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OFFICIAL REPORT
(HANSARD)

Thursday, March 24, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Thursday, March 24, 2016

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

Prayers.

SENATORS' STATEMENTS

THE LATE ROBERT BRUCE "ROB" FORD

Hon. Art Eggleton: Honourable senators, on Tuesday of this week, Toronto city councillor and former Mayor Rob Ford died at the age of 46. As a former mayor of Toronto myself, I rise today to pay my respects to one of our country's most noted political figures.

There is no denying that Rob Ford was an astute political representative who cared about his city. He inspired devotion in his supporters, who took to describing themselves as members of "Ford Nation."

I have no doubt that this was a man who cared deeply for his constituents and was prepared to work tirelessly toward what he felt was in their best interests. Yet, though he seemed larger than life to supporters and opponents alike, Mr. Ford was ultimately a human being, with all the complexities and faults this entails. In his case, these troubles were strewn across screens not just in Canada but around the world, and were magnified even further by a painfully obvious drug and alcohol addiction — one that he himself finally admitted to by checking into a rehabilitation clinic in May of 2014.

Following his time in rehab, he was revitalized and was anxious to continue working for the people of Toronto. As we all know, these endeavours were cut short by an aggressive form of abdominal cancer, which eventually took his life.

A complicated man who leaves a mixed legacy, Rob Ford will retain the adoration of countless Torontonians. He was loved deeply by his friends and his family, especially his two young children, who now find themselves without a father. I believe I can confidently speak for all of us when I say our thoughts and sympathies go out to all of them.

Hon. Senators: Hear, hear.

GREECE INDEPENDENCE DAY

Hon. Leo Housakos: Honourable senators, every year many countries acknowledge the day that celebrates the independence of Greece. On the symbolic date of March 25, in 1821, a series of uprisings culminated in a national rebellion by the Greeks against

the Ottoman Empire. For 400 years the Greek people had barely existed under the oppressive Ottoman regime. Democracy was shackled and freedom was trampled.

As was the practice, and continues to be the practice in many extremist Muslim countries, the Ottomans tolerated the Christians but reduced them to the status of second-class citizens. During four hard centuries, the Greeks were subjected to extortion, excessive taxation and the occasional mass slaughter.

The high point of the Ottoman cruelty was the child tax imposed on the Greeks and other Christians of the empire. This was a practice wherein the Ottomans recruited — demanded, really — the best and brightest children from Christian families and forced them to convert to Islam. These children, mostly males, were then trained in the sultan's civil service or as elite fighters.

The trade in human traffic — as we observe with the exploitation of refugees by Ankara — remains a feature of Turkey, the successor of the Ottoman regime. The litany of cruelties that were inflicted on the Greeks and other Christians by capricious sultans and Turkish governors is long. As the empire declined, the situation became intolerable.

The eventual struggle for independence, which lasted nearly a decade, saw the Greek rebels fight an uneven battle against an empire with large armies and battle fleets. Yet, despite the onslaught of the Ottoman forces and the incredible acts of retribution inflicted against the Greek civilians, they survived; and by surviving, they earned the admiration of the civilized world.

In response to the Ottoman threats of depopulating Southern Greece, the British, French and Russians destroyed the Ottoman fleet Navarino. Remarkably, this was the first attempt of peacemaking, and it is a lesson for us that in certain circumstances it is right to intervene and stop genocide.

The victory of the allies did not end the war, but it gave the Greeks the opportunity to reorganize and eventually triumph, thus preserving the oldest and richest civilization known to man. The success of the Greek War of Independence is a testament to the courage and determination of a people fighting for the right to be free. It remains a powerful example today and an inspiration for subjugated people to break the chains of slavery and secure their own freedom.

On the eve of this celebration of Greek independence, I would like to take this opportunity to extend the warmest of wishes to members of the Hellenic community across Canada and around the world.

Thank you.

**CAPTAIN MICHAEL MORELAND AND
CREW OF *MARTHA SEABURY***

RECIPIENTS OF ARTHUR B. HANSON RESCUE MEDAL

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to Captain Michael Moreland and the crew of the schooner *Martha Seabury*, sailing on her maiden voyage out of Lunenburg, Nova Scotia.

At the annual meeting of the American Schooner Association in Mystic, Connecticut, on February 20, 2016, Captain Moreland was presented with the Arthur B. Hanson Rescue Medal by the United States Sailing Association's Safety at Sea Committee. This medal is awarded for bravery on the waterways.

Near dark on September 10, 2012, while transiting Buzzards Bay off the coast of Cape Cod, with winds of 23 miles per hour and seas of three feet, deckhand Allison Phillips spotted a 15-foot capsized sailboat with three people clinging to it and waving for help. Captain Moreland ordered the sails to be dropped and steamed to the stricken sailors. His crew hauled the victims on board; they were suffering from hypothermia, vomiting seawater and barely responsive. The victims were given dry clothing and wrapped in sleeping bags to stabilize their condition.

• (1340)

The U.S. Coast Guard was hailed, and a cutter met the *Martha Seabury* around 10:15 p.m. Captain Moreland decided that the seas were too rough to safely transfer the victims to the cutter, so its medic was transferred to the schooner to attend to the victims. Both vessels headed to the lee of a reef, and in calmer waters the victims were safely transferred to the cutter at 10:40 p.m. and then taken to shore.

On behalf of the Senate of Canada, we recognize the exemplary, life-saving seamanship of the crew of the *Martha Seabury*, and we extend to them our congratulations upon receiving the Arthur B. Hanson Rescue Medal. They are Captain Michael Moreland; Chief Mate Paul Bracken; Billy "Ollie" Campbell, the owner of the vessel; Oliver Cote; Allison Phillips; Dan Rutherford; and Gabe St. Denis.

CORRECTIONAL SERVICE OF CANADA

Hon. Bob Runciman: Honourable senators, earlier this month Correctional Investigator Howard Sapers released yet another annual report that reveals clearly how the Correctional Service of Canada is failing its most vulnerable inmates: mentally ill female offenders. Thirty per cent of female offenders in federal prisons have previously spent time in mental institutions, and 60 per cent are on medication for mental illness. It is obvious, in particular from the heart-rending details revealed during the Ashley Smith inquest, that the correctional system is failing these women.

Ashley was just 19 years old when she killed herself while guards stood outside her cell at the Grand Valley Institution for Women. She had spent 11 months in federal custody, where she

was mainly held in segregation and shuttled from institution to institution. She never received adequate treatment, although there was no dispute she suffered from serious mental illness that lay at the root of her criminal behaviour.

There was a very thorough inquest into Ashley's death, with 104 recommendations. I, like many others, hoped the inquest and its recommendations would be a catalyst for change. But Mr. Sapers' report makes it clear that the response of the Correctional Service, in Mr. Sapers' words, "... both in form and content, is frustrating and disappointing."

His report notes that more than two years after the jury reported, we have yet to see a response from Correctional Service that addresses the individual recommendations of the inquest. It isn't clear which recommendations the service supports and which it doesn't, or what steps have been taken to address the serious problems identified by the inquest.

I am disappointed in the response by the Correctional Service, but given its leadership, I can't say I'm surprised.

Correctional Service fought the inquest every step of the way, spending \$5 million of taxpayer money on legal and administrative costs, largely to try to restrict the inquest's scope, block some of the most compelling evidence from being introduced and in an unsuccessful attempt to prevent Commissioner Don Head from testifying.

Ultimately, Prime Minister Harper intervened to tell the service to cooperate with the inquest. It was a disgraceful display at the time, and as Mr. Sapers' report illustrates, they haven't learned anything from that process.

Senators will recall that I, along with other members of this chamber, have long advocated for alternative service delivery for mental health treatment of female offenders, which turned out to be one of the Smith inquest recommendations. The Correctional Service has taken what I would call baby steps, with pilot projects that are too small to be effective and may be deliberately designed to fail. It is increasingly obvious that nothing will change until the leadership at Correctional Service changes, and from this perch, that can't happen soon enough.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Suzanne Jacobson, who works tirelessly with autism in Canada. She is a guest of the Honourable Senator Munson.

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

Hon. Senators: Hear, hear!

WORLD AUTISM AWARENESS DAY

Hon. Jim Munson: Honourable senators, I hope you mark on your calendars that April 2 is World Autism Awareness Day. We'll be on our break at the time; that's why I'm speaking today.

We are fortunate to have a day officially designated to learn about and demonstrate our respect for those living with autism. The legal and official recognition of that day happened right here in the Senate, and I'm very proud of what we accomplished together, an example of senators doing the right thing for our country.

In 2002, it was estimated that one child in 150 had autism. Today, the disorder affects an estimated one in 68. That's an increase of 120 per cent. Meanwhile, we hear reports of children waiting years to receive autism support services, often so long that they become too old to benefit fully from those services.

This was a headline of a news story issued only last November: "Over 16,000 children on Ontario wait lists for autism services: More kids are waiting than are getting support."

Recently, the Ontario government pledged millions for autism services, but I remain concerned it will not reduce those waiting lines. Our 2007 Senate report, *Pay Now or Pay Later — Autism Families in Crisis*, underscored the need for a national ASD strategy. A strategy would mean the federal government engaging all levels of government in building a national infrastructure for research and surveillance, for supporting all people with autism within their communities and for providing funding arrangements to meet their needs.

In recent years, the federal government has brought about a number of advancements, and I've always applauded the previous federal government for bringing them in. Last spring, for instance, it set aside \$2 million to create and support the Canadian Autism Partnership to achieve improvements in priority areas. There are also disability tax credits and employment programs for adults with autism, such as Ready, Willing and Able, but the autism community needs more, much more.

It would have been nice to see something concrete for people with autism in this week's federal budget. I know advocates have spoken to the relevant cabinet ministers, and I am hopeful we will soon see more support.

At the very least, there is a federal responsibility for Aboriginal children and adults with autism. I sincerely hope that with the new money for Canada's indigenous community, the leaders of that community don't forget those with autism.

Autism has become so prevalent that it is clearly not about any particular social group, nor is it an issue with a political bent. It is a national issue. We're all in this together. What we need is a strategy that will guide us all in working collectively in the interests of people on the spectrum and in the interest of our society as a whole.

In this respect, please also mark on your calendars April 18. It is the Monday after the week of our return. It is the day when CASDA, the Canadian Autism Spectrum Disorders Alliance, holds its second annual autism summit. Senator Housakos and I, along with CASDA, and certainly MP Mike Lake, will be attending that summit and still pushing for what we deeply care about. There will be autism advocates from all the across the country.

The following day, April 19, there is a noon-hour rally on the Hill called Autism on the Hill. It is hosted by my friend Suzanne Jacobson, a grandmother of two boys with autism. Suzanne is a tireless advocate whose Ottawa programs called QuickStart and KickStart are being replicated across the country.

So, honourable senators, as we head into this Easter weekend, please think of her, her work and her family. And please be there on the Hill on April 19 for her and her family and for those families across the country.

Personally, I will never rest until we have a national autism spectrum disorder strategy. Thank you, honourable senators.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of participants from the Leadership, Empowerment, Achievement, and Determination organization, L.E.A.D.

L.E.A.D, a Canadian multicultural organization, aims to help youth and adults turn challenges into opportunities through empowering them to build key skills that are founded on four principles: Leadership, Empowerment, Achievement, and Determination. They are the guests of the Honourable Senator Cools.

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

Hon. Senators: Hear, Hear!

RUSSIA

IMPRISONED UKRAINIAN PILOT NADIYA SAVCHENKO

Hon. A. Raynell Andreychuk: Honourable senators, I rise again regrettably to express concern over the recent conviction of Ukrainian pilot and political prisoner Nadiya Savchenko. Despite unsubstantiated evidence, Lieutenant Savchenko has been illegally imprisoned in Russia since June 2014. She is accused of complicity in the deaths of two Russian journalists.

On March 22, 2016, Lieutenant Savchenko was convicted on all charges and sentenced to serve 22 years in prison. Her prison sentence was accompanied by a 100,000 ruble fine.

• (1350)

Lieutenant Savchenko is one of many political prisoners being held captive by the Kremlin. Detentions prevail as a common politically motivated tool wielded by the Russian government to silence dissidence.

In a statement released online by her lawyers, Nadiya Savchenko stated:

There will be no appeal in the case of a guilty verdict. I want the entire civilized democratic world to understand that Russia is a third world state with a totalitarian regime and a tyrant dictator, where human rights, as well as international law, are ignored.

Lieutenant Savchenko remains a national symbol of bravery and resistance. Her very name, “Nadiya,” means “hope” in Ukrainian. She sits in absentia as a member of both the Ukrainian Parliament and the Parliamentary Assembly of the Council of Europe.

On March 3, 2016, when Russian prosecutors abruptly adjourned proceedings and refused Lieutenant Savchenko the right to deliver her final statement in court, she began her second hunger strike, refusing both food and water.

In an online statement, Lieutenant Savchenko stated:

And while (they) bargain over me, life will be leaving me, and Russia will anyways return me to Ukraine — alive or dead.

Thousands have united in protest at Russian embassies and consulates worldwide, standing in solidarity with Lieutenant Savchenko and the Ukrainian people.

