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Wednesday, January 31, 2018

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, January 31, 2018

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

[*English*]

Prayers.

### CLERK OF THE SENATE

#### INTRODUCTION OF RICHARD DENIS

**The Hon. the Speaker:** Honourable senators, I would like to take this opportunity to welcome our new clerk, Mr. Richard Denis, to the Red Chamber.

Mr. Denis will serve as Clerk of the Senate and Clerk of the Parliaments on an interim basis, until a clerk is appointed on a permanent basis.

A proficient lawyer, Mr. Denis has decades of experience in the federal public service and in the other place, where he served as a table officer since 2002 and as Deputy Law Clerk and Parliamentary Counsel since 2004.

Mr. Denis brings a wealth of legal, legislative and procedural knowledge to the Clerk's table, and I am grateful that he has agreed to assume the responsibilities of this position.

[*Translation*]

I invite all honourable senators to join me in welcoming Mr. Denis and congratulating him on his appointment. Mr. Denis, we wish you much success in your new position.

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

[*English*]

## SENATORS' STATEMENTS

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, I have received a notice from the Leader of the Senate Liberals who requests, pursuant to rule 4-3(1), that the time provided for Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Joan Fraser, who will be resigning from the Senate on February 2, 2018.

**Hon. Senators:** Oh, oh!

[*Translation*]

I remind honourable senators that pursuant to our Rules each senator will be allowed no more than three minutes, with the exception of Senator Fraser, and may speak only once.

It is agreed that we continue our tributes to our colleague, Senator Fraser, under Senators' Statements. We will therefore have up to 30 minutes for tributes, not including the time allotted for Senator Fraser to respond.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Michel Faure; Ms. Elizabeth Faure, accompanied by Mr. Ray Taylor; Ms. Isabelle Faure, accompanied by Mr. Luke Higginson; as well as Mr. Graham Fraser and Mrs. Barbara Uteck. They are the guests of the Honourable Senator Fraser.

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

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

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Lorna Milne and her spouse Ross Milne.

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

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

### TRIBUTES

#### THE HONOURABLE JOAN FRASER

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I would like to pay tribute to our friend and colleague, the Honourable Joan Fraser, who is retiring early from the Senate, as His Honour has just said, on February 2. Her life's work, both here and in the private sector, has been exemplary, and it is worth mentioning.

[*Translation*]

After graduating from McGill University, Joan Fraser started her career as a journalist in 1965 at the daily newspaper *The Gazette* in Montreal. She then spent 11 years at *The Financial Times of Canada*, where she served as news editor, editorial page editor, and Montreal bureau chief. She returned to *The Gazette* in 1978 and became its editor-in-chief in 1993. Three years later, she accepted the position of director general of the Centre for Research and Information on Canada, a division of the Council for Canadian Unity.

[English]

To say that she was a success in journalism is a gross understatement: She has won two National Newspaper Awards and four National Newspaper Award Citations of Merit.

When Joan Fraser arrived in the Senate in 1998, her interest in serious public policy issues found a new home. Over the years, she chaired some of our most prestigious committees, including Legal and Constitutional Affairs, Transport and Communications, and the special committee on the “Clarity Bill.” She has also been Chair of the Senate Committee on Rules, Procedures and the Rights of Parliament where her attention to detail — some call it an editor’s eye — served her extremely well. There can be no argument that her knowledge of our Rules and procedures is second to none.

To us on this side, she ably served as Chair of the Senate Liberal Caucus and as deputy leader not once but twice in her time.

Ultimately, Joan Fraser is a formidable parliamentarian. She is always fair and balanced and heightens every debate with her wisdom and expertise, constantly urging us all to consider the unintended consequences of hasty decisions we might be tempted to take.

• (1410)

In an interview about her work in the Senate, Senator Fraser said, “The Senate is a wonderful place and it is one of the greatest privileges imaginable to work here.”

Joan, I can say without hesitation that this place, and all Canadians, are better off for the work that you have done here.

**Hon. Peter Harder (Government Representative in the Senate):** Honourable colleagues, I too rise in tribute to Senator Joan Fraser, for whom words are a valuable currency, never to be wasted. I will therefore spend my time wisely.

I have been aided in my editing of this by comments already made, so I am an active editor.

Senator Fraser’s love for words started as an early student of modern languages, which allowed her to acquire the skills to communicate so eloquently *en anglais et en français*.

[Translation]

Although her voice was perfectly suited for radio, she chose the print media.

[English]

As has been referenced, after distinguished undergraduate studies at McGill University, she combined her love of language and her raw intelligence with a passion to understand the world around her and become a journalist, with the distinctions to which Senator Day has already referenced. I won’t repeat them except to acknowledge two National Newspaper Awards, four National Newspaper Award Citations of Merit for editorial writing and many other awards for her contributions to journalism, communications and women’s issues.

As a senator, Joan Fraser’s keen intelligence, work ethic, respect and sense of fairness earned her leadership roles. As has been referenced, she has been Deputy Leader of the Opposition twice, and I enjoyed working with her in her second incarnation in that role and thank her for the guidance she gave an early senator. And she has been deputy chair and chair of several committees.

Ministers and witnesses knew that with Joan Fraser as chair, they would be treated with the utmost respect. Those who were ill-prepared or presumptuous, however, learned in short order that this was a situation up with which Senator Fraser would not put — no dangle participles.

Most recently, she chaired the Rules Committee where her leadership was critical during a time of great change in the Senate. Respect for others extended to all colleagues, including staff.

Senator Fraser invested in students and young people who have gone on to more senior roles so that Parliament as a whole profited from well-prepared professionals who gained experience from one of the best in this chamber.

Thank you, Senator Fraser, for all you have done for this institution which will outlast your sitting here, unfortunately, but it’s a treasure that you leave us, for which we are grateful.

In your well-earned retirement, may you spend each day knowing that your wealth of knowledge and rich contributions have been made to this place, to Parliament and to Canada and we are all benefiting from that. Thank you so much.

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

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, after almost 20 years of public service in the Senate of Canada, today we say goodbye to our colleague Senator Joan Fraser. Since she was appointed to this place in September 1998 on the recommendation of the former Prime Minister the Right Honourable Jean Chrétien, Senator Fraser has served with distinction. You will be missed.

[Translation]

Before she came to the Senate of Canada, Joan Fraser was well known across Canada, and particularly in our shared home province of Quebec, as a journalist, most notably through her long association with the daily newspaper *The Gazette*. Joan Fraser put all of the skills she developed as a journalist and editor to full use in her work as a senator, both in this chamber and in committee.

[English]

The key for Joan would be, as a Montrealer who followed her closely when reading the *Montreal Gazette*, she demanded and commanded but she had the respect of the community. When you get that type of feedback, I think that’s really important personally because it shows a lot about who you are, Joan.

During her time here, Senator Fraser, as mentioned earlier, contributed to many of the important committees in the Senate. I don't want to repeat what other senators have said, but I would like to raise one point about Senator Fraser that tells us a lot about her character and her values. She never forgot the people who worked each day, often in very dangerous circumstances, to shed light on the events that shape our world. In recent years, Senator Fraser — and I remember this clearly — has stood in this chamber and listed the names of journalists in various countries who were killed simply for being journalists. By reciting their names into the record of the Senate of Canada, she has helped ensure that they are remembered and honoured for their work.

It's important that we all understand special elements of people that come into this grand place. To me, that's a real positive that you leave with us, Joan, so thank you.

Senator Fraser has chosen to take her leave of this place over a year and a half before her mandated retirement date, and she leaves us at a very interesting point in the time and the history of our Senate of Canada. I wish to assure her that her work here will not be forgotten.

On behalf of all Conservative senators, and all the senators in the house — hopefully can I speak for everyone — I extend best wishes to Senator Fraser and her family in the hope that she enjoys a long, happy and healthy retirement.

Thank you, Joan.

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

**Hon. Yuen Pau Woo:** Honourable senators, it's my great pleasure on behalf of the Independent Senators Group to add my voice of sincere thanks and tribute to our colleague Senator Joan Fraser. Senator Fraser has long been a sage voice in this chamber, combining principle and pragmatism in her work as a senator as well as in her former life as a journalist.

In 1965, Senator Fraser joined the *Montreal Gazette* as a cub reporter, the start of a more than 30-year career in journalism. She was a leader in the media industry and a role model for women journalists, indeed for all journalists.

She served as editor in the Montreal bureau for the *Financial Times* of Canada and an edit-in-chief at the *Montreal Gazette*. She earned many national newspaper and journalism awards, some of which have already been mentioned in the previous tributes.

As a media professional, Senator Fraser always espoused the very ideals of journalistic integrity to seek and present truth to Canadians, to provide independent and unbiased information for the public good. She brought these same values to the Senate, and the Senate is richer for that.

Senator Fraser continued to exercise these principles when she came to this chamber on an appointment by Prime Minister Chrétien in 1998. She has been a valuable voice of sober second thought, holding the position of Chair of the Rules, Procedures and Rights of Parliament Committee, Legal and Constitutional Affairs Committee, Transport and Communications Committee, and the Special Committee on Bill C-20.

She has also continued to be an important figure for women's issues and women's rights, holding the position of President of the Inter-Parliamentary Union Coordinating Committee of Women. In her capacity as president of that group, Senator Fraser was known, too, and has international recognition for her work and dedication to women in politics.

I thank Senator Fraser for her life's work and decades of service to Canadians and the lessons that she has given all of us as a model of senatorial wisdom and integrity.

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

**Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals):** Honourable senators, today is a bittersweet day for me and for many of us, as we must bid adieu to our longtime colleague, the Honourable Joan Fraser.

