.

Even with the great work of organizations like these, the fact of the matter is that we lost some ground over the last decade. Changes to the federal adult learning programs did not always go well. We lost some organizations and some volunteers, but we need to move forward now, and the federal government has to play an integral role. That role is recognized by many.

We all know that the Standing Senate Committee on Social Affairs, Science and Technology recommended that the federal government sustain strong financial support for adult and family literacy programs in its report on poverty, housing and homelessness.

A year later, the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities also called on the government to take steps to substantially increase adult literacy levels and to increase adult learning and training offered by businesses.

We need to do more as a country to ensure that all Canadians are working to their full potential.

We should support those organizations on the ground that help deliver our literacy programs. We need to encourage more employers to invest in the literacy and essential skills development of their employees. Government can help to do that through Labour Market Agreements or existing literacy and essential skills funding programs. For those with low literacy skills who are unemployed, we need to create alternative learning opportunities. There is no doubt that we would benefit from developing and implementing a national literacy strategy.

Honourable senators, if we were to improve literacy levels across the country, we would see real benefits to individuals, to their communities and to Canada as a whole.

I encourage you to participate in this inquiry on behalf of your own respective provinces and share your thoughts and possible solutions. As I have said, I am certain that we can begin an engaging and fruitful discussion on literacy in Canada.

(On motion of Senator Griffin, debate adjourned.)

[Translation]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Marc Serré, the Member of Parliament for the riding of Nickel Belt, in Ontario.

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

Hon. Senators: Hear, hear!

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, as it is not quite 3:30 yet, we will suspend for approximately 10 minutes. There will be a three-minute bell when the minister is ready to return.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1530)

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Mélanie Joly, the Minister of Canadian Heritage appeared before honourable senators during Question Period.

[Senator Hubley]

MINISTRY OF CANADIAN HERITAGE

CBC/RADIO-CANADA FUNDING

Hon. Donald Neil Plett: Minister, thank you for being here today. As you know well, the Canadian Broadcasting Corporation receives a little over \$1 billion a year of taxpayers' money. Yesterday, we learned that CBC/Radio-Canada has asked your government for over \$400 million in additional funding, an increase of over 40 per cent, to become an advertising-free model similar to that of British Broadcasting Corporation.

Minister, what is your response to this request from CBC? Is this something that you are actively considering?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, senator. I'm pleased to be here to answer your questions. It's a privilege. It's my first time.

As the honourable senator knows well, we will invest \$675 million over the next five years in CBC/Radio-Canada. This was a platform commitment for our government, and we highlighted this in Budget 2016.

Meanwhile, what I've launched under my leadership as Minister of Canadian Heritage is an important public consultation on how to support Canadian content in a digital world. In terms of numbers, 30,000 Canadians participated in these public consultations.

We're studying the impact of the digital disruption on the media industry, but also on the entertainment industry, which is film, books and different genres in the entertainment sector.

Clearly, in the context of these public consultations, Canadians clearly stated that they love the CBC. The CBC presented their submission yesterday as part of this public consultation process. More than 300 people have submitted reports or given their opinions online. As with all submissions, we will be taking a close look at it and will come up with a new cultural policy tool kit in 2017, as part of the follow-up process of these public consultations.

Senator Plett: I'm not sure that you told me whether or not you are seriously considering this, but in a supplementary question I will ask this: During the last election, the Liberal Party campaigned on restoring the \$115 million that the Conservatives cut from the CBC. As I said at committee, I have always found it strange that you would purport to know that the CBC needed exactly \$115 million to fulfill its mandate and not some or all of the \$440 million that the previous Liberal government cut.

However, your government has now restored and increased that committed funding. As you know, minister, last year our Senate committee found that the CBC did not require an increase in funding, so that was consultation. We consulted with people across the country, in funding to fulfill its mandate, but rather they needed better management of resources.

