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OFFICIAL REPORT
(HANSARD)

Wednesday, February 3, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Wednesday, February 3, 2016

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

Prayers.

[*Translation*]

FIRE ON PARLIAMENT HILL

ONE HUNDREDTH ANNIVERSARY

The Hon. the Speaker: Honourable senators, 100 years ago today at 9 o'clock in the evening on a bitterly cold night, a fire broke out in the reading room of the House of Commons.

Fed by newspapers and other documents kept there, the fire spread too quickly to be contained.

[*English*]

Within hours, it consumed the entire building. By early next morning, only a shell was left.

[*Translation*]

In one account the bell of the Victoria Tower tolled midnight a last time before crashing to the ground.

[*English*]

The fire not only destroyed the Parliament Building leaving just the Library unscathed, it also took the lives of seven individuals, including one MP and the Assistant Clerk of the House of Commons.

Despite the speed by which the fire spread, soldiers who had been ordered to the Hill to provide crowd control joined volunteers to save many of the furnishings while firefighters fought the blaze.

[*Translation*]

Of the objects lost, perhaps the most significant were the Black Rod of the Senate and the Mace of the House of Commons.

[*English*]

This devastating fire took place while Canada was engaged in the First World War. Indeed, rumours flew that the fire might have been an act of sabotage.

What is truly remarkable, however, is the great resilience shown after the fire. Rebuilding the Centre Block began within months and was largely completed within five years.

Parliament itself moved to its temporary location at the Museum of Nature the very next day and continued to meet there until the new building was completed.

Now a hundred years later, we remember this important event in our history. We regret the loss of an historic building, and we mourn those who perished in the fire. But, despite the great loss, we can also marvel at the determination shown to carry on with the work of Parliament. It is a reminder that however much we may cherish the buildings that respect our democracy, the true meaning of democracy actually lives in the will and determination of the people. This was demonstrated brilliantly one hundred years ago, and it remains still true today.

[*Translation*]

THE SENATE

MICHEL BÉDARD—RECOGNITION AS TABLE OFFICER

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the fact that Michel Bédard, Parliamentary Counsel, is serving as table officer for the first time.

[*English*]

Michel has bachelor's degrees in common law and civil law and Master of Laws and Public Administration.

He started his career on the Hill in 2006 as a legal analyst with the Library of Parliament. Michel joined the Senate Law Clerk's Office in 2014.

[*Translation*]

Welcome, Michel.

Hon. Senators: Hear, hear!

[*English*]

SENATORS' STATEMENTS

ALBERTA

ENERGY INDUSTRY

Hon. Douglas Black: Honourable senators, since I entered the Senate in 2013, I have taken the opportunity to update senators on the challenges and opportunities of Canada's energy industry and the impacts of those challenges and opportunities on Alberta and Canada. I rise today to continue with that update.

As we all know, the price of oil has dropped 75 per cent in the last year, a year in which global energy supply has increased, global demand has fallen, and Canada continues to be unable to

access export markets other than the U.S. These developments have dramatically and negatively affected Alberta's economy.

For years, Alberta has had the privilege of being the engine of the Canadian economy, but now that engine is stalling. This has affected both Alberta's and Canada's economic performance. Every major economic forecaster has readjusted their national and provincial GDP growth forecasts downward for 2016.

The Alberta statistics are deeply troubling: over 100,000 direct and indirect job losses; the cancellation of $40 billion in energy project developments this year; reduced real estate prices, automobile and retail sales; and a projected drop in provincial government oil and gas revenue from $9 billion to $2.8 billion. WestJet is even cancelling air routes originating in Calgary and Edmonton because of the economic decline.

However, these economic statistics don't tell the human story. According to the United Way, across Alberta there has been an increase in use for every service they offer: women's shelters, food banks, crisis lines, homeless shelters and counselling services. The suicide rate is up by 30 per cent and the use of food banks by 24 per cent.

The challenges created by the global energy reality have been worsened for Alberta and Canada by the fact that we, as a nation, continue to struggle to achieve the market access that our energy industry and our economy so badly need. Every major export pipeline proposal has been denied or is experiencing protracted uncertainty. This lack of access to international markets means that Canada is being badly punished by the fall in the price of oil. Oil from Alberta is now the lowest-priced oil in the world.

Albertans are being severely tested. Yet, Albertans are resilient and resourceful. We will manage through this dark period.

As Alberta struggles to manage the challenges and continues to support the Canadian economy, I ask that all honourable senators take every opportunity to support Alberta, and our energy industry, and to encourage Canadians to carefully reflect on the prosperity that will flow to all Canadians from ensuring access for Canada's energy resources.

THE LATE WILLIAM GILKERSON

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to William Gilkerson, late of Martins River, Lunenburg County, Nova Scotia, who departed this life on November 29, 2015, at the age of 69 years.

Born in Chicago, Bill led a most adventurous life. At 16, he travelled to Paris where he studied the great masters as he launched into his artistic calling. He joined the U.S. Marine Corps the next year; upon his honourable discharge, he was decorated as an expert rifleman.

• (1410)

He then moved to San Francisco, where he met his wife, Kerstin and pursued his career as an artist and writer, including as a features editor with the *San Francisco Chronicle*. In the late 1970s, Bill moved his family to Massachusetts. In 1987 he and his family settled in Martins River, and he became a proud Canadian citizen.

Bill was an accomplished artist. He worked as an illustrator, a scrimshander and a marine artist. His works have made their way into many private collections and institutions, including the National Geographic Society and the White House.

Bill also wrote numerous books. In 2006 his novel *Pirate's Passage* won the prestigious Governor General's Literary Award for Children's Literature. The celebrated Canadian actor Donald Sutherland purchased the film rights to this book, which he made into an animated, full-length film that was screened nationally on CBC Television in January 2015 to much acclaim.

Bill was also a musician, a bagpiper, a chess player and a hot-air balloon pilot. He revelled in firing his cannons, and he was a seasoned deep-sea sailor who loved sailing his century-old Swedish cutter, *Elly*, across the waters of Mahone Bay.

William Gilkerson was the quintessential Renaissance man.

We extend our heartfelt sympathy to his wife, Kerstin; daughters, Stephanie and Anna; son, Jack; daughter-in-law, Karen; and grandchildren Elly, Jackson, Signe and Hannah.

My friend Bill will be roundly missed by the tall-ships community, the Tibetan Buddhist community and the brotherhood of the coast.

[*Translation*]

THE LATE DENIS HÉROUX, O.C.

Hon. Jean-Guy Dagenais: Honourable senators, I would like to pay tribute to one of Canada's and Quebec's great filmmakers, Denis Héroux. He died on December 10 at the age of 75.

His career spanned more than 40 years, during which he left an indelible mark on Canadian film both in French and in English.

In 1963, over 42 years ago now, Denis Héroux, a freshly minted filmmaker from the University of Montreal, was invited to the prestigious Cannes Film Festival for *Seul ou avec d'autres*.

Many people associate Denis Héroux's name with Quebec films such as *Les Plouffe*, *Le Crime d'Ovide Plouffe* and *Valérie*.