Award-winning journalist and former editor-in-chief of the *Montreal Gazette*, Joan has been a constant voice of reason here in this place in the positions she has held.

Since her appointment to the Senate by the Right Honourable Jean Chrétien, she has served as caucus chair, Deputy Leader of the Opposition twice and Deputy Leader of the Senate Liberals.

I now happen to occupy similar positions and I can tell you this: I would not have been able to do so if it were not for the good work of Joan Fraser.

She is a true Liberal, undaunted by politics, and driven by common sense. Her guidance in times of trouble and support in times of good fortune in this place and beyond has been invaluable to me and I dare say to so many others here. I am so happy to call her a fellow Haligonian — because she was born in Halifax — but am happier to call her my friend.

• (1420)

*Bonne chance*, Joan, and happy retirement.

**Hon. Art Eggleton:** Thank you very much, You Honour. I am honoured to join my colleagues in heaping praise on Joan Fraser for the contributions that she has made to this chamber and that she has, in fact, made for the people of Canada.

One of the qualities of Joan that have impressed me the most over the years that we've both been here is her ability to be able to get on her feet when a point of order came up. You never know when points of order are going to come up, and yet when she was deputy chair or whatever position she was occupying here in the chamber, she was quick to get on her feet. She absolutely showed great and meticulous knowledge of the subject matter and of the rules, which is why she was made chair of the Rules Committee.

I was very impressed with that. I think it shows how she approached all of the issues here and how she applied her principles and her values to the various subjects that we had to deal with. She looked at them in-depth, she thought about them and she came up with reasonable positions. I think we can all be proud of those kinds of contributions, and we're going to miss Joan for those kinds of contributions.

I do want to extend best wishes to you, to Michel and your family who are here today in whatever adventures you are going to take on next. We are happy to have had you as part of the Senate of Canada, and I'm sure Canadians appreciate that as well. Thank you.

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

[Translation]

**Hon. Serge Joyal:** Honourable senators, if I had my wish, Senator Fraser would serve out her term and continue to sit until the October 2019 election. She has always carried out her duties faithfully and shown herself to be scrupulously professional and unfailingly approachable. I should add that she has always been very independent-minded in fulfilling her duties.

[English]

She is her own master, and when she reaches a conclusion, it is always after thorough analysis and review of every argument, as she had always done as an editor of the *Montreal Gazette*.

After 19 years of dedicated service in this chamber, she leaves with a stellar example of institutional integrity as her legacy. Never having been a member of a provincial or federal party before being recommended to the Senate in 1998, she then became a member of the Liberal group and joined the Liberal Party of Canada. However, she never let partisan interests take over the wider service of the public good.

She is a living example that one can be a member of a political group without being intellectually dominated by it. In fact, she is of the opinion that political parties are essentially institutions for the mediation of persons of different backgrounds, experiences and individual thoughts to converge and to achieve consensus on a certain set of initiatives responding to specific objectives or problems in society.

[Translation]

In Senator Fraser's opinion, a political caucus in the Senate is not an organization designed to flatten out contrasting visions and take away their originality by assimilating them into the group. Rather, she sees caucuses as structures that enable individuals with distinct experiences and personalities to establish common goals and propose compromises for ultimately achieving practical results while remaining free to vote as they see fit.

Senator Fraser never lost her critical skills, her independence, or her unique perspective on Quebec and Canada just because she was a member of the Liberal caucus. Her take on the status and unique position of the English-speaking community in Quebec is clear, and she expressed it every chance she got. I think this is the greatest contribution she made in all her years in the Senate: cultivating independent thinking while taking part in this process of mediation to foster debate and reflection in order to come up with specific responses to specific problems.

Senator Fraser always respected differences of opinion and was generous with her time and herself. She would not leave the Senate until the sitting was over, and she was always prepared to

take on ungrudgingly the work of this chamber. She truly epitomized the requirements associated with the duty and responsibility of the royal commission under which each of us was called to serve and was sworn in.

[English]

Senator Fraser, you have contributed to establishing ethical standards that have helped the Senate to improve its work while fully respecting the different viewpoints that enrich the intellectual capacity of this chamber.

We will remain deeply thankful for that legacy.

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

**Hon. Jane Cordy:** Honourable senators, today is a happy, sad day. I am pleased to rise and honour Senator Fraser for the time that she has spent in the Senate, but I am truly saddened that she has decided to retire early and that she will be leaving this place.

As others have said, Senator Fraser, before becoming a senator, worked as a journalist who dedicated her life to delivering news and opinions to Canadians. She served as the editor-in-chief of the *Montreal Gazette* and she has won a number of national newspaper awards.

Senator Mercer stated earlier that Joan has roots in Nova Scotia and she attended Edgehill School, which is now King's-Edgehill School in Windsor, Nova Scotia.

When I was first appointed to the Senate in 2000, Joan was the chair of our Liberal caucus. She was kind enough to phone me at home and leave a message explaining that it was Joan Fraser calling and that she would like to speak with me. The last name Fraser is of Scottish descent and is very common in Nova Scotia. In fact, two of our MPs from Nova Scotia have the last name of Fraser.

Since I had a meeting that evening with Joan Fraser in Halifax, I felt that I could speak with her then and I did not return the phone call.

When I did speak with Joan that evening, I asked her about her message, which was met with confusion as she had not called me that day. Later, when I rechecked the message, I realized my mistake, and that it was, instead, my new Senate colleague and caucus chair who had the same name.

When I arrived in Ottawa on that Monday to begin my new job, I had to apologize profusely to Senator Joan for not returning her call, which is not really a good way to start. Joan, of course, was gracious as always and said that she understood and recognized that indeed there would be a lot of Joan Frasers in Nova Scotia.

Joan, your work in the Senate and your work with the Inter-Parliamentary Union has been exceptional. I have always had tremendous respect for your opinions on various issues, policies and legislation. Even if we did not always agree, I knew that your comments were always well thought out and well reasoned.

Additionally, I always felt that could I discuss concerns or issues with you. I knew that when I did, it was always done in confidence and that you would always give me an honest opinion.

The Liberal caucus will miss your wisdom, your organizational skills and your kindness. But Joan, I will certainly miss your friendship. It has been an absolute privilege working with you, and I thank you.

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

**Hon. Jim Munson:** Honourable senators, I have been fighting this laryngitis, but I have to get through this today; it can't stop me from talking.

Honourable senators, let history show that Joan Fraser was the editor-in-chief of our caucus. As the senior editor, she was well aware of what a front-page story should look like, but what was just as important was the editorial content — the substance inside the political pages of our caucus.

For Senator Fraser, what we stood for mattered. Where we stood on issues mattered. Why we stayed together as a group mattered. How we conducted ourselves mattered.

I worked with Senator Fraser in our leadership team, and leadership does matter. Even in our darkest hour, she was the politician with principle keeping the focus on our team and holding our heads high.

Yes, to put it politely, we were told we were no longer welcome in the national caucus, but I think Joan may quietly have shared my perspective that it was our liberation notice — true independence in the sense of the word.

• (1430)

In any case, you could always count on Senator Fraser to be that steady voice in our deliberations, a strong voice at a table of strong-willed individuals. She said at the time:

We're going to continue to sit as Liberals.

And we did. She helped to shape our future instead of lamenting about the past. Senator Fraser was a rock.

Sometimes it's hard to believe, but in the business I once shared with Senator Fraser, where rules are made to be broken, Senator Fraser believed in rules, and when it came to rules in this place, Senator Fraser, as everyone knows, took rules very seriously.

Other senators have and will talk about her accomplishments, her McGill days, her media days and her Senate career, but I would like to mention briefly what she meant to me.

Leadership is at the core of her essence. Looking back at what I call the "Fraser Report" on the Canadian news media, I want to remind senators to take another look back at what the Senate does so well: our studies, reports which may not always appear on the front page, but reports with substance. There is so much in that report that is still useful today.

More than 10 years ago, she said:

If you want to have a free press, then that free press has to be able to support itself.

Considering where we're at today, those words matter.

What also matters is that Joan Fraser never forgot her roots, whether it was supporting women students at McGill or remembering, here in the Senate, those reporters around the world who lost their lives doing what must be done — seeking the truth and paying the ultimate price for doing so.

Awards are wonderful to get, and Senator Fraser, as we have heard, won many of them in the news business. But there is no greater reward than having a loving family. And, Senator Fraser, with your children and dear husband Michel by your side, what more could a partner and a mother have than that love.

I close with a short story about cartoons. Her old friend Terry Mosher, or Aislin, of the *Montreal Gazette*, created many cartoons. There is one about the Parliamentary Dining Room in which Senator Fraser tells Aislin, "The Parliamentary Dining Room has ears, a place where secrets are no more." The caption shows a conversation on the sixth floor Centre Block establishment, conversations that echo under the centre domes and land in the laps of other tables. The caption reads, "Then he said . . ."

Honourable senators, there are very few secrets on Parliament Hill, and it is no secret that Senator Fraser was one very good senator.

[Translation]

**Hon. Dennis Dawson:** Senator Fraser — or Joan, if I may — you always said to me, "Dennis, keep it short and sweet and don't repeat yourself." I will put that tip to good use and take this opportunity to thank both you and Senator Tardif, the two deputy leaders I have known since being appointed to the Senate. It is no secret that I am not very disciplined, and that is something you have both helped me with. You showed me how to present myself better and taught me self-discipline, not to mention teaching me how to be concise.