Can you let us know in specific terms, minister, what compelling case the CBC made that they definitely require such a large increase in funding from the government, money that the government does not have, in order to fulfill its mandate?

Ms. Joly: We believe in the importance of having a strong public broadcaster. In the context of our reinvestment in CBC/Radio-Canada of \$675 million, bearing in mind, of course, that our public broadcaster is independent from the government, I have expressed three wishes in order to make sure that they could be attained in the context of our reinvestment.

First, we need to make sure that there is more local content and local news developed by CBC/Radio-Canada.

Second, we need to make sure that the public broadcaster is in line with the digital age, and that our public broadcaster is able to have the digital infrastructure required to meet these needs.

Third, that there be new talent, namely, that young people are able to be employed by CBC/Radio-Canada in order to have a strong public broadcaster for the next 50 years.

These three wishes, I understand, have been heard. In this context, CBC/Radio-Canada is developing an accountability plan based on these priorities.

[*Translation*]

COMMUNITY MEDIA

Hon. Claudette Tardif: Yesterday, I had the opportunity to meet with the Association de la presse francophone, the Alliance des radios communautaires du Canada, and the Quebec Community Newspaper Association, whose members, together, serve two million Canadians in every province and territory of Canada. Unfortunately, many of these community media find themselves in very precarious circumstances as a result of the loss of approximately \$10 million in federal advertising since 2006. Some community radio stations no longer have employees. Minister, the current situation for minority community media is urgent. How does the government intend to reinvest in the community media sector, which is an essential sector for the sustainability and vitality of official language minority communities?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, Senator, for your very pertinent question. At the same time that we began public consultations on the digital shift, we also held public consultations concerning the Official Languages Act. My parliamentary secretary and I visited 22 cities, and 5,000 people participated in the consultations. We heard that our minority language communities are worried about the future of community media. As we draft a new official languages action plan, which will consider the different needs of minority language communities and groups, we are also looking to adopt a new approach to better address the challenges associated with the media and entertainment sectors.

In 2017, I will address these issues after we have presented our new official languages action plan and once I have comprehensively reviewed the cultural policy to support Canada's media and entertainment sectors. I have clearly heard the alarm sounded by the various stakeholders.

Senator Tardif: Thank you for your response, minister. I hope that, in your plan, you take into account the need for improved digitization and Internet access in rural and remote areas, which still do not have those services, and that you make investments in human infrastructure to ensure the digital transition.

• (1540)

Ms. Joly: As the senator knows, I am working with the Minister of Innovation, Science and Economic Development, Navdeep Bains, on the digital shift.

In Budget 2016, we allocated \$500 million for digital infrastructure to enhance connectivity in rural and remote communities.

This issue is of major concern to me. We know that technological change has a transformative effect on how people consume information and entertainment, but we also know that many communities are not well served in terms of connectivity and digital infrastructure.

That is why my colleague, the Minister of Innovation, Science and Economic Development, and I are working to foster a holistic, concerted approach to this issue.

ACCESS TO JUSTICE—LINGUISTIC DUALITY

Hon. Raymonde Gagné: Welcome to the Senate, Ms. Joly. My question is about access to justice in the official language of one's choice. I would like to begin by saying that I welcomed this summer's announcement from the federal government about its plan to appoint only bilingual justices to the Supreme Court. I congratulate your government on taking action on that front just recently.

However, the whole point of having bilingual judges is access to justice, so my question concerns all 1,131 judges appointed by the federal government across Canada.

Currently, the Office of the Commissioner for Federal Judicial Affairs considers bilingualism to be one of 14 professional competencies that may be considered in assessing a candidate's suitability for the role of a judge.

Is your department working with the Minister of Justice to ensure that not only is bilingualism a consideration, but also that every province has a sufficient number of bilingual judges so that Canadians really have access to justice in the official language of their choice?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, senator. You asked me a similar question when I appeared before the Standing Senate Committee on Official Languages. Please know that our government believes that it is vital that people have access to justice in their language of choice. It is part of how we show leadership on official languages.