Today I join, as I hope all senators will, with members of the international community in condemning the ongoing unlawful detention of Lieutenant Nadiya Savchenko. Her trial, and subsequent conviction, exemplifies an intolerable lack of due process on the part of the Russian government.

We must continue to call on the Russian government to abide by the Minsk protocols, to uphold the principles of human rights and the rule of law and to preserve the impartiality of the judicial system.

I echo the thoughts of Mr. Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights. He stated:

Savchenko’s release would send a strong humanitarian message given her health problems, and would build confidence in the peace process aimed at resolving the two-year-old crisis in and around Ukraine.

Noting Minister Dion’s statement dated March 8, 2016, I urge all Canadian parliamentarians to call for the immediate release of Nadiya Savchenko, along with all other Ukrainian prisoners illegally imprisoned in Russia.

INDEPENDENT NON-PARTISAN SENATORS

Hon. Pierrette Ringuette: Honourable senators, 11 years ago today, Elaine McCoy officially became a senator.

Some Hon. Senators: Hear, hear!

[*Translation*]

It is therefore quite fitting that I read the following document:

The Senate’s Independent, Non-Partisan Working Group Selects its First Facilitator.

Twelve days after officially forming the Independent Non-Partisan Working Group, Senators Diane Bellemare, Jacques Demers, Elaine McCoy, Pierrette Ringuette, Michel Rivard and John Wallace announced today that Senator Elaine McCoy will be the first Facilitator for the Working Group.

As the Working Group moves forward with its objective of promoting a properly functioning independent, non-partisan Senate, the Working Group has decided that each member will assume the role of facilitator on a rotational basis in keeping with their collaborative approach.

At a Working Group meeting on March 22, 2016, it was unanimously agreed that all Working Group members would benefit from naming Senator McCoy as their first Facilitator.

As the facilitator is solely an internal administrative role, Senator McCoy will be responsible for chairing the Working Group’s weekly meetings and, in order to simplify day-to-day operations, act as a conduit of information and a point of contact for administrative and coordination purposes.

Senator McCoy’s objective will be to lay the foundation for administrative collaboration amongst all Working Group members and other senators.

Senator McCoy said, and I quote:

As someone who has been an independent since 2005, I cannot fully express how delighted I am to finally share a table with a group of people who want to create a space for non-partisan independence in the Senate.

Congratulations, Senator McCoy.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

TAXPAYERS' OMBUDSMAN

2014-15 ANNUAL REPORT TABLED

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, pursuant to rule 14-1(3), I ask for leave of the Senate to table, in both official languages, the 2014-15 Annual Report of the Office of the Taxpayers' Ombudsman.

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

Hon. Senators: Agreed.

[English]

BUDGET 2016

DOCUMENTS TABLED

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, pursuant to rule 14-1(3), I ask for leave of the Senate to table, in both official languages, Budget 2016 entitled *Growing the Middle Class*, together with a document entitled *Tax Measures: Supplementary Information*.

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

Hon. Senators: Agreed.

STATUTES OF CANADA

INDIAN ACT AMENDMENT AND REPLACEMENT
ACT—SECOND ANNUAL STATUTORY
REPORT TABLED

Hon. Lillian Eva Dyck: Honourable senators, pursuant to rule 14-1(3), I ask for leave to table, in both official languages, the Second Annual Statutory Report pursuant to section 2 of the Indian Act Amendment and Replacement Act, Statutes of Canada, Chapter 38, 2014.

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

Hon. Senators: Agreed.

STUDY ON PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

THIRD REPORT OF BANKING, TRADE AND
COMMERCE COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the third report, an interim report, of the Standing Senate Committee on Banking, Trade and Commerce, entitled *The Fluctuating Canadian Dollar: What it means for Canadians*.

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

Second Report of Foreign Affairs and International Trade
Committee Tabled

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the second report, an interim report, of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Taking Action Against Human Rights Violators in Russia*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting.

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

Hon. Senators: Agreed.

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

[Translation]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—STUDY ON INTERNATIONAL
MARKET ACCESS PRIORITIES FOR THE CANADIAN
AGRICULTURAL AND AGRI-FOOD SECTOR—THIRD
REPORT OF COMMITTEE PRESENTED

Hon. Ghislain Maltais, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, March 24, 2016

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Thursday, January 28, 2016, to study on international market access priorities for the Canadian agricultural and agri-food sector, respectfully requests funds for the fiscal year ending March 31, 2017, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to adjourn from place to place within Canada;
- (c) to travel inside Canada, and;
- (d) travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GHISLAIN MALTAIS
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 293.)

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

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

• (1400)

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS—SECOND REPORT OF COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 24, 2016

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, January 28, 2016, to study matters pertaining to delays in Canada's criminal justice system, respectfully requests funds for the fiscal year ending March 31, 2017 and requests, for the purpose of such study, that it be empowered:

(a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;

(b) to adjourn from place to place within Canada; and,

(c) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

BOB RUNCIMAN
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 303.)

Senator Runciman: Honourable senators, I have the honour to present the second report of the Standing Senate Committee on Legal and Constitutional Affairs, which requests that the committee be empowered to incur special expenses and, if you will allow me to elaborate, the travel identified in this report is an important element of the Legal Committee's study on court delays. We're looking forward to opportunities that would not be presented to the committee unless we have this opportunity to visit various sites throughout the country.

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

Senator Runciman: With leave, honourable senators, later this day.

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

Some Hon. Senators: Agreed.

Hon. Anne C. Cools: Would the honourable senator tell us why leave is required? Is it urgent for this to be done today?

Senator Runciman: Your Honour, in response to Senator Cools, the committee is hoping to be in a position to make an interim report prior to rising for the summer. We have scheduled three one-day trips — one to Montreal, one to Toronto and one to Halifax — to visit specialized courts, to meet with members of the judicial community, if you will, and to hopefully give us enough information to be able to make an important contribution through at least an interim report before we rise for the summer.

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

Hon. Senators: Agreed.

(On motion of Senator Runciman, report placed on the Orders of the Day for consideration later this day.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON SECURITY THREATS—SECOND REPORT OF COMMITTEE PRESENTED

Hon. Daniel Lang, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, March 24, 2016

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, February 2, 2016, to study security threats facing Canada, respectfully requests funds for the fiscal year ending March 31, 2017, and requests for the purpose of such study that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to travel inside Canada; and
- (c) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DANIEL LANG
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 317.)

The Hon. the Speaker: When shall this report be taken into consideration?

Senator Lang: With leave, honourable senators, later this day.

And the reason for asking permission for consideration later today is because of the fact that our window is fast closing in respect to planning a visit that we are proposing to both Halifax and to Washington for our committee. We can take the time over these next two weeks to plan for the visit that we intend to take. That's why there is an urgency to get permission so that we can plan and make commitments.

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

Hon. Senators: Agreed.

(On motion of Senator Lang, report placed on Orders of the Day for consideration later this day.)

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON THE REGULATORY AND TECHNICAL ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED AND AUTOMATED VEHICLES—SECOND REPORT OF COMMITTEE PRESENTED

Hon. Michael L. MacDonald, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, March 24, 2016

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Wednesday, March 9, 2016, to study the regulatory and technical issues related to the deployment of connected and automated vehicles, respectfully requests funds for the fiscal year ending March 31, 2017 and requests, for the purpose of such study, that it be empowered to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

MICHAEL L. MACDONALD
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 327.)

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

Senator MacDonald: With leave, honourable senators, later this day.

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

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Senator MacDonald, could you tell us what the urgency is about getting leave later this day?

Senator MacDonald: The Transport Committee has been asked by the Minister of Transport to attend a conference and study automated vehicles in the future. There is a conference coming up in Toronto, held by the Conference Board of Canada, from April 18 to 20. With the time frame so tight and with the great interest shown by the committee to participate, we went to Internal Economy and asked if they would increase our complement from two to four because there was such an interest. Our time is tight and we thought during the next two weeks, with us being out of the Senate Chamber, we thought we should address this now and not wait until the very last day.

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

Hon. Senators: Agreed.

(On motion of Senator MacDonald, report placed on Orders of the Day for consideration later this day.)

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON BEST PRACTICES AND ON-GOING CHALLENGES RELATING TO HOUSING IN FIRST NATION AND INUIT COMMUNITIES IN NUNAVUT, NUNAVIK, NUNATSIYAVUT AND THE NORTHWEST TERRITORIES—SECOND REPORT OF COMMITTEE PRESENTED

Hon. Lillian Eva Dyck, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, March 24, 2016

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, February 18, 2016, to study on best practices and on-going challenges relating to housing in First Nation and Inuit communities in Nunavut, Nunavik, Nunatsiavut and the Northwest Territories, respectfully requests funds for the fiscal year ending March 31, 2017, and requests, for the purpose of such study, that it be empowered:

(a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and

(b) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and

Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

LILLIAN EVA DYCK
Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 335.)

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

Senator Dyck: With leave, honourable senators, later this day.

And for the information of honourable senators, the reason we're asking for this is that we intend to finalize our planning and, in order to conduct our trip early in the spring, before the winter disappears and it makes it more difficult to fly in and out, we need to have our budget approved and in order to book hotel accommodations in Iqaluit and/or Kuujuaq — Kuujuaq only has a very small hotel — we need to move as quickly as possible in order to get the cheapest accommodation in Kuujuaq.

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

Hon. Senators: Agreed.

(On motion of Senator Dyck, report placed on the Orders of the Day for consideration later this day.)

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

WINTER MEETING OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FEBRUARY 17 TO 20, 2015—REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the 14th Winter Meeting of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Vienna, Austria, from February 17 to 20, 2015.

ANNUAL SESSION OF THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY, JULY 5
TO 9, 2015—REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the 24th Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Helsinki, Finland, from July 5 to 9, 2015.

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION
PERIOD ON APRIL 13, 2016

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Wednesday, April 13, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period;

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

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

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

• (1410)

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY THE FINANCIAL IMPLICATIONS AND
REGIONAL CONSIDERATIONS OF
THE AGING POPULATION

Hon. Larry W. Smith: Honourable senators, I give notice that, two days hence, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report on the financial implications and regional considerations of Canada's aging population, including but not limited to:

- federal transfers to provinces, territories and Aboriginal governments to support the increased health care costs associated with the rise in the

number of individuals requiring care at home and in hospitals, nursing homes and assisted living facilities;

- how the federal government can support economic development in areas with an aging population; and
- other related matters.

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

[English]

**MARY FAY RINK OF THE CHESTER
CURLING CLUB**

NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, with leave of the Senate, I give notice that later this day:

I shall call the attention of the Senate to the Mary Fay Rink of the Chester Curling Club in Chester, Nova Scotia.

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

Hon. Senators: Agreed.

[Translation]

LEGISLATIVE WORK OF THE SENATE

NOTICE OF INQUIRY

Hon. Diane Bellemare: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the Senate's legislative work from the 24th to the 41st Parliament and on elements of evaluation.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, I ask leave of the Senate that Item No. 1 under the heading "Other Business," "Reports of Committees," "Other," be brought forward for consideration now.

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

Hon. Senators: Agreed.

THE ESTIMATES, 2016-17

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Saurel*), seconded by the Honourable Senator MacDonald for the adoption of the fourth report (interim) of the Standing Senate Committee on National Finance (First Interim on Main Estimates 2016-17), tabled in the Senate on March 22, 2016.

Hon. Joseph A. Day: Honourable senators, I wish to speak on this particular matter briefly because I took the adjournment two days ago when the document was first introduced in this chamber. I was concerned that we were moving a little too quickly with respect to what I consider to be one of the most important jobs of this chamber, and that is to scrutinize and oversee expenditures by the government.

This particular document is a report of the Finance Committee looking at the proposals for the coming fiscal year that starts April 1, and it's in the Main Estimate document that was made available. We all recognize that there are difficulties in requiring the Finance Committee to do this work very expeditiously, and they do so and they do so very well. We as a chamber often agree to change our Rules to make it possible for us to deal with the documents that we receive as quickly as possible and pass our judgment on those documents.

Later today we will be dealing, I expect, with the two supply bills. One is final supply for this fiscal year, Supplementary Estimates (C) dealt with those, and a supply bill for the first part of next fiscal year, which begins April 1. That will run through to the end of June, that amount of money that the government deems it requires in order to do that work.

It has been our tradition, and I think a correct one, before we deal with the supply bills, to have an understanding of what is in the supply bill. That means we should go to the estimates, either the supplementary estimates or the Main Estimates depending on which supply bill it is. We have both of those supply bills in this case. We have the report on the supplementary estimates. Senator L. Smith spoke to it on the last sitting day, and we adopted that particular report.

The other report is with respect to supply and a review of the work done by the Finance Committee in relation to interim supply under the Main Estimates. That is the report that I asked for an adjournment on because I took the suggestion, and in fact the plea, of Senator L. Smith, chair of that committee, that he hoped all honourable senators would have an opportunity to review the document. I received the document probably three minutes before he made that statement and asked that we adopt it.

I have now had the opportunity to review the report, and I trust that some other honourable senators who have an interest in this particular area have done likewise, because it is an important

document for us to have an understanding of what is in the Main Estimates. We'll be called upon to vote for a considerable amount of money here very shortly.