Valérie was certainly his most talked-about film, but there is no doubt that its popularity was due more to actor Danielle Ouimet's nude scenes than to its artistic content. Nowadays, nobody would lift an eyebrow at that kind of nudity because it's everywhere, but it was revolutionary in Quebec back then. It was still the 1960s — 1968 — and Quebec was just emerging from what was known as "la grande noirceur," the post-Duplessis era. Danielle Ouimet said that Mr. Héroux told her that creating *Valérie* was his way of standing up to the Catholic Church.

Now let's talk about some of Denis Héroux's other great accomplishments.

Long before other Canadians and Quebecers, Denis Héroux got an Oscar nod for *Atlantic City*, which snagged five nominations in 1982. Unfortunately, that year it was up against *Chariots of Fire* and *On Golden Pond*.

Denis Héroux produced *Atlantic City* with Canadian John Kemeny as his partner. It is a little-known fact that he hired as one of the cast members a certain Moses Znaimer, who a few months later launched City-TV in Toronto and became a Canadian media magnate. Znaimer was not an actor, but he just happened to closely resemble one of the characters in the story.

The following year, Mr. Héroux produced *Quest for Fire*, which won five Genie Awards and garnered a Golden Globe nomination. The French version of the movie, entitled: *La Guerre du feu*, won three César awards including best film in France. In 1991, *Black Robe*, a movie Héroux produced with an Australian team, won six Genie awards.

As a man of the cinema, Denis Héroux felt equally at home in Montreal, Hollywood, Paris and London, where his talent was recognized.

[*English*]

The path of Mr. Héroux in the movie industry here in Canada, the United States and France has shown our ability to play with the majors. We should be proud of him.

[*Translation*]

Mr. Héroux made multiple contributions to filmmaking as a producer, director, distributor and financier. His entire life he was a pioneer and a passionate ambassador for what is known as the seventh art.

We hope that those following in his footsteps in the world of film, both in Montreal and Toronto, will promptly do something concrete to pay tribute to his contributions.

[*English*]

The Toronto International Film Festival and the Academy of Canadian Cinema and Television should work together to establish something that will remind us all of the great contribution of Mr. Héroux to the history of cinema.

PARLIAMENT BUILDINGS

Hon. Serge Joyal: Honourable senators, I want to use the opportunity of today's centennial commemoration of the fire on Parliament Hill to remind you of some facts that will trigger reflection on both sides of the house.

The first thing I want to submit to you is that the fire of February 3, 1916 was the fourth fire of a Canadian Parliament. The first fire happened in Montreal in 1849 when a riot took over the building because MPs were debating the indemnity to be voted and distributed among those who took part in the rebellion of 1837. There was a faction of opinion in Montreal that was against that indemnity; they took over Parliament and set it on fire. The only remnant we saved from that first Parliament is the portrait of Queen Victoria, which hangs in the foyer of the Senate.

The second fire happened four years later, in 1852, in Quebec City. When the building was rebuilt in Quebec City, the fire started again on February 1, 1854, and Parliament burned down. The fire started in the wing of the legislative council, the Senate of that period, and only half of the library was saved from that fire and, of course, the portrait of Her Majesty.

The third fire happened four months later on May 3 when Parliament moved to the convent of Les Soeurs de la Charité — a nun's order — where Parliament moved to hold its session.

The fire of 100 years ago is not uncommon in our history. What we have to remember is that when the budget was voted on to rebuild this building, the House of Commons served itself first and decorated their room completely. When the work was started in this room, only half the work was completed.

If you look at the gallery behind the throne of our esteemed Speaker, the press gallery and the public gallery, there is nothing. It is just a plain panel because there was not enough money left.

In fact, on the commemoration of the Diamond Jubilee of Her Majesty, you will remember we passed the hat on both sides of the house to commission the calendar. In the other place they had a calendar, they had the money when they rebuilt, but they left no money for the Senate.

Next year is the 150th anniversary of Canada. I submit that we should use this opportunity to complete the work in this chamber. In other words, we should decorate the wooden panels of the press gallery and the public gallery so that, 100 years later, the work will be completed.

Honourable senators, I think our leaders should talk to one another and our art advisory committee to find a way for the commemoration to mean something for the benefit of this institution and the enjoyment of future generations.

GREY CUP 2015

CONGRATULATIONS TO EDMONTON ESKIMOS

Hon. Betty Unger: I rise today to offer my belated congratulations to the Edmonton Eskimos football team on their Grey Cup win last November. It was a thrilling game and Edmonton fans everywhere — me included — were gripped by the game as our team won a hard-fought battle, capturing the coveted Grey Cup from the favoured Ottawa REDBLACKS.

After Ottawa jumped into an early 13-0 lead six minutes into the game, the "Green and Gold" pushed back hard. By halftime we had taken a commanding 17-16 lead. With only 3:22 remaining on the clock, Jordan Lynch, on a third-down gamble from the one-yard line, was propelled across the goal line by his exuberant teammates as he scored the winning touchdown.

• (1420)

The crowd erupted in cheering, as our Edmonton Eskimos clinched a 26-20 victory over the REDBLACKS, thereby winning the one hundred and third Grey Cup!

It had been 10 years since Edmonton last won the Grey Cup. However, with the incredible never-quit attitude of the whole team, our Edmonton Eskimos are, once again, the Canadian Football League champions!

The green and gold are the most successful franchise in the modern era of the Canadian Football League. Founded in 1949, our team — a community-owned franchise — are 14-time Grey Cup champions, including the historic five-in-a-row wins, from 1978 to 1982.

On the 2015 road to the Grey Cup, the green and gold won nine straight games before taking the Cup on their tenth consecutive win!

Honourable senators, last year was a very difficult year for Albertans, as my colleague has just spoken about. With oil prices the lowest in 12 years, many Albertans found themselves in severe hardship conditions, which still continue.

Recently released numbers from Statistics Canada show that in 2015, our province suffered the worst employment losses since the 1982 recession. The 2015 Grey Cup champions mirrored the characteristics Albertans are known for: tenacity and resiliency. We have learned that if you want to get ahead, you must work hard. We learned this work ethic from our parents and grandparents, and we strive to teach it to our children and grandchildren. When the going gets tough, we don't walk off the field. We regroup, double down and work harder to turn things around. We have done it before, and we will do it again.

Thank you.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

NATIONAL FINANCE

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Larry W. Smith: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on National Finance, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament.

(*For text of report, see today's* Journals of the Senate*, p. 130*.)

[*English*]

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Fabian Manning: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Fisheries and Oceans, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 131*.)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Bob Runciman introduced Bill S-217, An Act to amend the Criminal Code (detention in custody).

(Bill read first time.)

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

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

[*Translation*]

THE SENATE

NOTICE OF MOTION FOR MEMBERSHIP OF STANDING COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding rule 12-27(1) and subsections 35(1), (4), (5) and (8) of the *Ethics and Conflict of Interest Code for Senators*, the Honourable Senators Andreychuk, Cordy, Frum, Joyal, P.C. and Tannas, be appointed to serve on the Standing Committee on Ethics and Conflict of Interest for Senators, until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate; and

That, when a vacancy occurs in the membership of the committee before the establishment of the committee pursuant to rule 12-27(1), the replacement member shall be appointed by order of the Senate.