As for your specific question, I am currently working with my provincial and territorial counterparts. At the most recent federal-provincial meeting on the Canadian francophonie and official languages in St. John's in June, we collectively decided to make access to justice a priority at the next conference in June 2017.

In the meantime, I have been working on this issue, and we are currently doing an inventory of the bilingualism of judges across the country. We will be able to use that information to look into this issue next June. The information can also help us find solutions to address the fact that people across the country don't always have access to justice in the language of their choice.

Senator Gagné: I have a supplementary question. Does that mean that the government is considering a minimum threshold for each province? Will the government be determining those thresholds and will they be made public?

Ms. Joly: That is a good question, Senator Gagné. I am prepared to consider different scenarios, but one thing is certain, and that is that there are already agreements between provinces to provide better access to bilingual judges in some cases. However, it is difficult for me to speculate before the inventory is complete. I would rather make fact-based decisions. However, please know that this is a priority for our government and that we will examine the issue in 2017.

COMMISSIONER OF OFFICIAL LANGUAGES

Hon. Rose-May Poirier: Minister, I would like to welcome you. Since your government was elected, you have been aware that Mr. Graham Fraser, the Commissioner of Official Languages, is approaching the end of his term. However, a year did not seem to be sufficient for you and he agreed to a three-month extension of his term. Now, that is not enough. Even though you know that his term ends on December 15, 2016, you are accepting applications until December 2, and you are already talking about appointing an acting commissioner of official languages for several months.

In the meantime, the number of complaints is increasing, files are evolving and, at the end of the day, the losers are the minority language communities. Minister, why did you wait until the last minute to replace him?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you for your question. In its approach to revising political appointments, our government wants to have an open, transparent and merit-based process. I would remind the Senator that I do not appoint the Commissioner of Official Languages; that is Parliament's responsibility. Given the circumstances, I will have the opportunity to speak with my colleagues and the party leaders about revising the process and appointing a new Commissioner. This is a very important file to which I am devoting considerable time and energy.

[English]

MEDALS FOR SESQUICENTENNIAL ANNIVERSARY

Hon. Colin Kenny: Honourable senators, I rise to ask the minister to reconsider her decision not to issue a medal to celebrate Canada's one hundred and fiftieth anniversary.

Medals of this nature were first introduced by Mr. Pearson's government in 1967 to celebrate Canada's centennial, and various governments continued the tradition in 1977, 1992, 2002 and 2012.

The medals have proven to be a valuable way to recognize and thank countless people in communities across the country who otherwise go unrecognized: members of the military, teachers, fire services, police, social workers, hospital employees — the list is endless. It would be a missed opportunity not to take some time to formally thank these people for the service they have given Canada.

I know you plan to announce a wide range of projects, minister, in the coming months to celebrate our one hundred and fiftieth anniversary, but couldn't you include a medal program like the one Mr. Pearson initiated 50 years ago?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, senator, for your question.

Of course, in the context of Canada 150, which is an extremely important year, we will have an ambassador program which will recognize hard-working Canadians and community leaders. You will be hearing from our great ambassadors as their names roll out over the next weeks. Already, Art McDonald, winner of the Nobel prize for physics; Julie Payette, an amazing astronaut; and well-known musician Kardinal Offishall have been announced.

We're also partnering with the Community Foundations of Canada to make sure we recognize hard-working Canadians, and also to develop a program called Friends of Canada 150, which will be based on the fact that people self-identify in order to develop positive action and offer volunteer work in the context of Canada 150.

I'll also be working with parliamentarians from this house and from the House of Commons in the next weeks to make sure that we can recognize important community leadership. More news will be announced soon.

[Translation]

ARTS, CULTURE AND CULTURAL INDUSTRIES

Hon. René Cormier: Honourable senators, as a new senator, I am pleased to ask the Minister of Canadian Heritage my first question. As you mentioned, you initiated a consultation process on Canadian content in a digital world.