Honourable senators, in reviewing the report I noticed there were a number of changes to the report. One that I believe was wise for the committee at this particular time was to in effect study the Supplementary Estimates (C) and the Main Estimate at the same time. The two reports are virtually the same other than the introduction and deal with both the proposed spending for the end of this fiscal year and the beginning of the next fiscal year.

That helps save a lot of time and work, and I think we should be thankful and appreciative of the work done by the Finance Committee in relation to these particular matters.

The format is somewhat different, and I think an improvement over what we have done in the past because it's more reader friendly and helpful to honourable members who haven't sat through all of the hearings that Finance held. There are committee observations that I found very helpful in focusing on what the issues were.

One of the issues that I noticed in this particular report is the growing amount of non-discretionary expenditures by the government, and that is transfer payments for health and transfer payments to the provinces for social programs, transfer payments to senior citizens, to students and to Aboriginals. That whole area is growing very rapidly and takes away a lot of discretion for program expenditure by the federal government.

I was very pleased to hear Senator L. Smith give notice that the committee will pursue this particular area further. As those non-discretionary expenditures by the federal government increase, there is obviously an increase in the amount of money that the government must have through revenue, but also a decrease in the amount of funds available for projects like infrastructure and a number of others that were announced in the budget released only yesterday.

• (1420)

Honourable senators, it is important for you to understand that what we're voting on, what we will be voting on and what these reports deal with is not the budget. It is reflective of government priorities expressed — in part, at least — prior to the budget. Treasury Board is responsible for preparing the estimates, and that process takes place while the budget is being developed. We will see initiatives in the budget that will be coming in Supplementary Estimates (A), (B) and (C) during the year. This is the fundamental amount that the government is looking for to start the new fiscal year as of April 1.

I commend the Finance Committee on the work they've done, and also those who support them, including the Treasury Board of Canada Secretariat, since this is a document that they prepare. It is part of the financial picture that helps honourable senators to hold the government to account and to understand. We start with plans and priorities at the front end, which the departments make, and then the estimates. Then the money is spent. We look at performance reports and public accounts after the money has been spent. We're focusing now on a front-end oversight before the funds have been spent.

Another important aspect is the borrowing requirements that all of this generates. Senator Moore has a bill before us for our consideration to ensure that we have proper information in relation to borrowing in order to meet all these obligations we're voting for. If the government doesn't have the revenue, they need to borrow.

That is a bit of an overview, honourable senators. What we will be asked to vote on is only a part of what is in the Main Estimates, and that percentage is established in the attached schedule to the supply bills. I won't have to speak on the supply bills, other than to mention that I have checked the schedules, and they are reflective of what was studied in the estimates. That was the very point that this chamber found in December of last year, namely, that the schedule was not attached to the supply bill, which would have caused a lot of difficulties if we in this chamber had not taken the time to look at these documents and made sure that they were in the proper form to go forward to authorize the government to do what it wanted to do and would like to do.

It is important for us to keep in mind that that is the reason we take our time and put as much time into this as we can, while agreeing to a certain shortening of the rules. We do a pre-study. We agreed to look at these reports as soon as they were filed, we agreed to do the supply bills within a day instead of the normal two days, and we will go right to third reading after second reading. All of those things we have adjusted to the timetable of the House of Commons, but they still allow us to do the job that we should be doing.

Congratulations to the committee, and I encourage honourable senators to support this report.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

APPROPRIATION BILL NO. 5, 2015-16

SECOND READING

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): moved second reading of Bill C-8, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2016.

She said: Honourable senators, very briefly, I would like to thank the committee for its work on this bill. As is so often the case, we find ourselves with time constraints with money bills, and I would sincerely hope that the incoming regime will find a way to improve that situation.

This is the bill for Supplementary Estimates (C). I would like to thank Senator Day particularly for the eagle eye he put into play in December when we were looking at Supplementary Estimates

(B). He was the one who discovered that the bill had come to us in an improper form, and he saved parliamentary bacon by doing that.

That said, colleagues, I think I have no more to add on consideration of this bill.

Hon. Larry W. Campbell: Honourable senators, I rise on this bill to give my support to it, to acknowledge Senator Day, and to especially acknowledge the chair, Senator L. Smith. Senator Day spoke of tradition, and I think that the Finance Committee as it is set up now is in the process of changing tradition — where we become not less vigilant as it was under Senator Day, but I believe more activist in holding the government to actual account, and that we will be watching. We know where the problems might be and we will be acting on them.

I accept this bill and I ask you all to please vote for it.

Hon. Larry W. Smith: Thank you, Your Honour. First, I would like to thank Senator Day for his tutelage and leadership over the past four or five years. I had the honour to work with the committee and the honour to be the chair of the committee.

I thank Senator Campbell, who has done a great job of integrating himself quickly into a new situation. Finance is not necessarily the easiest of committees. Congratulations to the work you have done.

To our members, thank you very much for the time you have put in to bring us to where we are.

Honourable senators, as chair and on behalf of the members of the Standing Senate Committee on National Finance, I speak to you with regard to Bill C-8, Appropriation Bill No. 5, 2015-16, which provides for the release of interim supply for Supplementary Estimates (C) 2015-16 and now seeks Parliament's approval to spend \$5.1 billion in additional expenditure.

[*Translation*]

The Supplementary Estimates (C) were tabled in the House of Commons on February 19, 2016, and in the Senate on February 23, 2016, for the fiscal year ending March 31, 2016.

[*English*]

I will briefly describe the way Supplementary Estimates (C) are organized and then look at the total amounts set out in these supplementary estimates, which give an overview of the main items in dollar terms, as well as horizontal initiatives.

Supplementary Estimates (C) are organized as follows:

Part 1 is a brief introduction that provides a summary of estimates to date in comparison with fiscal years.

Part 2 is a summary section outlining those major items over a certain dollar threshold, net changes to individual votes, and any new or statutory authorities on horizontal items.

[Senator Day]

Part 3 is the largest section of the supplementary estimates. It is the detail by organization, where it outlines the detailed requirements by department and agency, according to the votes provided by Parliament. Information is included on transfers, as well as a breakdown of additional grant and contribution funding by program.

Finally, toward the back and in the fourth and final part of these estimates, you will find the annex containing the proposed schedule, which of course Senator Day saved us on before Christmas — thank you, sir — and the appropriation bill based on the amounts presented in these supplementary estimates. If you would like to review the exact amount of funds attributed to each individual vote, this is the complete list for the appropriation bill we will be asked to review.

The purpose of going through this slowly is that for those who have an interest in actually going through the process, this outlines what you have to do.

[Translation]

In addition to the document tabled, there is a wealth of additional information in the annex and on the Treasury Board's website. Of particular interest this year is a new annex regarding the frozen allotments.

[English]

In Supplementary Estimates (C), 2015-16, there are 58 organizations requesting expenditure authority, totalling \$2.8 billion in voted budgetary appropriations and \$2.3 billion in forecast statutory expenditures, for total supply estimates of \$5.1 billion.

• (1430)

With these Supplementary Estimates (C), total estimates for 2015-16 are \$250.7 billion. Of this amount, \$95 billion is voted, or roughly 38 per cent of the total.

These are the largest Supplementary Estimates (C) since 2009-10 due to the timing of the reconvening of Parliament, which resulted in very limited requests in Supplementary Estimates (B), as Senator Day outlined. In addition, statutory expenditures continue on an upward trend, driven by the annual escalator to the Canada Health Transfers and increases to elderly benefits. Therefore, you will see our strategy of doing a study on the aging population.

[Translation]

There are 13 major initiatives involving \$15 billion or more. The total of these initiatives is approximately \$1.75 billion, which represents 63 per cent of the voted appropriation in the supplementary estimates.

[English]

The seven largest initiatives are each in excess of \$100 million: Treasury Board Secretariat, \$435.2 million for shortfalls in the security income insurance plan; National Defence, \$215.5 million for two military support missions in Ukraine and in Iraq and Syria.

As you noticed in the third and fourth reports in our executive summaries of observations, you have points reinforcing the importance of getting the facts and numbers right.

Next is Employment and Social Development, \$176 billion for a writeoff of unrecoverable student loans; Foreign Affairs, Trade and Development, \$168 million for the Green Climate Fund, which is the first part of the \$300 million that was committed to by Prime Minister Trudeau; and combined funding for the Syrian refugee response of \$174.4 million, which includes a \$100 million grant to the UN High Commission for Refugees through Foreign Affairs, Trade and Development, the balance going to Canada Border Services Agency, Shared Services and the Public Health Agency of Canada. Of course, this is part of the horizontal work that takes place between various departments in executing such a large mission.

Next is Foreign Affairs, \$121.1 million for the foreign currency fluctuations of contributions to international organizations, which constitutes \$99 million, and on currency losses on mission operations around the world, \$44 million; and Fisheries and Oceans, \$116.1 million for the offshore fisheries science vessels.

In our report, in the summary sections of observations, we alluded to the importance of fisheries being able to get performance contracts and clauses in the contracts to make sure that they get best value, timing and delivery on time and on budget.

Within Supplementary Estimates (C) there are 17 horizontal items. Horizontal items are initiatives by two or more departments. The top five include the response to the Syrian refugee crisis. Funding will come from several departments, as mentioned in the \$147.4 million.

To give you an idea of the cost to date for this initiative, in Supplementary Estimates (B) we had \$280.2 million. Once the appropriation bill before you is approved, the total for 2015-16 will be \$429.9 million. As everyone knows, another 10,000 refugees will be brought into Canada, which will add another \$200 million plus to that expenditure.

Other initiatives are the Temporary Foreign Worker Program and the International Mobility Program, which has cost-shared from three departments, for a total of \$63.8 million; the Canada First Research Excellence Fund, \$49.4 million, which is shared by three other departments; enhancement of the Government of Canada's network and cyber systems, \$25.9 million between Shared Services, Treasury and the Communications Security

Establishment; and health Promotion, disease prevention and health system transformations for Aboriginal populations, \$20.4 million.

[*Translation*]

The Supplementary Estimates (C) for 2015-16 was referred to the Standing Senate Committee on National Finance when it was tabled in the Senate on February 23, 2016. The committee then examined the budget and tabled its report.

[*English*]

Our committee noted several key issues. The intent is not to be critical in a negative way but to be constructive and to communicate our findings for the improvement of all government departments for all Canadians.

One of the issues noted with Citizenship and Immigration Canada, Foreign Affairs, Indian Affairs and Northern Development and Health Canada is that significant funds are given through the grant and contribution method to outside organizations. While these organizations may be efficient, the federal departments need to provide better details of the results achieved by these organizations.

Regarding Shared Services Canada, one of the challenges they have faced is the rapid growth that has resulted in poor service delivery. The expectation was that it would be a simple process to integrate all IT across government. However, the integration of individual department cultures is not an easy task. The need to upgrade all existing systems and hire experts to improve security has increased the need for funding. Our committee noted that Shared Services could improve service delivery and strengthen its reporting practices.

As a simple example, imagine you have 7,500 employees, and all of a sudden you amalgamate up to 92 departments. Within that, you have all the different departments with their T-shirts for their department. You change your T-shirt; you get a new T-shirt, "On Call Shared Services." Then, all of a sudden, you let 1,500 people go and bring in 1,500 consultants to help you assimilate all this information and systems development. This is not an easy task, and you're going to have huge service and delivery issues. Again, I think we're on point in trying to point out what needs to be done.

We applaud the Treasury Board for providing the new annex of frozen allotments. Our committee would like to see this information provided by program, honourable colleagues.

Honourable senators, these are the third and final supplementary estimates for the current fiscal year, which ends on March 31, 2016. Appropriation Bill No. 5, Bill C-8, which provides for the release of supply for Supplementary Estimates (C), now seeks Parliament's approval to spend \$5.1 billion in voted expenditures.

[*Translation*]

Honourable senators, I am happy to answer any questions you may have.

[Senator Smith]

[*English*]

I suggest we move to third reading later this day.

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

Hon. Senators: Question.

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

(Motion agreed to and bill read second time.)

THIRD READING

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

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question.

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

(Motion agreed to and bill read third time and passed.)

APPROPRIATION BILL NO. 1, 2016-17

SECOND READING

Hon. Joan Fraser (Deputy Leader of the Senate Liberals) moved second reading of Bill C-9, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017.

She said: Again, honourable senators, I would like to thank the committee for its work. Most members of this chamber depend entirely on that committee and its expertise in doing one of the core functions of Parliament, which is to scrutinize the spending of public monies. I'm confident, listening to the chair of the committee, that the finest traditions of that committee will continue.

I was confirmed in my confidence that the committee will engage in the kind of scrutiny that leads to constructive criticism. Governments need constructive criticism, and we in this chamber need to know what are the grounds for the constructive criticism — both on the criticism end and on the constructive end. I think I

can speak for all of us when I say that we are truly grateful to you for doing this work, because you do it on behalf of all of us and on behalf of the people of Canada.

• (1440)

Hon. Larry W. Smith: Honourable senators, thank you to Senator Campbell and his group.

Let me give you a quick speech. This may not be quite as long as the other one, which hopefully wasn't too long for you.