As you know, I come from a highly partisan world, while you both come from a world that is much purer. You taught me how to be less partisan, and I am grateful to you for it. I think I also taught you how to be more partisan on occasion.

Joan, it is not just here in this chamber and in the Parliament of Canada that your excellent reputation is well established. I succeeded you on the Executive Committee of the Canadian Group of the Inter-Parliamentary Union, which is one of my pet subjects here, and I can tell you that your friends at the Inter-Parliamentary Union have nothing but fond memories of you.

But as you and Senator Tardif have both told me time and again:

[English]

Short and sweet and brief. I will. Dennis, shut up and sit down when you're repeating yourself.



**Hon. Claude Carignan:** Senator Fraser, honourable senators, dear colleagues, a senator that I consider to be a great lady has decided to retire early from the Senate of Canada, an institution she has served for close to 20 years. It is with much sadness that I learned the news, because I like Senator Fraser very much.

When I came to the Senate in 2009, we were both members of the Standing Senate Committee on Legal and Constitutional Affairs, and that is when I understood I was in the presence of a great lady. Always articulate and respectful, Joan knew how to address topics and speak to witnesses, and her questions showed that she had done her homework and understood the issues. Her contributions to this committee reflected her vast and rich experience in the public domain.

[Translation]

As well as her remarkable ability to analyze and synthesize information, of course.

We then ended up working together on a completely different file, this time the revision of the *Rules of the Senate*. This mammoth task had been going on for 12 years and was progressing at a snail's pace. Senator Fraser, Senator Stratton and I quickly agreed that this working group needed to hurry up and complete its mission, which was to oversee significant improvements to the French version of the Rules. Thanks to her professionalism, her conscientiousness, and her passion for a language she had mastered to perfection even though it was not her mother tongue, Senator Fraser was instrumental in ensuring the outstanding quality of our institution's Rules. Senator Fraser, this is just one part of the vast and superb legacy you will be leaving to the Senate of Canada.

[English]

I also worked with Senator Fraser when we were both deputy leaders of our respective political groups. Once again, I got along well with this great lady, but this time, I admit, I found her quite tough. Our negotiations, though always based on mutual respect and courtesy, were still fairly robust.

[Translation]

Senator Fraser, as you leave, please know that you have left an indelible mark on the Senate of Canada. I thank you for everything you have done for all of us and for me, as a senator. Joan, you are a remarkable woman, and I wish you a most wonderful and relaxing retirement. You definitely deserve it.

Best of luck.

**Hon. Raymonde Saint-Germain:** Honourable senators, I rise today to express my recognition and admiration for our distinguished colleague, the Honourable Joan Fraser. I want to particularly highlight her mastery of French, which is her second language, and the efforts she has made to bring together francophones and anglophones in Quebec and across Canada. This work was one of her ongoing priorities throughout her remarkable career serving the public.

Senator Fraser, I have only a few minutes to pay tribute to you, so I had to make some editorial decisions, a challenge that you are all too familiar with. There are so many things that I could say given how much you have contributed.

I will focus on your exemplary work and integrity, both in and outside this chamber. Every time that you rise to speak, people's ears perk up and they pay attention. Your remarks are always polite, well-thought-out and relevant. I admire and even envy your extensive knowledge of parliamentary procedure.

I commend you for your respect for the Speaker and the Speaker *pro tempore* and their authority, a respect you also show all of your colleagues, no matter where they sit in this chamber. You have built a vast legacy, not only as a result of your 20 years of service in Parliament, but also as a result of the over 30 years you spent providing other essential services to the public, for example, as a journalist, editor, and eventually editor-in-chief at a critical time in our history.

Your great wisdom and deep respect for freedom of expression and opposing views have helped maintain social cohesion in the public interest.

Last November 22, you spoke at the end of a day of intense sessions. I listened as you addressed an audience of female McGill University students, whom you were mentoring as part of the Women in Parliament program. You spoke with conviction of the Senate's role and the importance of women's contribution to politics. Despite the late hour, you spared no effort in responding to their many questions. Both you and our colleague, Senator Seidman, represented the Senate and your alma mater with dignity.

• (1440)

Speaking of dignity, Senator Fraser, you are the very embodiment of that quality. You epitomize what it means to legislate with dignity. I congratulate you on your magnificent career and your exceptional contribution to the vitality of our democracy. On behalf of all my colleagues in the Independent Senators Group, we wish you the very best for all your future endeavours. Thank you.

[English]

**The Hon. the Speaker:** Honourable senators, unfortunately the time for tributes has expired. There is still a very long list of senators who wish to speak. I understand that later today, Senator Day will be giving notice of an inquiry for tributes, so other senators will have an opportunity later in the week to speak on Senator Fraser if they so wish.

I now call upon Senator Fraser.

[Translation]

# EXPRESSION OF THANKS

**Hon. Joan Fraser:** Thank you, dear friends and colleagues. You are all too kind and far too generous, but your kind words mean so much to me. I thank you from the bottom of my heart.

Serving in the Senate is an immense privilege. It is hard to grasp just how immense that privilege is until you actually get here. My nineteen and a half years here in the Senate have been an incredible journey. I sometimes had to pinch myself, for I simply could not believe how lucky I was to have the opportunity to grow and, above all, to learn, as well as to try to serve to the best of my ability.

[English]

It has been a wonderful run. Of course, I owe thanks to many people. I never used to understand why in these speeches people wanted to say thank you to so many. Now I do.

First thanks, of course, go to the Right Honourable Jean Chrétien who took a chance on somebody he barely knew who had no political links at all with the Liberal Party and called me to this place. He said to me when he did so, “You know there are at least 40 Liberals in Quebec who think they have a better claim to this position than you do.” But he did it.

Then thanks to all of the leaders and deputy leaders who gave me so many wonderful opportunities, beginning with Sharon Carstairs, who took a chance and immediately plunked me, a non-lawyer, on the Legal and Constitutional Affairs Committee, which was the most wonderful committee and where I learned so much from some of the greatest minds that this institution has known. Senator Joyal, who has been a pillar of that committee, and now chairs it, I’m sure will not mind if I say that I also learned immensely not only from him but also from Senator Nolin, from Senator Gerald Beaudoin. It was like going to law school to attend that committee. It was wonderful.

Then there are all the other leaders right down to, most recently, Senator Jim Cowan and now Senator Joe Day, who is terrific. It’s not just leadership. It’s all my colleagues, all the caucus members who took me in and welcomed me. My staff. Oh, my staff.

Céline Ethier essentially took me in hand, taught me how to be a senator and kept me on the straight and narrow. After she moved on to serve the Senate in another capacity, Kornelia Mankowski took over and has done her utmost — and her utmost is very impressive — to keep me on the straight and narrow ever since. With me now are Michael Cooke, Hélène Pilbeam and Doreen Jones, all carrying on a great tradition of keeping Senator Fraser pointed in the right direction.

Then there is the wonderful Senate staff. This institution relies so heavily on the staff who serve us. I have said before and I’ll say again, even if it takes a little time, that from the outside, people look at senators and we look like ducks or swans gliding along a smooth placid surface, but underneath there are feet

propelling that serene passage. It’s the staff who are the feet and get us where we need to go. They don’t get nearly enough recognition for it.

Obviously given my love of the rules, my first thanks have to go to the table officers with whom I worked so well — all of them, but three in particular who shared particularly vigorous battles with me, working with me, not against me — Heather Lank, Till Heyde, Shaila Anwar and the incomparable Charles Robert, who also left us to go to another place. Terrible. And to all the others, all the people who serve us in so many capacities, serve us in this chamber and serve us outside the chamber to keep us going, they are all wonderful and I thank them all.

And then, as has been said, there is the family. We all know how much our families give up, or at least we think we know how much our families give up for us to come here. I don’t think we do know exactly, because so much of the time the sacrifice they make is when, by definition, we are not there. But they do it. There is no way to say how much they are appreciated.

Who else is appreciated? I’m not going to be here tomorrow, so just let me put in a little parenthesis here to say that Claudette Tardif, who succeeded and preceded me as deputy leader of the Senate Liberals, is one of the great additions — always has been — to this place. Her work on behalf of official language minorities has been of monumental importance, but also her work as deputy leader in difficult times was just precious to be part of. You don’t know how much we loved you and still do.

I’m going to be leaving this wonderful institution at a time of great change, change that has already begun but that will be continuing and that, in the main, I believe, is and will be good. This institution is not and never has been static. Change is inevitable. We have to try and make sure that the change we bring makes it better, which is perhaps easy to say and not necessarily so easy to do. If you will allow me, I will give you a few parting thoughts before I sit down again, which you can take for what they are worth.

Before we decide to change something, we should be very sure we understand why the status quo is what it is. Why did we get to where we are today? To me, some elements of the status quo are inexplicable and could probably be changed with no damage to anyone. A small example is that I’m not sure why our pages have to wear bow ties. I think they are very attractive, but I don’t think they are an inherent element of parliamentary privilege. If they got a new uniform the Senate would probably continue, though you do look really nice the way you are.

Other elements, however, are — even if their origins are no longer recalled — based on what was and is a genuine need. We must be sure we understand why something exists before we rush to change it. Nothing is sacred, but everything deserves understanding.

• (1450)

I would, in particular, be wary — and here I’m looking at some of my friends who will be pushing back on this one — of the sporadic attempts to make our debates more efficient. Efficiency, in this context, usually means more controlled and more predictable, but control means somebody has to be in control. It

might not be one person — it might be leadership — but a controlled debate is one where, by definition, you are going to lose the capacity for spontaneity, which on occasion, can be the most beautiful characteristic of this chamber — when a debate spontaneously arises and nobody can say to another senator, “No, no, no. You’re not on the list. We don’t have time for you today.”