[*English*]

PARTISANSHIP, POLITICS, POLICY AND PARTY

NOTICE OF INQUIRY

Hon. Elaine McCoy: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to partisanship, politics, policy and party and how they play out in a Parliament.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted yesterday by this chamber, Question Period will commence at 3:30 p.m. today.

ORDERS OF THE DAY

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Carolyn Stewart Olsen moved second reading of Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics).

She said: Honourable senators I am pleased to rise today and move second reading of Bill S-214, the cruelty-free cosmetics act.

The intention behind this act is to end, in Canada, the use of testing on animals for cosmetics purposes and the sale of cosmetics which have been developed or manufactured using animal testing.

The cruelty-free cosmetics act achieves this goal by amending sections 16 and 18 of the Food and Drugs Act to add prohibitions on conducting animal testing in Canada and on using evidence derived from animal testing to establish the safety of cosmetics after this bill is passed.

Functionally, the cruelty-free cosmetics act adds new definitions to section 2 of the Food and Drugs Act to set out exactly what "animal testing" and "cosmetic animal testing" mean for the narrow focus of this legislation before us.

• (1430)

Testing cosmetics on animals is a cruel practice and harkens back to the industrial environment of the mid-20th century. Many of the tests on animals conducted today were developed in the 1940s, an era when our understanding of how chemicals interact with the human body was very basic. Science and technology have advanced considerably since those days, but in the 21st century, nearly 200,000 animals still suffer and die every year in the name of cosmetics and beauty products.

The types of testing conducted on animals vary depending on the type of product a company wishes to market. Typically, testing for cosmetics purposes involves rubbing chemicals on the shaved skin of an animal or dripping substances into their eyes to examine the kind of irritation it causes.

Some tests involve repeatedly force-feeding chemicals to animals to examine the long-term effects of exposure. In other cases, animals are forced to swallow massive amounts of a substance in order to determine how much it takes to kill them. Colleagues, as you can imagine, these tests cause pain and distress to animals, who in many cases are offered no relief until they are euthanized at the end of testing.

Animal testing is no longer the only route to determine the safety of a product. Companies now have many alternative choices, since more than 40 non-animal tests have been validated for use, and more are emerging every year.

These modern alternatives offer the latest in science and technology and in many cases are better at determining how humans react to a chemical or a substance than animal-based tests from the last century. Labs are now able to grow human skin and use it to test for irritability, or we can now harvest living corneal material from slaughterhouses to test for eye corrosion. Other tests use advanced computer models to simulate the effect of chemicals and substances on the whole body or relate the data harvested from testing living human cell cultures.

Some in the cosmetics industry are concerned that in rare cases, animal testing may be required to evaluate the safety of a product.

The cruelty-free cosmetics act addresses the concerns of the cosmetics industry in section 5, by providing the health minister with authority, under section 18.2 of the Food and Drugs Act, to authorize animal testing when there are there is no alternative to evaluate a product or ingredient when there are substantiated human health concerns.

To help the minister apply the exemption in section 5 of the cruelty-free cosmetics act in a consistent manner, I have proposed to clarify the authority of the health minister by authorizing animal testing only in the case of products or ingredients that are already widely used and cannot be replaced by something else.

The Canadian public agrees that it is time for animal testing to end. Polling done in the past has indicated that more than 81 per cent of Canadians support a national sales ban on cosmetics and ingredients that have been tested on animals.

Nearly 100,000 Canadians have already signed the #BeCrueltyFree petition, and it is clear that the issue of animal testing has touched the minds and hearts of many Canadians.

Being mindful of the public interest, the cruelty-free cosmetics act amends section 18.2(2) of the Food and Drugs Act to allow for a period of public consultation before any authorization for animal testing is issued under the exception clause I have established in section 5 of the act.

To be clear, nothing is being established here to limit the government in any way. I have constructed my legislation with a mind to helping the government end animal testing and to do so in a responsible way.

One issue that became clear during my consultations with the cosmetics industry is that there seems to be a legislative and regulatory issue within the Food and Drugs Act regarding the differences between cosmetics and health products.

Unlike in the European Union, the definition of "cosmetics" found in the Food and Drugs Act is quite narrow. Any product which makes "a therapeutic claim," as defined in the act, can be classified as either a drug or a natural health product, depending on the nature of its ingredients. Products seen by the average Canadian as cosmetics are often not regulated as such by the government. The common example the industry uses when illustrating this is comparing lipstick. Some lipsticks are regulated as drugs and others as cosmetics.

I've studied these concerns and understand they may raise a regulatory problem in the application of the cruelty-free cosmetics act. To deal with this issue, I have included a clause amending section 18.3 of the Food and Drugs Act, giving the government authority to designate, by regulation, drugs to be treated as cosmetics for the purposes of the prohibitions in the act.

The scope of this act is intentionally narrow, or rather, intentionally focused on achieving the end of animal testing in Canada. The type of amendment required to entirely eliminate the definitional issue between cosmetics, drugs and natural health products would be a broad policy change, more appropriately included in government legislation.

The cruelty-free cosmetics act is a response to the desire of many Canadians to end a practice they find disturbing. Canadian society has moved beyond accepting as a given the necessity of torturing animals for beauty products.

Canadians are concerned about the health and welfare of animals and are troubled that in the 21st century companies still engage in testing practices developed before the Second World War. With the level of science and technology available today, most Canadians do not find it necessary to conduct animal testing anymore, and the legislation before us would help accomplish this goal.

The debate on animal testing is nothing new. Parliamentarians have been discussing regulating how we should treat animals since long before Confederation. One of the first laws dealing specifically with regulating the treatment of animals used for scientific research was the United Kingdom's Cruelty to Animals Act of 1876. Charles Darwin was a famous proponent of this act, noting in a letter: "I quite agree that it is justifiable for real investigations on physiology; but not for mere . . . detestable curiosity."

The Cruelty to Animals Act of 1876 created an offence for researchers who conducted experiments outside the scope of the overriding principle that experiments which inflict pain should occur only when ". . . the proposed experiments are absolutely necessary for the due instruction of the persons . . . for saving or prolonging [human] life . . . ."

Canada's legislative record on animal testing is more complicated than those of other countries. There's no clear statement on animal testing in Canada at the federal level other than permitting its use under the regulations attached to the Food and Drugs Act and the Canadian Environmental Protection Act. However, part of the animal welfare aspect of the issue of animal testing is dealt with in the Criminal Code, and that is "causing unnecessary suffering to animals" and "causing damage or injury to animals by willful neglect," which are offences under sections 445.1 and 446 of the Criminal Code. The protections these sections offer in the scientific setting are limited. In *Reece v. Edmonton (2011)*, the judge noted:

> . . . it must be conceded that the basic animal welfare model still involves attempting to balance animal pain against human need or pleasure. This approach is reflected in a number of areas: economic, . . . scientific . . . and social . . . . Whether and in what circumstances the balancing of competing values should be re-calibrated . . . is largely a question for the Legislature.