Honourable senators, as chair and on behalf of the members of the Standing Senate Committee on National Finance, I will speak to Appropriation Bill No. 9, 2016-17, which provides for release of interim supply for the 2016-17 Main Estimates referred to the Senate on February 23, 2016.

As Senator Day pointed out, these reports that we crafted cover both the Supplementary Estimates (C) and the Main Estimates. Let me point out also, just as a refresher, Minister Brison outlined at a meeting that took place about a month and a bit ago that there's a movement to try to set this whole financial planning up so that we will have a budget, the Main Estimates that come after the budget, and if there are other requests, they will take place during the year. So the actual financial portrait that exists within Parliament will change.

The question is: How long will it take to implement? That's the \$64 question of the day, but it will allow us more time, as has been discussed, to analyze the numbers properly and possibly in a less pressured fashion, because it is very intense.

The government submits estimates to Parliament in support of its request for authority to spend public funds. Main Estimates include information on both budgetary and non-budgetary spending items, and Parliament subsequently considers appropriation bills to authorize the spending.

Honourable senators, life becomes a little complicated in the Finance Committee at this time of the year when we're dealing with the end of one fiscal year and the beginning of another. There is a need to account for all of the money that has been spent and for whatever reason has not been reflected in the estimates until this time, which is Supplementary Estimates (C). As well, the government needs money before the house adjourns for the Easter break for interim spending for the coming year, thus thanking you in advance for allowing us to have the money to have the government move forward.

[*Translation*]

On Tuesday, we therefore tabled our interim report on the 2016-17 Main Estimates.

[*English*]

Honourable senators, our Finance Committee worked diligently to get as many departments before our committee so that we could scrutinize the spending and question the methods of evaluation used to measure the success of various programs. Our goal is to provide our honourable colleagues and all Canadians with a measure of accountability, an explanation for the

department's review, as well as the information to assist you in your review of funding requests. This is the preliminary work on the Main Estimates.

The Standing Senate Committee on National Finance will continue to study the Main Estimates throughout this year and report back to this chamber in June when we will have the appropriation act associated with full supply; in other words, the request for the release of the balance of the spending outlined in Main Estimates.

[*Translation*]

Given the time frame, we proceeded with a preliminary evaluation of 12 departments whose budgets alone total \$206 billion, or roughly 82 per cent of the \$250 billion in the Main Estimates.

These departments will be invited to appear a few times throughout the fiscal year, which will allow the committee to proceed with a more thorough review of their spending.

[*English*]

I will provide a brief overview of a few of the departments that came before us.

Finance Canada, which is responsible for all transfers to provinces, accounted for \$89.4 billion. The study we'd like to do on aging is tied to the fact that right now we go on almost a per capita basis for determining the amount you're going to put into the health transfers moving forward. As you know, the health transfers will change after, I believe, fiscal year 2017-18, where we will go from 6 per cent to 3 per cent. But we have to take into consideration the increase of our aging population. That's an issue that Finance Canada will have to grapple with.

Employment and Social Development Canada is responsible for all payments to citizens, such as Old Age Security, Guaranteed Income Supplement and Universal Child Care, among other programs, which accounted for \$61.6 billion. The Department of National Defence accounted for \$18.6 billion. Indian and Northern Affairs accounted for \$7.5 billion.

Of course, we're aware of the increases and decreases to some of these departments, which we'll be able to study as we move forward in the coming months.

Health Canada provides 75 per cent of its funding for the health care of Aboriginal Canadians, \$3.7 billion; Foreign Affairs, Trade and Development, \$5.5 billion; and Infrastructure Canada, \$3.8 billion.

Another study that will take place with our group will be Infrastructure Canada. Of course, we're keenly interested in that because it's one of the major platforms of opportunity in terms of improvement for our country.

One of the things we learned, which was in our report earlier today, is that it's evident because there are some unsubscribed funds that still exist that weren't spent, and that leads to the conclusion or potential conclusion that maybe some of the smaller cities, towns, provinces and territories did not have the money

themselves to take part in these programs. So we want to make sure as we study this thing that there's a proper plan and proper execution.

Veterans Affairs, \$3.6 billion.

Our interim report on Main Estimates provides an executive summary on the key issues noted by the committee. We've outlined the Finance Department in terms of the importance of getting the proper equations set up for the aging population, which will influence how health transfers are done in the future.

Employment and Social Development has seen declining applications for temporary foreign workers. The Temporary Foreign Worker Program is another issue, yet program management costs are rising. You may ask why the costs are rising. Because people are doing more analysis of the types of individuals that we need to get into the country to actually do the type of work we need done on a temporary basis.

Health Canada noted a need for nurses in remote communities. Of course, our group that studies Indian and Northern Affairs is very aware not only of the fact that we need more hospitals and houses for our Native population, but the fact that we need more nurses so that people can be taken care of.

The Public Health Agency and Indian and Northern Affairs need to provide more rigorous evaluation of the outside organizations that are provided government funds for service delivery. We found out that about 600 to 1,000 organizations are used and have long-term contracts. Well, it's great to have long-term contracts, but are they efficient and are they doing the job? If not, maybe we need more scrutiny in making sure we get more productivity out of the money spent on these organizations.

Infrastructure Canada's funds are undersubscribed, which could mean smaller provinces and territories, as I mentioned earlier, are having difficulty matching the funds.

There are a few key observations noted by the committee. They're all in the report. It's one page. I ask you to read it because I think it can bring you up to speed very quickly without having to go through the whole report, although we'd love for you to go through the whole report.

Honourable senators, last year total expenditures were \$250.7 billion. The previous year they were \$241.9 billion.

I would like to caution that these Main Estimates outline \$250.1 billion and do not include, at this second reading stage of debate, the cost of measures announced in the budget on Tuesday. I suggest we go to third reading later this day, unless you have questions, which amongst the three of us we can answer for you.

Thank you very much.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

THIRD READING

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

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

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 and bill read third time and passed.)

• (1450)

CANADA BORDER SERVICES AGENCY ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill S-205, An Act to amend the Canada Border Services Agency Act (Inspector General of the Canada Border Services Agency) and to make consequential amendments to other Acts.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to Bill S-205. This is the second time I've introduced this legislation. It is as relevant today as it was before, as there have been no changes made to the oversight of our national security establishment to date.

It has been 13 years since the events of September 11, 2001, which changed our world forever. We have witnessed an increased level of worldwide security, which is unprecedented in our history. It is unfortunate that we see the same sort of heinous acts being perpetrated against innocent civilians as we saw in Brussels two days ago.

I have no means of gauging how our levels of personal and collective safety have grown or deteriorated since 9/11, but I do know that we must remain vigilant. Our government, no matter its political stripe, must hold as its first priority the safety of its citizens. The various bodies that make up our national security establishment must be maintained in our new world, and, yes, there are powers we never would have bestowed on such but which they must have today.

Bill S-205 is not about reducing the powers of the Canada Border Services Agency. I know many believe that this should be done. This bill is about accountability and balance — no more and no less.

CBSA has performed its duties well over the years. There are weekly headlines regarding drug seizures, for example. However, it also possesses powers over Canadian citizens and individuals from abroad that can lend themselves to abuse. CBSA officers have powers of arrest, detention, search and seizure. At our borders, these officers have more power than police officers.

The executive director and general counsel of the Canadian Civil Liberties Association Sukanya Pillay testified before our Standing Senate Committee on National Security and Defence and said:

The CBSA is an agency that enjoys sweeping powers including law enforcement powers. CBSA officers can arrest, with or without warrants, permanent residents or foreigners if they believe these individuals pose a threat to public safety, or are illegally in the country — i.e. inadmissible. CBSA also has the power to detain foreigners and permanent residents, including asylum seekers.

CBSA operates an inland enforcement branch that removes illegal foreign nationals. It also runs four detention facilities where 14 people that we know of have died. The latest deaths occurred on March 7, 2016, in the Toronto East Detention Centre, a provincial correctional facility, and the other on March 13, 2016, in the Maplehurst Correctional Complex in Milton, Ontario. No other facts have been released regarding these deaths to date. To my knowledge, it is not until the death of Lucia Vega Jimenez in a Vancouver detention facility that CBSA began to release any information at all. You might recall that Ms. Jimenez hanged herself on December 20, 2013 in the bathroom area of the windowless holding cell, under the threat of being transferred back to Mexico.

Reporters obtained that information only through the urging efforts of her family who travelled to Vancouver from Mexico to seek the truth.

We must not let the life of Ms. Jimenez be for naught. The facts surrounding her death were a rude awakening for Canadians about the detention policies of CBSA. We owe it to her to ensure that her death stands as a beacon for truth such that, henceforth, the processes and actions of CBSA will be honourable and accountable.

CBSA has also developed an intelligence program that collects information from many sources by means of covert surveillance, sharing information with foreign security agencies and through use of informants. Access-to-information requests reveal that CBSA approached a telecommunications company over 18,000 times in 2012, looking for information of customers. Of those requests, only 52 involved a warrant.

CBSA says that, 99 per cent of the time, they are looking for basic subscriber information and, in any case, they could compel the information through ministerial authority, not judicial.

CBSA has been forthright in this disclosure, which is commendable, but as we have seen with the case of the Canadian Security Establishment Canada, the eavesdropping program conducted at the Vancouver International Airport and

the sharing of that information with members of the Five Eyes begs that an independent body should be overseeing this type of information gathering.

All of this has resulted in privacy concerns. While apparently before our Standing Senate Committee on National Security and Defence, the acting Privacy Commissioner stated:

Over the past three years we have expended considerable effort examining privacy risks connected with border security. In our communication with CBSA and other agencies we have flagged concerns touching on the widening scope of sensitive personal information being collected, the expanding uses and sharing of this information with authorities, the need for clear complaint and redress mechanisms and retention periods for sensitive personal information that would have to be justified.

Honourable senators, through access-to-information documents obtained by the media, there were 1,428 complaints filed against CBSA in 2008-09 and a further 1,100 complaints registered with CBSA in the first half of 2011. Again, these numbers were obtained through the access-to-information process; they are not readily available to Canadians. What these complaints are is unknown.

The pendulum has swung too far in this case. An agency with such sensitive powers requires oversight. Bill S-205 would provide such oversight.

As stated in its summary, Bill S-205:

... provides for the appointment of an Inspector General of the Canada Border Services Agency with the authority to report on and make recommendations concerning the Agency's activities and the capacity to receive and investigate complaints about the Agency.

The inspector general will be appointed by the Governor-in-Council after consultation with the leader of every recognized party in the Senate and the House of Commons, and the approval of said appointment by resolution of the Senate and the House of Commons.

The appointment provides for a seven-year term with reappointment for one or more further terms of not more than seven years each. In the event of absence or incapacity, a qualified person may be appointed for not more than six months.

The inspector general shall have the rank and all the powers of a deputy head of department. The inspector general will have the power to hire staff on a full-time basis and to also engage experts on a temporary basis.

The mandate of the inspector general under this legislation is, first, to monitor and report on the activities of the CBSA and carrying out its mandate, which may include making observations and recommendations concerning the procedures and performance of the CBSA in relation to any of its activities; and, second, to carry out investigations in relation to complaints made to the inspector general.

Bill S-205 provides guidelines for investigations conducted by the office of the inspector general. Here are the general provisions in S-205 for such investigations.

Any person may make a complaint with respect to any act or thing done by the CBSA, its employees or agents. The inspector general, however, reserves the right to refuse to investigate if he or she feels the investigation is unnecessary, the complaint be frivolous or made in bad faith, or if the complaint falls outside the authority of the inspector general.

- (1500)

The bill stipulates that before commencing an investigation, the inspector general shall inform the minister and the President of CBSA of the intention to investigate and the nature of the complaint.

The investigation itself will provide the opportunity for the complainant and the CBSA to make representations to the inspector general and to provide evidence.

Bill S-205 provides the inspector general, in the course of an investigation, with such powers, and I will give a few of them: to summon and enforce the appearance of individuals and compel oral and written evidence under oath, and to produce documents the inspector general considers necessary to the investigation. The inspector general may also administer oaths.

If the inspector general finds the complaint to be well-founded, he or she shall provide the minister and the President of the CBSA with a report containing findings and recommendations and request, within a specified time frame, any actions or proposals which have been or not been taken in response to the report's recommendations.

The results of the investigation shall be reported to the complainant.

The second major aspect of Bill S-205 is the reporting component of the bill. Under this legislation the inspector general would, within three months after the end of the fiscal year, submit a report to the Minister of Public Safety of the inspector general's activities during that year.

The inspector general may also prepare and submit to the Minister of Public Safety a special report, the content of which concerns any matter which the inspector general deems urgent enough to warrant submission to the minister before the annual report. In turn, the Minister of Public Safety is required to table either the annual or special report before each house of Parliament within 15 days of receiving the report.

Colleagues, the third major component of the bill concerns remedies. According to this legislation, anyone who has made a complaint to the inspector general may apply to the Federal Court for a remedy. The complainant may apply to the court within 60 days of the date on which the investigation results are reported, or the date on which the complainant has been informed that the inspector general has refused to investigate the complaint.