I believe one of the great elements of this place is the fact that any senator may rise on any day to speak to any item on the Order Paper.

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

**Senator Fraser:** There is also the option not to speak, as the case may be.

I know some of us worry and become very frustrated when items on the Order Paper seem to be delayed for what seem to be unconscionably long times. But I suggest that those who feel that frustration, which I have also felt in my time more than once, check the Rules. Our Rules actually contain many avenues by which the Senate may be brought to reach a decision. The difficulty, of course, is ensuring that you have the votes to make sure the decision will go your own way. But if you don’t have the votes, if the majority of the Senate does not agree with whatever it is that you are trying to promote, maybe you should think again. Maybe there is more time needed to persuade more of your colleagues to agree with you. But, by and large, given time, I believe this chamber has a very good track record for reaching wise conclusions.

The Westminster system, whether partisan or not, is going to be at the foundation of what we do in some form or another for a long time to come, in part because the other place operates on the Westminster system and we are half of a system. You can only vary to a certain point with the other half of the system in your structures before things start to become unworkable.

But the Westminster system here will evolve, and I’m going to be fascinated to see what you do with it.

Here are my last thoughts, although it will take me a minute to express them. Don’t ever think that the Senate must, because it is not elected, knuckle under to pressure from the government or the House of Commons.

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

**Senator Fraser:** Remember the Salisbury Convention that Senator Joyal introduced me to many years ago. If a government has been elected on a specific element of its platform, undertaking to do a specific thing, then we do not believe it appropriate to block that thing, although even then we may correct some of the errors of oversight or inattention that might creep into the necessary legislation. But if the government does not have that specific mandate, then it is our job — our job — to exercise that independence of thought and that independent research to determine whether we, collectively, believe that the measure in question is for the betterment of Canada.

That’s what John A. Macdonald meant when he talked about us not going against the settled, clearly expressed will of the people. He didn’t mean that anything any back-bench MP stands

up to say automatically means we have to click our heels and salute. He meant that if the people have clearly expressed a will, then it is our job to respect that will. Otherwise, it is our bounden duty to exercise our judgment and our independence. That’s why we have independence. That’s why we have this incredible privilege of tenure until the age of 75, unless we decide to go a little early.

When you exercise your independence, don’t expect much public glory or gratitude. That’s not the way it works. But there is immense satisfaction in believing and knowing that you have done your part to contribute to the good governance of Canada. There is no better place in Canada to do that than here in this chamber.

I wish you all much happiness and much success for all the years to come.

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

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[Translation]

## ROUTINE PROCEEDINGS

### INDIGENOUS AND NORTHERN AFFAIRS

EEYOU MARINE REGION LAND CLAIMS AGREEMENT—  
IMPLEMENTATION REPORT FOR 2011-12 TO  
2013-14 TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Implementation Report for the Eeyou Marine Region Land Claims Agreement for fiscal years 2011-12 to 2013-14.

NUNAVIK INUIT LAND CLAIMS AGREEMENT—IMPLEMENTATION  
REPORT FOR 2011-12 TO 2014-15 TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the Implementation Report for the Nunavik Inuit Land Claims Agreement for fiscal years 2011-12 to 2014-15.

### ADJOURNMENT

#### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 6, 2018, at 2 p.m.

• (1500)

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

WINTER MEETING OF THE ORGANIZATION FOR SECURITY AND  
CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY,  
FEBRUARY 22-24, 2017—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 Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) respecting its participation at the 16th winter meeting of the OSCE PA, held in Vienna, Austria, from February 22 to 24, 2017.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE  
GENDER EQUALITY REVIEW CONFERENCE,  
JUNE 12-13, 2017—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 Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) respecting its participation at the 2nd OSCE Gender Equality Review Conference, held in Vienna, Austria, on June 12 and 13, 2017.

ANNUAL SESSION OF THE ORGANIZATION FOR SECURITY AND  
CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY,  
JULY 5-9, 2017—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 Organization for Security and Co-operation in Europe Parliamentary Assembly respecting its participation at the 26th annual session, held in Minsk, Belarus, from July 5 to 9, 2017.

AUTUMN MEETING OF THE ORGANIZATION FOR SECURITY AND  
CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY,  
OCTOBER 3-5, 2017—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 Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) respecting its participation at the autumn meeting of the OSCE PA, held in Andorra la Vella, Principality of Andorra, from October 3 to 5, 2017.

[English]

## INTER-PARLIAMENTARY UNION

INTER-PARLIAMENTARY UNION ASSEMBLY AND RELATED  
MEETINGS, OCTOBER 14-18, 2017—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation at

the 137th Inter-Parliamentary Union assembly and related meetings held in St. Petersburg, Russia, from October 14 to 18, 2017.

[Translation]

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet at 6 p.m. on Tuesday, February 6, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

## THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE  
WHOLE TO CONSIDER SUBJECT MATTER OF BILL C-45

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

That, without affecting the progress of any proceedings relating to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, at 3:30 p.m. on Wednesday, February 7, 2018, the Senate resolve itself into a Committee of the Whole to consider the subject matter of the bill;

That the committee receive the Honourable Carolyn Bennett, P.C., M.P., Minister of Crown-Indigenous Relations and Northern Affairs;

That the witness be accompanied by officials;

That the Committee of the Whole report to the Senate no later than two hours after it begins;

That television cameras and photographers be authorized in the Senate Chamber to broadcast and photograph the proceedings with the least possible disruption of the proceedings;

That the provisions of the order of February 4, 2016, respecting the time of adjournment, be suspended on Wednesday, February 7, 2018, until the Committee of the Whole has reported; and

That the provisions of rule 3-3(1) be suspended on Wednesday, February 7, 2018.

**THE HONOURABLE JOAN FRASER**

## NOTICE OF INQUIRY

**Hon. Joseph A. Day:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the career of the Honourable Senator Fraser.

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[English]

**QUESTION PERIOD****FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT**

## EMPLOYMENT INSURANCE

**Hon. Larry W. Smith (Leader of the Opposition):** This is the second time this week that I've had to get my mind off one subject and on to another.

For the Leader of the Government in the Senate, in 2016, the government began providing extra Employment Insurance benefits for regions that had been hardest hit by job losses mainly due to the drop in energy prices. Of course, I think it was led by the province of Alberta.

These extra EI benefits were originally budgeted to cost \$827 million. Documents obtained by access to information reported in the media this morning show that this number is expected to double, and the costs are now estimated to be over \$1.9 billion.

Could the government leader please tell us, is this yet another example of the government's poor planning? Or did they simply not understand the severity of what has happened in our oil and gas industry?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. I will, of course, have to inquire in detail to respond to the question.

It is not surprising that in a period of significant adjustment, first of all, the government did the right thing in making sure that these benefits were available to the affected and dislocated workers. It shouldn't be a surprise — indeed, we should welcome the fact — that this facility was available to Canadians so affected and that it was used. As a result, so many months later, unemployment is subsiding. In other words, there's a reduced unemployment level. The economy is firing on cylinders that it wasn't at the time the measures were taken, and we should congratulate ourselves that we have programs such as Employment Insurance with the flexibility to be responsive when governments are prepared to act.

**Senator Smith:** I don't think there's any debate about the importance of what transpired. I guess if we look at the execution, and if there's an opportunity — and it always goes back and forward in time — but making sure our bureaucracy

delivers the results so that the ministers in charge of these particular groups don't get hit with these types of questions. I think it's realistic to ask those questions.

**NATURAL RESOURCES**

## OIL AND GAS INDUSTRY

**Hon. Larry W. Smith (Leader of the Opposition):** As a follow-up, one way to help unemployed workers in the energy industry to get back their jobs would be for the federal government to support energy projects. The Liberal government rejected the Northern Gateway project, Energy East is dead, and today we see that the NDP government in British Columbia is continuing to attempt to stop Kinder Morgan's expansion of the Trans Mountain Pipeline.

The Prime Minister told Canadians that he was committed to the Trans Mountain project. You might be able to find out the answer, not necessarily today, but in the short period of time since the government approved the Trans Mountain project, what has the Prime Minister done to ensure that this pipeline will actually be built?

**Hon. Peter Harder (Government Representative in the Senate):** Let me first assure all senators that the Government of Canada remains committed to appropriate approvals and pipelines being built. Obviously, these pipelines are not only in the government's hands to make decisions on. There are private sector interests, and those private sector interests have expressed themselves regarding some of the projects to which reference has been made.

With respect to the Trans Mountain expansion project, let me reiterate that the government stands by its decision to approve the Trans Mountain expansion, and as a government, we stand by the commitment to British Columbians and to all Canadians to implement world-leading measures to protect the environment of our coasts.

• (1510)

Senators will know that this leadership has led to a historic investment of \$1.5 billion in a national Oceans Protection Plan to safeguard our coasts and ensure the health of our marine environment. The decision that the government took with respect to the Trans Mountain expansion remains, in the government's view, in the national interest. The decision was based on facts and evidence that have not changed, and the project should not be delayed.

**Senator Smith:** This is just a comment. I'm sure many of us saw the State of the Union speech by President Trump last night. One of the statements in it caught my eye, and I want to make sure that it supports the question I asked you, Mr. Leader. He said that that the U.S. is now totally self-reliant with oil and energy. The U.S. was and is our biggest market. What that does is further devalue the crude coming from Western Canada, and it reinforces the importance for us to have the ability to access other lands, like in Asia, for us to sell our products.