Provincially, all our provinces and territories have legislation which generally applies to animal welfare. Some of their laws are stronger than others and specifically address research activities directly, as Quebec does in section 55.9.15 of the Animal Health Protection Act and Nova Scotia does in section 2.1 of its Animal Protection Act. Other provinces refer to codes of conduct or standards to be respected, as in section 2 of Alberta's Animal Protection Regulation, which refers to documents from the Canadian Council on Animal Care.

Our provinces are moving forward to protect our animals. It is time for the federal government to take leadership at the federal level and adopt the cruelty-free cosmetics act, as well as encourage the provinces to strengthen their legislation to prevent unnecessary cruelty to animals.

• (1440)

While Canada has lagged behind in this issue, our closest trading allies and trading partners, the European Union, Israel, India, New Zealand and Turkey have moved to enact full or partial sales and marketing bans for the products which have been produced through animal testing. The European Union's 2013 Cosmetics Regulation and previously their 2003 cosmetics directive are seen as models for responsibly ending the practice of animal testing. As of now, the EU sales ban is in force in 28 countries, representing the world's largest market for beauty products.

Many countries are in the process of adopting legislation or regulations like the measures contained in the proposed "Cruelty Free Cosmetics Act." The United States Congress is debating HR

2858, the proposed "Humane Cosmetics Act," which was introduced with bipartisan support in June 2015.

The "Humane Cosmetics Act" would establish a prohibition on testing cosmetics on animals and a ban on selling or transporting any product in the Unites States if it has been developed or manufactured using animal testing.

In Canada, happily we are told very little animal testing actually occurs. Our cosmetics industry should be commended for moving forward towards eliminating this backward practice. Representatives from the cosmetics industry have informed me that our industry is committed to the elimination of animal testing as alternative methods are developed, validated and accepted by Health Canada.

Currently, more than 99 per cent of all safety evaluations related to cosmetics products or their ingredients are now being conducted without animal testing as the Canadian industry has adopted alternative testing methods for assessing skin and eye irritation, dermal penetration and absorption, phototoxicity and genotoxicity.

For the most part, the Canadian cosmetics industry is heavily weighted toward importing products rather than producing them. The United States is our main trading partner but we are importing increasing amounts from the European Union. With the restrictions in place in the EU, we face a market access barrier when it comes to Canadian products or ingredients which use animal-tested substances. If the United States adopts the "Humane Cosmetics Act," Canada would be at a significant disadvantage and could find itself in the undesirable position where our country becomes a hub for animal testing.

Senators, it is clear the cosmetics industry worldwide is moving forward in a cruelty-free direction. Many of North America's best-known brands have successfully marketed their products without the need to conduct animal testing. Companies like LUSH, H&M, Paul Mitchell and Urban Decay have taken strong stances against animal testing and have been actively supporting efforts to curb this practice in the broader North American industry.

When the European Union enacted its ban, it was widely seen as an opportunity to update testing methods and innovation. Available cell-based and non-animal safety assessment methods are less expensive and less time consuming. Companies that continue to use animal testing risk a future of economic consequences as the world's industries move beyond this obsolete practice.

My personal approach has been to present this legislation as an incremental step towards improving the state of animal welfare in our country. The "Cruelty Free Cosmetics Act" is a starting point for a parliamentary debate about the humane treatment of animals in the 21st century. As a strong proponent for animal welfare, I truly believe this bill strikes a balance between protecting animals from backward practices and preserving the Canadian industry from undesirable market conditions.

Senators, we have before us an opportunity to modernize our country. The time has come for the Canadian government to step forward and take action to prohibit animal testing and bring Canada into the 21st century. It's our turn to be leaders on the world stage on an issue that has international ramifications for how we will be viewed in years to come.

Colleagues, I ask you to support the "Cruelty Free Cosmetics Act" and join me in making 2016 the year that Canada takes its first steps towards evolving into a cruelty-free economy.

Thank you, senators.

(On motion of Senator Marshall, debate adjourned.)

[*Translation*]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Maria Chaput moved that Bill S-209, An Act to amend the Official Languages Act, be read the second time.

She said: Honourable senators, I am proud to rise today to introduce Bill S-209, An Act to amend the Official Languages Act, Part IV (communications with and services to the public), which deals with services offered by federal institutions.

This is the fourth time that I have introduced such a bill in the Senate. The first, Bill S-220, died on the Order Paper in 2011. The second, Bill S-211, was introduced in the Senate in May 2012 and passed at third reading in this chamber. It also died on the Order Paper when the government decided to prorogue Parliament. Bill S-205, which was introduced in November 2013, was referred to the Standing Senate Committee on Official Languages, which held a fascinating and enlightening debate; however, the bill did not make it to third reading.

Bill S-209, which I am introducing today, is the same as Bill S-205. I will therefore not spend a lot of time on the details of the bill. Instead, I will give you a summary and explain why the bill is still relevant and even more necessary now, in 2016.

Bill S-209 updates Part IV of the Official Languages Act, which governs the services offered in both official languages by federal institutions. The act states that federal offices will offer services in the minority official language when there is "significant demand;" the method of determining this "significant demand" is what must be amended. The bill makes two major recommendations.

The first is that the size of an official language minority community should not be determined solely according to "first official language spoken." The bill proposes the more inclusive criterion of "knowledge of the official language."

The second is about taking into account the vitality of an official language community — not just its relative size — when deciding whether official language services should be provided in that community.

In short, this bill responds to the fact that, where an official language minority community exists, it may have members who do not satisfy the existing system's restrictive and outdated criteria. The actual size of such a community cannot be calculated

accurately under the current act and regulations. The legislation must recognize this reality so that the government can develop regulations that take it into account.

Official language minority communities have changed a lot over the past 20 years, but the regulation governing provision of services to those communities dates back to 1991.

The government's methods for calculating the size of official language communities are outdated, and those communities and Canada's linguistic duality suffer as a result. This is urgent. Reducing services because of incorrect and outdated definitions leads to assimilation and flies in the face of the Official Languages Act.

• (1450)

In Quebec, the anglophone minority does not face the same linguistic threat that francophone minorities do. Yet the same regulation with the same statistical formulas, devoid of context, is expected to apply to both official language communities.

Bill S-209 contains a more flexible vocabulary. By focusing on minorities and their needs, the government would be able to truly assess the needs of each community and deliver adequate services.

Why reintroduce this bill, you might ask? Since I introduced my original Bill S-220 over five years ago, I feel we have come to a bit of a consensus in the Senate about the fact that these are important questions for official language minority communities.

I am not saying that there is unanimous support for this bill in the Senate. I am simply saying that there is consensus about the fact that the problem is real and has been recognized.

There is a much broader consensus within official language minority communities. Those communities truly understand that decisions based on a few outdated statistics undermine their vitality. This bill has been enhanced by contributions from the many local and national organizations that I consulted and with which I have always kept in direct contact during my years in the Senate, organizations that came here to show their support during the debate on Bill S-205 at the Standing Senate Committee on Official Languages.