[Senator Moore]

Furthermore, if the court concludes the complaint is well-founded, the court may grant any remedy that it considers appropriate and just. The inspector general also reserves the right to apply to the court for remedy for the complainant, if the complainant consents, as well as appear before the court on behalf of any person who has applied for a remedy.

In considering the content of this bill, it became evident that the issue of remedies was an important one to be addressed. I believe it is important to provide a process for filing a complaint that results in a fair and timely experience for the complainant, whether his or her complaint is valid or not. I feel that the method chosen is fair and will lead to a much more balanced system than currently exists without Bill S-205.

As you may know, a complaint today is processed by CBSA internally; there is no independent oversight. The current complaint process does not give a complainant a sense of transparency and the likelihood of a fair hearing.

Senators, it has been a decade since the O'Connor report recommended that CBSA should be subject to an independent oversight body. Also, the Standing Senate Committee on National Security and Defence, in its report tabled in June 2015, recommended such an oversight body and the establishment of an independent civilian review and complaints body. So, senators, it is time that we take that advice seriously and move to make the CBSA more accountable to the people it serves to protect.

Thank you.

Hon. George Baker: Would the honourable senator take a question?

Senator Moore: Yes, certainly.

Senator Baker: If we understand correctly, right now we have a lot of case law where people have been detained, handcuffed, strip-searched — and the list goes on — at airports in Canada when returning from a foreign nation. This matter has gone to the courts, and the superior courts, especially of Ontario, have examined the cases. According to the legislation, which says that if the customs border officer has a suspicion — not a reasonable suspicion or belief, but a suspicion — they have the power under the act to arrest that person and to detain that person for as long as they want. There is no remedy, and this is case after case after case.

The police officers in this place — Senator Dagenais and Senator White, and Senator Dagenais especially — have given testimony before our Legal Affairs Committee that they would wait to get a customs officer in order to search somebody that they don't have the power to do themselves.

When you read the case law, you realize it's absolutely outrageous what happens at our airports, especially with women who are coming back from nations that are tagged by that service, brought in and strip-searched, and everything is based on just a bare suspicion. It's absolutely outrageous.

What you're doing in this bill, to get it straight, you're not taking away the powers, but you're providing a means by which they can complain and perhaps some remedy could be sought through that complaints scenario; is that correct?

Senator Moore: Thank you for the question, Senator Baker.

It is correct. Let me say that it's my hope that this bill will receive the favour of the chamber and that it will become law. I'm confident that if that happens, those officers that you're speaking of will then be on their guard. They will know that if they don't behave reasonably and fairly that they will be before the inspector general and ultimately before the minister.

(On motion of Senator White, debate adjourned.)

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

SECOND READING—DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

He said: Honourable senators, last month the Government of Canada rightly announced the lifting of some sanctions against Iran and, in doing so, it promised to maintain its firm commitment to the human rights of Iranians. It also promised to oppose Iran's support for terrorist organizations, its threats against Israel and its ballistic missile program, while monitoring Iran's compliance with its obligations under the Joint Comprehensive Plan of Action.

I'm pleased to introduce a bill that will help the government to achieve most of these very objectives. It will hold Iran accountable on terrorism, human rights and incitement to genocide, and all this without impairing the government's ability to engage with Iran.

Because, as we all know, it was engagement and not sanctions, the ones we agreed to lift if they would agree to abandon their pursuit of nuclear weapons, that induced Iran to sign the Joint Comprehensive Plan of Action.

This proposed legislation, officially called "An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations," has three primary components.

The bill provides that Canada's current sanctions regime against Iran cannot be eased unless Iran ceases its terrorist activity and incitement to hatred and demonstrates significant improvement in respecting the human rights of its citizens.

• (1510)

The bill provides for an ongoing analysis of the incidence of terrorist activity, support of terrorism, incitement to hatred and human rights violations emanating from Iran, and the identification of Iranian officials who are responsible for such activities by requiring the publication of an annual report.

The bill requires the government to consider whether to recommend that the entire Islamic Revolutionary Guard Corps, the IRGC, be named as a listed terrorist group under the Criminal Code.

Beyond Iran's nuclear conduct, which rightly or wrongly has become legitimized under the Joint Comprehensive Plan of Action, the Canadian Parliament has recognized three other toxic threats emanating from Iran: the massive human rights abuses; state sponsorship of international terrorism; and state-sanctioned incitement to hate and genocide. I'm going to address each of these threats in turn.

The violation of human rights in Iran is widespread and well documented. They have not lessened under President Hassan Rouhani's tenure, despite his reputation as a "moderate." They include the stoning of women; the execution of children and homosexuals; the imprisonment of journalists, bloggers and human rights defenders; the persecution of ethnic and religious minorities, including the Baha'i people; and the criminalization of political dissent. The IRGC has been a principal perpetrator of these and other offences.

The rape, torture and murder of Canadian-Iranian citizen Zahra Kazemi in 2003 represented a defining and destructive moment in Canada-Iran relations. Since then, Canada has been a global leader in focusing attention at home and abroad on the plight of the Iranian people.

Every year, Canada introduces a resolution at the United Nations General Assembly on the situation of human rights in Iran. In Ottawa, numerous House of Commons and Senate committees have studied the issue and put recommendations forward.

In 2012, this chamber called attention to the egregious human rights abuses in Iran, particularly the use of torture and the cruel and inhuman treatment of unlawfully incarcerated political prisoners. The Iranian human rights file is one of those rare causes where members of all of Canada's federal political parties can find common ground. Holding Iran accountable for its vicious, violent and even fatal human rights abuses should be unanimously supported.

Let's not be fooled by the recent election of so-called moderates in Iran. As Terry Glavin wrote recently in the *National Post*:

It's rubbish

. . . The regime in Tehran is now more confident, wealthier, more expansionist and belligerent than at any time since the bloody decade of the 1980s.

In regard to terrorism, Tehran has been implicated in terrorist attacks in Beirut in 1983, Berlin in 1992, Buenos Aires in 1992 and 1994, and Bulgaria in 2012. That is without mentioning the failed plots to bomb New York's John F. Kennedy International Airport in 2007 and a restaurant in Washington, D.C. in 2011.

Iran regards terrorism as an essential element of its foreign policy, military strategy and religious revolution. Responsibility for executing this terrorist policy has largely been delegated to the

IRGC and its overseas branch, the Quds Force, which maintains operations in dozens of countries.

It is the IRGC, in cahoots with Russia, that is currently assisting Bashar al-Assad in slaughtering and displacing millions of Syrian civilians. It is the IRGC that also provided assistance to the Taliban and al-Qaeda during the post-9/11 mission in Afghanistan in which Canadian soldiers were injured or killed.

The IRGC Quds Force, Hamas and Hezbollah — all listed terrorist entities in Canada — have received critical support from Iran.

Even U.S. President Obama, who was extremely eager to reach a nuclear deal with Iran and was therefore willing to overlook some Iranian transgressions, stated in an August 2015 interview that:

Iran is a state sponsor of terrorism. It helps prop up the Assad regime in Syria. It supports Hezbollah in Lebanon and Hamas in the Gaza Strip. It aids the Houthi rebels in Yemen. So countries in the region are right to be deeply concerned about Iran's activities, especially its support for violent proxies inside the borders of other nations.

It is imperative that Canada continue to hold Iran to account for its terrorist involvement. For as long as Iran continues to act as a state sponsor of terror, Canada should continue to list Iran as such and to maintain current sanctions against the regime.

Finally, genocide. Let me quote former Liberal MP and Minister of Justice Irwin Cotler, an authority on the subject of Iranian state-sanctioned incitement to genocide. He notes the Supreme Court of Canada's finding that:

The genocidal horrors of the Holocaust were made possible by the deliberate incitement of hatred against the Jewish people and other minorities.

He continues:

State Parties to the Genocide Convention already understood this in 1948, in the wake of the Holocaust, such that the Convention prohibits the crime of "Direct and public incitement to commit genocide." Incitement itself is the crime — whether or not genocide follows. The objective is to prevent genocides before they occur, by sounding the alarm on the type of state-sanctioned incendiary incitement that has in the past led us down the path to tragedy and atrocity.

The Iranian regime's criminal incitement has been persistent, pervasive and pernicious. The 21st century begins with Iranian Supreme Leader Ali Khamenei calling for "the annihilation of the Jewish State." It was followed by the parading in the streets of Tehran of a Shihab-3 missile draped in the emblem "Wipe Israel off the map, as the Imam says." It has continued with the use of . . . metaphors referring to Jews as "filthy bacteria," and Israel as "a cancer that must be removed," reminiscent of the Nazis calling the

Jews "vermin" and the Rwandan Hutus calling the Tutsis "cockroaches," the whole as a prologue to and justification for a genocide foretold.

"Never again," honourable senators. Civilized nations made that promise following the genocidal crimes of Nazi Germany, yet not one state party to the genocide convention, including Canada, has undertaken any of its mandated responsibilities to prevent and punish incitement to genocide. This, even though an All-Party Report of the Standing Committee on Foreign Affairs of the Parliament of Canada found that "Iran has already committed the crime of incitement to genocide prohibited under the Genocide Convention."

The least we can do is to ensure the existing sanctions against Iran are not removed until the country stops committing the crimes of incitement to genocide.

Honourable senators, Canada supports the people of Iran in their efforts to advance democracy, human rights and the rule of law. It aspires to have a mutually beneficial relationship with Iran that is based on respect for human rights and the rule of law. We can all agree that Canada must find ways to pressure Iran to end its support for global terrorism, active support for the Bashar al-Assad regime in Syria, incitement to hatred and the vast system of domestic repression at home.

My bill tries to do just that by tying the termination of existing sanctions against the Iranian regime under the Special Economic Measures Act to requirements that the regime show demonstrable improvements in the aforementioned areas.

Honourable senators, I ask that you support this bill. Thank you very much.

(On motion of Senator Fraser, debate adjourned.)

• (1520)

FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill S-204, An Act to amend the Financial Administration Act (borrowing of money).

Hon. Diane Bellemare: Honourable senators, first, I would like to congratulate my colleague Senator Moore for his tenacity in promoting the adoption of this bill that would amend the Financial Administration Act regarding the borrowing of money. As you know, this is the third time that Senator Moore has introduced this bill in the chamber, and he was certainly heard by the Minister of Finance.

[*Translation*]

As some of you noticed, on page 209 of the English version of the budget it says:

In 2016—17, the Government will propose legislative amendments to require Parliamentary approval of Government borrowing to enhance transparency and accountability to Parliament.

Colleagues, this new piece of information makes review of Bill S-204 even more important and I will try to explain why.

First, let's look at the path this bill has taken. This is the sixth time this bill has been introduced in the Senate, each time under a different number. That might be a record. Let me give you the legislative background.

During the second session of the 39th Parliament, Bill S-236 was introduced by Senator Lowell Murray on May 5, 2008. On June 6, the senator made a speech to move second reading.

During the second session of the 40th Parliament, Bill S-221 was introduced, again by Senator Murray, on February 2, 2009. On March 3, 2009, following his speech at second reading, Senator Gerald Comeau moved adjournment of the debate and did not deliver any speeches thereafter.

During the third session of the 40th Parliament, Senator Murray brought this bill back to this chamber on March 23, 2011. The bill was assigned number S-229. No additional speeches were made.

Senator Murray retired from the Senate on September 26, 2011. That is when our colleague, Senator Moore, picked up where Senator Murray left off.

On March 21, 2013, during the First Session of the Forty-first Parliament, Senator Moore introduced Bill S-217, the forerunner of Bill S-229. The bill was debated at second reading and studied by the National Finance Committee. A report was tabled here on June 21, 2013, but it was not unanimous. In committee, senators recommended that the Senate not advance this bill to third reading. The committee cited a flaw in Bill S-217, but Senator Day, who was then chair of the National Finance Committee, said that the flaw had not been specifically identified by the witnesses. On June 26, 2013, debate was adjourned, and the report was never put to a vote.

During the Second Session of the Forty-first Parliament, Bill S-204 was reintroduced on October 23, 2013, and referred to the Standing Senate Committee on National Finance. The committee spent its April 8, 2014, meeting studying the bill. Its study of the bill was never completed.

Bill S-204 returned to the Senate on December 8 of last year.

This bill was reintroduced because the work was never finished.

Bill S-204 would once again give Parliament — the House of Commons and the Senate — the power to authorize government borrowing. In other words, it would give Parliament back the

power to study and authorize any increase to the national debt and the Debt Management Strategy. This is no trivial matter.

Let us remember that Parliament was relieved of this power when the 2007 budget implementation bill was passed. At that time, the government amended the Financial Administration Act to eliminate Parliament's oversight. Instead, the House of Commons adopted the Debt Management Strategy to be tabled along with the budget and the Debt Management Report to be tabled with the Public Accounts.

Effective as of 2007, the Senate and the Standing Senate Committee on National Finance are no longer asked their opinions on these issues. The House of Commons has also lost its right to provide oversight. Simply put, the government no longer needs to consult Parliament or obtain its approval in order to take out new loans.

