SENATE SÉNAT

CANADA

# DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 54

OFFICIAL REPORT
(HANSARD)

Tuesday, June 21, 2016

The Honourable GEORGE J. FUREY
Speaker

## CONTENTS

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

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

# THE SENATE

**Tuesday, June 21, 2016**

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

Prayers.

## THE SENATE

TRIBUTES TO DEPARTING PAGES

**The Hon. the Speaker:** Honourable senators, I would like to take a moment to pay tribute to our retiring pages.

Jill Giswold is entering her final year of a Joint Honours Bachelor of Social Science in Economics and Political Science at the University of Ottawa. Upon graduating, she is planning to complete her master's degree in environmental economics. She is grateful for the experience in the Senate and for the opportunity to represent her home province of New Brunswick.

Austin Amy is from Manitoba. As a page from Winnipeg, Manitoba, Austin has been proud to represent his province and experience the activities of the Senate over the past two years. Next year, he will be going on a year-long exchange to Paris, France, to study international relations at Sciences Po. After finishing his undergraduate degree in Honours International Studies and Modern Languages, he hopes to join the JD/MBA dual program at the University of Toronto.

Chloe Hutchison is from Ontario. After completing her Honours Bachelor Degree in Communications with a minor in advanced French at the University of Ottawa, she will pursue a post-graduate program in public relations this fall. She has learnt so much from her experience in the Senate and is extremely honoured to have been selected as a Senate page for 2015-16.

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# SENATORS' STATEMENTS

## CARE FOR VETERANS

PETTER BLINDHEIM—ROYAL NORWEGIAN NAVY VETERAN

**Hon. Carolyn Stewart Olsen:** I rise today to speak about an issue close to my heart. In recent weeks the media has been full of stories of our brave veterans of the Second World War being denied care at veterans facilities across Atlantic Canada.

Petter Blindheim, a 94-year-old decorated sailor from the Royal Norwegian Navy, moved to Nova Scotia after the war. He has been commended for his bravery during his service. He ran to the deck of his ship before the ship sank to disable the depth charges so they wouldn't kill his fellow crewmen.

He never gave a lot of thought to what would happen to him when he was older. He assumed our government would take care of him when he needed it.

Our veterans' support system and that of our allies allows for benefits to be provided to those who served on our side no matter where they live.

Sadly, Mr. Blindheim was abandoned by the bureaucrats at Veterans Affairs who interpreted obscure rules to deny him access to a bed at the Camp Hill Veterans Memorial Building in Halifax.

In another case, Frank Rusling, a former member of the Royal (British) Navy who spent 30 years as a Canadian Pacific Police Officer, was faced with a similar denial.

Donald Osborne, a Canadian veteran of the battles in France and Italy who suffered a head wound from enemy machine-gun fire, has faced difficulties getting the support he needs.

The response from Veterans Affairs has been contradictory. First they said Mr. Blindheim was Norwegian and since Norway had surrendered, he could not enroll in a Canadian veterans hospital. Then when challenged on that, they claimed the determination was a matter for the provinces. After the Nova Scotia premier pointed out there were designated spaces for veterans available at Camp Hill, Veterans Affairs resorted to claiming it is not always possible to take care of our veterans in the facility of their choosing.

Colleagues, this issue has unfortunately been plaguing the veterans community for years.

It is not just those who served in the Second World War who suffer. Over time, Veterans Affairs has downloaded their responsibilities to the provincial health care systems by closing or transferring ownership of veterans hospitals and relying on increasingly restrictive standards for defining who is a veteran and eligible for care and who is not.

Our veterans deserve the highest standard of service and comfort when they need it, not just those who served in the Second World War but all of those who have served.

It is time for Veterans Affairs to get its act together and take responsibility for the people it is mandated to support. Our veterans deserve one standard for all and fulfilment of the sacred pledge made by Canada after the horrors of the First World War to leave no veteran behind.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a group of 12 young indigenous leaders visiting the Senate in celebration of

National Aboriginal Day. They are the guests of the Honourable Senator Dyck and the Honourable Senator Patterson.

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

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

## NATIONAL ABORIGINAL DAY

**Hon. Lillian Eva Dyck:** Honourable senators, today is National Aboriginal Day. The Standing Senate Committee on Aboriginal Peoples invited 12 extraordinary indigenous youth to appear as witnesses at our meeting this morning. I have the honour of acknowledging the first half of the youth witnesses, and our deputy chair, Senator Patterson, will honour the second half of the participants in his statement.

Colleagues, Parliament Hill sits on the unceded territory of the Algonquin people, so it was appropriate that our first witness was Caitlin Tolley, an Algonquin from Kitigan Zibi. She spoke of the importance of indigenous youth reclaiming their language, traditions and culture. She imparted upon us two Algonquin sayings. First, listen more and talk less. Second, learn today and lead tomorrow.

Tenille McDougall is from Fort McLeod and is a member of the TsuuT'ina First Nation. Her story was about finding out "who I am." It wasn't until she was a mother that she moved back to her community and began to understand who she is. She provides a vital support to her community in providing information for first-time mothers and parents to increase parental knowledge and decrease the isolation that many indigenous parents feel.

Willie Sears is from the Williams Lake Indian Band in British Columbia. He is a second-term councillor and works as a special projects coordinator in the band's Economic Development and Natural Resources Department. He is an award-winning children's book author of *Dipnetting with Dad*. He told us that his connection to his culture and identity comes from the storytelling tradition of his elders.

Kluane Adamek is from Whitehorse, Yukon, and is a citizen of the Kluane First Nation. She shared the story of the suicide of her young cousin. Despite moments of darkness and hopelessness, she sent out a Facebook message to youth across the Yukon, and this sparked the Yukon First Nations Emerging Leaders Gathering to find ways to prevent suicide. She told us that when youth feel pride in their indigenous identity, it builds stronger, healthier communities.

Justin "Jah'Kota" Holness is part Jamaican and part Nakota from Ocean Man First Nation in Saskatchewan. Central to his testimony to us was a need for indigenous youth to be proud of their identity and culture and to be able to express that. Justin also made history as he was the first witness at our committee to perform a rap song that he wrote about the tragedies of suicides in indigenous communities.

[ Hon. the Speaker ]

• (1410)

Katelyn LaCroix is from Penetanguishene, Ontario, and a Post-secondary Representative on the Provincial Council of the Métis Nation of Ontario. Katelyn also discovered her indigenous identity later in life. She's a strong advocate for creating mental health programs for indigenous students transitioning to college and university lifestyles and also still able to engage with their culture and history.

Honourable senators, the indigenous youth leaders that the Standing Senate Committee on Aboriginal Peoples heard this morning are partners in building solutions and strong indigenous communities. We must listen to them. They are the future.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise before you today on National Aboriginal Day to echo the sentiments that Senator Dyck expressed here today, and I would like to take this opportunity to pay tribute to the other six exceptional Aboriginal youth who appeared before the committee today.

Jenna Burke's passion is in child and youth care. She is from Charlottetown, Prince Edward Island, plans to continue to work with youth and promotes the rights of non-status First Nations because in her words, "it is up to our community to decide who is a part of it . . .we don't go by card systems or blood quantum."

Mitch Case, from Sault Ste. Marie, is the President of the Métis Nation of Ontario Youth Council and Youth Representative on the Provisional Council of the Métis Nation of Ontario. The past experiences of his people continue to influence his entire world view, causing him to "relentlessly pursue," in his words, the stories of elders and preserve them in an anthology for future generations. These stories of injustice will inspire Mr. Case to continue strong advocacy for Metis rights.

Kelly Duquette from Atikokan, Ontario, is an artist who has developed a multistep process that is layered with complexity and symbolism and creates beautiful works of art that incorporate intricate beading as a more obvious nod to her indigenous roots. She is currently pursuing a law degree in the hopes of using that along with her art to continue to advocate for the Metis community.

Shelby Angalik is a recent high school graduate from Arviat, Nunavut, who hopes that her story of success and accomplishment will help remove the stigma surrounding indigenous people. She founded the Imagination Destination literacy program and is an active member of her community.

Maatalli Okalik, who is from Pangnirtung, Nunavut, attributes her success to a strong mother who provided her with a safe space to learn and ask critical questions about what it means to be an Inuk. Through her current mandate as President of the National Inuit Youth Council, she is focused on strengthening ties that Inuit youth have to their language and culture through education and empowerment in the hopes of it leading to effective suicide prevention. She is also dedicated to promoting reconciliation between Inuit and Canada.

Finally, but most assuredly not least, Alethea Arnaquq-Baril is a celebrated filmmaker from Iqaluit, Nunavut, who is passionate about the arts and believes it can be an important driver of a sustainable economy and a vehicle for advocacy for Inuit of Nunavut.

Senators may remember my speech at third reading of the "National Seal Products Day Bill," during which I quoted at length from Alethea's film, *Angry Inuk*. That film has gone on to win the Audience Choice Award at the prestigious HotDocs festival this year, the largest documentary festival in North America. It will be privately screened tonight in room 256-S at 7 p.m, and I am pleased to invite all honourable senators to see this powerful and compelling film.

Thank you to all the young advocates for their inspirational statements before our committee today.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of youth volunteers and award recipients from the Canada Bangladesh Muslim Community. They are the guests of the Honourable Senator Jaffer.

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

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

## MUSLIM YOUTH IN CANADA

**Hon. Mobina S. B. Jaffer:** On Saturday, June 11, 2016, I had the pleasure of attending the twenty-first annual Iftar Mahfil, or breaking of the fast, of the Canada Bangladesh Muslim Community in Ottawa.

This event, which brings together hundreds of Canadians within Ottawa's Bangladeshi Muslim community, is organized and run from beginning to end by volunteers from the Canada Bangladesh community.

Today we have in the gallery students from the Canada Bangladesh Muslim community. I asked them to attend today and to visit our place of work, the Parliament of Canada.

Honourable senators, I rise here today to recognize the hard work of these young men and women and also recognize some who have excelled in their work. While I cannot mention each student here today by name, I want each one of them to know that we do recognize all their efforts and hard work.

There are seven students who have won prizes for their exceptional writing skills of what it is to be a Muslim in Canada from the Canada Bangladesh Muslim Community's annual youth essay competitions and one student who has won the Canada Bangladesh Muslim Community Student of the Year scholarship.

These students are: Sameer Ashraf, Tanvir Ahmed, Ahnaf Sabeer Khan, Tabassum Howlader, Nahiyan Ishtiaque, Jibran Hossain and Abrar Kazi.

Honourable senators, I would like to take a moment to speak about Abrar Kazi.

Abrar Kazi, the recipient of the 2016 Student of the Year scholarship, has received multiple awards during his academic career. Abrar obtained a score of 142 out of 150 in the University of Waterloo's Gauss Math Competition, placing first in his school. He placed fourth out of 208 in the University of Ottawa's Horizon Math Competition.

He completed high school in three rather than the standard four years it takes to complete high school in Ottawa. Abrar also graduated with a 97 per cent average in his Grade 12 year.

Finally, Abrar has accepted a $16,000 scholarship from Carleton University, where he intends to pursue his undergraduate studies in math and computer science in the fall.

Speaker, the students want me to thank you and the Black Rod. They specifically wanted me to tell you that the two of you have welcomed them here today, as have all the senators, and they will always remember your courtesies.

Honourable senators, in a world which is plagued with negative stereotypes of Muslims, especially young Muslims, I ask you to join me here today in recognizing these hard-working Canadian youth. These remarkable people will become our future leaders who will continue to build this remarkable country of ours — Canada.

To the young people, I know I speak for all here that Parliament belongs to all Canadians, and you are always welcome to visit us again. The Parliament of Canada belongs to all of Canada.

[*Translation*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Aigles de Trois-Rivières baseball team and its owner, Marc-André Bergeron, who used to play for the Montreal Canadiens. They are the guests of the Honourable Senator Maltais.

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

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

[*English*]

## WORLD REFUGEE DAY

**Hon. Ratna Omidvar:** Honourable senators, yesterday was World Refugee Day, but I hope for your indulgence in addressing you again about this today because, after all, we are speaking about 60 million people, roughly 1.7 times the size of Canada's population.

Let me try to add to what we already heard from Senators Jaffer, Ngo and Meredith.

There were refugees fleeing to Canada before the word "refugee" ever became part of our legal and policy lexicon. The first movement, in fact, came from the U.S., the free slaves from the South who found a haven, albeit a harsh one, in Canada through the Underground Railroad.

They were followed by others such as the Poles and the Ukrainians who fled the pogroms of the Soviet Union; the Irish, who fled the potato famine, hunger and disease; followed then by the Jews after the Second World War, when we eventually opened our doors to them after initially saying that even none were too many; followed then by the Hungarians and the Czechs; then the Chileans fleeing from the fall of Allende, and the Ismailis from Uganda, who fled the madness of Idi Amin. And although we don't tend to think of the 40,000 draft dodgers who came to Canada to escape going to war in Vietnam, I think they too were in fact refugees of a different kind.

• (1420)

In the 1980s, our national narrative changed forever, with the Canadian welcome of close to 60,000 boat people from Vietnam, followed by people from Iran, Somalia, Sri Lanka, Serbia, Kosovo, Afghanistan and now, of course, Iraq and Syria.

I think it is therefore safe to say that wherever civil war, oppression, unrest and insecurity force people out of their homes and countries, sooner or later we will hear and feel that echo in Canada with refugee arrivals.

I have a personal connection to refugees as I share a history of displacement with them, but I am not the only one in this chamber to do so. Senator Jaffer came with the Ismailis in the 1970s. Senator Ngo no doubt has a deep personal connection with the boat people of Laos, Vietnam and Cambodia, as must Senator Frum with the community of Jewish refugees who fled Europe. And we know today that Senator Martin feels a deep connection to the North Korean defectors who are lucky enough, a few of them, to find refuge in Canada.

No doubt there are many others in this chamber who can trace their narrative back to refugees, and it would indeed be a wonderful research project, maybe for the Library of Parliament, to figure out our connection in this chamber today to refugee movements of yesterday.

Perhaps we will find out that as much as we like to think of ourselves in some great part — not entirely — as a nation of immigrants, we will in truth conclude that we are in some great part, in fact, a nation of refugees.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Louise Gillis, National President of the Canadian Council of the Blind; and Diane Bergeron, Executive Director, Strategic Relations and Engagement of the Canadian National Institute of the Blind. They are the guests of the Honourable Senator Enverga.

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

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

## NATIONAL ABORIGINAL DAY

**Hon. Murray Sinclair:** Honourable senators, as has been noted, today is the twentieth anniversary of Canada's National Aboriginal Day. I join my colleagues who have already spoken in acknowledgment of the young indigenous leaders who have spent the day with the Standing Senate Committee on Aboriginal Peoples to this point in time.

I want to talk about this day and the importance of it because it's a day dedicated to the recognition of the existence and the vibrancy of Aboriginal cultures, languages and identity, partly intended as well, I do not doubt, as a small measure of atonement for Canada's long history of denial of the validity of Aboriginal people to the founding of this nation.