Were it not for the vagaries of politics, this bill could have passed already. We have had a debate and a public study of the issues that are very important to our communities. We have at least taken a step towards rectifying the situation, but there was a general election in 2011, prorogation in 2013 and another general election in 2015, so here I am again.

I am not taking anything for granted, of course. However, the same reality that led this chamber to refer Bill S-205 to a committee for further study in 2014 still exists today.

According to a report by the Official Languages Commissioner, the government's use of the 2001 data had, in fact, led to the reduction of services in 100 federal offices across Canada. It remains to be seen how the government will use the most recent data and what changes, if any, that will bring. The office closures, or the loss or reduction in services in the official minority language, were thus more representative of flawed regulation than a true reflection of demographic realities. So, despite good intentions, the regulations contributed to weakening these communities rather than providing them with support.

There were no reasons, no studies or reports, to expect that things would be different in 2011. In fact, the statistics came to demonstrate exactly what we knew would happen. The number of Canadians living outside Quebec and whose first official language was French went from 997,125 in 2006, to 1,007,580. That is a small increase, but an increase nonetheless.

Considering the effects of urbanization and exogamy on the survival of minority francophone communities, it is reassuring and heartening to see that they have been able to maintain their numbers overall and even grow a little. This is a testament to the vitality of these communities.

The following statistic is striking and is also the most important one. In 2006, those 997,000 Canadians accounted for 4.2 per cent of the total population. Now the number is over 1 million, yet they account for only 4 per cent of the total population. It is therefore the relative size of francophone communities that is shrinking, through no fault of their own. In fact, we know very well that it is the absence of francophone immigration — which the federal government has readily acknowledged is the problem — that is the largest impediment to the communities keeping up in terms of growth.

The worst thing is that it is this relative size that will determine whether these communities continue to receive services from federal institutions in their language. As the Official Languages Commissioner so ably explained, we are using the vitality of the majority to assess the vitality of the minority. It is a flawed and destructive approach.

The consequence is that we now have more francophones living in predominantly English-speaking provinces than we did in 2001 or 2006, but they will receive fewer services in French. Honourable senators, continuing to use the same approach until 2021 would be tantamount to negligence and even indifference. I do not believe anyone wants that.

Esteemed colleagues, a similar bill to the one I presented today was referred to committee for further study in 2014. As I explained earlier, the events that have taken place in the interval, including the publication of Statistics Canada data on language and demographics, have only further demonstrated why we need to once again study this bill and pass it.

Honourable senators, I urge you to support Bill S-209 so that it can once again be publicly debated by the Standing Senate Committee on Official Languages, as it deserves. Thank you.

(On motion of Senator Maltais, debate adjourned.)

[*English*]

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS AND REFER PAPERS AND EVIDENCE SINCE THE BEGINNING OF THE FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT TO CURRENT SESSION

Hon. Jim Munson, pursuant to notice of February 2, 2016, moved:

> That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations;
>
> That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and
>
> That the committee submit its final report to the Senate no later than January 31, 2017.

The Hon. the Speaker: On debate, Senator Munson.

• (1500)

Hon. Joan Fraser (Deputy Leader of the Senate Liberals): I wonder if Senator Munson would agree to take a question?

Senator Munson: Yes, absolutely.

Senator Fraser: As I always ask when committees bring forward these vast, sweeping orders of reference, I wonder if you could give us a little more detail, in particular about the likelihood of significant spending under this order of reference and of travel.

Senator Munson: Thank you for the question, senator. In this brave new era of human rights, we had a discussion on Monday evening about previous studies that have taken place and some of the unfinished business that we would like to work on, particularly with the garment industry.

We have not come to any conclusions regarding travel in the immediate time. We have to deal with a bill, first of all, in the next two to three of our sittings on Monday evenings, and after that there are only seven or eight opportunities between now and the end of June to deal with various issues in the steering committee and in our full committee on Monday night.

We discussed at least a dozen ideas. Some, obviously, would entail travel. We're not close to getting there as of yet, so we don't have any numbers for you today, but we certainly will in the future.

Hon. George Baker: I wonder if the chair of the committee could verify that the normal procedure is that when you prepare a budget for travel, you seek approval from Internal Economy and then come back to the Senate Chamber and present your travel expenses for the approval of the Senate.

Could you verify that is the procedure we follow in this place and that for you to give any estimate of the amount of money involved would be to negate the existing custom on how we determine whether monies are expended by committee?

Senator Munson: It's always nice to be reminded of the rules. I sit on Internal Economy, and I'm quite aware that this is taxpayers' money.

When you want to spend taxpayers' money on worthwhile issues dealing with human rights, you want to go to places where you can make a difference as senators, particularly on both sides of the Senate. In the news world, it was pretty hard to cover a story in China from Ottawa. You want to go where the story is, and that to me is a good use of money, public expenditures, when you want to get a feel and an understanding of, for example, dealing with children's rights in the garment industry, and indigenous rights in the North and in other parts of the country.

I think sometimes we have a tendency to duck and say, "We can't spend this money because it just costs too much." Sometimes cost shouldn't be the issue when it comes to human rights and doing what we're supposed to do here, particularly in the Human Rights Committee: to fight for the rights of minority groups. We set a tone on Monday night in a collaborative way about what we think we want to do, but we haven't got to the spot where we want to specifically look at a short-term study or a long-term study.

To your question — I'm beginning to sound like Senator Baker now — I'm very cognizant of the rules and the process we have to follow: We have to sit back and put a budget together, take that budget to Internal Economy, have them look at it, have it brought to the floor here and have it debated before we go anywhere.

Senator Fraser: Senator Baker has reminded us of the rules under which we operate, but it has long been almost a pet peeve of mine that we ask the Senate to vote on orders of reference frequently without knowing what we're voting for. I have never asked the chair of a committee to give a specific dollar figure, but I do think it is appropriate when we get these really sweeping orders of reference to ask the chair of the committee for some idea of what it is that we're going to be voting for.

This has not been quite so prevalent lately, but there is nothing in our rules that would prevent it: I remember a time when committee chairs would bring in these sweeping orders of reference and get them approved and then go to Internal to say, "But I have approval from the Senate; you have to give me the money for whatever grandiose project might have been involved."

I think Senate committee work is fabulous. I'm in favour of wise spending of taxpayers' money so that we can do our work. Sometimes that involves travel or other expenses — great. All I'm trying to do is bring a little more transparency — to use an overused word — to our voting process so that when we vote on

orders of reference, we have some idea of what may be involved. I'm not trying to short-circuit the established process, Senator Baker, just to bring a little more clarity to it.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY THE APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS AND REFER PAPERS AND EVIDENCE SINCE THE BEGINNING OF SECOND SESSION OF FORTY-FIRST PARLIAMENT

Hon. Claudette Tardif, pursuant to notice of February 2, 2016, moved:

> That the Standing Senate Committee on Official Languages be authorized to study and to report on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act;
>
> That the committee also be authorized to study the reports and documents published by the Minister of Canadian Heritage and Official Languages, the President of the Treasury Board, and the Commissioner of Official Languages, and any other subject concerning official languages;
>
> That the documents received, evidence heard and business accomplished on this subject by the committee since the beginning of the Second Session of the Forty-first Parliament be referred to the committee; and
>
> That the committee submit its final report no later no later than November 30, 2017, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

She said: Honourable senators, this motion seeks a general order of reference that would enable the committee to call witnesses to speak on subjects concerning the application of the Official Languages Act and of the regulations and directives made under it, and also to call representatives from institutions subject to the Official Languages Act.