Arts, culture, and cultural industries from francophone and Acadian minority communities contribute greatly to our national identity. These communities need specific provisions in order to fully access the digital space and contribute to the growth of Canadian culture, while helping promote Canada at home and abroad.

In a submission sent to you recently, the Fédération culturelle canadienne-française, an umbrella group of 200 organizations and artists in 250 urban and rural communities across Canada, identified three main challenges associated with digital media.

• (1550)

As the Honourable Senator Tardif pointed out, access to broadband Internet service across the country is crucial to ensuring that all Canadians can take part in the digital culture. It is about developing the skills and support services that artists and cultural workers need to navigate the digital shift, and about financing production, copyright protections and the regulatory regime for industry players.

Minister, how does your department plan to respond to those three concerns as you develop policies based on those digital space consultations?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, senator. Congratulations on your recent appointment. Your intervention demonstrates once again just how wide-ranging the topics presented in our consultations are.

I have spoken many times about the importance of examining the impact of digital technology. That is the question that all cultural ministers around the world are struggling with these days, namely managing the analogue-to-digital shift, while at the same time making sure to preserve the local content of various local media and invest heavily in digital infrastructure.

That is why I decided to put everything on the table: the Broadcasting Act, the CRTC Act, the Copyright Act, the various levers at our disposal at Canadian Heritage, the Canada Media Fund, the role of our public institutions such as Radio-Canada, the CBC, the NFB, Telefilm Canada and the CRTC, as well as our various levers associated with foreign co-productions and the development of a cultural export strategy. Everything is on the table.

Most of our levers date back to the Mulroney era, that is, before the arrival of the Internet. I am therefore examining this issue holistically at this time. That is also why 30,000 people took part in our public consultations and why, over the course of 2017, I will introduce a new cultural policy that will be adapted to today's reality.

[English]

ENGLISH-SPEAKING LINGUISTIC MINORITY IN QUEBEC

Hon. Judith Seidman: Minister, thank you for being with us this afternoon. Quebec's English-speaking communities are a diverse, dynamic and respected national linguistic minority that has actively participated in and contributed to Quebec and Canadian society. Anglophones in Quebec, numbering 1,058,000, face linguistic, social and economic challenges. Francophone minority communities living in the rest of Canada, numbering 1,065,000, face similar challenges and struggle to maintain the vitality of their communities. The Department of Canadian Heritage has recently completed cross-Canada public consultations toward the development of a new multi-year action plan for official languages in Canada. These consultations will provide the information needed for priority setting regarding new challenges and investments for both the English and French-speaking minority communities. During roundtable discussions organized in Quebec, members of the English-speaking minority communities presented recommendations to you on the role of the federal government in supporting their vitality.

Minister, what priorities were set for the English-speaking minority communities in Quebec, and how will they be able to benefit equitably from the new multi-year action plan?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you for your question, senator. It's an important one. Of course, as you mentioned, we had the chance to meet with the linguistic minority in Quebec. I had the chance to be there in Montreal, and my colleague, Jean-Yves Duclos, along with my parliamentary secretary, had the chance to meet in Quebec City. My colleague, Marie-Claude Bibeau, who is also a minister, met the community in Sherbrooke.

The challenges with all of the linguistic minorities are much the same, in the sense that there is an anxiety toward the vitality of the official languages minorities. We heard issues when it comes to having a strong community media, as I said in answer to Senator Tardif. Also, in terms of community infrastructure, it is important to have access to community buildings as well as schools. What we also heard clearly is the importance of immigration in keeping that vitality. You can be sure that I'm dedicated to this important file. Our government has had a pan-governmental approach when it comes to our official languages strategy.

I've worked with John McCallum at Immigration to make sure that we relaunch an important immigration program for linguistic minorities.