You gave a standard answer, but if you would be able to check and see where the progress is with Trans Mountain, it would be helpful to senators here in knowing that we're able to respond to President Trump's initiative and actions so that we don't fall back further than where we are today in terms of our capacity with oil and gas.

**Senator Harder:** I thank the honourable senator for the question. I can give the assurance right now that the Government of Canada continues to work with all parties to ensure that this project proceeds.

Obviously, this is a project which doesn't have unanimous support, but the Government of Canada has been clear in its position, and that position remains the position of the Government of Canada.

With regard to the speech of the President of the United States last night, I didn't have the occasion to view it, but I think it's important for Canadians to be assured that the Government of Canada remains vigilant in making every effort, not just in respect of the NAFTA negotiations, but in respect of our overall bilateral economic relationship of ensuring that this common economic space of North America remains vibrant and serves the interests of Canadians.

In this regard, I welcome and reference, for your consideration, the excellent testimony given by former Prime Minister Mulroney in the Foreign Affairs Committee of the United States in which he spoke so well of the benefits Canada has had over successive governments in working together. I hope you would agree with him when he says that the ace in the hole for Canada is the quality of our Prime Minister.

#### EAGLE SPIRIT PIPELINE

**Hon. Nicole Eaton:** Along the same lines, this is a question for the Government Representative in the Senate.

Senator Harder, for more than two years we've heard from the Prime Minister that he has no higher priority than improving the well-being of Aboriginal or First Nation Canadians. Yet his government is blocking what is perhaps the largest economic development project ever proposed by First Nations: the \$16 billion Eagle Spirit pipeline, which would carry a million barrels of oil a day from Alberta to northern British Columbia.

**An Hon. Senator:** Hear, hear.

**Senator Eaton:** More than 30 First Nations are partners in Eagle Spirit. The route has the blessing of First Nations along the route and proponents say it will have the highest environmental standards in Canada.

But there's one stumbling block: The Trudeau government, which, through Bill C-48, now before the House of Commons, is blocking tanker traffic along British Columbia's northern coast, a tanker ban that was promoted by foreign-funded environmental groups. The First Nations involved in Eagle Spirit announced last week that they are raising money to fight the government in court.

Senator Harder, if the government truly cares about improving the well-being of indigenous Canadians, why is it pursuing a policy that will kill a project that offers hope and prosperity to so many? And will it consider an exemption to Bill C-48 to allow Eagle Spirit to go ahead?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. As she references, this bill is before the other place at this point. I can't predict what the will of the House of Commons might be as it debates this legislation, but let me simply reiterate that the government is committed to advancing projects that meet the environmental and Aboriginal support required for the success not only of the project being proposed but the project being delivered.

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

##### HUMAN RIGHTS IN IRAN

**Hon. Linda Frum:** Leader, earlier this month, tens of thousands of brave Iranian protesters risked everything they had to demand an end to the corrupt and depraved Iranian regime. They called for an end to a regime that sends military aid and equipment to Syria, Hezbollah and Hamas rather than tending to the basic needs of its own people.

The Iranian regime responded to these grassroots demonstrations by murdering dozens of innocents and imprisoning thousands, including Vida Movahed, the brave woman who stood in the centre of Tehran with her hijab removed.

My question to the Leader of the Government is this: Why did the Liberal government wait an entire week before issuing a weakly worded statement about the protest? And why, to this day, has the Prime Minister refrained from explicitly condemning the violent human rights violations the Iranian regime committed in response to the uprisings?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question and her ongoing interest in these matters.

The position of the Government of Canada is, as is well known, that Canada is a strong voice on human rights protections. With respect to the issue that is raised, we have worked with our multilateral and bilateral colleagues to ensure that Canada's voice is added to the most effective way of bringing to the attention of the Iranian authorities the concerns of the honourable senator, which are shared by so many Canadians.

Having said that, it is the view of the Government of Canada that an ongoing engagement with the government of Iran is in the interests of Canadians.

**Senator Frum:** After the protests began, a Liberal member of Parliament referred to the government of Iran as elected. Is it the position of the Government of Canada that the Iranian regime is duly elected by its citizens?

**Senator Harder:** Again, I wouldn't want to comment on the comments made by members of the other place. Let me simply say that the Government of Iran is recognized by Canada as the Government of Iran, having exercised the authority of government and being recognized as such by the international organizations and the world generally.

## EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

### CANADA SUMMER JOBS PROGRAM

**Hon. Leo Housakos:** My question is for the government leader in the Senate.

Senator Harder, your government has changed the rules around which employers can receive funding under the Canada Summer Jobs program this year. These changes now mean that the applicants must sign an attestation that their core mandate respects human rights in Canada, including the values underlying our Charter of Rights and Freedoms.

This attestation has many faith-based groups understandably concerned. Proponents of the attestation have said it's not about what one's beliefs are and that if someone wants to access Canadian taxpayers' money, they should have no problem with agreeing to respect Canada's values.

With that said, Senator Harder, can you please tell me if the Aga Khan Foundation is required to make any such attestation before receiving tens of millions of dollars of funding from Canadian taxpayers?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. He is referencing, of course, the Canada Summer Jobs program, which is not relevant to the question that he is asking specifically with respect to the Aga Khan Foundation.

It is true that the government heard concerns from Canadians about the Canada Summer Jobs program as it was affected last year. Attention was turned to funding being used to undermine the rights of Canadians. For example, funding was used to support organizations that distribute graphic images of aborted fetuses and organizations that do not welcome LGBTQ2 young people in their youth programs.

It is the expectation of the Government of Canada that organizations supported by the Canada Summer Jobs program respect the rights of individual Canadians, and the processes being put in place are to ensure that happens.

I would also reference, for the senator's attention, a joint letter sent to the government on behalf of 80 organizations from across the country to support the actions being undertaken by the government to ensure that the rights and obligations of sponsoring organizations are reflected in their work practices.

**Senator Housakos:** The Aga Khan and his foundation might not be getting the funding through the Canada Summer Jobs program, but they're clearly getting significant funding through a program put in place by a government led by a Prime Minister who has a personal relationship with the Aga Khan.

So, Senator Harder, the Canadian faith-based groups are being asked to make such declarations about their core mandate before receiving funding — and here we could talk about specific programs — but the Aga Khan Foundation nonetheless receives Canadian government funding. Shouldn't they be required to make a similar attestation respecting the same principles that the government forces on other groups?

• (1520)

**Senator Harder:** Let me take that as a recommendation from the senator to the government. It is not the position of the government that all of the partnerships that we have with respect to international development, whether they be with the Mennonite Central Committee, the Aga Khan Foundation or other faith-based organizations — there are organizations that add tremendously to the capacity of Canada to intervene effectively.

This is a program that had particular peculiarities in its application last year, and they are being addressed.

I think it doesn't help the reputation, which is well earned by the Aga Khan Foundation, to have these suggestions being made that they and other faith-based organizations in the international development area should be subjected to this. But I'll take it as a recommendation from the senator.

**Senator Housakos:** Government leader, you have just pointed out that the government has applied this criterion on certain groups and not on others. On what basis is the government making that distinction? Why are certain groups qualified to get funding no strings attached, and other groups have to sign attestations?

**Senator Harder:** It's a little the reverse of that, senator. It's a particular program to which all groups, not just singled-out groups, are being required to submit. All groups having to do with the Canada jobs initiative are subjected to this attestation.

If the honourable senator is suggesting the government should extend that to other Government of Canada programs, I'll take that to the government as his recommendation.

## PRIVY COUNCIL OFFICE

### SENATE VACANCIES

**Hon. Percy E. Downe:** Honourable senators, this question is for Senator Harder. There is continued confusion in Prince Edward Island about the Senate vacancy and when people can apply.

I'm wondering if you could inform us, of the current vacancies, how many are open and how many are closed. You indicated before that the one in Prince Edward Island is open. I had a number of people contact me over the holidays, and one of

them, a woman involved in the agriculture industry, wanted to look at the application to get prepared to fill it out. She couldn't even do that because it's only online when the position is open.

My office made contact, on her behalf and others, asking about when the applications would be open, and basically the answer is they will be open when they are open. We don't announce them. You have to check back every week or every few days to see when they are going to be open.

Is there any clarity on how this works for the people who are interested in these positions? Why are they not open until they are filled?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. This is, as the senator will know, an arm's-length process. I am not acquainted with the particular situation that he asked about, but I would be happy to find the information and ensure that he's made aware of what the situation is.

**Senator Downe:** People have advised me as well that they can't even get calls returned. There's apparently a 1-800 number, but there's nowhere to write. You have to email. Many times, emails are not answered.

There seems to be some type of wall around this independent process. It may be independent, but it doesn't appear to be very transparent.

I'm wondering if you could tell us, for the current vacancies in the Senate, which ones are closed, which means they are not taking any additional applications, and which ones are open. As well, could you tell us when those that are open are going to be accepting applications for the vacancies — even a rough time frame so that people don't have to check every week in February if the P.E.I. vacancy, for example, is not going to be open until July.

**Senator Harder:** I will do so.

## CANADIAN HERITAGE

### APPOINTMENT OF CHIEF ELECTORAL OFFICER

**Hon. Paul E. McIntyre:** Honourable senators, my question is for the Leader of the Government in the Senate. It is on a subject that I have raised with him previously.

In June 2016, former Chief Electoral Officer Marc Mayrand informed the government that he would be stepping down at the end of that year. Thirteen months after Mr. Mayrand's retirement, the government still has not come forward with a nominee to replace him.

My question is a simple one: When will the government fill the position of Chief Electoral Officer?