The committee would like to invite some ministers, including the Minister of Canadian Heritage, the President of the Treasury Board of Canada, and the Commissioner of Official Languages.

Approval of this order of reference would allow us to invite witnesses to appear as soon as possible. We have had only one organizational meeting. Future work, which would be more focussed, more precise, is yet to be determined. However, I want to reassure my colleague, the Honourable Senator Fraser, that no travel expense is associated with this motion.

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

Hon. Senators: Yes.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the Senate has come to the end of its business for the day, and pursuant to the order adopted yesterday, I declare the sitting suspended until 3:30 p.m., when the sitting will resume for Question Period, which will be followed by Delayed Answers. The bells will start ringing at 3:25 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1530)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before commencing with Question Period, I draw your attention to a visitor in the gallery from Newfoundland and Labrador, Mr. Allan Hawco, star of the successful TV series "Republic of Doyle."

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

Hon. Senators: Hear, hear!

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is my pleasure to welcome the Honourable Hunter Tootoo, Minister of Fisheries, Oceans and the Canadian Coast Guard, to the Senate to answer questions relating to his ministerial responsibilities during today's Question Period.

As honourable colleagues are aware, our Question Period is limited to 30 minutes. Therefore, I would ask senators to keep their questions short in order to allow as many senators as possible to participate. We have a long list of senators who wish

to participate, so I would ask senators as well to limit their supplementary questions to one on the first round and, time permitting, we will return for other questions if you have any.

Thank you, honourable senators, for your attention to this and your cooperation.

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Hunter Tootoo, the Minister of Fisheries, Oceans and the Canadian Coast Guard appeared before Honourable Senators during Question Period.

[*Translation*]

FISHERIES, OCEANS AND THE CANADIAN COAST GUARD

PROTECTED MARINE AREAS—COMPENSATION FOR FISHERIES WORKERS

Hon. Claude Carignan (Leader of the Opposition): Minister, I would like to welcome you on behalf of my colleagues. I would like to thank you for agreeing to participate with us in this question period. We hope that this dialogue between ministers and senators will become indispensable.

Minister, my first question concerns protected marine areas. As part of your party's election platform, you promised to increase the amount of these areas from the current 1.3 per cent to 5 per cent by 2017 and 10 per cent by 2020. In your mandate letter, Prime Minister Trudeau listed this commitment as your top priority. Therefore, your mandate is to increase these areas, which requires additional protection for several hundreds of thousands of square kilometres.

Establishing these protected marine areas will have significant socio-economic ramifications, as was recognized by all federal, provincial and territorial ministers at a meeting in September 2011.

Minister, my question is quite simple: Does your government plan on fully compensating fishers and workers in the communities affected by your decision to create new protected marine areas? If that is the case, how will you compensate them?

[*English*]

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the introduction, Senator Carignan. It is indeed an honour to be here. I will answer your question but, before I do, please allow me to say a few words.

I welcome the opportunity to appear before the Senate today as the Minister of Fisheries and Oceans and the Canadian Coast Guard. I was honoured to be given this portfolio by the Prime Minister of Canada, and I look forward to working with all of you in the interests of all Canadians from coast to coast to coast. Having served many years in a consensus-style government, I think it is fitting that I am the first minister to appear before this chamber to answer your questions. This is an historic day, and I thank you for inviting me.

Also, I'd like to say that I'm probably one of the few Canadians, thanks to your generous invitation today, to have the opportunity to respond to questions in a municipal chamber, a territorial chamber, a federal chamber in the other place and now this upper chamber.

Hon. Senators: Hear, hear!

Mr. Tootoo: So I can knock that off my bucket list.

As my mandate letter states, we are committed to marine conservation and will ensure that Canada meets its international marine conservation targets, which call for 10 per cent by the year 2020 and 5 per cent by 2017. It's a very ambitious goal and currently Canada is at approximately 1 per cent. Meeting these targets will require a cooperative effort from everyone. We will work closely with the provinces, territories, indigenous groups and environmental organizations that are active in oceans management and conservation. We are also working with fishing and other industries that would be affected by the protection measures.

Since being appointed Minister of Fisheries and Oceans, I've gone from coast to coast to coast to meet with all of these groups. I have met with the provincial and territorial ministers, premiers, indigenous leaders, environmental groups and other stakeholders to discuss a way forward. I've been struck by the enthusiasm that so many bring to moving this forward. Community consultations and science will play a key role in determining what kinds of protections we need. This government will restore funding to ocean science and monitoring programs and we will increase investments in community consultations.

[*Translation*]

Senator Carignan: I would like to ask the minister a supplementary question.

I understood your explanation about the process and we are pleased to know that you are proceeding with the consultation. However, as this will have an economic and social impact on the fishers, workers and businesses, does your government plan to compensate the workers and fishers for the economic impact that creating these protected areas will have?

[*English*]

Mr. Tootoo: Thank you for the question, senator. Like I said, I've met with the fisheries groups concerned about how protection measures will affect them. However, these groups also have an understanding that protecting marine areas is the right thing to do for Canada. As I have indicated in all my meetings with stakeholders, we will be doing this in consultation with them. There will be no surprises. There will be thorough consultation in an open and transparent manner and all considerations will be looked at.

SHIPBUILDING—COAST GUARD

Hon. James S. Cowan (Leader of the Senate Liberals): Welcome, Minister. We're delighted to have you here this afternoon. My question has to do with shipbuilding, in particular your area of responsibility, the renewal of the Coast Guard fleet. All of us in 2010 were pleased when the previous government launched the National Shipbuilding Procurement Strategy to renew not only the navy but also the Coast Guard. That strategy called for a number of vessels over an extended period of time, some of which were intended to replace the outdated Coast Guard fleet.

In the election campaign, your party promised to fulfill the promises made by the previous government. Indeed, in your mandate letter there's a specific paragraph dealing with your responsibility in that regard.

When will those Coast Guard vessels be built? How many will be built? When will they become operational? As you know, most of the Coast Guard fleet is not operational at the present time.

• (1540)

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you, senator, for that question. The Canadian Coast Guard owns and operates the federal government civilian fleet and has 117 vessels, 22 helicopters and crews ready to serve Canadians. Since 2009, the Coast Guard has successfully delivered 20 new large and small vessels, 2 air-cushion vehicles, 15 helicopters and several small crafts and barges. Contracts remain in place for an additional 7 helicopters and 12 search and rescue lifeboats.