I've worked with Harjit Sajjan to make sure that we were reopening the *collège de Saint-Jean-sur-Richelieu*, in French and in English, at the university level.

I've had the chance to work with Jody Wilson-Raybould when it comes to making sure that we have bilingual judges at the Supreme Court. I'm also working, right now, on relaunching a new — in French I would say *Programme de contestation judiciaire* — within the Department of Canadian Heritage. These are just, within a year, new steps that were not taken over the past 10 years but that we've taken as a government.

Senator Seidman: Thank you, minister. I do hope that, in your plan, you will consider the specific needs of the many English-language minority communities in the regions of Quebec. For example, the community in Quebec City is quite different from that in the Gaspésie or that in Sherbrooke or that in Îles de la Madeines or even that in Montreal.

Ms. Joly: I will take into account, of course, the reality, as we always do. You have to understand that the plan that was developed by the former government ends on March 31, 2018. We have done our public consultation. According to the Official Languages Act, we had to do public consultation. We decided to conduct them as openly and transparently as possible. We went to 22 cities. Now that these public consultations are done, we will be developing the plan, talking, of course, with all of my counterparts throughout the country and different provincial leaders, and ministers of education as well in order for it to be ready by April 1, 2018.

NATIONAL CAPITAL COMMISSION— SITE OF OTTAWA HOSPITAL

Hon. Vernon White: Minister, thank you for appearing today to take questions. I'm a resident of the city of Ottawa and a senator for Ontario. My question relates to the recent decision for the location of the new Ottawa hospital, a replacement for our present hospital. As a former emergency services worker in this city, I know that the importance of strategic placement cannot be overemphasized. For clarity, we have four hospitals in this city, the Queensway Carleton Hospital in the western section, the Ottawa Hospital General Campus in the east, Montfort Hospital in the northeast sector of the city and our present Civic Campus, which is located on Carling Avenue, strategically placed close to the centre of the city by population and geography. At present, it covers a large area of the city, with easy accessibility from a four-lane roadway, Carling Avenue, and Highway, 417, which has six lanes. More importantly, it is in the centre of the city, offering wide coverage of the south and, as noted, easy accessibility. In

fact, this location has in place a helipad, parking, strategic placement and easy accessibility for the top 10 requirements of any hospital, according to a recent study. Under the previous government, there was a review requested by the NCC that included too many experts to name as to a location for the new hospital that would replace the Civic. The recommendation brought forward was that the new hospital would be placed on agricultural land owned by the federal government. This was the number one recommended site, and it is within a stone's throw of the current hospital.

There was overwhelming support for this perfectly suited location for the new hospital. Yet there was a review ordered last year by the new government and a new site came forward, recommended by a majority of the NCC members, noted to be Tunney's Pasture. This would mean they have now chosen a site that finished sixth in the review done previously. It's a non-central location, closer to Quebec, to be fair, than it is to the 417 highway dissecting the city, a location that is along the shore of the Ottawa River abutting the province of Quebec, has a two-lane roadway that is scheduled to be reduced to one lane when the LRT is in place and has neither easily accessible parking nor a helipad. In fact, for clear reference, it was either rejected or not voted on by all of the local representatives on the National Capital Commission, all of the local representatives. Those on the NCC who know the city did not support this recommendation, which is telling in itself.

• (1600)

Keeping in mind that two former Ottawa mayors have now spoken out in the past week in support of the Carling Avenue site, my question is as follows: Will you commit on behalf of the federal government to reinstate the original decision, that of the agricultural land of the NCC, ensuring that the location is relevant to providing health care to Ottawans, not just satisfying a handful of activists?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: I would like to thank my colleague for his question.

I commended the NCC last spring to undergo an important public consultation in order to make sure that the choice of the site be less political and based on an open, transparent and merit-based process. Eight thousand people within the Ottawa region decided to participate.