I was a member of the National Finance Committee when Senator Moore's bill was discussed in 2013 and 2014. I have to admit that my training as an economist led me to see the arguments presented by public officials who claimed that the new government loan process would be more effective, more flexible and more transparent in a rather positive light.

I moved for the adjournment of this debate in December because I wanted to gain a clearer understanding of the issue and find out why there was such determination to pass the bill by Senator Moore, whom I greatly respect.

At the committee meetings held in 2013 and 2014, some witnesses explained that this bill raises an important issue that should absolutely be debated in this chamber. I am talking about the role that parliamentarians should play with regard to oversight of the executive branch and, in particular, the management of the public debt. In reality, Bill S-204 supports a principle that is essential to the integrity of our parliamentary system. It seeks to correct a law that was passed without debate in 2007. This law diminished the role that Parliament plays in overseeing the government and the executive branch, which seriously undermines the principle of responsible government.

As you know, in the 19th century, Canadians fought for recognition of the principle by which the executive would require Parliament's approval to spend money, raise public funds and borrow money. The principle of responsible government forms the foundation of our parliamentary system, in which cabinet, made up of government members of the House of Commons, is accountable to the House of Commons and to Parliament.

As I mentioned, the 2007 change stripped powers from Parliament, and this change was never debated when the omnibus budget implementation bill was passed. The senior officials who testified at the National Finance Committee in 2013 and 2014 confirmed that this change would make the public service and the borrowing authority more effective. They emphasized "the important part the current borrowing authority process played in facilitating Canada's actions in the fall of 2008 to the global financial crisis."

In other words, in 2007, Parliament, without truly knowing it and without debate, ceded some of its government accountability powers in order to give civil servants and the Minister of Finance

increased freedom of action. In 2007, Parliament threw the baby out with the bathwater.

I've been wondering for a while now why the National Finance Committee's studies on the estimates and the budget implementation bill did not seem to provide for full accountability. Since I became a member of this committee, not once have we discussed the government's financial statements, and not once have we checked to see if the books balance. We analyze what the government intends to do, but never analyze what it does do.

Part of the answer to that question is that, since 2007, the National Finance Committee and the Senate have never analyzed the Debt Management Strategy or the Debt Management Report.

As Senator Day cautioned in this chamber in 2014, if the sole focus is always effectiveness, Parliament could be discarded and the executive would take over.

Colleagues, in the current economic context, with the government announcing that it expects to run rather large deficits, the debt will inevitably increase and the debt-to-GDP ratio might also increase, along with interest charges on the debt. There is no cause for alarm at this point, but no one knows what the future will bring. While running deficits to stimulate the economy may be the right thing to do for now, the debt must nevertheless be carefully managed. We need to make sure that this borrowing does in fact stimulate the economy.

As you know, colleagues, interest rates are very low right now, but they could rise and push up debt charges, which would considerably limit the government's flexibility to pay for current expenditures. In addition, if the public debt is held in U.S. dollars, managing the debt could become a real nightmare, as has happened in the past.

In studying this bill, I had to wonder if my sudden interest was being driven by economic conditions or if it was based on more universal principles. In fact, the present situation is what led me to see the bill's merits. When the economic outlook is more promising this bill will be just as pertinent because it will always touch on fundamental parliamentary principles.

• (1530)

Honourable senators, I support the principle of Bill S-204. We must again debate this bill in committee and in this chamber. Our debate should not focus on the reasons that led the previous government to abolish certain elements of the principle of responsible government, but rather on how to re-establish Parliament's oversight of debt management and borrowing. I believe that Parliament created a serious democratic deficit by adopting the amendment proposed in the 2007 omnibus bill.

As Senator Day said in 2014, "think about this":

If the executive has authority to go out and borrow whenever they want, and they now do, they could bankrupt this country. They could borrow and keep borrowing without any parliamentary approval. They could do that

without Parliament, which will be responsible if the country is bankrupt and responsible if too much is borrowed. We are the ones, especially the House of Commons, who will take all of the blame for this, but we have none of the rights to control the borrowing.

Fortunately, Senator Day, this will not happen, because Parliament will have a say.

In fact, the democratic deficit created in 2007 will be fixed by the next budget implementation bill. Evidently, this was announced. The new government, the same government that is anticipating a deficit of almost \$30 billion, will ask us to approve how it manages the debt.

How can such a democratic deficit be fixed? What can be done to truly ensure that Parliament authorizes the borrowing of money? How can we strike a balance between democratic and parliamentary principles, transparency and effectiveness? That is a big question.

I took a quick look at the provisions regarding borrowing authority in the provinces. With the exception of Ontario and Quebec, none of the provinces authorize the government to take out loans unless it meets certain conditions. Every province's laws regarding public finances or financial administration include certain conditions that the executive must meet in order to borrow money. For example, sections 18, 21 and 23 of Ontario's Financial Administration Act indicate that cabinet must have the express approval of the Legislative Assembly in order to borrow money, except for activities already set out in the act, such as the payment of loans, securities or expenditures for a period not exceeding 12 months from the time the Legislative Assembly is dissolved, or the payment of debts or obligations. In these provinces, the government cannot just borrow money whenever it wants. It must have authorization from the provincial parliament.

Honourable senators, we need to correct the democratic deficit that we helped to create in 2007, but do we want to start again at square one with the situation that existed prior to 2007? Is that the only option?

I'm sure we can come up with other solutions. For example, the Financial Administration Act could be amended so that Parliament would have to approve the Debt Management Strategy and the Debt Management Report. Such a measure would ensure that the Standing Senate Committee on National Finance examined and reported on those documents and that this chamber approved them and the committee's own findings.

We could also stipulate that any borrowing that increases the debt-to-GDP ratio be subject to Parliamentary approval. Those are some of the options — and there are others — that we could examine. They wouldn't hinder the efficiency, flexibility, and transparency of debt management and could be included in Bill S-204.

I move that Bill S-204 be passed at second reading and referred to the Standing Committee on National Finance so that we may discuss any amendments to the bill that might address the democratic deficit, while recognizing the merits of efficiency and flexibility that we tried to address in 2007. We must take

advantage of the government's openness to this matter and discuss concrete terms that could be included in new borrowing approval legislation.

Thank you.

(On motion of Senator Marshall, debate adjourned.)

[English]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Dennis Glen Patterson moved second reading of Bill S-221, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

He said: Honourable senators, I rise to speak to my bill, Bill S-221. This bill seeks to amend the Constitution Act of Canada by removing the clauses that state that senators should have a net worth of \$4,000 and own property in their region valued at \$4,000 in order to qualify for appointment.

Colleagues, these antiquated and elitist provisions create a barrier for almost half of all Canadian households to fully participate in the governance of this country. They are requirements put in at a time when the landed gentry were given a means to keep the great unwashed in line should their elected officials in the other place become too overzealous in their legislative roles.

Clearly, this is inconsistent with modern democratic values.

Based on the 2011 National Household Survey, the most recent figures available, 31 per cent of Canadian households, or over 4 million homes, are rentals, while a further 13 per cent of owned households are condominiums representing another 1.1 million homes. With condominiums you do not own the land, only the unit, as the condo corporation owns the land.

Honourable senators, together, the quick math shows that 44 per cent of Canadian households, the residents of roughly 5.2 million homes, do not qualify to become senators. In my home region of Nunavut, that number jumps to a staggering 83 per cent.

Add to this number the estimated 55,180 households that are band-owned housing on-reserve and the number of on-reserve homeowners whose land is technically considered Crown Land.

This exclusion of otherwise competent, intelligent and dedicated Canadians from being appointed to the upper chamber must end.

Colleagues, this is not the first time that a bill like this has been proposed. Our former colleague, the Hon. Tommy Banks, tried three times to remove these provisions. Once the bill was referred to committee, but in all three instances the bill died on the Order Paper.

I'd like to quote former Senator Banks, who also believed that these provisions were outdated; he stated: "This bill seeks to redress that shortfall, which I think everyone would agree is antediluvian." The provision made a lot of sense, I suspect, in 1867; putting aside the purpose for which it was put in place, the amount of real property that is required in this part of the Constitution would be inappropriate today if it were intended as a roadblock or criterion for membership.

Former Senators Di Nino and Carstairs, and current Senators Fraser and Tkachuk all voiced their support for the various iterations of then Senator Banks' bill, but the one critique that continually arose was the question of constitutionality of such legislation. That bill also came at a time when it was yet unclear whether broader, more sweeping changes could be enacted by Parliament alone.

• (1540)

Today, however, honourable senators, we have the benefit of the crystal clear April 25, 2014 Supreme Court decision, stating:

We conclude that the net worth requirement can be repealed by Parliament under the unilateral federal amending procedure. However, a full repeal of the real property requirement requires the consent of Quebec's legislative assembly under the special arrangements procedure. Indeed, a full repeal of that provision would also constitute an amendment in relation to s. 23(6), which contains a special arrangement applicable only to the province of Quebec.

My motion on the Order Paper today deals with the issue of the removal of property requirements related to Quebec and the special arrangements procedure described by the court, and I will be speaking to that later.

However, I draw your attention, honourable senators, to the portion of the ruling that allows an act of Parliament to repeal the net worth requirement for all senators and the real property requirements for all jurisdictions except Quebec. My bill seeks to accomplish exactly that.

It is important to note that such changes would not, in any way, affect the requirement that a senator be resident in the region they represent.

Colleagues, by supporting the passage of this bill, you are saying that a person's net worth and ability to own property are not adequate means of determining the fitness of a person to sit as a senator of Canada. You are saying that these elitist provisions have no place in our modern, democratic society. You are voting to end the restrictions placed upon millions of Canadians since 1867.

These are antiquated and elitist measures that have lost their *raison d'être* in modern society. They are requirements that haven't changed since the Constitution Act, 1867. Currently, alas, millions of Canadians across the country are not qualified to sit as a senator and fully participate in the governing of Canada, solely because they do not own land and/or their net worth is below \$4,000.

Canadians should not be excluded from participating in the parliamentary process simply because they rent or are an Aboriginal homeowner on reserve.

I look forward to your support in passing this bill. Thank you.

(On motion of Senator Fraser, debate adjourned.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES PERTAINING TO INTERNAL BARRIERS TO TRADE—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Banking, Trade and Commerce (Budget—study on the issues pertaining to internal barriers to trade—power to hire staff and to travel), presented in the Senate on March 10, 2016.

Hon. David Tkachuk moved the adoption of the report.

He said: Honourable senators, this is the motion that was introduced about 10 days ago. It is a budget allocating \$236,000 to the Banking Committee for travel to Vancouver, Calgary, Winnipeg and Halifax — not to Europe or other places in between. We will have one date in Halifax so that we can coordinate the travel. This is budgeted, as it always is, for 12 people. I hope 12 people do come, but right now indications are that we will probably have 7 going on one trip and 6 on the other. We hope to complete that. We need the time to work over the next two weeks so that we can begin on April 18 and then the first week in May.

Hon. Joseph A. Day (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Legal and Constitutional Affairs (Budget—study on matters pertaining to delays in Canada's criminal justice system—power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Bob Runciman moved the adoption of the report.

He said: Your Honour, I actually spoke to this earlier, but if there are any questions, I will be glad to respond.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON SECURITY THREATS—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Security and Defence (Budget—study on security threats facing Canada—power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Daniel Lang moved the adoption of the report.

He said: Colleagues, I would like to expand a bit further on what was stated in respect to the motion before you. The amount of money we are requesting is \$91,000, to be expended for the purpose of a visit to Halifax. We will spend a day in Halifax to review the shipbuilding procurement program that is under way there, as well as to meet with a number of the spouses of the military members who are stationed in Halifax.

We will then spend three days in Washington. We will be arranging meetings with the various agencies and officials in respect to the issues that correspond with our responsibilities vis-à-vis our Senate committee and the Government of Canada, primarily in the areas of the Canada Border Services Agency, as well as the question of the terrorism issue that we all face between ourselves and the United States, and other issues that we will be dealing with in respect to our visit. This should be very worthwhile.

I should also say, colleagues, that a visit to Washington is overdue. We haven't gone for a number of years, and it is important that we reinstate our relationships with our counterparts in the United States.

Hon. Colin Kenny: Honourable senators, I have a question for the chair of the committee. Can you give us some indication of the dates you're considering, and have you considered visiting the Marine Security Operations Centre, the intelligence operation, during the course of the visit?

Senator Lang: Senator, the dates are still open. We were hoping to travel in April; however, there appear to be a number of conflicts, so it is still open with respect to setting the dates for our

visit. This will be done with you and with other colleagues in order to accommodate everybody's schedule to the best of our ability.

In terms of the visit to Washington, it is quite open at this stage in respect to who we will meet with. We wanted to bring the budget forward so that we could put some firm plans together and set the schedule, and that's what we'll be doing.

• (1550)

Senator Kenny: My question wasn't about Washington, sir; it was Halifax and the MSOC that was there.

Senator Lang: I'm sorry, I misunderstood the question. Whether or not we could accommodate that, colleagues, the question would be open at this stage. I just indicated what we had initially put together for our planned meetings in Halifax.

If we could fit that in we definitely would, and I'm happy to discuss that with my colleague.

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

Hon. Senators: Agreed.

(Motion agreed to.)