Under the National Shipbuilding Procurement Strategy, the Canadian Coast Guard's new large vessels will be constructed by Vancouver Shipyards Company Limited. These include three fisheries vessels, three oceanographic vessels and one polar icebreaker and, to the best of my knowledge, they are on time.

Senator Cowan: Perhaps you don't have these numbers before you, minister, but perhaps you could table here or send us a note that would indicate the delivery schedule for each of those vessels.

Mr. Tootoo: Thank you. I'd be more than happy to provide the delivery schedule to this chamber in the spirit of openness and transparency. We are working very hard with the shipyard in Vancouver to ensure that we stay on schedule because we know that the Coast Guard desperately needs these vessels.

AQUACULTURE

Hon. Fabian Manning: Minister, last year the Senate Fisheries Committee published an extensive report on aquaculture after hearing from 138 witnesses and visiting several aquaculture sites both inside and outside Canada. Aquaculture, as we all know, is an increasingly important industry across our country and is playing a larger and larger role in the world's food supply. Our committee report called on the government to introduce national legislation governing aquaculture. Will the new government implement a federal aquaculture act?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you. Again, I'd like to congratulate the committee for its report, released in July, which provided an important review of the regulatory management regime for sustainable aquaculture across Canada. The report is also valuable in its thorough review of many of the challenges facing the sector today: everything from legislative and regulatory frameworks, to fish health, to productive ecosystems, to research and development, to social licence and to reporting.

The committee's two-year study was a significant effort, with in-depth and comprehensive findings and recommendations. I hope that the committee decides to table a report again. I would be very pleased to instruct my officials to work with federal partners to develop a response to these recommendations.

As far as a fisheries aquaculture act, I have heard from the industry. As I said, I've travelled from coast to coast to coast — mostly coast to coast for aquaculture — and have heard from stakeholders in regard to an aquaculture act. It is certainly something to consider, but there may be other ways to achieve the same objectives through regulations or programming. As you know, we launched new regulations last year. Further regulations are being considered, and we will see with time whether an aquaculture act is needed or not. We will look at all options and determine the best way forward.

COMMUNICATION WITH STAKEHOLDERS

Hon. Wilfred P. Moore: Minister, welcome. I heard your response to Senator Carignan. I look at your mandate letter, and it says that you'll be expected to work with the provinces, territories, Aboriginal Peoples and other stakeholders to better co-manage our three oceans.

Since being in office, what have you done to reach out to the provinces, the territories and the various stakeholders in the fisheries?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the question. I've been very busy. Since assuming office just a few months ago, I've travelled across the country, as I mentioned earlier, holding separate meetings involving hundreds of people. I've met with fishing industry stakeholders, indigenous groups, conservation groups, provincial and territorial premiers, ministers, municipal officials and academia. In these meetings I've discussed a range of topics, including environmental stewardship, sustainable development, marine safety and fisheries and aquaculture management. I've also met with ministers from seven provinces and territories and premiers from Newfoundland and Labrador, Nova Scotia, Prince Edward Island, British Columbia, New Brunswick, Manitoba and Nunavut.

I called a multilateral meeting with the sector's ministers council to ensure that all jurisdictions are consulted and asked to collaborate on the priorities set out in this mandate because I believe that it will take a collaborative effort to achieve it. Everyone that I've met with is on board with that approach.

Senator Moore: Minister, thank you for that answer. You've mentioned that you called for a meeting of the Ministers' Council. When do you expect that it might happen?

Mr. Tootoo: Thank you for that question. Actually, it has happened already. We weren't supposed to meet until June. I didn't want to wait six months to have a meeting. What I wanted to do is to get everyone together and look at ways to move forward collaboratively, especially to achieve our targets for marine conservation. I called the meeting a couple of weeks ago — we had it in Montreal — to set up an internal working group so that, when we meet again in June, we'll have something to hit the ground running with.

THE SENATE

PARTISANSHIP

Hon. John D. Wallace: Minister Tootoo, welcome. You are indeed the first cabinet minister to attend Question Period and to speak on behalf of the government. I wish to thank you very much for agreeing to be here today. I can tell you it is very much appreciated by all of us.

Some Hon. Senators: Hear, hear.

Senator Wallace: Minister, as you may well know, the primary role of senators is to review and, when necessary, revise legislation that's passed in the House of Commons. That's our role as a chamber of sober second thought. That will undoubtedly include legislation that will be initiated by your department, and we look forward to receiving it. As I'm sure you are well aware, Prime Minister Trudeau has very strongly expressed a desire for a reformed Senate that would act without partisanship and with independence from the House of Commons. Minister, this is a very significant issue for the functioning of the Senate of Canada.

I would, just for a moment, like to refer you to a letter of January 29, 2014 that Prime Minister Trudeau forwarded to then-Speaker Kinsella. In that letter the Prime Minister spoke about his desire to ensure that Canadians have a Parliament that works better for them. He said he believed that that would be best achieved through a reformed Senate without partisanship and patronage. In that same letter he removed the Liberals in the Senate from the national caucus.

Minister, I and others believe that it's extremely significant that this reference to partisanship refers to actions that are thought to be blindly one-sided, prejudiced —

The Hon. the Speaker: Senator Wallace, may I remind you that we have a fairly lengthy list of senators who would like to ask the minister questions? If you could get to your question, it would be much appreciated.

Senator Wallace: Very quickly. Thank you, Your Honour. Sorry to request your indulgence.

Minister, as a senior representative of the government, the first cabinet minister to appear before us in Senate Question Period, and considering the importance and significance of the Prime Minister's initiative and its potential impact on the Senate, I'm wondering if you are supportive of his initiative and if there are any other comments about it that you may wish to share with us.

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the question. Like I said earlier, I'm very pleased to be here. I think being the first one here, and being one of Canada's First Peoples as someone mentioned today, it's "ice-breaking." Also, as Minister of the Canadian Coast Guard, it is fitting that I'm here today.

• (1550)

I appreciate this opportunity. I totally understand the role of the Senate, being a former Speaker in our legislature in a non-partisan system. I understand the role that this upper house brings to our democracy, and I fully support it.

As far as how this moves forward, that's not my call.

FISHERIES, OCEANS AND THE CANADIAN COAST GUARD

LOBSTER, CRAB AND HERRING STOCKS

Hon. Carolyn Stewart Olsen: Minister, our fishers are instinctive environmentalists. Most come from families who have multi-generational investment in sustainably fishing the stocks they rely on for their livelihoods.

The Maritime Fishermen's Union would like to know what the Fisheries Minister will do to provide scientific assessments of the lobster, crab and herring stocks. Also, will you ensure our fishers have a voice in that process?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the question. That's a question I heard everywhere I went, on both coasts, where the fishing industry is prevalent and plays an important role in the economies of the communities they serve. It's very important to know I reiterated to them over and over again that this government will be making sound decisions based on sound science, and with thorough consultation.

It's my understanding that just about every stock has an advisory committee or group. That's the mechanism for them to have some input — go through it and, through that process, then provide me, as minister, with a recommendation on where to go with it. That's something I committed to them that I will do, because I believe it's important that it's an open and transparent process. That's one thing the Prime Minister and this government is committed to doing. Thank you.