**Hon. Peter Harder (Government Representative in the Senate):** I'm not certain as to the precise date. I will make inquiries and report back to the honourable senator.

[ Senator Downe ]

**Senator McIntyre:** A delayed answer tabled on November 23 stated:

It is anticipated that a new Chief Electoral Officer will be in place well in advance of the next federal election.

In making inquiries, could the government leader inform us how far in advance of the next federal election does the government think is adequate time to have the next Chief Electoral Officer in place?

**Senator Harder:** I shall do so.

[Translation]

### NETFLIX BROADCASTING AGREEMENT

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. Senator Harder, I want to follow up on the Trudeau government's agreement with the American multinational Netflix. On December 6, you answered one of my questions about this matter. You stated the following, and I quote:

... the Netflix announcement she made does not, by any means, absolve the company concerning its obligations with the tax regimes of Canada.

We now know that Netflix is being given preferential treatment by the government, which exempts the company from charging its clients the GST. This was confirmed by Minister Morneau and the Prime Minister. However, we do not know the specific details of this agreement. Today, we learned that the Trudeau government redacted 90 per cent of the information on the negotiations between the government and Netflix in a response to a citizen.

Senator, what does the government have to hide with respect to the Netflix agreement? Why not make it public?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. I will make inquiries with respect to the questions that he's asking additional information on. I can only assume that there are certain commercially sensitive matters here, but I will make inquiries and report back.

[Translation]

**Senator Carignan:** In its 2015 platform, the government promised to improve access to government information. Allow me to also quote the government's throne speech, which stated that "... the Government is committed to open and transparent government." Is it being open and transparent by only disclosing 10 per cent of the information about an agreement that will cost the government hundreds of millions of dollars?



[English]

**Senator Harder:** I can assure the honourable senator that the Government of Canada will continue to cooperate with the Commissioner of Official Languages with respect to the investigation that is being launched in this matter.

The government is transparent in its engagement, but it is, as I suggested earlier, constrained with obligations that it has for certain commercial actions. But the work with the commission is under way and ongoing.

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table the response to the oral question of November 23, 2017, by the Honourable Senator Maltais, concerning finance — broadcasting tax policy.

### FINANCE

#### BROADCASTING TAX POLICY

*(Response to question raised by the Honourable Ghislain Maltais on November 23, 2017)*

#### Finance Canada

The Minister of Finance did not make the comments to which the Senator refers in his question. Instead, it seems that the Senator may have been referring to comments made by the Quebec Finance Minister regarding the development of legislative measures to collect the Quebec Sales Tax (QST) on internet streaming services by foreign-based companies, such as Netflix.

Canada and Quebec have an agreement with respect to the harmonization of their respective sales taxes. Under that agreement, Quebec can add or remove a particular good or service from its harmonized tax base or have different administrative or compliance rules, subject to certain conditions. Quebec also maintains the QST under provincial legislation, while the Goods and Services Tax /Harmonized Sales Tax is under federal legislation.

The Minister of Finance has committed to work with the province of Quebec to facilitate the collection of the provincial sales tax.

Let me begin by recognizing that there was some confusion yesterday in proceedings on motion 271. In brief, Senator Lankin moved her motion, seconded by Senator Petitcherc. After hearing Senator Lankin say that she did not intend to speak to the motion, I recognized Senator Petitcherc, who is seated immediately beside Senator Lankin and was the first senator whom I saw. Senator Petitcherc then moved the previous question, seconded by Senator Lankin. The purpose of moving the previous question is usually to curtail debate and, if adopted, put the question on the main motion. The previous question is a debatable motion, but cannot be amended.

When Senator Plett stood, I thought that he wished to speak to Senator Lankin's motion rather than the previous question. He could not, however, do this, since by then the Senate was dealing with the previous question, which will determine the fate of Senator Lankin's motion.

Since there was no debate on Senator Petitcherc's actual motion, the question was then put, and a standing vote requested and deferred until 5:30 p.m. today.

Given the very rare use of the previous question, it is understandable that confusion arose. To help address this situation, it might be helpful if Senator Plett were able to speak at this time to explain his position, as if he were speaking to the motion on the previous question, but understanding that this intervention does not affect the vote later today. This would allow the Senate to understand his views when it does make its decision on the previous question.

Therefore, I will now recognize Senator Plett.

• (1530)

**Hon. Donald Neil Plett:** Thank you, Your Honour. I appreciate that offer, and I appreciate the difficulty that you obviously have had in dealing with this matter to this point. Although I very much appreciate the offer to speak to Senator Petitcherc's motion, you were quite correct when you said you assumed I wanted to speak to Senator Lankin's motion because, indeed, that is what I wanted to do.

As a default, when I was denied the right to speak to Senator Lankin's motion, I then asked to speak to Senator Petitcherc's motion. So, in light of that, Your Honour — and I'm here, obviously, at the will of your ruling — I would still appreciate being able to rise today on a point of order that would deal with both of these issues, the previous question issue and the disposition motion. So I guess I respectfully decline to speak simply to Senator Petitcherc's motion and am rising on a point of order.

I'm not sure, Your Honour, whether now is the time for me to speak to that, or is the time sometime later today?

## ORDERS OF THE DAY

### SPEAKER'S STATEMENT

**The Hon. the Speaker:** Honourable senators,

I have reviewed the record from yesterday's sitting and would like to make the following comments.

**The Hon. the Speaker:** Senator Plett, all senators will know that points of order can be raised at any time. However, the restriction that we are faced with today is that we have an order to rise at four o'clock. Right now, we are still under the order of the house to return at 5:30 for a vote, but if you wish to raise a point of order now, by all means do so.

### POINT OF ORDER

**Hon. Donald Neil Plett:** Thank you, Your Honour.

I am rising on a point of order regarding the Speaker's failure to acknowledge a senator and preventing the commencement of debate on a motion. I believe this was out of order for two reasons.

First, I find it unusual and unconventional, to say the least, that the Speaker would recognize a senator who moves a motion that would abruptly halt debate, thereby preventing any discussion or possible amendments to the motion at hand. Clearly, there were senators who wished to speak to this seldom used and controversial motion. It is unreasonable to believe otherwise as, if this chamber were ready for the question on the legislation itself, there would have been no need for a disposition motion and one would not have had to have been brought forward.

As soon as Senator Lankin finished speaking, I rose on debate, following proper protocol. I waited for the honourable senator to be seated before I rose. However, Senator Petitclerc did not wait. Clearly, Senator Petitclerc and Senator Lankin had orchestrated this manoeuvre in which Senator Petitclerc had her hand up, right directly in front of Senator Lankin while she was concluding her comments and was still standing, which clearly manipulated the situation, encouraging the speaker to recognize Senator Petitclerc, a senator who wanted to pre-emptively shut down debate before it began, instead of recognizing a senator who had been prepared to debate this legislation.

This robbed not only me but other senators of the opportunity to add their voices to the debate, or, in fact, to even ask Senator Lankin a question about this unconventional motion.

In addition, page 94 of *Senate Procedure in Practice* reads:

Usual practice is for the Speaker to recognize senators alternating between the government and the opposition sides.

Clearly, this was not taken into account here.

Secondly, when the Speaker asked if we were ready for the question, Hansard clearly indicates that at least one senator, me, said "No." Yet, the question was proceeded with. At the very least, debate should have been allowed on Senator Petitclerc's motion. Of course, I have been offered that this afternoon.

*Senate Procedure in Practice*, on page 117, on putting the question, states:

The Speaker puts the question on a motion by saying the following at the end of any debate: "It was moved by the Honourable Senator [name], seconded by the Honourable Senator [name], that [text of motion.] Is it your pleasure, honourable senators, to adopt the motion?" If there is no dissenting voice expressed, the Speaker will declare the motion adopted.

Of course, the record shows that there was a dissenting voice.

Your Honour, taking into account the seriousness of the legislation we have before us and the unusual circumstance that took place yesterday, where a senator has moved forward with a motion to immediately cease debate and force a vote, with another senator queued up to move a motion that would prevent senators from even debating the previous motion, I believe that the debate should be reopened.

*Senate Procedure in Practice* reads, on page 94, that:

"The essential characteristic of debate is that it is a process whereby the senators participating seek to support their own position and to bring others around to it."

In Chapter 5 of *Senate Procedure in Practice*, "Rules of Debate," a ruling by Speaker Molgat on April 2, 1988, is referenced, in which he states:

It is my view that matters are presumed to be in order, except where the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where the matter to be debated is clearly out of order.

This is a policy and principle that guides the spirit of this chamber and is illustrated in how the Senate typically conducts itself. Take, for instance, the 15 minutes allotted to a senator on a debate or inquiry speech. While the rule is 15 minutes, it is typical practice to allow an extra five minutes, and sometimes even more than that, in order to promote debate, not curtail it. On matters as important as this, we should always be fostering an environment of debate.

I believe that Senator Petitclerc should not have been recognized nor should she have been able to move forward with her motion while debate had not even begun.

For that reason, I believe that Senator Petitclerc's motion should be withdrawn and that senators should be able to add their voices to the original motion as presented by Senator Lankin.

Colleagues, a disposition motion is literally a closure motion, which should, at the very least, be there only for government, and, even then, we time allocate debate when a government moves a closure motion. Here we are allowing a closure motion to be introduced by an independent senator on a private member's bill and then not allowing any debate whatsoever.

• (1540)

Our Senate, colleagues, has been set up to allow minorities largely the same rights of those as majorities. If this goes ahead the way it is, it truly opens up the door for debate on future private members' bills to be cut off any time 50 per cent plus one of the chamber decides that they wish to do so.