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON THE REGULATORY AND TECHNICAL ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED AND AUTOMATED VEHICLES—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications (Budget—study on the regulatory and technical issues related to the deployment of connected and automated vehicles—power to travel), presented in the Senate earlier this day.

Hon. Michael L. MacDonald moved the adoption of the report.

He said: Honourable senators, Senator Fraser asked earlier why we're doing this now. This study on automated vehicles has been authorized by the Minister of Transport and the committee. The committee has been authorized by the Senate to do this report, but it's the second one in the queue. We have two studies in the queue, and we're not going to get to the report until the fall.

However, there are a lot of conferences, we discovered, being held in the next few months. In fact, I just came back from congressional meetings in Washington, and while we were there, a conference on this very subject was being held at Congress.

The Conference Board of Canada is holding a conference called Automated Vehicles: The Coming of the Next Disruptive Technology. We're at a point where the technology is starting to catch up to the concept. We don't want to waste the opportunity to gather some information on this, and that's why we've submitted this small increase in our budget. The time is very tight and we want to send a few senators to Toronto in the next couple of weeks.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON BEST PRACTICES AND ON-GOING CHALLENGES RELATING TO HOUSING IN FIRST NATION AND INUIT COMMUNITIES IN NUNAVUT, NUNAVIK, NUNATSIAVUT AND THE NORTHWEST TERRITORIES—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples (Budget—study on best practices and on-going challenges relating to housing in the North—power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Lillian Eva Dyck moved the adoption of the report.

She said: I will give a bit more detail than the last time as to why we asked for leave today.

Our committee is following up from our first study on housing which looked at First Nations across Canada, and now we are focusing on Inuit who live in Northern Canada and some First Nations in the Northwest Territories. We intend to travel to six communities in Nunavut, Nunavik and Nunatsiavut. I won't attempt to say their names. I know my honourable colleague Senator Patterson can roll them off his tongue easily, but I cannot.

We know that the housing shortages in Northern Canada are more severe than in the rest of Canada, and a lot of health issues are associated with that. We want to arrive there in the spring, so it was necessary for us to get the budget approved quickly in order to arrange the most reasonable cost of accommodation and charters. As you know, accommodation and travel in the North is expensive and books up very rapidly.

We think it will be most interesting to see the housing right there and to actually see the impact of some of the cost-sharing agreements on the problems that the Inuit have in Northern Canada.

Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE *CONSTITUTION ACT, 1867* BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—DEBATE ADJOURNED

Hon. Dennis Glen Patterson, pursuant to notice of March 10, 2016, moved:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. (1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.

(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).

2. The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.

He said: Honourable senators, this motion is directly connected to Bill S-221.

The Supreme Court of Canada ruled on April 25, 2014, that an act of Parliament alone could remove the net worth requirements for all senators as well as repeal provisions requiring senators to own property valued at \$4,000 for all jurisdictions except Quebec. This is because each of the 24 Quebec senators are required to own property in one of the historic regional divisions they are chosen to represent. These divisions have not changed since Confederation and reflect the boundaries of the province in 1867.

This leads to situations like that of our colleague and my good friend Senator Charlie Watt. Senator Watt has loyally and capably represented his home region of Nunavik in the Senate since 1984. However, Nunavik did not exist in 1867 as part of Quebec, and so he technically represents a region along the St. Lawrence River, but the only connection he has to that area is the \$4,000 of real property he owns there.

This runs contrary to the original impetus, which was aptly described by Senator Fraser in previous debates, for the creation of these 24 historical districts. They were put in place to ensure that senators protected the interests of Canada's francophone minority and the anglophone minority in Quebec.

She went on to say:

If we get rid of the existing property and residence requirements in Quebec, which I agree are archaic and no longer reflect reality, we also need to address the question of how we will continue to uphold that principle of representation of minorities. The specific mechanism may have only a tenuous relation to that principle now.

However, it is important to remember that one of the things we do here, and must never forget that we do here, is that we always stand for minorities.

I agree with Senator Fraser that the representation of minorities along with the representation of regional interests are fundamental reasons for the existence of the Senate.

What are the ramifications if we eliminate the district requirement in Quebec and, indeed, the property requirement? I'd suggest that we no longer need to focus on districts in Quebec because the province has been significantly enlarged since 1867.

Today I understand that many Quebec appointees to the Senate have no particular ties to the district they represent, except for owning a piece of property in that district. That provision to set up districts was designed to protect the interests of linguistic minorities when it was put in place in 1867, but I do not think that is the case today.

• (1600)

There are minorities who live in Quebec outside the 24 districts. Demographics have changed considerably since 1867. The interests of minorities, I believe, can and are being championed through the appointments process.

When former Senator Tommy Banks introduced similar measures in the Senate between 2008 and 2009, he pointed out that:

There are other senators present who I think it is safe to say consider that they are here representing the interests of Quebec, not necessarily of De la Durantaye, Milles Isles, Lauzon, Kennebec, Wellington, Bedford or Victoria, and who may not live in any of those senatorial divisions but still need to be here and are here quite properly.

Colleagues, the mere idea of a property requirement is elitist, but the addition of a requirement that capable and competent individuals own land in a historic regional division that they may or may not even live in is an added and unnecessary stumbling block for potential senators, as was evident on Tuesday of this week when news reports announced a delay in the swearing in of future senator André Pratte, who needed to scramble to meet his constitutional property requirement and has done so as of today, I believe.

My motion also respects the Supreme Court decision that Quebec has the clear right to determine whether the repeal of these property owning requirements would apply in Quebec. It would remove the real property requirements for Quebec senators by using the special arrangements procedure outlined in the Constitution Act, 1867 under section 43. This amending formula, known as amendment by proclamation, allows the Governor General, when authorized to do so by identical resolutions in the Senate, the other place and the legislative assembly of a province or territory, to amend the Constitution for a particular jurisdiction.

This formula was used to proclaim amendments in 1998 respecting religion in schools in Newfoundland and was used again in 2001, when the name of Newfoundland was changed to include Labrador.

Our eminent constitutional expert and historian, Senator Joyal, has pointed out to me that this provision was also employed in 1997 at the request of Quebec in order to enable the province to amend section 93A of the Constitution, allowing them to replace denominational school boards with ones organized on linguistic lines. The Government of Canada, led by Prime Minister Chrétien and the Parliament of Canada of that day, accepted that request, and the Constitution was amended accordingly. It is my hope that Quebec will meet this request from Canada with similar acceptance.

By accepting and voting in support of my Bill S-221, you are saying you believe that Canada must move beyond its historical elitism and remove the requirements that we judge a citizen's fitness to serve as a senator by their wealth. By supporting this motion you are saying that if that ideal is right for Canada, it should also be right for Quebec.

Honourable senators, by adopting this motion, we would start down the path to ensuring that the elitist and antiquated real property requirements for senators be removed in Quebec as they would be in all other regions of Canada should Bill S-221 be passed.

Thank you.

[*Translation*]

Hon. Ghislain Maltais: Honourable senators, I would like to jump in now after the speech by my colleague, Senator Patterson. I understand his position very well, and he's absolutely right, when it comes to his own situation. However, with respect to the constitutional requirement, all senators from Quebec in this chamber must own land worth at least \$4,000. If the Crown decides to purchase our land, I have no problem with that. However, if we pass the bill, as introduced by Senator Patterson, we'll all still have our land. Who will buy this land? We need to find a compromise.

Senator Patterson's bill addresses his own situation. However, I suggest that we continue examining the problem as it affects Quebec. I agree with the premise that we should all be equals as Canadian senators. However, if we were to pass this bill tomorrow morning and if it were to also pass in the House of Commons, what would Senator Fraser do with her land? What would Senator Smith and Senator Carignan do? What would we do with our land? We therefore cannot proceed in this fashion.

Since we have a constitutional requirement to be land owners, if we were to remove that condition, the Crown would have to step up, buy the land and write us a cheque. It's as simple as that.

As a result, dear colleague, I cannot vote in favour of your bill as it stands now. You will have to amend it if you want the vote of the senators from Quebec.

[*English*]

Hon. Larry W. Smith: Honourable senators, there is a little factor that supports what Senator Maltais said. Some of us paid more than \$4,000 for our land. We had entrepreneurial senators that were retiring. In my case, I paid \$7,000, and he wanted \$10,000. I'd be pleased, on behalf of Senator Maltais, to sell his land and my land for \$10,000 apiece.

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): In my own case, I suspect that all I could possibly do is donate my land to some kind of institute for the study of wetlands.

That said, Your Honour, I move the adjournment of the debate for the balance of my time.

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

(On motion of Senator Fraser, debate adjourned.)

SENATE MODERNIZATION

SPECIAL COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Elaine McCoy, for Senator McInnis, pursuant to notice of March 22, 2016, moved:

That the Special Senate Committee on Senate Modernization have the power to sit on Tuesday, April 12, 2016, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

She said: Honourable senators, Senator McInnis, the chair of this committee, asked me to put this motion before you today since we won't have a chance to do it prior to April 12 as we are on Easter break.

We are asking you to support this motion because we have succeeded in getting the learned Professor Meg Russell to be a witness for our committee. However, we had quite a struggle matching her schedule with our schedule and her travel and our travel. Then there is the time difference between here and London, England, which is where she is. She is a distinguished scholar on the subject of the House of Lords.

Although the House of Lords is not an exact precedent for us, it's still an inspiration for us. They do have quite a practice of unaffiliated peers, as well as crossbenchers. We wish to learn from them how they manage that. They surely know how to manage their chamber, with four or five different parties, plus several unaffiliated and 171 crossbenchers.

We will also have Lord Hope, the convener. That would be the same as the facilitator, as we've dubbed the position here of the independent non-partisan working group, to address this. We're keen to get these two witnesses before us in more or less the same timeslot.

As a committee, we have only two hours a week. That was the only time we could schedule this committee on an ongoing basis. That further complicated matters. We are willing to sit, and we will sit, additional hours on a Monday to accommodate Lord Hope from the United Kingdom and again on Tuesday, April 12, to accommodate Professor Russell. We would ask honourable senators to be generous and give us permission to do that, even if the Senate is sitting while we are meeting with Professor Russell.

• (1610)

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO AMEND RULE 12 OF THE *RULES OF THE SENATE* PERTAINING TO THE COMMITTEE OF SELECTION—DEBATE ADJOURNED

Hon. John D. Wallace, pursuant to notice of March 22, 2016, moved:

That the *Rules of the Senate* be amended:

1. **by adding the following at the end of rule 12-1:**

“The membership of the committee shall, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties.”;

2. **by adding the following new rule 12-2(2):**

“Expressions of interest

12-2. (2) Before nominating Senators to serve on committees, the Committee of Selection shall invite expressions of interest from all Senators.”;

3. **by renumbering current rules 12-2(2) and (3) as rules 12-2(3) and (4);**

4. **by adding the following new rule 12-2(5):**

“Content of Committee of Selection reports

12-2. (5) Any report of the Committee of Selection nominating Senators to serve on a committee shall:

(a) identify the criteria used in developing its nominations;

(b) contain nominations such that, if the report is adopted, the membership of the committee would, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties; and

(c) nominate, as far as possible, every Senator who is eligible to attend the Senate, and who expressed an interest in being a member of a committee, to a minimum of at least one committee.”;

5. **by renumbering current rules 12-2(4), (5) and (6) as rules 12-2(6), (7) and (8); and**
6. **by updating all cross references in the Rules, including the lists of exceptions, accordingly; and**

That the Senate discharge the current membership of the Committee of Selection so that a new membership can be appointed, by substantive motion, in conformity with the changes made by the adoption of this motion.

He said: Honourable senators, the motion before you today proposes amendments to the *Rules of the Senate* that would directly address not only the membership rights of all senators to sit as full members on Senate standing committees but also the membership composition of the Senate's Committee of Selection, whose duty is to present nominations of senators to serve on the various Senate standing committees.

As I will explain further in a moment, this particular issue of Senate committee membership nominations and the basis on which these nominations are actually determined by the Committee of Selection are of critical importance to all senators, including, of course, all independent, non-partisan senators. These nomination decisions and whether in fact all senators receive appointments to serve on any of the Senate's committees directly impacts the ability of some senators to be able to fully perform and discharge the constitutional duties and obligations that they each have sworn to uphold.

Currently, the Committee of Selection consists exclusively of five Conservative and four Liberal caucus members. There are no members on this committee representing the independent, non-partisan senators of this chamber, despite the fact that the current announced membership composition of the Senate is as follows: 42 Conservative senators; 26 Liberal senators; and 19 independent, non-partisan senators, excluding the Speaker. With additional Senate retirements to occur later this year, the composition of the chamber will change by the end of 2016 to 42 Conservative senators, 38 independent, non-partisan senators and 24 Liberal senators. With additional retirements to occur in 2017, the composition by the end of 2017 will be as follows: 45 independent, non-partisan senators, excluding the Speaker; 39 Conservative senators; and 20 Liberal senators.