As Canada plans its celebration of 150 years of Confederation in 2017, we need to ask ourselves whether there is reason for Aboriginal people to join in that celebration. It is not inconceivable that there will be many among them who will say, "We're not ready yet; Canada still has some work to do."

Immediately after Confederation, Canada set out on a path of forced assimilation for Canada's indigenous people that the Truth and Reconciliation Commission, the Chief Justice of Canada and other speakers have said amounted to cultural genocide.

In 1883 during parliamentary debates, our first Prime Minister stated in that other place:

> When the school is on the reserve, the child lives with its parents, who are savages, and though he may learn to read and write, his habits and training mode of thought are Indian. He is simply a savage who can read and write. It has been strongly impressed upon myself, as head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.

This was the beginning of the Indian residential school system. Children were removed; parents were punished for refusing to cooperate; treaty promises to build schools on reserves were broken; the right to protest, the right to vote and the right to go to court were taken away from indigenous peoples by federal laws, all of which were enacted in the House of Commons and approved in this chamber.

Children in public schools were also taught to believe in the inferiority of indigenous peoples and in the superiority of European civilizations. The myth of saving Indians from disappearing was a permanent feature of Canadian society for a long time, but much has changed. The Truth and Reconciliation Commission has opened the eyes of all Canadians to this history and of the need to do something about the damage it has caused, but we have a lot of work to do.

We use such days as today to celebrate our nation and its people. The English and French people are recognized for their role in the establishment of Canada. The role of indigenous people in the establishment of this country also must be more formally recognized. Eventually, we need to be brave enough to take the next step and declare this as an official holiday, as we do for the other founding people of this nation. The debate for that remains for another day.

In the meantime, I ask you to join me in celebrating Canada's indigenous peoples on this, the twentieth anniversary of National Aboriginal Day.

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# ROUTINE PROCEEDINGS

## BILL TO AMEND THE AIR CANADA PUBLIC PARTICIPATION ACT AND TO PROVIDE FOR CERTAIN OTHER MEASURES

### FOURTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

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

Tuesday, June 21, 2016

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

FOURTH REPORT

Your committee, to which was referred Bill C-10, An Act to amend the Air Canada Public Participation Act and to provide for certain other measures, has, in obedience to the order of reference of June 15, 2016, examined the said bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL L. MACDONALD

*Deputy Chair*

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

**Senator MacDonald:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time later this day.

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

**Hon. Senators:** Agreed.

(On motion of Senator MacDonald, bill placed on the Orders of the Day for third reading later this day.)

## STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY

### FOURTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

**Hon. Fabian Manning**: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on Fisheries and Oceans, entitled: *Volume One — Aquaculture Industry and Governance in Canada*; *Volume Two - Aquaculture Industry and Governance in Norway and Scotland*; and *Volume Three — An Ocean of Opportunities: Aquaculture in Canada*.

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

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

• (1430)

## LEGAL AND CONSTITUTIONAL AFFAIRS

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

**Hon. Bob Runciman:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I give notice that, later this day, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, June 22, 2016, even though the Senate may

then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE USE OF ADVANCE DIRECTIVES AND THE LAWS, REGULATIONS AND GUIDELINES OF THE PROVINCES AND TERRITORIES RESPECTING THE RIGHT TO REFUSE CARE AND TREATMENT

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

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the use of advance directives, and the laws, regulations and guidelines of the provinces and territories respecting the right to refuse care and treatment, as well as the role of substitute decision-makers; and
>
> That the committee submit its final report no later than June 30, 2017 and that it retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

## ABORIGINAL PEOPLES

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

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I give notice that, later this day, I will move:

> That the Standing Senate Committee on Aboriginal Peoples be authorized to meet on Wednesday, June 22, 2016, even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

# QUESTION PERIOD

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, pursuant to the motion adopted in this chamber Friday, June 17, 2016, Question Period will take place at 3:30 p.m. today.

[*Translation*]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Jean-Guy Dagenais on April 14, 2016, concerning the government's suicide prevention policy.

I also have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Claude Carignan, on April 21, 2016, concerning stop smoking initiatives (tobacco and marijuana).

## HEALTH

### SUICIDE PREVENTION POLICY

*(Response to question raised by the Honourable Jean-Guy Dagenais on April 14, 2016)*

> The Public Health Agency of Canada (PHAC) is the lead federal organization responsible for developing the Federal Framework for Suicide Prevention. When the legislation was enacted in December 2012, the PHAC initiated consultations with officials in provincial and territorial governments, implemented an online public consultation, and sought input from key stakeholders working in suicide prevention. The Framework, which is currently being finalized, builds upon mental health promotion and suicide prevention work underway across federal departments. A report on progress will be provided by December 2016 as specified in the Act.

### STOP SMOKING INITIATIVES

*(Response to question raised by the Honourable Claude Carignan on April 21, 2016)*

> Since 2001, the Federal Tobacco Control Strategy has contributed to Canada's success in tobacco control. But while smoking in Canada is now at an all-time low, more than 4 million Canadians continue to smoke. The Government is committed to protecting Canadians,

particularly youth, from the dangers of tobacco. This includes introducing plain packaging. The design and appearance of packages, and of tobacco products, are among the few remaining promotional channels available to the tobacco industry. Numerous studies across several countries have shown that plain packaging reduces the appeal of tobacco products, particularly among young people. The government is giving consideration to new anti-smoking initiatives and will have more to say in the coming months.

The Government has committed to legalize, strictly regulate, and restrict access to marijuana in order to help keep marijuana out of the hands of youth, and stop criminals from profiting from illicit drug trade. In the near future, a Task Force will be struck to study the many facets of marijuana legalization. Once their research is complete, the Task Force will present their findings to the Government, in order to help guide it as new legislation is developed in the Spring of 2017. An important part of the process of legalizing marijuana is making sure that Canadians have the information they need to make informed decisions. We are committed to doing that, and to taking lessons learned from other jurisdictions that have experience in this type of change.

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[*English*]

# ORDERS OF THE DAY

## COPYRIGHT ACT

### BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the third reading of Bill C-11, An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities).

**Hon. Tobias C. Enverga, Jr.:** Honourable senators, I rise today to speak to Bill C-11, An Act to amend the Copyright Right (access to copyrighted works or other subject-matter for persons with perceptual disabilities).

I want to congratulate our previous government for all the efforts that it put into negotiating the Marrakesh Treaty and for doing the legislative work during its term to allow for our current government to introduce a bill much like the one introduced in the other place during the last session.

Honourable senators, this bill received little attention in the other place, and because of that I raised some concerns that have come to my attention during the second reading debate on the bill. This clearly made some stakeholders, including the government, a little uneasy, and much effort has since been put into explaining the background to the issues related to such concerns.

This was indeed my purpose in my role as the opposition critic to the bill. With a lack of proper study in the other place, we had to ensure that the Senate did its legislative job and was provided some answers to questions that had been raised.

Honourable senators, I want to start out by reminding you of the concerns we have heard. As we heard from the bill's sponsor yesterday, this is the legislative initiative that will ratify the Marrakesh Treaty, which aims to make printed materials available by allowing for a non-profit organization to reproduce the materials without needing the copyright holder's permission.

Bill C-11 limits this exemption should the work already be commercially available. This limit has been criticized by some. However, the Minister of Innovation, Science and Economic Development competently explained to our Banking, Trade and Commerce Committee that such a limitation is in fact desirable from the non-profit sector's point of view. It will assist organizations and recipients in making works available through usual means and avoid them having to create a copy in a different format with the associated costs. It could be an incentive for publishers to make more of their products commercially available in different formats.

Honourable senators, should the publishers and copyright holders not find it commercially viable to produce formats that are accessible to those who are print disabled, then the limitation does not apply and the non-profit organization will be able to create a copy in a different format without interference from the copyright holder. That said, should there be a dispute over commercial availability, the copyright holder is limited in terms of options.

It is worth noting, from a user's perspective, that the onus to prove the case lies on the copyright holder. If it is demonstrated that a product is indeed commercially available, the only recourse is an injunction. I do not see why a publisher, after having invested in creating products suited for those with perceptual disabilities, should not be protected against anyone copying their work. If they do not have such a product available, the point is moot, and a non-profit organization has the right to make it available to a person with a perceptual disability in a country that is signatory to the Marrakesh Treaty.

Honourable senators, related to this concern is the wording used in dealing with commercial availability in another country, specifically the use of "reasonable." The limitation states that a product cannot be reproduced if it is:

> . . . available in the other country within a reasonable time and for a reasonable price and may be located in that country with reasonable effort.

One witness representing the Canadian Library Association raised the concern that this was not specific enough and would cause ambiguity. A department official was satisfied with the term being left undefined because a competent court would be able to

determine this. I tend to agree. Our courts are very competent when it comes to determining what is reasonable and what is not reasonable.

Honourable senators, the second concern raised was that of royalties being imposed on a non-profit organization as set in regulations by the minister. Minister Bains explained that this section is in place to allow for flexibility to adapt to future circumstances. He continued by reminding the committee that regulatory processes require public consultations and that a minister would have to take into account the impact of such regulations on the non-profit organizations and, more importantly to me, the end-users.

The minister assured the committee that the government has no intent to impose royalties, and one of his officials explained the section as a consequential amendment, which was a result of another amendment to the Copyright Act made prior to the finalization of the Marrakesh Treaty.

Another point in support of my decision is that the Government of Canada bears much of the cost that will be incurred by non-profit organizations to do the work of converting the material into accessible formats. The Canadian National Institute for the Blind, or CNIB, is an example of a non-profit organization that is currently reproducing works in accessible formats. They rely on and receive public funds to carry on this work.

Honourable senators, during the committee study, other concerns were raised. One such concern was that publishers and authors should be protected and still be allowed to make a profit on their investments and work. This was clearly taken into consideration by department officials when drafting the legislation and would be another moot point due to the commercial availability limitation.

• (1440)

Honourable senators, our committee — and let me remind honourable senators that our members on the Standing Senate Committee on Banking, Trade and Commerce are still as sharp as nails and do not let much go unnoticed — was not quite satisfied with the bill's generally swift and hasty passage through the other place, nor were its members comfortable with the speed at which it was expected to move through this house. However, at the end of the deliberations it was decided that we should support the community of users — those suffering from perception disabilities or otherwise not able to use regularly printed materials, and the non-profit organizations that provide the reproduction and distribution services.

Honourable senators, the CNIB's Diane Bergeron, who is blind, gave an impassioned testimony. She provided the committee with the staggering unemployment rate of blind persons, being 70 per cent — in part due to lacking education and training opportunities often associated with printed material. She also gave her personal story of how she used books with Braille writing on one page and regular text and pictures on the other page to teach her sighted daughter how to read and appreciate literature. In addition, she gave a brief outline of the potential positive impact of international cooperation in creating and sharing copies of material in accessible formats like Braille, DAISY or audio books.

I should remind honourable senators, as Ms. Bergeron told the committee, that when we speak of audio books for visually impaired persons, it is not the same as an audio book available to the general public. It takes special equipment specifically designed for persons with vision impairments to use such audio formats.

Ms. Bergeron also stated that the due diligence that her organization undertakes includes making sure that a product they receive a request for, in Canada or from another signatory country to the Marrakesh Treaty, is not commercially available in the destination country. Once the alternate format has been created, which could take six months, CNIB will ensure that the work has not been made commercially available during that period.

In short, honourable senators, the end-users are overwhelmingly in support of the bill. The committee decided that since there will be a review of the Copyright Act in 2017, the chair should write a letter to the minister to state the committee's concerns and urge the community of recipients to be mindful of any unintended consequences or difficulties due to the amendments to the act as a result of Bill C-11, and to keep the committee abreast of any challenges they face regarding cost and access.

Honourable senators, as the critic of Bill C-11, I want to congratulate Senator Harder for bringing us this bill, and I want to thank all those who contacted senators with their concerns. I want to end by reiterating that the Standing Senate Committee on Banking, Trade and Commerce will keep an eye on the implications that this bill will have and that we will do our part to ensure that the legislative intent and spirit of the Marrakesh Treaty are upheld by the current and future governments.

Honourable senators, I believe that everyone with visual challenges or perceptual disabilities has the right to be able to read or hear all the books and articles that are available to everyone. Therefore, I strongly recommend all senators vote for this bill's adoption. Thank you.

**Hon. Joseph A. Day:** Honourable senators, I would first like to thank Senator Enverga for covering very nicely the points that came out of our committee hearing in relation to this particular piece of legislation, Bill C-11.

Copyright, as honourable senators know, is the exclusive right by the author or the owner of the copyright to produce and reproduce that work in any format.

This is a format that is designed specifically for people who are blind or near blind, and the question is, can we make an exception to the exclusive right of the copyright owner to make copies in that particular mode, in that particular manner, that is readable by those who can read Braille or other new technologies that are coming along?

We made amendments in this chamber. We looked at those amendments in the Copyright Modernization Act a few years ago. We put in an exception, along with the exception for students at school, in university, to use copyright and reproduce that work, and to use photocopy machines and take a copy back to their office or their room to study. That was deemed to be a fair use of copyright, where royalties did not have to be paid.

The royalty issue is the problem, as Senator Enverga mentioned, and I'll get to that in a moment. The copyright owner can normally demand royalties for the reproduction unless there's an exception. Canada is a signatory to the Marrakesh Treaty, along with, to my recollection, 16 or 17 other nations now; they're trying to get to 20, and then it will become official. Canada has signed on.

Not many of the major nations have accepted. I say "major nations." The United States hasn't yet ratified; however, they did sign on at the beginning.

By accepting this treaty — which has been developed by the World Intellectual Property Organization out of Geneva — we are showing leadership, and hopefully there will be enough to bring this treaty into law. In any event, we are asking Parliament to pass Bill C-11, which amends our Copyright Act. As I mentioned earlier, we already have an exception for perceptual difficulties and for individuals that have difficulty seeing; we already have that, but it didn't fit in with the requirements of the Marrakesh Treaty under the World Intellectual Property Organization. So the government came forward with this bill, which basically mirrors the words in the treaty. That's what we're dealing with here, honourable senators.

We've heard the honourable senator point out the two concerns that were expressed by one of our witnesses. The witness is a librarian at the University of Toronto. Victoria Owen was another witness. They had expressed the concern, as sighted librarians, that there is a provision that the ministry may, in the future, pass regulations requiring that royalties be paid.

That is of concern, because that can be quite expensive. With regard to tracing down who owes the royalties, there are many cases in the courts on royalties that are deemed to not have been paid and should have been paid. So it's a concern; it's there. The minister assures us that he didn't intend to exercise it, but it's there. That's one concern.

Diane Bergeron, the sight-impaired person who appeared before us, talked about teaching her child how to read. She would read on the left side in Braille so that her daughter could then read for a sighted person the same words on the right side of the book. That's the kind of book that would be possible by this particular legislation.

• (1450)

The only other point I want to make, honourable senators, is that should we hold back on passing this bill to try and rectify the points raised by the chief librarian for the University of Toronto, then we would be missing out on an opportunity to show some leadership in relation to this Marrakesh Treaty. As Diane Bergeron said, "Pass it, please, with the imperfections." The five-year review that we worked into the copyright modernization legislation four years ago will be coming up next year. If we pass this now, we can see how it works in about a year. If it needs some fine tuning during that review, we'll be in a position to look at it at that time.