I firmly believe there is a point of order here and that Your Honour should have looked around the chamber. I recognize the fact that Your Honour's vision was clearly toward that of the speaker at the time and that the line of vision had the senator moving the next motion directly in your vision. However, as the Speaker, in my opinion and with the utmost of respect, Your Honour should have looked around the chamber to see if there

was somebody wishing to speak. Indeed, there was not only me but other members who wished to speak for the very first time, Your Honour, on a disposition motion — for the very first time — and there was no allowance given to that because there was clearly a game plan here to cut off debate by an independent senator, not a government senator.

I will stop there, and hopefully there might be one or two others who want to add their voice to this. Thank you.

**Hon. David M. Wells:** Thank you, Your Honour. I stand in support of Senator Plett's motion. In the just over five years that I've been here, every time there have been two senators standing, I have seen the courtesy of the question, "Do you have a question, senator, or is this on debate?" and it's always ceded to the person who has the question. That is the typical order we have. Of course, that wasn't followed in this circumstance — another motion versus on debate.

As a member of the leadership team on this side, I was aware that we had notified the table that we had a speaker for the disposition motion, and so I was quite surprised when that senator wasn't recognized.

Further, I want to point to the possible outcome of this. I look to Senator Day, who mentioned minutes ago in his tribute to Senator Fraser the question of hasty decisions and unintended consequences. If this is the new normal, or if this is the new practice set by this precedent, I think it would be disappointing. All of the debates thus far in our chamber have been based on courtesy. I think in this case that courtesy should be extended to Senator Plett's desire to speak on the disposition motion.

**Hon. Leo Housakos:** Thank you, Your Honour. I also rise in support of this point of order, and I rise with a heavy heart from what I saw yesterday in this chamber.

Honourable colleagues, I have been in the Senate now for a decade. This Parliament of Canada, which is modelled after the mother of all Parliaments, Westminster, is designed to allow for minority voices and for democracy to rain down across this country. Yesterday, what I saw here was really unacceptable. I think all of us as senators have to look in the mirror and take responsibility for what transpired yesterday.

The reality of the matter is that democracy is not only casting a vote. That's a fundamental sovereign principle that all Canadians have, and they get an opportunity to exercise that every few years when they elect a Parliament. This is an appointed legislature, part of the democratic process, and it's fundamentally rooted on the principle of debate. That's what makes this place a democratic chamber. It's rooted on the principle of discourse. When a majority of individuals decide to shut down discourse in this place, democracy dies. Democracy is not rooted in the power of the Prime Minister to exercise his authority as a member of this executive. They have that power in the Constitution and his powers to name senators. He has named right now a large number of senators who have a fiduciary right to respect the fundamental democratic principles of this place.

I took my role seriously when I was summoned to this place. All of you have the responsibility to take it very seriously.

Democracy in this place works when the minority has to find a word in this chamber. That's how it was rooted when the Fathers of Confederation built the system and created a hybrid based on the Westminster system, and that's how it has to function. We were all very cognizant that when we were on that side. We were a majority.

I was very cognizant of that when I was in the Speaker's chair. My Liberal colleagues know very well that at no such time would we ever use such brutal authority to shut down debate. I certainly would not have allowed that when I was sitting in the chair.

In all fairness to His Honour — and I will get to the point soon, Your Honour, because my comments are with no disrespect to the chair yesterday. There were two egregious things that happened yesterday. The first one is the fact that we didn't follow historical protocol in this place, which is that the Speaker generally never calls into question an issue or a motion before the chair rises and says, "Is there any further debate? Does any senator wish to speak further on the matter?" It could be an inquiry, it could be a private member's bill, it could be whatever it is. That did not happen yesterday.

Second of all, His Honour did the dignified thing and asked for leave in order to revert to debate. Kudos to His Honour for recognizing that, because we're all human, and we have all made mistakes. I have done that in that chair.

It was despicable and appalling to find colleagues in this place refusing to grant leave. I have been in this place for 10 years, and I challenge any of you to go to the *Debates of the Senate* and find that I would get up and not grant leave to a senator who wanted to speak on an issue here. I challenge anybody to go and find one occasion where I would not grant leave to senators who wanted to revert to any form of business on the Orders of the Day here. It's unbelievable and happening more and more in the last couple of years where people are refusing leave. I have never in my 10 years seen anybody refuse leave to a senator who wanted more time after an additional five, which is not even part of our Rules or convention, but it's basic dignity and respect.

What we saw yesterday was an affront to the basic dignity and respect of the democratic principles of this place, which is debate. We have an obligation to allow debate to go on. The only person who has the power of guillotine in this place and the power of time allocation and closure is the government. They own that right, because they won a sovereign election. When we were in power, you're right, colleagues, we exercised time allocation, but we were accountable to the public when we did that, because we knew it was part of government legislation.

When it comes to private members' bills, you can debate them here until the cows come home. That's how it works. So when Senator Cools, a real independent, would sit up in that corner and she wasn't ready to move a motion, we all gave her the respect and time. You know what? More often than not, I learned something from listening to Senator Cools, Senator McCoy and the other genuine independents we had in this chamber for a decade.

Colleagues, when we use tools of this nature — and part of the process of debate and procedure is to use the various tools at our disposal — be wary when you are using tools that muzzle debate, and put an end to the opportunity and the right of every single senator to engage in discourse. That is the fundamental right we all have when we were summoned here. It is our right to speak on any piece of legislation, and none of us — it doesn't matter if you're a majority today — none of us has a right to take that away from any senator. The moment you do that, you destroy the fundamental process that this place has in democracy.

I urge — not His Honour on this port of order — but I urge colleagues to keep that in mind. The respect of minorities starts with respecting the last senator with the last differing opinion in this place. We all have an obligation to do that.

I took that responsibility very seriously when I was on the government side, and I took it very seriously when I was Speaker. I think my Liberal colleagues saw that in action, not only in words, when I was in the chair, and I think we all have an obligation to respect the dignity and democracy of this place. Thank you very much.

**Hon. Anne C. Cools:** Honourable senators, I rise to join this debate on Senator Plett's point of order. To His Honour, Senator Furey, whom I have known for many years and with whom I have served on several Senate committees, I would like to say to you, Your Honour, and to colleagues here, that I am confident that Senator Furey had no malice or ill intention in his mind or in his heart when those events unfolded and occurred last night here in the Senate.

Anyone who is in public life knows that sometimes when one has the floor, one may be a little nervous. Some of us are not as confident as others. They might get a little nervous, a little flustered and distracted and therefore prone to errors. But I just wanted to assure colleagues and our Speaker, Senator Furey, that I have no suspicion or judgment of him in my heart.

• (1550)

Having said that, colleagues, I stand as a fierce opponent of disposition motions, and motions that impair, shorten and abbreviate debate. The objective and the objects of this place are to debate and to exchange views very freely, knowing that there are certain instruments that are explicitly created to limit debate and to end debate. One of those types of motions was deployed and employed yesterday in this place. Senators will know that I come from a family that taught me much about these systems of parliamentary governance. As such, yesterday's situation shocked and appalled me. I will be ready to oppose this disposition motion, which is what I am doing now.

Honourable senators, having said that, I want to say that the motion that was moved yesterday by a senator is one that we would describe as a disposition motion.

Colleagues, I assert that such motions seek to arrest and terminate debate at all times and at the best of times. It is a two-headed monster. This senator's disposition motion is a two-headed monster, because simultaneously it breached our free-speech privileges of in this place, privileges that are granted by

section 18 of the Constitution Act, 1867. It also breached the order in this place in that it purports to be a species of motion known as the guillotine motion.

The guillotine motion is not a democratic motion. It is not a sensitive, thoughtful motion. It is not a motion that intends extended debate until all concerns are met. It is a motion that is intended to truncate and terminate debate. Make no mistake about that.

This species of motion, called the guillotine, is available for the use only of ministers of the Crown. No private member is ever supposed to move a guillotine motion. Furthermore, when the government uses such a motion, they must use it on government business. It is usually used in times when there has been fierce obstruction and opposition and delay on government bills.

Colleagues, Bill C-210 is not a government bill. It is a private member's bill. The guillotine motion may not be used by private members or on private members' business, as Bill C-210 is. The guillotine motion belongs to the family of severe and punitive procedures and motions that are employed in parliamentary assemblies in cases of — listen carefully — willfully prolonged and severe obstruction of business in the houses of Parliament. Bill C-210 could hardly be described as any of these things.

This guillotine family of motions includes time allocation, closure, disposition motions and, of course, the most severe, the guillotine motion itself. It is called a guillotine motion because of its harshness, severity and finality.

Honourable senators, I would like to cite some interesting debates, but I will come to them in a moment. I want to make the point, again, that time allocation and closure motions are rarely used. For centuries, lovers of freedom of speech and of constitutional liberty have abhorred and condemned the use of these rarely to be used motions. There are good reasons for their rare and infrequent use. Most senators here have probably never been exposed to them.

Our *Rules of the Senate*, at pages 41 and 42, has an entire section headed "Time Allocation," with its related rules 7-1, 7-2 and 7-3. I further note that these time allocation motions ought only to be actuated and moved by the Senate Government Leader, who is expected to be and has always been, until recently, a minister of the Crown and a member of Her Majesty's Government of Canada.

Honourable senators, I repeat: This family of motions, guillotine motions, should be rarely employed. If we look at chapter 7 of our Rules, it says very clearly in rule 7-1(1), on the agreements to allocate time, that:

At any time during a sitting, the Leader or the Deputy Leader of the Government may state that the representatives of the recognized parties have agreed to allocate a specified number . . . .