Clearly the control and functioning of the Committee of Selection, including its committee nomination processes and recommendations, are not at all representative of the current membership composition of the Senate Chamber, nor what it is anticipated to be during the next year and a half. In other words, the current membership composition of the Committee of Selection and the memberships of the Senate's various standing committees do not provide anything that is close to being a proportionate representation and reasonable reflection of the various groups and caucuses of senators that comprise the Senate Chamber. This is particularly the case for the current 19 independent, non-partisan senators.

Why is the need to have reasonable proportionate representation within the membership of the Committee of Selection as well as within each of the Senate standing committees so important? To answer that question, we need to look no further than the Senate committee nomination process and the actual committee membership nominations that form the basis of the Second Report of the Committee of Selection that was presented in the Senate Chamber on December 9, 2015.

In that regard, first, although it has been the practice of the Senate for the Liberal and Conservative Senate whips to request and receive expressions of interest from each of their respective caucus members for possible appointments to various Senate committees, this practice has never been extended by the Committee of Selection to all independent, non-partisan senators; and this was most certainly the case for the purposes of the Committee's second report. In my personal situation, as an example, subsequent to my resignation from the Conservative caucus in November 2015, I made the decision to write directly to each of the members of the Committee of Selection expressing my interest to be considered for nomination to both the Senate's Legal Committee and the Energy Committee. I chose those two particular committees since I had served previously on both and, in the case of the Legal Committee, as its chair and deputy chair.

Additionally, in the years prior to my Senate appointment, I practised corporate commercial law for approximately 34 years, during 17 of which I served as corporate counsel for a Canadian petroleum company that has extensive petroleum retail, commercial and distribution operations in Canada and the United States. It is the owner and operator of Canada's largest oil refinery. The members of the Committee of Selection, however, chose not to nominate me to serve on either the Legal Committee or the Energy Committee, nor did they provide me with any nominations whatsoever to serve on any of the other 15 Senate committees.

Second, with the exception of Senator McCoy and Senator Cools, all other independent, non-partisan senators were totally excluded by the Conservative- and Liberal-controlled Committee of Selection from all committee nominations to any of the 190 membership positions on the Senate's 17 standing committees.

Third, despite the fact that without any justification whatsoever, the overwhelming majority of independent, non-partisan senators were denied access by the Committee of Selection to full, unqualified membership on any of the Senate standing committees, the following members of the Committee of Selection did receive the following committee nominations: Six committee membership positions were provided to each of Senator Plett, the Conservative Senate whip; Senator Wells, the Conservative deputy whip; and Senator Frum, the Conservative caucus chair; and five committee membership positions for Senator Martin, the Conservative deputy leader.

Fourth, of the membership nominations made by the Committee of Selection to the Senate's Legal Committee, of which I spoke previously, Conservative Deputy Leader Senator Martin nominated eight Conservative senators and no others; and Liberal Whip Senator Munson nominated four Liberal senators and no others. The Committee of Selection offered no membership nominations for positions on the Senate Legal Committee to any of the independent, non-partisan senators.

Honourable senators, I believe all of these facts speak clearly for themselves. The entire Senate committee nomination process is contrary to and inconsistent with and negates the requirement that all senators, regardless of their political affiliation or non-affiliation, must be able to undertake and fulfill their senatorial duties and obligations in a manner that is both independent and free of partisan political influence. This is exactly what was intended by the founders of our Canadian parliamentary system. This was also confirmed by the Supreme Court of Canada in its 2014 decision in *Reference re Senate Reform*.

The control and influence over our Senate committee nomination process is currently such that the members of the Committee of Selection are able to arbitrarily reward senators of their choosing with committee membership nominations and conversely penalize others by refusing to provide them with any committee nominations whatsoever. The absence of any reasonable nomination criteria to be applied by the Committee of Selection in the proper fulfillment of its functions and duties produces results that seriously call into question both the integrity and the reputational credibility of our Senate institution.

Although under the *Rules of the Senate* it is the responsibility of the Committee of Selection to provide nominations for all Senate committee memberships, a practice has developed whereby the Conservative or Liberal whips may offer, if they are so inclined, committee membership positions to independent senators of their choosing from nomination positions that were specifically reserved by the Committee of Selection for the benefit of their respective Conservative and Liberal political caucuses. For the purposes of this particular practice, any such reserve membership positions that become occupied by an independent senator are still considered to be under the control of the applicable Conservative or Liberal whips. The consequence of this is that if an independent senator is unable to attend committee meetings, his or her replacement would be determined by the applicable political caucus whip.

• (1620)

Furthermore, if for whatever reason it may be considered appropriate, in the sole discretion of the leadership of a political caucus in question, a leadership decision is made to remove the independent senator from the committee in question, this can be accomplished by the Leader of the Opposition, the Leader of the Government or a leader of a recognized party, as the case may be, simply by filing a notice of membership change with the clerk.

As we are all well aware, the Senate is first and foremost a house of legislative review, with its primary function being to review and revise legislation adopted by House of Commons. In this regard, the Supreme Court of Canada in its 2014 decision in *Reference re Senate Reform* referred to the Senate's fundamental nature and role as that of a complementary legislative body of sober second thought.

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

[Senator Wallace]

The critical importance of the role and work of Senate committees and each of their members is foundational in nature in that it underlies and supports the core legislative function of the Senate. This is obvious from the references that are found in various Senate of Canada publications, such as the Senate publication *Fundamentals of Senate Committees*, October 2015 version, wherein it states:

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

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

Second is the Senate of Canada fact sheet:

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

Third is the "Orientation Guide for New Senators," the April 15 version:

Committees are at the core of the Senate's work and are recognized for their high quality contribution to legislation and policy. In committee, senators examine the proposed legislation referred to it by the Senate for in-depth analysis, conduct special legislative studies and examine the government's spending proposals.

Honourable senators, it is true, of course, that senators who are not members of Senate committees may attend and participate partially in the meetings of most committees. Non-committee members, however, are not permitted to vote or count against quorum in committee on matters that include clause-by-clause passage of all government and public and private bills, proposed amendments to bills and adoption of Senate committee reports and studies, which may at times include observations proposed by committee members.

Additionally, non-committee members are not permitted to move motions or raise points of order in committee.

The reality that should be readily apparent to all members of this chamber is that the rights and privileges afforded to all senators undoubtedly include the right of all senators, regardless of whether they sit as government members, opposition members, members of recognized parties or independent non-partisan senators, to receive fairness, equity and equality without any discrimination whatsoever in the performance of their required parliamentary legislative function. In the circumstances at hand, these rights and privileges of fairness, equity and equality apply directly to the membership nominations of all senators to Senate committees, as well as to the right of full participation and contribution by all senators in the work and proper functioning of our Senate committees.

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

Rights that are afforded to all senators are referenced in sections 3 and 7 of the *Senate Administrative Rules*, Division 1, Chapter 1:02, as follows:

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

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

Furthermore, at section 7(1):

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

Having said all of that, the various Rules and practices of the Senate institution that have enabled the Conservative and Liberal Senate leaders to exercise partisan political control over the rights and privileges of independent non-partisan senators, and at times actually negate the benefits and opportunities that arise directly from these rights and privileges, must be changed and changed immediately.

The Hon. the Speaker: Is the honourable senator asking for five more minutes?

Senator Wallace: If I could, Your Honour.

Hon. Senators: Agreed.

Senator Wallace: Thank you.

The immediacy of this need for change has most certainly been heightened with the recently announced appointments of seven new senators to this chamber, with another 20 new appointments to follow later this year.

Each of these new 27 senators, and all of those who will follow, together with all of the current sitting independent, non-partisan senators of this chamber, are entitled without exception and as a matter of right and senatorial equality to receive full unqualified membership positions on the Senate standing committees. This fact should be beyond debate.

With that in mind, I once again refer you to the following amendments to the *Rules of the Senate* that are proposed in my motion before you today. In regard to the membership of Committee of Selection the following is proposed to be added at the end of rule 12-1:

“The membership of the committee shall, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties.”;

The following new rule 12-2(2) is proposed to be added: “Expressions of interest

12-2. (2) Before nominating Senators to serve on committees, the Committee of Selection shall invite expressions of interest from all Senators.”;

And the following new rule 12-2(5) is also proposed to be added:

“Content of Committee of Selection reports

12-2. (5) Any report of the Committee of Selection nominating Senators to serve on a committee shall:

(a) identify the criteria used in developing its nominations;

(b) contain nominations such that, if the report is adopted, the membership of the committee would, as nearly as practicable, proportionally reflect the number of all Senators who are members of each of the recognized parties, as well as those who are not members of recognized parties; and

(c) nominate, as far as possible, every Senator who is eligible to attend the Senate, and who expressed an interest in being a member of a committee, to a minimum of at least one committee.”;

Honourable senators, it should be readily apparent to all that the time for change — for real, positive, progressive change within our Senate institution — is now upon us, and we should wait no longer. We must act.

As we are all well aware, changes in corrective action that relate specifically Senate financial expenditures and control systems are well under way, and all of that, of course is positive.

The required changes, however, that I'm speaking of are those that I would describe as being foundational in nature in that they go to the very heart and core of this institution; that is, to the Senate's fundamental nature and role that has been described by the Fathers of Confederation and the Supreme Court of Canada as a complementary legislative body of sober second thought.

Honourable senators, that is our primary function. That is our job.

In this regard, I also remind you of the following words of our former Speaker and esteemed colleague the late Pierre Claude Nolin in his address to this chamber on February 4, 2014:

The Senate is the product of an historic covenant. It is up to the Senate and the senators to use their power and carry out the work envisioned by that founding covenant.

And, he said:

The problem is that we are starting to lose sight of our responsibilities.

• (1630)

Once again, as we saw so many times in the past, Speaker Nolin was absolutely right.

The best interests of the Senate of Canada and the best interests of Canadian citizens, whom we are honoured to represent, require and expect each of us to take action when it is required and to protect and enhance the credibility and the integrity of our Canadian parliamentary institution.

Honourable senators, the time to take that action is now.

Hon. Jim Munson: I have a question. So that we're not all painted into a deep, dark corner of not being nice to others and to other independent senators, since we are independent ourselves, I would just like the record to show that — by the way, you have a lot of fascinating and strong points to make; times are a-changing, as the song goes — during that period of time, with no whips attached on this side, I offered you two positions on committees. They were not the committees you wanted, but with no whips attached, you could sit and speak and ask questions and vote in the way you wanted to on the two committees that you were offered. I would just like to have that on the record. I was trying to work in a collegial fashion with everybody here in the Senate of Canada. At the end of the day, I think it is important that that is put on the record.

In our caucus, when part of the Committee of Selection, we have many senators who want to sit on the committees they would like to sit on. I've said no to some of them because we've had too many who have wanted to sit on one committee. It was part of a selection process. So I wanted to make sure, Senator Wallace, that that was part of the public record.

The Hon. the Speaker: Honourable senators, could Senator Wallace have a minute to answer the question?

Hon. Senators: Agreed.

Senator Wallace: Thank you, Your Honour.

I have just a couple of comments I would make to that. Senator Munson has pointed out — and I raised this. I said exactly that when I raised, if you remember, the question of privilege, so I quite acknowledge that.

Two things with this, the first one being that I don't raise this as a matter that I felt I was somehow entitled because I expressed interest in two committees that I would get those. No, that's not the way it works. You have to balance it. I fully understand that. I point out my background to show I am somewhat qualified to be on both, but that's neither here nor there. I agree with that.

As I said at the time, senator, there are two things with it. At the time you made that proposal to me, it was the day following my letter directly to the Committee of Selection expressing my interest, and I had not heard back from them. I wanted to hear what they had to say. That's number one.

Number two, in November I resigned from the Conservative Senate Caucus, choosing to sit as an independent, non-partisan senator. As I said to you, I was not about to go under the wing, directly or indirectly, of another political caucus. That was part of why I left that caucus, so that was unacceptable. Plus the fact that it's the indirect and even direct control that the party whip still

would have over that position. I would not leave myself vulnerable, so I would have to be concerned that if I accepted that and I was voting on a committee matter and if over time my voting pattern wasn't thought to be acceptable by the whip, file a notice and you're out. No, not going to do it.

Senators are entitled, as a matter of right, to full membership, not necessarily on all the committees they want, absolutely not, and not on an indeterminate number of them. That's the principle. That's the message I hope I'm driving home to each of us.

Quite frankly, it shocks me in this day and age that I or any other senator has to stand up here and argue that rights of equality without discrimination apply to us in the administration of this institution. Do I really have to make that argument? Do I have to convince you of that?

Senator Munson: I was only trying to be nice.

Senator Wallace: This comment isn't directed at you. Anyway, that's why I am forced to be on my feet to do that. Thank you for the question.

[Translation]

Hon. Claude Carignan (Leader of the Opposition): This debate is of tremendous interest to me. I thank Senator Munson for clarifying. I plan to do the same. I therefore move adjournment of the debate.

(On motion of Senator Carignan, debate adjourned.)

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 24th, 2016

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 24th day of March, 2016, at 3:53 p.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to March 24, 2016:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2016 (*Bill C-8, Chapter 1, 2016*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017 (*Bill C-9, Chapter 2, 2016*)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 12, 2016, at 2 p.m.

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.)

(The Senate adjourned until Tuesday, April 12, 2016, at 2 p.m.)

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