I recommend, honourable senators, that we support this legislation.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

## BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

### THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Pratte, for the third reading of Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures, as amended.

**Hon. Colin Kenny:** Honourable senators, I apologize for the quality of what I'm about to proceed with. I'm going through a period of Ménière's reaction.

I've seen some of the speeches given last night. I thought they were very comprehensive and helpful. I'd like to say a few words about where we are today and how we got here.

The problems with morale in the RCMP go back, in my own experience, over 40 years. Harassment and bullying of men and women isn't new; shortage of personnel and problems with backup have been around for a long time, as have poor pay, the absolute power of the commissioner and there being no voice in how the RCMP is run by regular members.

In 1977, the McDonald Royal Commission was put in place. What most of us remember during that period of time was an RCMP that was "out of control." We all remember the barn burnings and the fact that the RCMP needed badly to be brought back into line.

If you fast forward 30 years, the Brown and McAusland reports came forward. To quote Mr. David Brown, the reason he was working on his report, which was referred to as "Rebuilding Trust," was because the RCMP's management was "horribly broken." That's a tough descriptor.

Mr. Brown's report had 46 recommendations and three very important ones: separate employer status, which wasn't enacted; a civilian board of management — no one took him up on that. It took until 2013 for Bill C-42 to come along and we got an

independent complaints commission, but the commissioner doesn't have to take them seriously. He doesn't have to comply with their recommendations.

In 2015, after several court rulings, the Superior Court issued a decision on collective bargaining. In 1999, the Supreme Court ruled that the RCMP could not unionize. It said, "Security issues mean the Mounties must be set apart from others." But in 2009, the Ontario Supreme Court ruled that the RCMP had a right to unionize.

In 2012, the 2009 decision was overturned by the Ontario Court of Appeal, and in 2015 the Supreme Court asserted the RCMP's right to collective bargaining in a 6-to-1 ruling. The justices said:

> . . . freedom of association protects a meaningful process of collective bargaining that provides employees with a degree of choice and independence sufficient to enable them to determine and pursue their collective interests.

And it said that:

> . . . the current . . . regime denies [Mounties] that choice and imposes on them a scheme that does not permit them to identify and advance their workplace concerns free from management's influence.

They went on to say that:

> While the RCMP's mandate differs from that of other police forces, there is no evidence that providing the RCMP a labour relations scheme similar to that enjoyed by other police forces would prevent it from fulfilling its mandate.

Furthermore, they said that:

> What is required is not a particular model, but a regime that does not substantially interfere with meaningful collective bargaining and thus complies with [the freedom of association].

It is my belief that only by passing the bill, as amended, will we have a piece of legislation that conforms to the Supreme Court's prescription of "meaningful collective bargaining."

I'm sure that all senators are aware that in May of this year the Staff Relations Representative Program was officially dissolved by Commissioner Paulson with the Supreme Court ruling that said the SRRP program was unconstitutional. It was replaced by the Members' Workplace Services Program, which incidentally doesn't comply with the Supreme Court ruling either because it continues to be employer controlled.

I'd like to briefly describe some of the problems with Bill C-7 that led to our committee's amendments. The section of the bill regarding union certification was dealt with very thoroughly by Senator Carignan, so I'll move directly to the nine exclusions that deny the RCMP the ability to negotiate on anything but pay and benefits and deny members the "meaningful collective bargaining" that the Supreme Court called for.

The exclusions mean that the union can't bargain on any issues relating to their pension; law enforcement techniques — how they go to work every day and what they do; transfers from one position to another and appointments. These are folks that can be transferred anywhere in Canada, anywhere in North America and anywhere in the world. The commissioner bragged about how far they could be posted.

The list of exclusions continues with appraisals — these are annual appraisals; prohibition; discharges or demotions — you can't have a union talk about that — conduct, including harassment; the basic requirements for carrying out the duties of an RCMP member or a reservist; their uniform, order of dress, equipment or medals.

This list, by the way, was written by senior RCMP officers. The commissioner told us that he had his people do the drafting for this part. By having this list of exclusions, the dice are loaded once again for management to continue the job they've been doing. Taking out these exclusions gives a union the opportunity to rebalance the RCMP.

• (1500)

It's important for honourable members, when they're considering this bill, to remember that the RCMP is the only police service in Canada that has exclusions like this legislated in place before they can even get to a union. The deck is being loaded.

One of the principal concerns that the committee had going through the hearings when we were working was that the RCMP is being treated by the government like it is any other department of government. The government had a choice. There were two paradigms it could have used. They could have compared the RCMP and set up a union just like every other department in the federal government, or they could have taken a look at other police services and modelled it to work like the other police services work.

Well, they decided they just wanted to fit the RCMP into a government model with no concern for the fact that these are peace officers and police officers and that they are not public servants like the rest of them.

Evidence provided before the committee shows that police officers have been ruled by the Supreme Court to be very different from public servants. Edward Aust, citing the unanimous decision of the Supreme Court in *R. v. Campbell*, which stated that a police officer is a public office-holder and that this distinction clearly sets the RCMP peace officer apart from a public servant. They're not public servants in the eyes of the Supreme Court, and they shouldn't be judged so when it comes to their bargaining status.

I don't believe that a single member of the Senate hasn't received an email from an RCMP member detailing complaints of harassment, bullying, class actions or the unusual or unfair punishments that abound in the RCMP.

If Bill C-7 is passed as amended, RCMP members will be able to unionize and face the challenges of the force, but it's not limited to harassment, whistle-blowing, protection, poor working

conditions or fair representation. All of these will be addressed. It would improve both the morale and the cohesion of the force and the public perception of the RCMP.

These changes won't happen overnight, but giving members the opportunity to sit down with management and have a say in the issues that affect their lives and their work can only be salutary.

Dozens of Mounties spoke to the committee about issues in the RCMP. They felt they needed a proper union and they needed it to address these problems.

One of the most serious ones is the lack of rapid backup. If you're in a city like Toronto or Calgary, you can get backup from a place right around the corner. It comes within minutes, if not seconds, if a police officer is in danger. If you're in the RCMP, you can be in a detachment that has to wait many hours for backup to fly in to provide you with support.

The regular members want us to help them correct that problem. Simple things like equipment, such as the complaints that came to my office about carbines. For years, the RCMP did not move on providing carbines. These are longer rifles that are much more effective than a sidearm if you want to deal with a bad guy at a distance. They clearly are needed. They might have made a difference in Mayerthorpe; they might have made a difference in Moncton. These are life and death needs that the RCMP has.

Cop to pop ratios — I don't know how many of you are familiar with that phrase, but it's a good way to examine short staffing. If you look at "E" Division, and that covers almost all of British Columbia, the RCMP has a cop for every 723 citizens — one policeman and they're protecting 723 citizens. Compare it to Victoria: They have a cop to pop of 1 cop for every 425 citizens. It's the same province. The city manages to have 40 per cent fewer people for each cop to take care of. Take a look at Vancouver: There's one police officer for every 499 citizens in Vancouver; 30 per cent less than what the Mounties have across the whole province.

Cop to pop isn't the only measure of workload, but it's an indicator, broadly speaking, of an organization that is short-staffed when you see these big differences in the ratios.

On the committee we heard from many members who lack confidence in their body armour. It's 25 years old in most cases. It won't stop a bullet well.

**The Hon. the Speaker:** Excuse me, Senator Kenny, your time has expired. Are you asking for five more minutes?

**Senator Kenny:** Yes, I am, Your Honour.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Five more minutes, Senator Kenny.

**Senator Kenny:** I'll talk a lot faster.

Many members want a darker uniform. They want it all to match and look the same. They're afraid that somebody shooting at them will aim at the lighter colours that aren't covered with a proper vest. I can't imagine that we've got folks out there and we're not giving them proper vests.

We have a situation where too many members are overworked. It produces stress. It comes from not sufficient funding from our government. We have a peculiar situation of too few cops on the street and too much paperwork. It's an unexpected byproduct of the Charter of Rights. When the Charter came into effect, in 1982, the amount of paperwork that police had to do grew exponentially. They were forced, because of the court cases, to provide all sorts of data.

Well, a 30-year study was done by the University of the Fraser Valley, and it demonstrated just how much the paperwork had blown up. For example, this is between 1983 and 2003, but it continues until today: Break and enter cases, which might have taken an hour before the Charter arrived, now take between five and 10 hours to do the paperwork. You wonder why you don't see the cop on the street. He's in typing up something for the appeal that's going to go on in the court. Drunk driving cases used to take an hour and now they take five hours to do the paperwork. Domestic assault cases used to take an hour. They now take between 10 and 12 hours.

In 2007, David Brown reported understaffing — this is the guy who did the study — of 25 per cent to 30 per cent in every detachment that he visited over the course of his three-year study.

In the Senate, we had a group of senators who did a report called *Toward a Red Serge Revival*, and it came to the conclusion that the RCMP was 5,000 members short. That's a lot of members. That's almost a third short.

• (1510)

I have a lot to say about protecting whistle-blowers and how to deal with promotions. The most important thing with promotions, because we've included that in one of the exemptions, is that in 2012 the RCMP "Gender and Respect" report pointed out that only 70 per cent of competitions in the RCMP were advertised. What about the other 30 per cent? No one was told. No one could apply for those jobs. Suddenly there was an announcement that was sent out saying so-and-so has just been promoted to inspector, what about me?

We have a situation where a major organization goes ahead and promotes people and doesn't tell people that they can even compete for the job. A union is going to make short work of that, I promise you, and it will be worth having.

I'd like to wrap up, if I could, Your Honour, by saying that it's clear to me that we've been shortchanging RCMP members for years, and this bill, as amended, is an opportunity to start bringing them up to date on matters relating to their pay, safety, working conditions that are important for their morale and for the effectiveness of an institution that's very dear to all of us.

It's clear that only by eliminating the nine exclusions will RCMP members have a fair chance to address these crucial issues,

and without support for the bill, as amended, I fear we will continue to have business as usual in the force.

**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 and bill, as amended, read third time and passed.)

## BUDGET IMPLEMENTATION BILL, 2016, NO. 1

### THIRD READING—DEBATE

**Hon. Peter Harder (Government Representative in the Senate)** moved third reading of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures.

He said: Honourable senators, today I ask for your support in passing Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures.

As you know, this bill implements provisions of the government's budgetary measures to grow the middle class and drive economic growth. Bill C-15 delivers on many of the government's key policy commitments to Canadians. The public expects and deserves to see these elements of the budget enacted in a timely fashion.

To do that, we must pass Bill C-15. The bill reflects the democratic will of Canadians and their desire for more inclusive economic growth. Bill C-15 will make an immediate difference in people's lives. At a time when many Canadians are struggling, this legislation takes the essential step to grow the middle class and revitalize our country's economy. It will make our country more fair and prosperous.

For example, a cornerstone of this legislation is the new Canada child benefit, designed to assist families with the high cost of raising children. This benefit is simpler, tax free and more generous than the existing federal benefits. Nine out of ten Canadian families will receive higher monthly benefits and hundreds of thousands of children will be lifted out of poverty.

This benefit will mean more for families, and they will be able to afford to send their kids to camp this summer or put them in hockey or music lessons in the fall and to support their children in their day-to-day needs.

To ensure that hardworking Canadian families receive the support they deserve, it is incumbent upon us to pass this legislation as quickly as possible.

In addition to helping young families, the government is committed to providing support to older and more vulnerable Canadians by enhancing the suite of programs designed to help retirees.

It is worth mentioning today that the Minister of Finance reached an historic accord on the enhancement of the Canada Pension Plan with provincial finance ministers last night, which will give future retirees the same security in their years that previous generations have enjoyed.

Within Bill C-15, the government is taking action to help vulnerable seniors by increasing the Guaranteed Income Supplement, the so-called GIS, by 10 per cent. For single seniors, many of whom are women, the increase of about $947 per year will make a significant difference in their quality of life. As with the proposed Canada child benefit, we must pass this bill in order for them to see these gains in their life.

As we all know, the past year has been volatile for the Canadian economy, especially in the resource-dependent regions of our country. Again, to help those regions, and indeed the country, deal with difficult times, Bill C-15 makes important changes to improve the employment insurance system. Changes to eligibility rules will facilitate access to benefits for workers and those reentering the workforce.

To ease the burden, the government will extend EI benefits in regions affected by the collapsed price of oil and other commodities. This will help persons struggling in parts of Alberta, Saskatchewan, northern Ontario and Newfoundland and Labrador.

The waiting period for benefits will also be reduced from two weeks to one week, meaning less hardship at a very difficult time for so many Canadians. Again, I ask you to pass this legislation to ensure these benefits can be delivered to Canadians in a timely fashion.

For veterans, the budget restores critical access to services. For disabled veterans, it ensures their long-term financial security. In addition, Canadian veterans will be able to access more local, community-based services plus improved access to case managers.

The budget also invests in effective tax enforcement. This means reducing tax evasion, addressing unintended tax advantages and improving the integrity of our tax system.

Bill C-15 further maintains our world-renowned financial sector by strengthening regulations affecting our financial institutions. This means balancing the need for stability and competition with the needs of consumers and businesses.

Honourable senators, these policies, which we have studied in detail in this chamber and at committee, will be critical to Canada's long-term success. Moreover, the budgetary policies will make Canada more fair and prosperous by growing the middle class and revitalizing the economy. That is the plan Canadians chose for their future.

I believe it is our responsibility to act quickly to pass Bill C-15 to ensure that the benefits of which I spoke can reach their

intended beneficiaries as soon as possible. Let's do the right thing and make this bill a law.

**Hon. Joseph A. Day:** Honourable senators, I would like to thank Senator Smith and the members of the Standing Senate Committee on National Finance for the work they did. There's an excellent series of observations that relate to this bill that are very helpful in understanding the concerns of the committee.

There is one area that I was very interested in bringing to your attention, but first I will mention that three different committees, in addition to Finance, looked into portions of this particular Bill C-15, Budget Implementation Act, No. 1, National Security and Defence, Part 4, Division 2. They're all in Part 4, which are the other things. First is excise tax, income tax, excise tax, and then Part 4.

So the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Social Affairs, Science and Technology looked into different portions of this as well.

• (1520)

There are three: Defence; Social Affairs, Science and Technology; and Banking. There are the three reports in the Orders of the Day for your regard.

A couple of issues came up. One I wanted to bring to your attention is the reduction of the qualifying age to draw the old age pension cheque from age 67 back to 65. I believe that's the wrong message. I was very disappointed to see that in the legislation. It had been moved ahead to age 67 in legislation a year or so ago, but it wasn't to come into force for seven or eight years. So there's an opportunity in the future to reconsider that particular move. It's not going to apply right away.

The message is that people are living longer. Government finances are limited. There are a lot of individuals who are not retiring at 65 but working on. So I think the retirement age at 67, which was in the legislation through the amendment, was a good one. I was sorry to see that changed.