AQUACULTURE RESEARCH AND DEVELOPMENT

Hon. Elizabeth Hubley: Thank you, Minister Tootoo, for being with us today.

As you know, the Standing Senate Committee on Fisheries and Oceans released its report on the Canadian aquaculture industry this past July. A number of the committee's recommendations dealt with research, which has certainly been an issue in past years within the federal government, especially Fisheries and Oceans. One of the recommendations would see your department performing an assessment of current research to identify gaps,

and another calls for the development of a formal mechanism for DFO to collaborate with the provinces, the research community and industry to foster research.

How do you see research and development for aquaculture in particular, and for fisheries in general, in your mandate as the new minister?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the question, senator. I'd like to begin by addressing the parts of it that concern aquaculture. I'll begin by thanking you for your leadership as deputy chair of the Standing Senate Committee on Fisheries and Oceans and for your role in producing a comprehensive report on the aquaculture industry last year. Indeed, I would like to thank all members of the committee for their thorough work and thoughtful recommendations.

Among its 10 recommendations, the committee recommended more collaborative research, and that is one of the reasons I have reached out to the provinces, territories, industries and others in the first weeks of my tenure as minister — to explore how we can better collaborate on aquaculture-related science.

I would like to add that my mandate letter from the Prime Minister identifies science support for responsible and sustainable aquaculture as a key priority. Like all of my mandate letter commitments, I'm working on a plan to move forward in this area as quickly as possible.

I'd like to add that I've had a number of group meetings with the aquaculture industry, and I've been amazed at the amount of science they do. I was in Campbell River and visited a salmon farm out there. The technology and science they're using blew me away. Again, here is another example where the department and industry can work together in partnership to get more science done and have a broader base of science in order to make better decisions based on more science. Thank you.

SALMON FISHERY

Hon. Tom McInnis: Minister, last year Gail Shea, the former Minister of Fisheries, assembled a group of salmon experts from across Eastern Canada to suggest ways that DFO could better manage the Atlantic salmon fishery, to reverse the nearly decade-long decline of this king of sport fish.

The report was full of immediately implementable measures to conserve salmon. Can the minister tell us if and when he will implement the changes recommended by this committee?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Thank you for the question. My departmental officials are looking at this. I think some of the things may have been implemented already, but I don't have all the details of what the plan is for that. Again, in the spirit of openness and transparency, I'd be more than happy to provide that information to this chamber as soon as possible. Thank you.

Senator McInnis: Minister, in the fishing industry we often talk about the commercial fishery and all the ramifications of that, and sometimes we forget the import of the tourism industry and what the Atlantic salmon means to that particular industry. A great deal has been done, but a great deal more has to be done, because the decline is there.

Many of these recommendations from this independent committee are absolutely — there's no cost to many of them. It just takes action. Regarding the 61 recommendations — and I know you're new in the portfolio, but I'd urge you to bring this to the front of your file.

Mr. Tootoo: Thank you. When I did my consultation tour, especially in Atlantic Canada — New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland — I met with recreational fisheries groups. They all expressed the importance that fisheries play economically, and not only to these jurisdictions. They also stressed the fact that if you have fishers in the streams, that helps with the monitoring of these stocks. More eyes in the water means fewer people break the rules. I agree with them.

The important thing is to find ways to protect the stocks and look at ways we can bring that stock back in some of the rivers that they're out of so that the recreational salmon fishery in the Atlantic can thrive.

INTERNATIONAL HARVESTING OF FISH STOCKS

Hon. Joseph A. Day: Mr. Minister, my question is along the same lines as the question you just answered. I'm pleased to learn that you had an opportunity to meet with some of my colleagues in the Province of New Brunswick.

The fishing industry in Atlantic Canada has been on the decline for a number of years, and it has become a serious economic problem. You've already answered the first question I would have had, but I'll ask a second question in relation to the international aspects of this economic problem in Atlantic Canada.

The Atlantic Salmon Federation has provided the following information: Recent genetic assessment reveals that the North Atlantic salmon that was harvested in Greenland originated from a variety of locations, including rivers in Quebec, Labrador and the Gaspé, as well as the other Maritime provinces.

• (1600)

Another incident, that the minister I hope is aware of, is that less than two years ago, a fishery in Saint Pierre and Miquelon intercepted and harvested 5.3 tonnes of salmon. These salmon were returning to rivers to spawn and produce more salmon. They won't be able to do that now, obviously.

Can the minister tell us what cooperation Canada is getting from Saint Pierre and Miquelon, France, Greenland and Denmark in relation to this unreasonable harvesting, resulting in a serious decline in the fishery in Atlantic Canada?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: This is indeed an issue that was brought to my attention. Minister Doucet raised it with me and the recreational fisheries folks I met with. I know that there are discussions ongoing between Canada, Saint Pierre and Miquelon

and Greenland to negotiate ways to address the issue so that everyone can move forward. It's in everyone's best interest to maintain the health of that stock for all three parties.

ENTRANTS TO CLAM FISHERY

Hon. David M. Wells: The industry is important for Newfoundland and Labrador, and all of Atlantic Canada. The current license holder has a monopoly in the sector and harvests only 50 per cent of the total allowable catch. The previous minister of fisheries and oceans increased the quota for surf clams and opened the sector to new entrants based on independent scientific advice, consultations with industry and a recommendation from DFO experts and officials; the consultations and advice from the department were done. Why did you reverse this decision?

Hon. Hunter Tootoo, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard: Managing fisheries based on robust science evidence is a priority for this government. I have put the decision on new entrants on hold until such time that the science framework for this fishery can be reviewed and consideration is given for a spatial management regime. This work will be done with the full engagement of stakeholders, including provinces and indigenous groups. The upcoming Offshore Clam Advisory Committee meeting on February 9 will provide an important opportunity for interested parties to share their views on the future of this fishery.

Senator Wells: Can you give a timeline and the process for the new entrants to this valuable sector? As I said before, considerable consultations have been done, and advice from independent scientists and recommendations from your own DFO officials and experts have been provided. Can you give us a process and timeline for allowing the new entrants in, please?

Mr. Tootoo: I indicated at the time that adequate consultation needed to take place. We need to have good science and to develop a spatial management plan. One of the things that didn't happen prior to this decision is that it didn't go through the Arctic Surf Clam Advisory Committee. I think that's important because that's where you hear from stakeholders. They look at all the information and make a recommendation to me as a minister on what to do with that allocation.

The Hon. the Speaker: Question Period is now over. I apologize to senators we could not get to, but we had set aside only half an hour.

Minister Tootoo, on behalf of all senators I would like to thank you for accepting our invitation to participate in Question Period and for answering questions regarding your ministerial responsibilities.

Hon. Senators: Hear, hear.

The Hon. the Speaker: I hope this is the first of many appearances by ministers of the Crown. I trust you will report back to your colleagues that it was a fruitful and worthwhile experience, and one in which you will encourage them to participate.

On behalf of honourable senators, I thank you for your appearance.

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

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