Twelve sites were studied, and out of this process, two things appeared very important to the Ottawa population. The first is the importance of having access to it through public transit, the new site being close to the new LRT line that the city is now working on.

The second important aspect was the protection of green space. I understand the NCC, when studying the sites, came up with a recommendation. I have yet to receive a report. I will study it once I receive it.

I really hope that the Ottawa Hospital sits down with the NCC in order to study the recommendation. I know that the Ottawa Hospital has participated in a process but has yet to sit down with the NCC to look at the recommendation.

Ultimately, our government is committed to give Ottawa the hospital it needs in the central core of the city.

Senator White: Thank you, minister, for the response.

Would you also commit to considering the fact that there are two single-lane access points to this new location, not the seven lanes we have with the present location? Two single lanes. An ambulance will be the only way into that site. I can guarantee you that Ottawans will be calling ambulances instead of driving themselves to the hospital.

Ms. Joly: I will be studying the recommendation. Meanwhile, lots of people have the chance to express their views on this. The Paramedic Association of Canada has clearly stated that there were no accessibility problems or issues with Tunney's Pasture.

With that being said, I'm waiting for the NCC's report.

OUTDOOR HOCKEY GAME—SESQUICENTENNIAL ANNIVERSARY

Hon. Jim Munson: Minister, this might be the easiest question you're going to get here today. I'm an Ottawa senator and I'm a hockey player, too. I recognize, minister, that you're probably a Montreal Canadiens fan, and so am I — and a Sens fan. I recognize you had to make the decision — or somebody did, but you're the minister, the boss — of not having a big-time NHL hockey game here at the one hundred fiftieth anniversary of our country. The money-grab by the NHL — I can see the argument of taxpayers paying for that, and that's not a good thing. But it is a celebration of our country. There's something romantic and very Canadian about playing a game on the one hundred fiftieth anniversary of our country on the lawns of Parliament Hill.

I would just like you to consider this: With the excitement and energy that will be around in December 2017, why not have somebody — there are lots of people who like to work here in the wintertime — build a small temporary rink and use a smaller Zamboni, like they have at Lansdowne Park, and have a game with ex-Ottawa Senators, alumni, against our parliamentarians? That would still be a draw. We could have a few senators here who still play the game. By the way, I scored last night in a 4-3 victory. But I was not playing against the current crop of NHL players.

I think that would really work here. People would come out to see it in the old-fashioned way, with an old-fashioned rink like you see in the villages of Quebec and across this country. It could be former Ottawa Senators playing members of the House of Commons and the Senate.

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: I feel the passion of the honourable senator and I share it. I must confess; I'm a Montreal Canadiens fan.

Some Hon. Senators: Hear, hear.

Ms. Joly: Thank you.

But it's important to be talking about hockey in the context of 2017 because it's going to be the one hundredth anniversary of the NHL. Of course, we will be supporting this one hundredth anniversary at Canadian Heritage.

I take into account the importance you're giving to having a rink in front of Parliament. Certainly, we're looking into ways to

[Senator White]

celebrate 2017 in November and December next year. We're looking at different scenarios.

When it comes to the rink itself and having a capacity of 30,000 people, I had the chance to work with the Speaker and both houses. Because of security reasons and bearing the risks of the houses being interrupted, these considerations were taken into account in order to take the decision we took as a government.

But I feel your passion for hockey, and I'll bear in mind a smaller rink.

NATIONAL MUSEUMS

Hon. Nancy Ruth: Minister, I'm one of those Canadians who doesn't love hockey as our national sport. In your capacity as minister of museums, can you confirm that one of the two original versions of the Canadian Charter of Rights and Freedoms will be returned and go on permanent display at the Canadian Museum for Human Rights in 2017 once the Canadian Museum of History is done with it? The Canadian Museum of Human Rights built a special gallery to house the Charter, which your ministry approved. It's called the "Protecting Rights in Canada" Gallery, unlike the Museum of History, and they await the return of the Charter.