Several non-refundable tax credits were removed. These included music lessons, sports lessons, sports equipment, and those types of non-refundable tax credits. They cost more to administer and they just complicate the Income Tax Act. I was very pleased to see that they are being removed. You will see that in this bill. That was the right move.

Division 8 of Part 4 of the bill amends the Financial Administration Act. Authority for the government to borrow in financial markets is provided by Part IV of the Financial Administration Act, which authorizes the Minister of Finance, with the approval of the Governor-in-Council, to issue securities and undertake related activities.

Prior to 2007, the Minister of Finance was required to seek approval from Parliament to increase market borrowing. Amendments were made to the Financial Administration Act in 2007 which removed the need for the minister to seek parliamentary approval before increasing market borrowing.

Division 8 in this legislation amends the Financial Administration Act to restore the requirement that the Minister of Finance seek parliamentary approval for government borrowing activities. That issue has been around since we missed this through one of those large omnibus bills. We missed this until it was too late when that authority to borrow without going to Parliament was put in here. I'm very pleased to see that back in.

We now review both government spending and the borrowing to meet that spending. That's one of our major roles. I was very pleased to see that that particular aspect reappear.

In general, honourable senators, Bill C-15 is budget implementation. It's the first budget implementation bill. There will probably be another. It goes along with the appropriations through the supply process that we talked about. We may talk about that again today at third reading. This is legislation dealing with the Income Tax Act, the Customs Act and a number of other pieces of legislation and amendments to that. It's fundamental to the government's existence. It's fundamental to the budget that came out, and it follows the budget.

If this bill were to be defeated in the other place, it could cause an election. We have a tradition of confidence. Dealing with finance bills is clearly a matter of confidence, but we can make as many comments as we want. I congratulate the Finance Committee for doing that. The comments are very helpful and will be passed on to the minister showing our concerns. But they are not amendments, because it would be a matter of confidence in the other place if they accepted our amendments. We know that they will not.

With that in mind, honourable senators, there are a number of points we have commented on and that Finance has commented on and we have debated, and I think that's very healthy. That's part of our role. It would be inappropriate for us to make any amendments to this particular bill, and I would recommend that we adopt the bill as presented to us.

Thank you, honourable senators.

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, as it is almost 3:30, rather than interrupt the next speaker, I suggest we move to Question Period. The minister is outside. It will take a couple of minutes for him to move in and take his seat. Agreed?

**Hon. Senators:** Agreed.

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## QUESTION PERIOD

*Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Lawrence MacAulay, the Minister of Agriculture and Agri-Food appeared before Honourable senators during Question Period.*

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, the Minister of Agriculture is with us today to take part in our proceedings by responding to questions relating to his ministerial responsibilities.

Welcome, Minister MacAulay.

[*Translation*]

## AGRICULTURE AND AGRI-FOOD

### INTERNAL BARRIERS TO TRADE

**Hon. Claude Carignan (Leader of the Opposition):** Welcome, minister. My question has to do with a report that the Standing Senate Committee on Banking and Commerce recently released, entitled *Tear Down These Walls: Dismantling Canada's Internal Trade Barriers*. I'm happy to tell you that this report has received a lot of attention.

Although the report has to do with internal trade in general, it highlights a number of ways in which barriers are hurting Canada's agricultural industry in particular. For example, there are different federal and provincial standards for yogurt, maple syrup, organic foods, and the size of containers for coffee creamers and milk. There are differences between the federal and provincial regulations for meat, which means that meat processed in provincially regulated slaughterhouses cannot be sold outside the province, unlike meat processed in federally regulated slaughterhouses. Similarly, unpasteurized cheese produced in Quebec cannot be sold outside Quebec. These are just a few examples that were highlighted in the report drafted by the Standing Senate Committee on Banking and Commerce.

Minister, can you tell us what measures you have taken or plan to undertake to eliminate the trade barriers that fall under your jurisdiction?

[*English*]

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you for the invitation to come to the Senate. It's always an aspiration of any member of the House of Commons to come to the Senate.

**Senator Carignan:** Put your name on the list.

**Mr. MacAulay:** I guess I'm only here part time. It is indeed an honour. I appreciate your question and concern. It's very important.

Internal trade has been a big issue for many years, ever since I came to Ottawa. You mentioned meat plants as an example.

• (1530)

I have been travelling across the country to many different provinces meeting with different small groups of beef manufacturers or owners of slaughterhouses. In particular, in this sector of the economy, if it is just across the bridge in Quebec, the product is not allowed to be taken into Ontario.

I can understand your concern. If they have the CFIA certification, that is one way that can be rectified. We are working on this full time, and I fully understand that internal trade is a priority for this government and for me.

As you know, Canada is a trading nation, but we also need to be able to trade among ourselves. We are working actively with provincial and territorial counterparts to address the broader issues of internal trade.

Honourable senators, there is no doubt this has been an ongoing issue. Better-regulated internal markets support a competitive and innovative agriculture and agri-food sector, in addition to reducing costs for reduction and increasing productivity. Addressing internal trade barriers complements Canada's efforts in international trade. As I said previously, we are big on international trade and yet we have difficulty with our own internal trade.

I'd appreciate any input honourable senators would have. We want to break down the barriers and ensure that something produced or manufactured across the bridge in Quebec can move across the border. Or if it's in New Brunswick, then it can come across to Prince Edward Island. We want to work on that. It's not a new issue but it's an issue that very much needs to be addressed, and I appreciate your question.

### COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

**Hon. Terry M. Mercer:** Good afternoon, Minister MacAulay. It's great to have you here in the Senate. I'm sorry it's only for a short while. I wish you were here for much longer.

As you know, I am the Deputy Chairman of the Standing Senate Committee on Agriculture and Forestry. Currently we are studying and will soon report on international market access for Canada's agriculture and agri-food sectors. Canada is the world's top exporter of agriculture and agri-food products on a per capita basis, a sector worth billions of dollars to the economy.

There's been a lot of talk lately about the major trade agreements that could affect Canada's ability to export products — the Trans-Pacific Partnership and the Comprehensive Economic Trade Agreement with the European Union. I think you would agree that these agreements have people wondering how they will affect our competitiveness around the world. How confident are you that these deals will indeed allow Canada to increase its market share?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much, Senator Mercer, for the question.

We intend to ratify CETA. This is a landmark agreement that gives us access to markets of 500 million people and a GDP of $20 trillion. The Minister of Trade has been working extremely hard to ensure these deals get ratified.

CETA will be a benefit to Canada's agriculture and agri-food sector as it opens up massive markets for our products. We are also well aware of the need to provide transition support to our

dairy industry, which is why, in early May, the Minister of Trade and I basically travelled across this country to meet with the dairy and other agricultural sectors involved in the CETA deal.

We met with many dairy farmers and processers, and over the next few weeks we will use these very productive discussions to put together an appropriate transition package for the dairy sector and help find a long-term sustainable solution for challenges facing the dairy industry in Canada. We're continuing our open consultations across the country related to the TPP.

I think it's important that honourable senators are well aware that I was a dairy farmer and a seed potato farmer in Prince Edward Island. It's kind of interesting. I sometimes think I'm sitting on the wrong side of the table.

**Senator Plett:** Do you want to come on this side?

**Mr. MacAulay:** Just to correct the statement, I previously sat on the farmers' side of the table instead of the government side of the table, and I had some different views about how the government was treating farmers over the years. Now I am part of the government, and it can be somewhat interesting, but you can agree that having some experience in the agricultural sector gives me an idea, indeed, of what people involved in the agricultural sector are going through. Then again, you have to deal with the government and make sure you come up with the appropriate package. It's very interesting, and I think it's important that you realize where my heart is. Thank you.

[*Translation*]

## INTERNAL BARRIERS TO TRADE— DIAFILTERED MILK

**Hon. Ghislain Maltais:** Welcome, minister. I am the chair of the Standing Senate Committee on Agriculture and Forestry, which travelled across Canada. We heard from more than 200 witnesses, producers, processors, importers and exporters.

The Canada-Europe and the Canada-Asia free trade agreements, along with the Trans-Pacific Partnership, will clearly provide exceptional market access for Canada, and especially for agricultural producers, in the next 5, 10 and 15 years.

You mentioned, in your policy, that a committee will be studying new agricultural technologies. Perhaps you should have your committee consult the former chair of the Standing Senate Committee on Agriculture and Forestry, Senator Mockler, who produced an excellent report on new agricultural technologies last year. It would avoid duplication of effort.

In response to the question from the Leader of the Opposition, Senator Carignan, you raised a point about the interprovincial trade barriers. I listened carefully to your answer. You could ask the Prime Minister of Canada to put interprovincial trade barriers on the agenda of the next meeting of the Council of the Federation in order to study their removal. We are talking about free trade agreements with other countries. Therefore, it is really extraordinary that the provinces cannot trade with one another. That is a major point made by Canadian farmers.

Minister, there is still one major problem that is costing Canadian producers hundreds of millions of dollars and that is diafiltered milk. You know as well as I do that this product is entering Canada illegally. We must move immediately to end this practice. All that is required is the will — yours and that of your government.

[*English*]

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much for the question. I certainly appreciate the honourable senator's intervention. I can assure him if there are any studies or any information that we need, I certainly want it. The chair of the committee or anyone who has information that would help the agriculture and agri-food sector, nobody wants that information more than I do.

I think it's most unfortunate if you have information and then you duplicate the hearings again. There's no need to do that. If the senator could inform me or ensure that I receive the report from the previous chair, I would like to receive it as there's no need to do it twice. Things are often repeated unnecessarily. If you have a report, you have the interventions from the people, I want to read them.

You also mentioned interprovincial trade. I kind of responded to that previously, and I certainly hope that we can improve that situation because it is a very difficult situation in many of the agricultural sectors.

With regard to diafiltered milk — I am aware of the diafiltered milk situation — I am quite concerned about that issue and I can assure you the government is quite concerned about that issue as well. It's an issue that's been ongoing for six or seven years and not getting any better.

• (1540)

That's why we had consultations right across the country, from dairy farmers and processors. I hope and feel that we will be able to put a policy together that will give the dairy industry a long-term, sustainable, viable industry down the road. It's important that this happens. I thank you, Your Honour.

## CHINA—CANOLA REGULATIONS

**Hon. Victor Oh:** Minister, thank you for being here today. Canola is Canada's biggest agricultural export to China, worth about $2 billion annually. It was therefore not a surprise that there was considerable concern earlier this year when China informed the Canadian Food Inspection Agency that it will be changing its regulations regarding canola dockage, which is foreign material amongst the grain that must be removed before grading is assigned.

This regulation change was due to Chinese concerns over blackleg, a disease in canola crops which the Chinese fear could be transferred to their crops through canola imports.

As Co-Chair of the Canada-China Legislative Association, I know that during our annual visit to China this March, concerns were raised about this change. The Chinese side announced that the implementation of the new threshold would be postponed from April 1 until September 1, 2016. There is now a little over two months to settle this matter.

Minister, what will be the potential impact of this new regulation on the Canada-China trade in canola? On your trip to China earlier this month, was any progress made in arriving at a lasting science-based solution to this problem? How close are we to a resolution on this matter?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much. I want to thank my good friend Senator Oh for the question. It's an important question.

First of all, I want to say that Senator Oh is a major asset to any file that deals with China. I had the great privilege of travelling to China with this great Canadian senator, and I saw him in action when he wasn't in behind somewhere working out a deal. It was interesting.

I can assure you that our officials are working with the Chinese officials to make sure that we come up with an appropriate deal in September.

Canola is so important. It's important to note that it's a genetically modified product, produced in Canada by Agriculture and Agri-Food Canada scientists, which is a great credit to this nation. We sell $2 billion to that great nation of China. We have some difficulties with regulations, yes, but I can tell you, honourable senators, my honourable colleague Senator Oh can be a great help. Also, when I was in China, I met the ministry responsible for the AQSIQ, which is the equivalent of CFIA in this country. I had the privilege of doing that, and we had a great meeting. And I also met with the Minister Han. We had a great meeting with Minister Han, and he certainly indicated how important this trade is to China. More than that, I believe we established a rapport. I think it's so important if you can bring the phone and talk to the minister responsible in the countries you're trying to deal with. It's so important. I would hope that I have established that rapport with Minister Han.

Ambassador Luo, the ambassador to Canada from China, is an endless support to the Canada-China trade. He truly is. When we have difficulties, if I call the ambassador, if he's in Vancouver or anywhere else, he will always talk to me, and I understand he's got links right in to Beijing, and it has been helpful.

You're fully aware of some of the difficulties that we had, and I can tell you, with my officials and with the ambassador, we were able to rectify things that would have cost the farmers a lot more money.

So it's great thanks to the ambassador and also great thanks to you, senator, for the help that you have given, and I hope you give more. I need it.

[ Senator Oh ]

[*Translation*]

CANADIAN FOOD INSPECTION AGENCY

**Hon. Claudette Tardif:** Minister, on a recent fact-finding mission in Alberta, the Standing Senate Committee on Agriculture and Forestry heard from witnesses who raised concerns regarding the loss of expertise and the lack of resources at the Canadian Food Inspection Agency. They believe that this lack of resources is causing delays and additional costs in Canada's meat and other food sectors.

The problems related to the importation of diafiltered milk — which my colleague Senator Maltais mentioned — and spent fowl are sometimes attributed to the Canadian Food Inspection Agency's lack of resources.

Minister, how do you plan to resolve these problems?

[*English*]

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** I appreciate the senator's question, and it's absolutely true that the agencies have to be funded properly. In the last budget, we were able to allocate $38.5 million to help bring in more inspectors.

It's so important to have the proper inspectors, both at home and around the world. We have safe, high-grade products, and we need to make sure our markets are cared for around the world.

We have 35 trade officials and embassies around the world in Agriculture Canada, which is vitally important, not only in this country but around the world. It's so important to make sure that we can sell the products in this country and that we can sell the products around the world, just like, as Senator Oh has mentioned, canola, which was a great scientific accomplishment here in this country. When you look at what's taking place in the world and become a minister of Agriculture and Agri-Food and are briefed on what's taking place in the middle class, particularly in the Asian community, we have an immense job ahead of us, and it will be very profitable to the agricultural sector if we're able to fulfill what's required. Somebody will, and the only thing I hope is that we can. And, senator, with your help and other senators and anybody else that can help to make sure that we have the proper rapport with the countries around the world, which I think is working reasonably well, and that we have the proper funding in CFIA, then I think that the opportunities are big for our Canadian farmers.

I did address the diafiltered milk. Quite simply, I dream diafiltered milk, if you want to know the truth. It's an issue that we're dealing with, gathering information, and, as I indicated, we met the processing sector and the dairy farmers.

There are a number of suggestions as to how we should try to rectify this situation, but we will come up with a long-term, sustainable solution so that in the end we'll have an even stronger and more sustainable dairy industry in this country.

TEMPORARY FOREIGN WORKERS

**Hon. Don Meredith:** Minister, welcome to the Senate. I had the opportunity to visit your beautiful province, and hopefully one day we can take in a round of golf up in Elmira.