Here it is clear that guillotine motions are moved as government initiatives, not as initiatives arbitrarily used by individual senators. Unfortunately, it is hard to believe that most senators in this place have not been exposed to the severity and harshness of these guillotine motions.

Colleagues, I want to share some authoritative explanations and definitions of guillotine motions. I shall begin with Sir Gilbert Campion, later Lord Campion. He was the Clerk of the British House of Commons from 1937 to 1948. In his 1958 book, *An Introduction to the Procedure of the House of Commons*, Lord Campion wrote at page 129:

'Guillotine' Motions are a form of closure by compartments applied to the discussion of Bills. . . . Their purpose is to ensure the completion of the debate on a capital Bill in a certain number of days, and to distribute the days allotted proportionately over the various stages of the Bill. . . . They are sometimes not put down until a Bill has been so long in committee with so little progress made as to provide a case for the application by the Government of special measures.

In other words, the delays in the bill's progress would have to be so extreme and so protracted that they invited the harsh response, that is a guillotine motion. I continue with Lord Campion saying, at page 129:

The expedition of business secured by this method has generally to be paid for by the loss of a day in the discussion of the Motion itself. It is thus only for the purpose of securing the passage of important Bills that a Government finds it worth while to resort to these measures. The detailed arrangements, by which the various parts of the Bill are examined by a certain time, can be laid down by the 'Guillotine' motion itself;

Honourable senators, Lord Campion is clear that the guillotine motion is rarely used, and when used it should be to secure important government business. Governments only resort to these unusual and harsh measures in strained and difficult circumstances such as the unceasing Irish obstruction that confronted the great Prime Minister William Gladstone in the British House of Commons in 1881, which led to the creation of the guillotine motion.

Honourable senators, I shall cite Norman Wilding and Philip Laundry in their 1972 fourth edition of *An Encyclopedia of Parliament*. They define "guillotine" thus, at pages 335 and 336:

A development of the closure . . . which is applied to the various stages of Bills and is also known as the 'closure by compartments.' It can only be called into operation if a motion for the purpose has been agreed to by the House. Unlike a closure motion which has to be passed when a question is actually before the House, an allocation of time or 'guillotine' motion is passed in advance of the debate it is proposed to limit.

Therein lies part of the problem. I continue with Wilding and Laundry saying, at pages 335 and 336:

A 'guillotine' motion is designed to expedite the passage of a Bill, and seeks to do so by means of a time-table allotting a certain number of days proportionately to each stage and, in respect of the committee and report stages, stipulating the number of clauses which must be considered on each day or portion of a day. At the end of the allotted time the question under consideration must be put, followed by any further questions necessary to conclude the business which has been assigned to that day or period, opportunity for any further discussion being now lost. 'Guillotine' motions usually contain other provisions such as the prohibition of dilatory motions and the postponement of other business.

The 'guillotine' is unpopular on all sides of the House.

**The Hon. the Speaker:** Excuse me, Senator Cools.

Honourable senators, it's now four o'clock, and pursuant to the order adopted on February 4, 2016, and the order adopted yesterday, January 30, 2018, I am obliged to suspend the Senate until 5:30 p.m. when we reassemble to call a vote. However, this is a very serious debate, and I know a number of other senators would like to speak to it, so with the consent of the chamber, we can go beyond four o'clock. Is it agreed, honourable senators?

• (1600)

**Some Hon. Senators:** Agreed.

**The Hon. the Speaker:** It requires unanimous consent.

**An Hon. Senator:** No.

**The Hon. the Speaker:** It requires unanimous consent. I hear a "no," which means that we'll have to interrupt the debate.

We are still under an order of the house to come back at 5:30 for the vote.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Sorry, Your Honour.

**The Hon. the Speaker:** Senator Martin, did you have something to say?

**Senator Martin:** Yes. There are some very important committee sessions with witnesses attending, so I know senators are conscious of that time. In order that this debate can conclude, I move, with leave of the Senate, that we postpone today's 5:30 scheduled vote until tomorrow.

**Some Hon. Senators:** No.

**Senator Martin:** The Honourable Speaker has to consider all of the positions that were put forward, and we're still in the middle of debate. This is a very important discussion we're having.

I'm asking for a postponement until tomorrow, not forever. I would ask leave of this chamber for that to happen.

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

**An Hon. Senator:** No.

**The Hon. the Speaker:** I hear a “no.” So that’s a “no” on both.

According to the order adopted February 4, 2016, the Senate stands suspended until 5:15 when there will be a 15-minute bell for the vote.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

### NATIONAL ANTHEM ACT

BILL TO AMEND—DISPOSITION OF BILL—  
MOTION ADOPTED

**The Hon. the Speaker:** Honourable senators, the question is as follows: In relation to Motion No. 271, it was moved by Senator Petitclerc, seconded by Senator Lankin that the question be now put.

All those in favour of the motion, please rise.

Motion agreed to on the following division:

### YEAS THE HONOURABLE SENATORS

Bellemare	Marwah
Black	Massicotte
Boniface	McCallum
Bovey	McPhedran
Campbell	Mégie
Christmas	Mercer
Cordy	Mitchell
Cormier	Moncion
Coyle	Munson
Dawson	Omidvar
Downe	Pate
Dupuis	Petitclerc
Dyck	Pratte
Eggleton	Ringuette
Forest	Saint-Germain
Gagné	Sinclair
Gold	Tardif
Harder	Verner
Hartling	Wetston
Joyal	Woo—41
Lankin	

### NAYS THE HONOURABLE SENATORS

Cools  
Day  
Fraser

Greene  
Richards—5

### ABSTENTIONS THE HONOURABLE SENATORS

Bernard

Wallin—2

**The Hon. the Speaker:** Honourable senators, accordingly the motion is adopted.

**An Hon. Senator:** Question!

**The Hon. the Speaker:** Pursuant to rule 6-9(5) the question shall now be put on Motion 271.

On the Order:

On the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Petitclerc:

That notwithstanding any provisions of the Rules or usual practice, immediately following the adoption of this motion, or, if a vote relating to Bill C-210, An Act to amend the National Anthem Act (gender), had been previously deferred, immediately following that deferred vote:

1. the Speaker interrupt any proceedings in order to put all questions necessary to dispose of Bill C-210, without further debate, amendment or adjournment;
2. if a standing vote is requested in relation to any question necessary to dispose of the bill under this order, the bells to call in the senators ring only once and for 15 minutes, without the further ringing of the bells in relation to any subsequent standing votes requested under this order;
3. no standing vote requested in relation to the disposition of the bill under this order be deferred;
4. no motion to adjourn the Senate or to take up any other item of business be received until the bill has been decided upon; and
5. the provisions of the Rules and any previous order of the Senate relating to the time of automatic adjournment of the Senate and the suspension of the sitting at 6 p.m. be suspended until all questions necessary to dispose of the bill have been dealt with.

**The Hon. the Speaker:** Honourable senators, in order to expedite this matter, we can proceed to a voice vote rather than a standing vote.

All those in favour of the motion, please say “yea.”

**Some Hon. Senators:** Yea!

**The Hon. the Speaker:** All those opposed say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

May I confirm whether or not that was on division? On division?

**An Hon. Senator:** Yes.

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

(Motion agreed to, on division.)

**The Hon. the Speaker:** Honourable senators, according to the terms of the order we have just adopted, the Senate will now deal with all questions necessary to dispose of Bill C-210.

### THIRD READING

On the Order:

On the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Petitclerc, for the third reading of Bill C-210, An Act to amend the National Anthem Act (gender).

And on the motion in amendment of the Honourable Senator Beyak, seconded by the Honourable Senator Dagenais:

That Bill C-210 be not now read a third time, but that it be amended, on page 1, by adding the following after line 6:

**“2 This Act comes into force on the later of July 1, 2017 and the day on which it receives royal assent.”.**

And on the subamendment of the Honourable Senator Ngo, seconded by the Honourable Senator Enverga:

That the motion in amendment moved by the Honourable Senator Beyak be amended by replacing the words **“the later of July 1, 2017 and the day on which it receives royal assent”** with the words **“December 1, 2017”**.

**The Hon. the Speaker:** On the subamendment, all those in favour of the motion will please say “yea.”

All those opposed to the motion will please say “nay”.

**Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “nays” have it.

Accordingly, the subamendment is rejected.

(Subamendment negatived.)

**The Hon. the Speaker:** The Senate will now deal with the amendment of Senator Beyak.

All those in favour of the motion please say “yea”.

**An Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed, please say “nay”.

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** The motion is rejected.

(Motion in amendment of the Honourable Senator Beyak negatived, on division.)

**The Hon. the Speaker:** The Senate will now deal with the motion for third reading of Bill C-210.

• (1740)

It was moved by Senator Lankin, seconded by Senator Petitclerc, that the bill be read a third time.

[*Translation*]

**Hon. Renée Dupuis:** I have a question regarding the vote. When a voice vote is called, does the Speaker need to verify whether there are any abstentions regarding the bill itself?

[*English*]

**The Hon. the Speaker:** Normally, senator, there are no abstentions on a voice vote but the vote can be recorded “on division” if senators choose to do so, however, I did not hear “on division” called on the vote on the bill. I heard it called before that, but not on the vote on the bill.

**Hon. Senators:** Correct.

**The Hon. the Speaker:** I will correct the record if Senator Fraser tells me that she called “on division.”

**Senator Fraser:** I will stand by your acuity of hearing, Your Honour, difficult though that may be.

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

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

**Hon. Senators:** Agreed.

*(At 5:42 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)*

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