My other concern is the Canadian War Museum. It says its focus is military history, emphasizing the human experiences of war. Well, my experience is that Canadians have never wanted war — not in the past, not in the present and I hope to God not in the future. It is not the experience of war we seek, minister; it is the experience of peace.

Will the minister challenge the Museum of History, the Canadian War Museum and the Prime Minister to shift the Canadian War Museum's name and focus to that of peace?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you, Senator Nancy Ruth.

The senator must understand that the six national museums are all independent agencies from Canadian Heritage; therefore, their operations are under their own responsibility. It wouldn't be appropriate for me as the Minister of Canadian Heritage to get involved and politicize their operations.

I understand the senator's concern. We just reinvested \$168 million in our national museums because we profoundly believe in the importance of them. We understand also that they have different mandates but that they can cooperate together.

Under Canadian Heritage, I have 17 independent agencies. Six of them are the national museums. I've clearly stated that I encourage them to work together. They've heard that loud and clear, and there will be more cooperation in the context of Canada 150. I'm very pleased to see that they're doing great work that is appreciated by the population.

Senator Nancy Ruth: I'm confused, minister. If the last prime minister had the capacity to pass an act to change the name of a

museum and the focus of a museum, surely your prime minister has the same prerogative. That is my first comment.

Second, if your ministry was part of the deal of the \$100 million that the last government gave to establish the Canadian Museum for Human Rights in Winnipeg, they approved this gallery, which was to hold the second copy of the Charter. I understand — there is the ink-stained one and that the Museum of History will have the rain-stained one for next year. But surely that one should go back to Manitoba, to Winnipeg, where it belongs.

• (1610)

Ms. Joly: I understand the senator's passion for Manitoba, and I totally respect it. I really love the Canadian Museum for Human Rights.

That being said, I must say that I completely disagree with the past government's dealings when it comes to the national museums. I don't believe in the fact that we should politicize them. I don't believe in the fact that we should amend the legislation. I think there are other priorities. When I was talking about the importance of developing an entirely new policy tool kit to support and enhance the content creators and content creation in our country, this is my priority.

My second priority is to make sure we have a new official languages plan that will be transformative for the next five years. For the first time in history I'm also working on a cultural export strategy, which Canada has never had. And I'm also working on the indigenous language and culture policy and new framework, which is clearly a recommendation of the Truth and Reconciliation Commission, so I think I have a lot on my plate.

NATIONAL PORTRAIT GALLERY

Hon. Douglas Black: Minister, thank you very much for being here.

My question relates to a proposed, hopeful, national portrait gallery. As you know, minister, Canada sits on a national treasure, which is the second largest collection of portraits in the world after the U.K. Unlike the U.K., as you also know, these portraits are sitting in vaults in Gatineau. These portraits tell the Canadian story, Canada's rich diversity of more than 50 indigenous nations, settlers, explorers, hockey heroes such as Senator Munson and public figures — all have had their portraits put to canvass to tell their story.

Every major country in the world, as you well know, has a portrait gallery to tell that story. Minister, when can we look forward to your government announcing the formation of a national portrait gallery for Canada?

Hon. Mélanie Joly, P.C., M.P., Minister of Canadian Heritage: Thank you. I hear the honourable senator's passion for the portrait gallery. It's not the first time he has talked to me about it.

I had the chance to visit the vault at Library and Archives Canada in Gatineau with the CEO, Guy Berthiaume. Clearly there are amazing treasures. I understand also that my colleague

Judy Foote is undergoing an important consultation on the former U.S. embassy building in front of Parliament, and if the honourable senator is interested in participating in the debate I encourage him to submit a proposal and also to talk to Judy Foote.

Of course, this is an idea that has been recurring over the past years and I'm always willing to hear good ideas.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm sure all honourable senators would like to join me in thanking Minister Joly for being with us today.

Hon. Senators: Hear, hear!

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

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