Minister, agriculture is a vital part of Canada's economy, accounting for nearly 9 per cent of GDP and providing for nearly 3 million jobs nation-wide. But the jobs that our agricultural sector provides are also vital to the economies of many developing countries, including the Caribbean and Mexico.

Minister, most recently you heard of the challenges facing some of our farmers and also the temporary foreign workers that come to work on these farms.

• (1550)

My question to you today, minister, is: What are you doing with respect to your department in ensuring that these temporary foreign workers are protected and are given fair treatment as they come here to work on our farms and provide for our Canadian economy and also to ensure that they're providing for their families back home?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much. I appreciate the honourable senator's question. I guess you could say we pretty near went tuna fishing. We didn't quite, but it's a very interesting sport and industry in Prince Edward Island.

It's so important with Third World countries, when you look at Mexico in particular — I did manage to establish a good rapport with the Secretary of Agriculture in Mexico. In fact, I just talked to him, I believe it was yesterday, and we talked back and forth. That itself is a good market agriculturally, but you also mentioned temporary foreign workers.

Anybody who has a temporary foreign worker has to follow the law, and if they do not, they should be dealt with accordingly by the law. There's no question. That's the way it should be, and if they're not, they have to be dealt with.

If I might expand, I come from Prince Edward Island where we have a fish processing industry and an agricultural sector, and we understand fully how important the Temporary Foreign Worker Program is for the industries in our province. Being Minister of Agriculture, I understand the importance of what has taken place in part of Western Canada where in fact there are not enough temporary foreign workers in order to process meat in some meat plants and these places.

So I can tell you, senator, that I'm working as hard as I can with the minister responsible to make sure that we have the temporary foreign workers we need. It would be unfortunate if we had the product and the facilities but do not have the workers and the workers are available. That's hard to swallow.

I think we will take care of that. There have been some problems with the Temporary Foreign Worker Program, but eventually those problems will be rectified and it will do nothing but enhance the agricultural sector across the country.

[*Translation*]

FOOD FRAUD

**Hon. Jean-Guy Dagenais:** Thank you, Mr. Minister. I was beginning to worry that there wouldn't be any questions left for me to ask you, since all of the questions have been so good.

There are always a few dishonest producers in every sector who try to take advantage of the situation. That is true in the food industry. All the international agreements that Canada has signed expose Canadians to an increased risk of contamination. Can the minister tell us how many cases of food fraud linked to other countries are currently being investigated? What measures does the government plan to take to deal with these new countries that want to do business with Canada?

[*English*]

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much. I certainly do not know the number. I appreciate the honourable senator's question, but I do not have the answer. If there is an answer to that question — and there likely is — I'll make sure you receive it.

Any food that enters this country is regulated. Any food that is authorized to be consumed in this country is approved by the CFIA, and that's simply how it works with any food that comes in from any other country. We have to make sure it's safe for human consumption. That's basically how it is.

FOREIGN OWNERSHIP OF AGRICULTURAL ENTERPRISES

**Hon. Joseph A. Day:** Minister MacAulay, thank you for being here today. It's good to see you.

On June 17, *The Globe and Mail* reported that a state-owned Saudi Arabian agricultural company had taken control of grain handler G3 Canada Limited, which significantly reduced the Canadian stake in this particular area and strengthened the Kingdom of Saudi Arabia's efforts to secure food supplies.

Canada is one of the world's greatest wheat exporters, and this all happened just a year after the previous government disbanded the Canadian Wheat Board.

I wonder if the minister could tell us what it means for Canada and its food security if major agriculture companies are controlled by foreign companies and countries. Is it something that's of concern to the government? If so, what measures can we take to protect Canadian companies?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** I thank my honourable colleague. I certainly appreciate his question. Of course, it's always a concern as to what takes place in G3 and when the Wheat Board was disbanded, but we know that it's in private hands, and that's exactly how it is at the moment.

They are subject to Canadian law, like any other company that operates in this country. They have to abide by Canadian law. They're under all the regulations and jurisdictions that are in place in this country, and if there's any problem, they're dealt with like any other country. They must obey the law.

ASSISTANCE FOR FARM OWNERSHIP

**Hon. Pierrette Ringuette:** Thank you, minister. It's very nice to have you here. The question from my colleague, Senator Day, provided a segue into my concern.

Farms in Atlantic Canada — and I would suppose across the country — are very big assets. The start-up costs for a young farmer are almost unbearable, and for Canada to have a transition and make sure we have the farmers for our national demand enables them to partake in the export and trade agreements that government can supply for them.

Does your department or the Government of Canada have any program, initiative or strategic plan to make sure that we have a transition plan for farmers in Canada so that foreign ownership does not become part of our national policy?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food** Thank you. I appreciate my honourable colleague's friendship and her question.

I don't know of any program in our department that can help people buy farms without borrowing the money, but there have been measures made in order to make sure that the tax is lowered when it's within family and to make sure that when farmers sell the property, it leaves more money in the farmer's pocket. That is somewhat important, if you're talking about family farms.

But in general, I don't know of any program that will help a farmer buy the farm, only under Farm Credit Canada and places like that, but you have to pay interest.

There's really no way I can say that you can get a farm for less money than what's on the market. The farmer that farms the property, that's his retirement and his investment. I know where you're coming from, but I do not have a program in place that would help somebody buy a farm for less money than the going market rate.

HOG INDUSTRY REGULATIONS

**Hon. Donald Neil Plett:** Thank you. Minister, welcome. If you do all of a sudden want to come and sit on this side of the chamber, we might be able to open up a seat for you.

Minister, thank you for being here. I have a question related to the hog industry. In my province of Manitoba, of course, we ship many hogs across the line into the United States, and many of these trucks actually come from Saskatchewan and as far away as Alberta. They come through Manitoba and cross the border in Manitoba into the United States.

Minister, when they load up their hogs in Manitoba, in Canada, they put Canadian straw in, they put Canadian hogs in, they put Canadian water in there for the hogs and Canadian feed. They drive across the border. The only thing that touches American soil, minister, is the wheels. When they get to the other end, the manure in there is Canadian manure.

• (1600)

They come back to the border. I know this is a bit of a "shitty" subject.

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

**Senator Plett:** Nevertheless, they come back to the border, and they are not allowed across unless they have washed their truck in the United States. Nothing has touched American soil except for the wheels.

Most truck washes in the United States, not all, use recycled water. That means that the trucks before them have used this water and it's circled around; and whatever germs there are, they now blow all over the inside of that truck. They are starting to go hundreds of miles out of their way to get their trucks washed because they can't take the risk of bringing this disease across.

A couple of years ago I was involved very instrumentally with a program that would allow us, when they came to the border — I have a question.

**The Hon. the Speaker:** Senator Plett, there is a long list of senators who still wish to ask questions. If you have a question, would you please get to it?

**Senator Plett:** In order for the minister to understand, we have been sealing the trucks at the border so that they go across to a truck wash in Manitoba, the first available truck wash, and wash it. That is being taken away, minister.

What is your department prepared to do to ensure that we are not bringing diseases into Canada from the United States because they are not allowing a very simple solution to quite a difficult problem?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much. I know Senator Plett quite well. I don't want to be too hard on him in here.

**An Hon. Senator:** Oh, go ahead.

**Mr. MacAulay:** I am certainly aware of this situation. I think the senator is also fully aware that it is a virus, porcine epidemic diarrhea, in the United States. We are committed to helping them ensure the protection of animal health in Canada.

Emergency measures were put in place at the border in 2014. My honourable colleague, the senator, will be aware that under the former government and ministry, this was extended for a short period. I also extended it for a short period, with an understanding that the situation could be rectified.

I am sure the senator would understand that when the virus is in the U.S. and the Canadian Food Inspection Agency indicates, through regulations and science-based information, that this

truck should be washed on the U.S. side — and I am fully aware that you don't agree with the answer, but this is the answer — if I were to overrule — if I could, and would — and something were to happen, you get an idea of what might occur. We have these people in place in order to make sure the proper regulations are set up.

We're trying to sell; we're trying to convince the world to use science-based regulations, and we want to be sure that we use science-based regulations. That's the situation I'm in.

I thank you, senator.

POULTRY REGULATIONS

**Hon. Percy Mockler:** New Brunswick is the next-door neighbour, minister, to Prince Edward Island.

Spent fowl are old laying hens. Spent fowl are not subject to import controls. Significant imports of chickens are mislabelled as spent fowl and entering Canada illegally.

We are losing approximately 4,500 new jobs that could be created in Canada, and we're also losing $140 million of sales every single year.

Will the government implement the DNA test that was developed by Trent University to distinguish between chicken and spent fowl vis-à-vis the illegal importation of chicken into Canada?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** I appreciate my neighbour and senator friend's question. I understand that the Senate undertook a study on market access, and I look forward to reading the report.

I can indicate to the Senate that government departments are working in collaboration to address this problem. I think you're fully aware that this is not a new problem; it's been going on for many years. The government recognizes the importance of import controls concerning the supply management sector, and that is why we have ongoing consultation with the industry and stakeholders to address their concerns.

We will address the situation once we get all the information. This is something that I inherited as a minister, along with a few other things. We are evaluating the situation, and I fully understand how important it is to the Canadian agricultural sector and to the bottom line here in Canada.

I appreciate your question. Thank you.

FOOD SECURITY

**Hon. Pana Merchant:** Welcome, minister. Going forward, how do we attain global food security for a growing world and do it sustainably in terms of our environment? We want healthy food, and we want food that is produced economically.

My question relates to the misunderstanding, perhaps, of the GMO terminology. People have a lot of mixed-up notions about GMOs, and so they say they don't want it. That, in turn, puts pressure on politicians, which can lead to bad policy.

Minister, because you come from the Atlantic provinces and have had experience in dealing with seal products over time and with how the government supported their position through marketing, I wonder whether Canada and other producing nations have any plans for budgets in the future to address GMO fears, particularly in Europe.

Additionally, supporters of genetic modification say that a cutback in production to address mostly European fears diverts land to lower yields, and those lower yields will result in starvation in Africa and Asia. The organic side claims that with GM, like the ubiquitous Roundup Ready corn, soybeans and all grains, land productivity declines within even a short period of time.

Minister, are there studies that could go to those of us on the Agriculture Committee, and others, which support the claim that feeding a starving world is the big societal benefit of genetic modification, or is there a truth to the organic claim that productivity slowly declines?

**Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food:** Thank you very much, senator. I appreciate your question. The government is committed to keeping food, feed and the environment in Canada safe, while supporting innovation and sustainable agriculture, which you addressed in your question.

There is absolutely no question with regard to genetic modification; our government is committed to science-based decision making, and we will continue to be.

There is a clear and strict process for evaluating the safety of genetically modified products. The topic of genetically modified animals is an important issue facing the country, and we've all heard about that. I've asked the Agriculture Committee to explore the issues around genetically modified animals, including what steps should be taken with these products.

In relation to Senator Oh's question, I'm sure most senators understand that when you look at canola and corn, it's all genetically modified.

If you look at what's taking place worldwide, particularly in Third World countries vis-à-vis the demand for food, somebody is going to provide that food, and I'd like it to be the Canadian farmer. We have scientists that can develop products like canola and different types of corn, and I want to ensure that these scientists have enough money to be able to create the product that will help us feed the world.

There is an enormous amount of knowledge and information right here in this chamber, and I would like to hear it, no matter what the issue is. On any of these issues, it's important that we work together. All I want to see is more money going into the farmers' pockets. If we can do that, we will have a more sustainable industry.

• (1610)

I know the agriculture sector is doing reasonably well at the moment in this country, but, without a doubt, we're not the only country in the world. We're one of the many countries in the world that are looking to be on the cutting edge of producing this food for the Asian community in particular.

As Senator Oh said, in China the middle class is growing by our population every year. The fact is that that market is wide open for us. We certainly do not want to create regulations that would ensure some other country develops the different products and supplies them to markets around the world. No, I want to make sure Canadian farmers do that. With help from people like you, we can do that. Any help you have, we need and we want. Thank you.

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired. I am sure honourable senators will join me in thanking Minister MacAulay for being with us today.

Thank you, Minister MacAulay.

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

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[*Translation*]

# ORDERS OF THE DAY

## BUDGET IMPLEMENTATION BILL, 2016, NO. 1

THIRD READING—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the third reading of Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures.

**Hon. Michel Rivard:** Honourable senators, I rise today to draw your attention to one of the commitments made in the last budget, which we will be confirming, amending or rejecting in a few minutes. My intervention specifically addresses the cancellation of a measure that had been adopted by the previous government. It was a much-needed measure concerning the retirement age, which would have gradually increased from 65 to 67.

At the end of this intervention, one question will remain, a question that will warrant further exploration, not for political expediency, but rather to ensure that Canada is able to take an innovative, responsible and reasonable approach regarding the current and future retirement needs of Canadians.

What, then, is retirement? It is a relatively recent concept in human history, and one that varies a great deal from one country to the next. Historically, people did not retire; they simply worked as long as they could, before handing the reins over to the next generation. In any case, over the past century, industrialization, urbanization, the population explosion and increased life expectancies have all contributed to the creation of the notion of retirement, that is, an endless vacation after a lifetime of working, with the promise of a soft landing after a busy, life-long career.

In the past, our societies were primarily rural and people worked every day. They became, for the most part, highly industrialized, urbanized and even, if I may use the term, technologized. Societies adopted the concept of retirement, the fact of having people withdraw from working lives, the labour market, and letting them spend the last years of their lives focussing on leisure activities and their health.

At one time, retirement meant that you were no longer able to continue working because of aging, illness or loss of capability. Retirement became a societal concept, making it possible to make room for the new generations entering the labour market, which was beneficial with the arrival of the baby boomers.

Nowadays, the age of retirement is between 60 and 65, depending on the country. In a number of countries there is now a tendency to increase this threshold in order to stay in line with the increase in life expectancy and reduce its impact. The models are different, but they are all based on the principle of a contributing beneficiary making a minimum number of years of contributions, which makes it possible to fund the program. Retirement is the moment when, for most people, their status changes from contributor to the social benefit to recipient of the social benefit and they use their savings, in all their forms, which were often hard-earned.

This phenomenon led North America to impose retirement at 65 years of age, but also to flirt with retirement at 60. It even led financial firms to orchestrate retirement at 55, hence "Freedom 55," as though working was a hardship to leave behind as quickly as possible, a stigma, a ball and chain.

I am worried — yes, worried — because things aren't what they were 40 years ago, when the huge baby boomer cohort entered the workforce. As it ages, that generation is leaving an indelible mark on every structure along the way: medical and educational institutions, the labour market, and now, and for the next 30 years, retirement.

We know how much investment was needed for all that, and how many deficits were run year after year that future generations will have to pay for. At the same time, the baby boomer generation was quite large in numbers and that demographic growth could have engendered significant benefits. However, the declining birth rate of later generations put a stop to growth. Today we are dealing with an inverse population pyramid with fewer contributors than beneficiaries. The mass retirement of the baby boomer generation and Generation X is inevitably going to cause problems.

The other reason I am worried is that life expectancy keeps going up. Since 1970, it has increased by 10 years, which implies that people will be retired for longer. I am worried because a longer life expectancy is not necessarily synonymous with better

health. It means more health care for more years and extra strain on a health care system that is already under pressure and has not yet made a massive shift to gerontology.

I am worried because we currently cannot meet demand, and do not have the necessary staff for this clientele in terms of accommodation and care.

I am worried because the average age of entry into the labour market continues to rise. A growing number of students take post-secondary, professional, or university training and will have fewer years to contribute. I am worried because financial returns have been anemic over the past few decades, with the ups and downs of market performance and the rates set by the financial institutions. I believe that investors have not enjoyed the historic returns that would have ensured growth in their investments. In fact, these returns barely cover growth in the consumer price index, which is not an indication of becoming richer, but an indication of becoming poorer.

I am worried because analysts say that the vast majority of the second wave of baby boomers and generation X-ers have not saved enough money to maintain a standard of living in retirement similar to what they enjoyed while working.

I am worried because more and more couples are separating and having to cope with a less secure financial reality.

I certainly don't want to paint a bleak picture of the future, but I'm really worried. I'm not convinced that the decision to lower the retirement age from 67 back to 65 in the latest budget was based on careful study or took into account the impact of all the factors I just listed and others besides.

It's an impressive assortment of facts that demands diligence. We need to set aside political expediency in this chamber. This is about the well-being of Canadians, not only these future retirees, but also the generations that will follow, who could wind up being left with an extremely heavy burden.

• (1620)

Canada's tax room is already very limited, so we must be careful not to reduce taxpayers' purchasing power, which has already been greatly affected. In addition, we are also not immune to things like economic turmoil, war and natural disasters, which would become serious aggravating factors. I don't think that risk management was factored into the equation.

Were the factors that should have guided the decision analyzed? Did anyone look at 10-, 15- or 20-year projections, the years of contributions needed in order to enjoy a comfortable retirement, especially considering our increased life expectancy? Can we really afford to drop the retirement age from 67 back down to 65? Shouldn't we be raising it even further to 70?

Everyone seems to agree that in order to retire, certain conditions need to be met. Experts agree that we need to plan on having 70 per cent of the gross income we had while still in the workforce, for the duration of our estimated life expectancy. To that end, we need to have contributed to or saved enough money in our employer's pension fund, government programs or other private investments or assets for the number of years we think we will need to draw on it. Otherwise, we must have other activities that generate supplementary income that we can rely on.

The logical course was to gradually change the age of retirement from 65 to 67, or higher, if necessary. This approach took into account a number of factors, including keeping skilled employees on the job market during times of full employment and even during a labour shortage.

At the beginning of my speech I raised a question that each of us should consider in good conscience. Does Canada have the means to deal with Canadians' growing needs, not only with respect to pensions for retirees, but also with respect to all of the specialized health care and housing services required, without demanding more from a generation that has already significantly contributed to the collective well-being, and without hobbling future generations with programs that will increase debt? I will leave this question with you, but I already have a definite opinion on that.

The government's recent announcement to reverse the courageous decision to raise the age of retirement from 65 to 67 has left me speechless. The lack of analysis and discipline behind this announcement suggests that the future is bleak for a generation already significantly affected and hard pressed by high taxes. Yes, the first wave of baby boomers made out well, but the same will not be true for the generation that follows.

Our country must show courage and show respect for taxpayers. We must take action now to implement fair and reasonable measures that will respect the work this generation has accomplished without racking up debt for future generations. We must re-evaluate this decision by conducting more in-depth research and impact scenarios on public finances.

In closing, I would like to propose some solutions. I will leave it up to the political decision-makers to debate their merits.

I propose that we help Canadians change the mental image they have of a traditional retirement, help them adapt to Canada's current and future challenges. People will no longer retire. They will work at their own pace, as long as their health allows it and they have enough money to stop working. Many first-wave baby boomers who retire return to the labour market either to relieve their boredom or to bring in some additional income to help make ends meet.

I propose that we improve and adjust the existing retirement programs to make them more consistent with the existing reality and future challenges so that payments can be spread out over a longer period.

I propose that we review the regulations surrounding the use of pension funds and retirement savings programs to support raising the retirement age.

I propose that we increase the active population's contributions to the public pension plans.

I propose that we increase the number of years people must contribute before they can receive pension benefits.

I propose that, at the same time, we work to remedy the demographic problem by implementing policies to encourage immigration and increase the birth rate.

I also propose that we protect the most vulnerable members of our society by implementing various tax measures that will ensure that they have enough income during the transition from age 65 to 67. Why penalize an entire society when it would be so easy to address these inequities?

**The Hon. the Speaker** *pro tempore*: I regret to inform the senator that his time is up. Is it your pleasure, honourable senators, to grant Senator Rivard two more minutes?

**Hon. Senators:** Agreed.

**Senator Rivard:** These are just some ideas to look into. There are certainly others. However, I think it is necessary to initiate debate on an issue that affects everyone and that should never be a purely political decision.

Madam Speaker, I will skip the last page of my speech because I would like to add something. For five years, I had the pleasure of being a member of the Standing Senate Committee on National Finance. I can tell you that the successive chairs of that committee, Senators Day and Smith, asked the representatives of government agencies and other deputy ministers some good questions in order to clarify certain decisions.

I invite my colleagues to read a press release that was issued by the committee at one o'clock this afternoon. It sums up everything I said in my speech.

Thank you for your attention.

**Hon. Claude Carignan (Leader of the Opposition):** Would Senator Rivard agree to take a question?

**Senator Rivard:** Yes.

**Senator Carignan:** I would like to use the occasion of your last speech in this chamber to thank you for your remarkable and dedicated work on the Senate committees, particularly the Finance Committee, and for the exceptional contribution you made in this chamber. You asked that no tributes be paid to you, which is a testament to your very humble nature and personality. I would nevertheless like to take this moment to thank you for your work in the Senate of Canada.

We will miss you, Senator Rivard. My question is this: Will you also miss us?

**Senator Rivard:** How much time do I have to answer that question? There is no doubt that I am leaving with a heavy heart. The past eight years have been good years. Because I am healthy, I can return to the business world. I am too young to stop working. Passage of the Senate reform legislation would have allowed me to stay for a term of 10 years, which I think would have been preferable to the status quo, which obliges us to leave a job that we love at age 75. However, such is life. I thank you for your collaboration.

I have just one regret that I would like to share with our unilingual senators, both anglophone and francophone. I wish my English were better so that I could speak to all senators in their language without always having to rely on simultaneous translation.

• (1630)

I know that a number of anglophone senators are taking French classes. I won't name them, but I see several of them here. When I arrived, they spoke not a word of French, but now they can express themselves in French. Senator Mitchell, for example, spoke virtually no French seven years ago. Now he gives speeches in French.

I myself could have taken more English classes when they were being offered. I was a little lazy; I relied on simultaneous interpretation, and that's my only regret.

I want you all to know that you will always have a place in my heart.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator Rivard take one more question?

**Senator Rivard:** Yes.

**Senator Fraser:** I can assure you that those of us on this side of the chamber echo Senator Carignan's sentiments. You have been a true gentleman and a good friend. We have all been very happy to work with you. I hope you will think of us from time to time.

**Senator Rivard:** I promise I will.

**Hon. Ghislain Maltais:** I know that we will all be on vacation in a few days and will not see each other again until September. Others, such as Senator Rivard, will be taking an extended vacation.

Michel, I hope you won't mind if I call you by your first name given that we go way back as friends. We have worked in politics together for nearly 15 years.

Senator Rivard is a very dedicated politician. He was the mayor of Beauport, my adopted home, president of the Communauté urbaine de Québec, a member of the National Assembly, and a senator in Ottawa. That is quite an unusual political trajectory. He has put in his time.

I will remember Michel's friendship and his integrity. In my life, I have never met anyone who has demonstrated such integrity in his actions, thoughts and work. Michel never took anything lightly. You need only think of the speeches he gave in this place. They were well considered, structured and well organized.

Michel, I know you will not be retiring for a few years. Michel Rivard cannot sit still. He is returning to the business world, to a company he founded 40 years or so ago.

The only thing I can wish you, Michel, on behalf of all my colleagues, is that you keep your zest for life, your fighting

instinct and, above all, my friendship and our fondness for the Senate.

Michel, I wish you good luck and a long life. I look forward to seeing you again.

[*English*]

**Hon. Percy E. Downe:** Thank you, Your Honour. I want to talk about the issue before us and indicate that there are many things in the budget that I support, but I'm particularly pleased that Senator Harder highlighted this in his comments, but I want to expand on it.

The government has decided to put an additional $444.4 million in the Canada Revenue Agency to assist with overseas tax evasion, an issue that I've been working on for many years, as many of you know as you have had to listen to my long speeches. I am pleased that the government has appointed a five-person expert panel to advise the department, because in my opinion the department needs a lot of advice.

Additionally the government is hiring thousands of new employees. Normally when you hear that the government is hiring thousands of new employees, you think of the cost; but in the case of the Canada Revenue Agency, every auditor hired returns 7 to 10 times their salaries and benefits in additional revenue they collect that is owing to the Government of Canada and the citizens of Canada.

The government has also set a target, with their $444.4 million in additional funding and with their additional employees, that they will recover $2.6 billion in overseas tax evasion over the next five years. That's a significant number, but I believe the department will have no trouble obtaining that amount and will likely obtain much more.

The reason I say that is because in 2005 the government put a one-time injection of $30 million into an aggressive international tax unit at CRA, and that had, over seven years, a fiscal impact of $4 billion. Significant funds.

I originally became interested in this issue when I read in the newspaper in 2006 that an employee of one bank in Liechtenstein stole the information of everyone who had accounts in that one bank, and that information was eventually purchased by the Government of Germany, and they shared that information with governments around the world.

In March 2007, the Government of Canada received information on the 106 Canadians who happened to have accounts in that one bank. As we all know, it is not illegal to have accounts overseas; it is illegal not to declare the proceeds from those accounts.

What the Government of Canada discovered was that those 106 Canadians had over $100 million invested in that one bank. The sad news for those of us who follow the CRA is that eventually, in April 2012, the Canada Revenue Agency identified that $16.5 million was owing to Canadians in taxes and interest on that $100 million.

A year later, another employee stole information from the bank he worked in in Switzerland, and that one bank had 1,785 Canadians with accounts.

That gives you an indication of the degree of the problem the CRA was fighting, and they were falling dramatically behind because they lacked the resources. They were losing employees to accounting firms and law firms who were paying a lot more money. The government could not retain employees who had been with the department for many years. They were at their peak value to the government, and for the same reason, the private firms wanted to hire them.

The experience in Canada was very different than other countries around the world. Australia, getting the exact same information in 2006 that Canada received in Liechtenstein, immediately swung into action, formed cross-department committees, identified targets. They hoped to recover $603 million; they eventually recovered $985 million. They charged a host of people; people were fined and people were sent to jail.

What the Australians found was the more publicity, the more criminal charges, the more convictions, the less interested people were in overseas tax evasion. When they saw their neighbours convicted, names and pictures in the paper, their enthusiasm for saving money declined rapidly.

The Australians not only recovered a large amount of money owing, they prevented a lot of money from leaving the country. And compare that to Liechtenstein, which we spoke about earlier, those 106 Canadians, which the government determined years later owed $16.5 million, not one of them was charged or convicted. It is this double standard between overseas tax evasion and domestic tax evasion that goes to the heart of the problems of the Canada Revenue Agency.

If you're trying to avoid taxes in Canada, and you live here domestically, your chances of being caught, charged and convicted are extremely high. And anyone can go on the Revenue Agency website and see Canadians who have been convicted and charged. What you will not find on the website is one conviction for overseas tax evasion. I would argue that is because of a lack of funding. That's why I'm pleased that the government is putting so much money in this budget to fight overseas tax evasion.

• (1640)

They also made a commitment to study the tax gap, the difference between what is owed to Canadians and what we actually collect. A host of countries around the world — the United States, the United Kingdom and Turkey — estimate the tax gap. Even the state of California estimates their tax gap.

The Government of Canada has refused to do it. The Canada Revenue Agency has been uncooperative, to put it mildly. I requested the Parliamentary Budget Officer four years ago to estimate the tax gap. He was in touch with the revenue agency and they refused to cooperate. They won't provide the data. I want to emphasize that we're not talking about personal information. We are talking about raw data which could be used to estimate the tax gap.

The department refused constantly to support the PBO. Under the new government they are now attempting a tax gap analysis on the GST, which I understand they're going to release in the next couple of days.

They are still shying away from a tax gap on the international overseas portion, but we'll give them time. The minister made all these announcements on April 11. A year from those announcements, I will be asking the government for an update on what they actually have done compared to what they've promised.

This is a tremendous beginning. For that reason, and many other things in the budget, I'll be voting for it.

Thank you very much, colleagues.

**Hon. A. Raynell Andreychuk:** Would the honourable senator accept a question?

**Senator Downe:** Yes.

**Senator Andreychuk:** You have followed this issue very closely for a long time. One of the rebuttals of the CRA has been that going to court is very expensive and time-consuming. They have stated that they have negotiated settlements. What is your opinion of the negotiated settlements with some of the overseas accounts? We're not sure what kinds of accounts those are, whether they are appropriately there or inappropriately there.

What do you think about settlements as opposed to reclaiming everything through the courts?

**Senator Downe:** Absolutely, if the settlement can be actually achieved. As I indicated, in Liechtenstein, they identified $16.5 million. They had trouble collecting that because to open an account in Liechtenstein, for example, you need a minimum of half a million dollars. In those accounts, the largest amount was $1.2 million.

The people doing this have resources. When CRA goes after people on domestic tax evasion, most people don't have the resources to retain lawyers or accountants to fight the CRA. Most people who have the money overseas have the resources to do that. The problem has been not that the CRA doesn't want to go to court or settle; it is that they don't have the resources, staff, money or the time. That creates the double standard. The two standards are domestic and international. Those with the resources get away without paying. The prime example of that is Liechtenstein where the government identified the money owing and nobody was charged or convicted. They got away with it.

(On motion of Senator Martin, debate adjourned.)

## APPROPRIATION BILL NO. 2, 2016-17

### THIRD READING

**Hon. Peter Harder (Government Representative in the Senate)** moved third reading of Bill C-19, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017.

He said: Honourable senators, I rise again briefly to make comments on Bill C-19, an appropriations act which authorizes the government to withdraw funds set out in the Main Estimates.

I would like to thank Senator Smith and Senator Day as well as other senators who provided very helpful comments on this subject yesterday. I certainly appreciate your expertise on the supply process and your attention on this matter.

In addition, I want to restate my gratitude for the thorough analysis provided by the Standing Senate Committee on National Finance through the reports adopted by the chamber last week.

As I said yesterday, the estimates are part of a larger budgetary framework and will ensure the requisite resources are available to support programs and services provided by the government through formal parliamentary approval. As honourable senators are well aware, this and other supply bills are essential to the day-to-day operations of the government and will ensure that vital programs and services can be sustained.

I thank you and urge your support.

**The Hon. the Speaker** *pro tempore*: Senator Day, on debate.

**Hon. Joseph A. Day:** Honourable senators, we've already discussed this particular bill as part of our supply cycle. I want to bring to your attention the schedule that's attached to a standard form document which appears at the front. The front end of this particular document outlines the amount that is being appropriated for purposes of the government, which amounts to $63 billion. The schedules attached to it will tell you which departments and agencies will be receiving the amount that they had requested and had been approved in the estimates.

It's important for honourable senators to be aware that there are two schedules. Schedule 2 outlines a fairly small amount comparatively, $4 billion of that $63 billion. That $4 billion will go to certain agencies for two years of appropriation. They have two years to spend the money. The majority of the rest get one year. If they don't spend it in the fiscal year, it lapses. There are rules which deal with saving those funds for next year if you don't spend on capital or operating costs.

The agencies are: Canada Border Services Agency, Canada Revenue Agency and Canada Parks Agency. If you think about those various agencies, a lot of their projects might go over a one-year period. It makes sense to move them into a two-year appropriation.

All the others are outlined here. Fuller explanation is in the report that we adopted earlier. This, honourable senators, is appropriations, supply, $63 billion. It's not the kind of item that this chamber would be moving amendments to. We've had a chance to look at it, we know what's going on, and we'll be able to watch the expenditures throughout the year.

I commend it for your support.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

## APPROPRIATION BILL NO. 3, 2016-17

THIRD READING

**Hon. Peter Harder (Government Representative in the Senate)** moved third reading of Bill C-20, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017.

He said: Honourable senators, it will come as no surprise that I will keep my remarks on Bill C-20 even briefer than on Bill C-19 as I spoke to this earlier this week.

Let me simply again thank honourable senators who shared their expertise on the estimates and supply bills with us yesterday and the past week, and again National Finance for their diligent work on this subject.

I would emphasize that important investments will stem from these estimates. In particular I reference public transit and affordable housing infrastructure, management and remediation of federally contaminated sites, as well as the resettlement of additional government-assisted Syrian refugees, just to name a few.

As I said yesterday, passing this bill, in addition to Bill C-19, is crucial to ensuring that government programs and departmental initiatives can be implemented and operated on a prudent basis going forward.

I commend the bill to you.

• (1650)

**Hon. Joseph A. Day:** I thank Senator Harder for giving that outline.

Honourable senators, this is the second supply bill you are asked to look at. It starts with estimates that come down sometime after the fiscal year begins — because this is Supplementary Estimates (A) — reflective of, in large part, what was in the budget but wasn't ready when the Main Estimates came out.

We look at the Supplementary Estimates (A), produce a report that is then presented here and tabled and opened for discuss and adopted, and that has all taken place. This is the bill that follows that work.

This bill asks for Supplementary Estimates (A). In addition to the $63 billion in main supply, the additional amount is $7.01 billion. Again, it's in two different schedules. It's supply; it's one of the fundamental documents flowing from the budget for the government.

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

**Some Hon. Senators:** Agreed.

**Senator Martin:** On division

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

## THE SENATE

MOTION TO EXTEND WEDNESDAY'S SITTING ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of June 20, 2016, moved:

> That the provisions of the order of February 4, 2016, respecting the time of adjournment, be suspended on Wednesday, June 22, 2016; and
>
> That the provisions of rule 3-3(1) also be suspended on Wednesday, June 22, 2016.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*Translation*]

## OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Moore, for the second reading of Bill S-209, An Act to amend the Official Languages Act (communications with and services to the public).

**Hon. Raymonde Gagné**: Honourable senators, since the debate was adjourned in Senator MacDonald's name, I ask that it remain adjourned in his name when I have finished my speech.

Honourable senators, I rise today to support Bill S-209, which was introduced by the Honourable Maria Chaput, who represented Manitoba in the Senate for a long time and who is now retired.

This is the first time I rise to speak to a bill in the upper house. It provides the perfect opportunity me to introduce myself because this topic is closely connected to my career and my identity.

My story begins in St-Pierre-Jolys and St. Joseph, Manitoba, where my ancestors, the Gagné-Hirbour, Joubert, Delorme and Fontaine families settled in the 19th century. I am a descendant of those valiant pioneer families from a community that tilled the earth and made French Manitoba flourish through hard work, unwavering commitment and fierce struggles. It is only natural that I inherited that commitment, and it has been a common thread in my personal and professional life. This is the family and personal history that I have brought with me to the Senate.

The upper chamber's strength lies in the diversity of its voices, and that diversity makes our studies and recommendations more meaningful because it reflects the diversity of the country and brings forward perspectives that might not otherwise be heard in Parliament. We do not represent voters from a well-defined riding. Each of us, through our individual history and life experience, represents a diverse and complex part of Canada.

The principle of a Canada united in its diversity is the foundation of the Official Languages Act. The fact that such an act exists is evidence that Canada, as a country, accepts this diversity. To show that it is truly committed to this diversity, Canada must also sincerely examine, review and improve this act, without fear or inhibitions.

Legislation in a country as beautiful, complex and vibrant as ours cannot remain static. Our country is constantly evolving, and we see that all around us. I experienced this new, inclusive francophonie at the Université de Saint-Boniface and within Manitoba's francophone community. We must acknowledge this evolution, as proposed in Bill S-209. We must take advantage of every new opportunity.

We are too often afraid of talking about language. In her great autobiographical book entitled *Enchantment and Sorrow*, Gabrielle Roy tells the story of her school principal, a Scottish immigrant who truly understood the cause of francophones and who said, and I quote:

[*English*]

> Language which is the road to communicate has created more misunderstanding in the world than any other cause, except perhaps faith.

[*Translation*]

In Canada, language has indeed been a hot topic. The history of Manitoba is one of the most telling examples of that. French Manitoba has a storied past marked by claims and struggles. However, Franco-Manitobans never fought to conquer or subjugate. They fought to defend the rights and language of their people and to protect Canada's rich diversity.

• (1700)

The once controversial legacy of Louis Riel, the father of Manitoba, is another example. Louis Riel was first regarded as a rebel and was charged with high treason. With the perspective that comes with time, however, he has regained his rightful legacy as a figure who defended the rights of his people and, above all, as a unifying force, because for Riel, Canadian Confederation could only occur if it brought people together and respected the different voices and identities that made up Canada.

This is the legacy that Manitoba's francophones carried with them in their battles to defend and restore their rights. The purpose of these battles was to defend the French language, as well as the idea of a Canada that unites and brings its citizens together, while fully respecting their differences and their rights.

The Manitoba Act, 1870, which created the province of Manitoba, recognized the existence of the province's two founding peoples and two languages. I would like to add that the act also should have recognized the presence and role of the First Nations communities on that same land, but this topic will come up again in other debates.

The ideology underlying the Manitoba Act, 1870 didn't last long. The vision that recognized the existence and equality of the two official languages within the country was soon replaced by another ideology in Manitoba, one that was one-dimensional, whereby only one nation, one language and one culture were officially recognized.

The dualist model was repudiated in Manitoba beginning in 1890 with the abolition of state-subsidized denominational schools and the creation of a school system in which English was the only language of instruction allowed.

Then there was the passage of an unconstitutional provincial law, The Official Languages Act, which abolished the official status of French within legislative and judicial institutions despite the guarantees in section 23 of the Manitoba Act, 1870. In 1896, after a thaw and some compromise between Prime Minister Laurier and Premier Greenway, bilingual instruction was authorized for a few years before French schools were definitively abolished in 1916.

This was the sad legacy that Franco-Manitobans fought against, winning their first victories in the second half of the 20th century. In 1979, the Supreme Court of Canada ruled in *Forest* that the 1890 legislation that abolished the official status of French within legislative and judicial institutions was unconstitutional. It was a resounding victory for the francophone population of Manitoba, whose mother tongue officially regained its legitimacy. Later, in the 1980s, the *Bilodeau* case eventually led the Supreme Court of Canada to recognize all the unilingual English laws in Manitoba as invalid. The court also ruled that the Manitoba Act, 1870 included a specific manifestation of the general right of Franco-Manitobans to express themselves in their own language.

These legal victories brought Franco-Manitobans back to square one in 1870. A century of battles were waged not to dominate or conquer, but to restore balance and what the founders of the province intended.

Language and Canada's linguistic duality are not values we can take for granted.

We are proud of our linguistic duality, and rightly so, but we have to recognize that maintaining that duality requires ongoing dialogue and sustained efforts.

It was this conversation that led to Bill S-209, which recognizes the evolution of francophone communities and very accurately reflects what we can see and hear in Manitoba's francophone community.

The debates on this bill and the study of its previous version, Bill S-205, by the Standing Senate Committee on Official Languages also coincided with the 2015 États généraux de la francophonie manitobaine, a major process of reflection undertaken by the francophone community in order to outline the existing situation and determine the way of the future.

What struck me was the high degree of correlation and alignment between the objectives of Bill S-209 and those set by Manitoba's francophone community.

Bill S-209 seeks to broaden the definitions used under the Official Languages Act when calculating the demand for service in the minority official language. In cases where the Official Languages Act uses a restrictive criterion known as the "first official language spoken," Bill S-209 proposes a more inclusive criterion: taking into account all those who communicate in French.

This amendment is required because francophone communities have evolved. It is no coincidence that the final report of the États généraux de la francophonie manitobaine is called *Voices United*. The report recognizes the existence of a pluralistic francophonie, one that is multi-faceted and ever-changing. The federal government guarantees Canada's linguistic duality. Therefore, should it not follow suit?

The second important element proposed by the bill is that the demand for services in the minority official language be assessed by also considering the institutional vitality of the communities served. At present, the federal government uses arbitrary statistical thresholds. Services in French are cut, for example, when the percentage of people with French as their first official language spoken falls below the threshold of 5 per cent of the general population. No weight is given to the presence of a French-language school, for example, in the calculation. The community uses such tools to survive and expand, but under the current legislation the federal government ignores these factors.

In his latest annual report, the Commissioner of Official Languages eloquently explained this situation, and I quote:

> . . . the current methods of determining whether services should be available—including measuring whether the minority community represents 5% of the population—contribute to the insecurity of these communities. It means that the right to service in the minority is defined by the growth of the majority. That is why I have endorsed the bill proposed by Senator Maria Chaput that calls for the use of indices of community vitality, such as schools and community centres, for the purpose of designating offices to provide services in both official languages.

What I want to point out at second reading is that the spirit of this bill is completely in line with what francophone minority communities want and are calling for. In Manitoba, the community's strategy is to expand the francophone space: to recognize the diversity of the francophonie; to include, without discrimination, all those who want to participate in the French fact; and to increase opportunities to use French on a daily basis.

In light of this, shouldn't the Official Languages Act move us towards those same objectives? After all, its preamble states that the federal government:

> . . . is committed to enhancing the vitality and supporting the development of English and French linguistic minority communities, as an integral part of the two official language communities of Canada, and to fostering full recognition and use of English and French in Canadian society.

Isn't it counterintuitive that the act now has the opposite effect and limits the vitality of linguistic duality instead of enhancing it?

Honourable senators, now is the time to update some restrictive provisions of the Official Languages Act, in the spirit of openness and collaboration. That is what Bill S-209 proposes to do. With the passage of this bill, the Official Languages Act will be not only better able to serve official language minority communities, but also better equipped to prevent its enforcement regime from falling into disuse once again.

• (1710)

Since Bill S-209 is exactly the same as its predecessor, Bill S-205, the Standing Senate Committee on Official Languages already examined the main aspects of the bill quite thoroughly during the last Parliament. However, the committee did not have the opportunity to refer the bill back to the Senate for third reading. I trust that this study will continue soon and that the bill will be passed by the Senate and sent to the other place during this session.

I am quite optimistic about the encouraging comments made by the Honourable Scott Brison, President of the Treasury Board. He told the committee that, at the very least, he was open to reviewing the Official Languages Regulations in order to achieve the purposes of Bill S-209, if possible. A review of the regulations is essential.

**The Hon. the Speaker:** Excuse me, senator, but your time is up. Would you like five more minutes?

**Senator Gagné:** Yes, please. Thank you, Mr. Speaker.

The Société franco-manitobaine is challenging the constitutionality of some aspects of the Official Languages Regulations before the Federal Court because they are at odds with section 20 of the Canadian Charter of Rights and Freedoms and some provisions of the Official Languages Act.

However, I believe that a review of the Official Languages Regulations must be done in conjunction with the modernization of the Official Languages Act itself. It is time that the OLA clearly expressed Canada's adherence to the spirit of linguistic inclusiveness. It would then be up to the government to adopt supporting regulations.

I believe that we have an opportunity to study and approve a bill that originated in the Senate and that, after years of work and efforts to raise awareness, has garnered support across the country and in both chambers of Parliament.

As the 150th anniversary of Confederation draws near, it is up to us, honourable senators, to seize this opportunity to reiterate our commitment to the vitality of linguistic duality in Canada.

Thank you.

**Hon. Claudette Tardif:** Would the senator take a question?

**Senator Gagné:** Certainly.

**Senator Tardif:** I would like to begin by congratulating you on your excellent speech, Senator Gagné.

Do you think that the existing regulations penalize the francophone community, which is not growing at the same rate as the general population?

**Senator Gagné:** Thank you for your question. It is an established fact that when demand for certain services is being calculated, people who do not declare French as their mother tongue are excluded. The results therefore do not paint an accurate picture of minority francophone communities. The proportion is shrinking because Canada's overall population is growing.

**Hon. Serge Joyal:** Would the honourable senator take another question?

**Senator Gagné:** Certainly.

**Senator Joyal:** I listened carefully to your remarks, Senator Gagné, and I was watching Senator Sinclair behind you as you recounted the history of the recognition of Franco-Manitobans' rights. Obviously, we deplore the fact that, as you pointed out, the Manitoba government's language policies over a period of about 100 years, from 1870 to 1970—80, ended up reducing the number of francophones in Manitoba who are entitled to the same language rights as any other Canadian citizen. Government policies in Manitoba were designed to reduce the use of French.

As I was saying, I was watching Senator Sinclair and I couldn't help but draw a parallel with Canada's indigenous communities, given that, for 150 years, Canada also restricted the use of Aboriginal languages. Thanks to the report of the Truth and Reconciliation Commission of Canada, we now realize that the discrimination was systematic; in other words, it was fully ingrained in our institutions. Steps are being taken today to put an end to that systematic discrimination.

Don't you think it would be appropriate to use this argument in the proceedings currently before the Federal Court? Hasn't the situation facing Franco-Manitobans resulted in outcomes comparable to the ones we deplore with regard to the indigenous communities in this country?

**The Hon. the Speaker:** I'm sorry, Senator Gagné, but are you asking for more time to answer the question?

**Senator Gagné:** Yes, please. Thank you for your question, Senator Joyal. Francophone minority communities have been bringing these issues before the courts for many years now. We have made some progress, specifically regarding the interpretation of section 23 of the Charter. I would point out that some essential remedial steps have been taken, which have allowed us to recover lost ground in terms of the vitality and vibrancy of francophone minority communities.

(On motion of Senator Gagné, for Senator MacDonald, debate adjourned.)

[*English*]

## CANADIAN PUBLIC CORPORATIONS GOVERNANCE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Day, for the second reading of Bill S-216, An Act to provide the means to rationalize the governance of Canadian public corporations.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, this item is at day 15, so I will adjourn for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

## STRENGTHENING CANADIANS' SECURITY AND PROMOTING HUNTING AND RECREATIONAL SHOOTING BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

Leave having been given to revert to Other Business, Senate Public Bills, Second Reading, Order No. 20:

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Jaffer, for the second reading of Bill S-223, An Act to amend the Firearms Act and the Criminal Code and to make consequential changes to other Acts.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** I'm still working on my notes, colleagues, so I would like to adjourn for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

## NATIONAL ANTHEM ACT

### BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Nancy Ruth** moved second reading of Bill C-210, An Act to amend the National Anthem Act (gender).

• (1720)

She said: Honourable senators, we are considering this bill more than 35 years after the passage of the National Anthem Act, all in one day, in both the House of Commons and the Senate.

On June 27, 1980, a promise was made to Canadians. It's a promise that no subsequent government has kept but that Bill C-210 fulfills — a promise that we in this chamber can deliver for Canada Day and for our one hundred and fiftieth birthday.

The English national anthem that we currently sing was proclaimed into force on July 1, 1980. The second line read: "True patriot love in all thy sons command."

Just a few months later, Parliament tabled the Charter of Rights and Freedoms. Not surprisingly, given the times, both MPs and senators — including Senator Joyal — objected to the words "thy sons."

A promise was made to consider these words at a later time. Well, this is the later time.

In fact, Bill C-210 is the eleventh private member's bill proposed in the other place to change the second line of the English anthem to words that include all genders and all Canadians, whatever their origin and race. The Senate itself has introduced two public bills to the same effect — including, as some of you will remember, Senator Vivienne Poy's bill.

We have before us a simple solution that involves two short words. Bill C-210 substitutes "of us" for "thy sons," to make the second line of the English version of *O Canada* "True patriot love in all of us command."

Attentive to the facts of the matter, Canadians are ready and waiting for this change. Indeed, the greater their knowledge of our national anthem's history, the more they support the change to make it inclusive.

Here are the facts:

*O Canada* was originally a French song. Calixa Lavallée composed music for a French poem written by Judge Adolphe-Basile Routhier. It was first performed on Saint-Jean-Baptiste Day, in Quebec City, in 1880. Its lyrics included women from the outset. English translations of the French song were put into circulation, but they never proved popular.

In 1908, Judge Robert Stanley Weir of Montreal wrote a poem of his own, set to Lavallée's music. Quite different from the English national anthem we sing today, its second line — "thou dost in us command" — also implicitly included women, as did the French version.

Published documentary evidence suggests that sometime before the end of 1913, Judge Weir changed this line from "thou dost in us command" to "in all thy sons command."

Much has been said about the relationship between this change and Canada's military contributions in World War I, or other significant events of the day. But let's be very clear on this point: It is absolute speculation. We don't know why the change happened.

The public archival record shows only that the change was made; it does not say why. And in 1913, Judge Weir's song was one of many in circulation.

In 1927, when Canada celebrated it sixtieth anniversary, our Diamond Jubilee, the federal government published an order of proceedings which included words to *O Canada*, both the original French ones and Judge Weir's English lyrics. However, these lyrics were neither the 1908 version nor the 1913 version. Three additional lines had been changed.

Four decades later, in 1967, a joint committee of Parliament studied the official anthems, and in 1980 the National Anthem Act was proclaimed.

To sum up, of the nine lines in the English version of *O Canada* adopted in 1980, only four reflect the original wording. The other five lines have been changed, one of them twice.

These historical facts help to clarify two important things. The first is that making the English national anthem inclusive, as the French national anthem has always been, is overdue. This is especially so in the face of our values as expressed in the Charter of Rights and Freedoms, in our human rights codes, and in our international commitments and engagements.

The second is that the English national anthem is not tied to any one part of our history. It is the product of a young nation over time finding its path.

As Canadians have learned the facts behind the song we currently sing, support for inclusive language has grown. We know that through polling data. Just last month, a new national poll revealed that a clear majority of Canadians, 62 per cent, support this change; only 19 per cent are opposed, and another 19 per cent are undecided. Tellingly, 54 per cent remain unaware that the English anthem has changed multiple times since the first time it was introduced. But given these previous changes, there is no reasonable justification for failing to act now.

The principle of this bill is respect — respect for both our cultural heritage and its ongoing evolution; respect for the service of Canadians, past and present, at home and abroad; and respect

for the men and women, whatever their origin, whose rights are protected by Canada's Charter.

We strive to be an open, diverse and inclusive community. Bill C-210, by changing two small words, makes a large statement about the importance of these values. Indeed, reflecting our values is fundamental to the job description of a national anthem. It is, as essence, a key statement about who we are, what we stand for, and who we want to be.

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

**Senator Nancy Ruth:** I will.

**Senator Baker:** Senator, perhaps not many people are aware of the facts that you've just clearly outlined. Do I understand correctly that "thou dost in us command" was actually the original wording, and that on or about the beginning of the First World War it was changed from "dost in us command" to "sons command"?

Would you further agree that, as you pointed out, this simple change took place in one day in Parliament and that there's not much to debate about this? Are you suggesting that because the change is so obvious, we should deal with this in one day here in the Senate and pass this immediately because it should be passed?

**Senator Nancy Ruth:** Senator Baker, of course I concur with everything you say, but I will acknowledge Senator Andreychuk and Senator Tkachuk. They have just been on Google and found what they believe to be the first edition — they have discovered another analysis of the first edition of Judge Weir's poem. I have just written my research and say, "Hey, what's up?"

I believe you're right, but I won't attest to it. But it would be great if we could pass it all in one day.

**Senator Baker:** Senator Nancy Ruth, the practice in the chamber in delaying things is for somebody to take the adjournment of the debate. Are you suggesting that we not do that in this particular case and that we pass this measure because it is so simple, it needs no further debate and we should do it in one sitting?

• (1730)

**Senator Nancy Ruth:** I would love it if that would happen, but I would hate to move away from the tradition and custom of the Senate. It is the right of every senator to speak whatever they think.

**Senator Baker:** Are you then suggesting, senator, that those who disagree with it should stand up and give the reasons why they disagree with it?

**Senator Nancy Ruth:** Of course! Why not?

**The Hon. the Speaker:** Senator Wells, a question?

**Hon. David M. Wells:** Thank you, Senator Nancy Ruth, for your speech. I have a question for you. I think you're correct in assessing Senator Baker's comment about taking adjournment as a delaying tactic versus giving someone a chance to give due consideration, which is what we're paid to do.

In some ways I think this is political correctness run amok. There are other lines within the anthem. One that comes very early in the anthem is "Our home and native land!" Given Canada's citizenship laws, Canada is not home to all our citizens. And, of course, it's not a native land to all of our citizens; we have many immigrants whose "native lands" rest elsewhere.

What would your comment be about just changing parts of the anthem, which is proposed in the legislation, versus perhaps correcting the whole thing and possibly even thus blanching the song that we've all known since we were born?

**Senator Nancy Ruth:** First of all, let me say, when I was born, we sang *The Maple Leaf Forever* and *God Save the King*.

There are many people who would like to see any number of changes to the national anthem. I know Dr. Carolyn Bennett has a mixed English language-French language version that someday she may introduce in Parliament so we have an anthem that is common in both languages. I'm not opposed to that, but this bill is dealing with these two words which we believe to be the historical words and the historical intention.

**Senator Wells:** You mentioned a poll at 62 per cent. I recently read a poll in Newfoundland and Labrador — of course, I represent Newfoundland and Labrador — and the majority were against changing the wording. Were you aware of that poll or are you just aware of the one poll which supports the change?

**Senator Nancy Ruth:** I was not aware of the poll to which you are referring. I'd be happy to get you the statistics for your region in that Mainstreet poll that was done in May.

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

**Hon. Jim Munson:** Honourable senators, just as I proudly rise to my feet each time I hear the Canadian anthem, I stand with the same feeling today to express my support for Bill S-210, An Act to amend the National Anthem Act (gender.)

As we all know, the Honourable Mauril Bélanger, our House of Commons colleague, my close friend and a friend to many here, is the sponsor of this private member's bill.

It was an emotional ride through the House of Commons. Now we have it here in this chamber, the chamber of sober second thought. My goodness — how I'd like to see this bill pass before we rise! However, I do understand there is some opposition, and in our democracy every voice must be heard.

As mentioned by Senator Nancy Ruth, Bill C-210 calls for change to only two words in our national anthem from "in all thy sons command" to "in all of us command."

The purpose of this bill is to advance and ensure our national anthem conveys the progress Canada has achieved in realizing gender equality for all Canadians.

On and off the battlefield, Canadians throughout the history of our country have continuously established and challenged laws, customs and traditions in the name of them human rights. The Canadian Charter of Rights and Freedoms itself has emerged from this same social determination.

As was also mentioned, the English *O Canada* lyrics Robert Stanley Weir wrote in 1908 lacked any reference to religion, and the line we are considering today was actually "thou dost in us command." As you can see, our anthem has already undergone a few changes over the years.

It is time, honourable senators, to keep moving forward. This bill gives us an excellent opportunity to do so.

Bill C-210 has achieved enough support from parliamentarians so far that it is now here. The Canadian public has expressed support. You heard the poll numbers of the Mainstreet poll done in May: 62 per cent in favour; 19 per cent opposed.

Symbols have changed in this country. I was thinking of discussing with my father, many, many years ago, about Canada Day. My father looked at me and he said, "It's Dominion Day." I was frightened. And there's "from sea to sea." I understood his argument because he grew up in a different era, "from sea to sea," the Dominion of Canada. But that changed and it's Canada Day. Nobody is flinching. No one feels any less proud of our country called Canada.

I'm trying to think of similar issues. In terms of a symbol, we have a flag that flies over our Peace Tower that we're very proud of. Generations have grown up. How could they describe what our flag looked like before 1965? What was it about? We were proud to be Canadians, but it still reflected our colonial past. I think our flag represents who we are as Canadians.

I wish to cite Andrew Coyne's sarcastic commentary of last week. He said:

> As you move about your busy day, spare a thought for this country's most literal-minded citizens, whose triumph in rewriting the national anthem we celebrate today. For what a strange, frightening word they inhabit.

At the risk of seeming too literal minded, I will repeat that what is being proposed is a change to only two words. Bill C-210 is a simple bill. It has nothing to do with rewriting our anthem. If implemented, the change would leave intact the core themes of the anthem, including its references to the courage and the loyalty of those who fought for the freedoms and privileges we all cherish and enjoy.

"Thy sons" fails to reflect the role of "thy daughters" in events that shaped Canada. This part of the existing lyrics also precludes members of our population from fully identifying with the sentiments our anthem was written to ignite in the human heart.

I was thinking just a moment ago that I have five uncles on mother's side of the family. In the Second World War, they were all soldiers. They came home. My Aunt Eileen was in the army and based here in Ottawa. She lives in a seniors' home in Sackville, New Brunswick. She was at war with Germany like the rest of this country was. What about her recognition and what she stood for as my dear aunt?

When was the last time you thought about why gender-neutral language should be used? Judging by some of the comments I've heard — for instance, that this bill is about, as we just heard, political correctness — I think it's time to refresh our knowledge with a few instructive references like this one:

> The use of gender-neutral language may seem unnecessary to some writers, but the consistent use of masculine pronouns leaves the impression that women should not be among the group to which the writer is referring.

Then there is this one:

> Careful writers avoid language that would universalize one element of humanity to the exclusion of others.

This comes from *The Law Student's Guide to Good Writing*, Professor Marc Grinker, Chicago Kent College of Law, 1994.

Though these quotations point to the writer, I'm in no way criticizing the work of the *O Canada* lyricist. It is not about the intent of the words. It is about their effect. With Bill C-210, we can improve that effect to enlarge and enhance our anthem's impact today and well into the future.

Honourable senators, this bill is about respecting the rights and roles of women in society. Its purpose is to ensure our national anthem best expresses how our society has progressed and to help us make sure it continues to do so.

From where I stand, this is admirable and necessary. There is a world of difference between using gender-neutral language because we are somehow pressured to do so, and using it because it's the right thing to do.

• (1740)

Replacing words that suggest bias to some people with words that engage and acknowledge all Canadian citizens equally — the outcome of doing this far outweighs any excuse not to.

Language and words are powerful. We are fortunate to be reminded of this every time we listen to and engage in discussions and debates with one another. I urge you, senators, to apply your regard for language and words to this proposal at hand, to agree to replace two words with another two words, and send a tremendous, inspiring message to the women and men of this country.

Honourable senators, though he can no longer speak, Mauril Bélanger continues to reach us with language and words

that express his principles and vision — language and words I am proud to repeat to you now.

> As Canadians, we continually test our assumptions, and indeed our symbols, for their suitability. Our Canadian maples have deep roots, but they also have continual new growth, reaching to the sky. Our anthem too can reflect our roots and our growth.

Honourable Mauril Bélanger's speech, second reading, May 6, 2016.

Thank you, honourable senators.

**Hon. Ratna Omidvar:** Honourable senators, I rise to support Bill C-210. As Senator Munson has so rightly pointed out, language and words are an expression of our identity. They're also intensely political, and Canadians know this well.

Over our history, we have fiercely debated the rights and responsibilities to retain a language, to resurrect a language, to choose a language and to change a language. We have at times in our history, shamefully, also chosen to subvert and submit a language. Language is, after all, a reflection of our identity, and identity, as we know, is never static.

Bill C-210 proposes to modernize the language that we have used and grown accustomed to in our beloved national anthem. Like Senator Munson, I often get goosebumps when I hear it.

It is a brave and welcome change, and I think it is a significant one because language and the words that we use matter. They give expression in both aspirational and practical terms to our attitudes and our behaviour. Language, as such, can include or exclude. Today, we need language that is both symbolic and a real expression of inclusion in our society.

Finding new language for new times is not new to us. We have changed our language to reflect our identity and to give expression to the way we think. I will remind us that there was a Department of Indian Affairs many years ago. Today it is called the Department of Indigenous Affairs.

There was a time when we used the word "handicapped"; today, we use the word "disabled." And there are still many people who use the word "ladies" instead of "women." I, for one, cringe when I am called a lady and I go completely ballistic if I'm called a girl. So you all stand warned. I much prefer being called a woman.

We are now taking two steps forward with changes to our national anthem, not from "sons" to "sons and daughters" but to "us," which is gender neutral. Doing this signals that we are open and willing to look at ourselves in the mirror and recognize that we have changed.

Canada is and I believe will always be a work-in-progress. This is our strength. Ours is one of the most diverse countries in the world. We are made up of First Nations, anglophones, francophones and immigrants. What makes us work is our ever-shifting understanding of ourselves and our ability to reflect this changing identity in our institutions.

As we look in that mirror, and we look back at ourselves, we see both men and women. We send not just men to war today; we send women. Not only men sit in the Supreme Court of Canada, but women too. Not just men go to work, but women too. And thankfully, not just men sit in this chamber, but women too.

I would also like to point out that gender diversity is not simply binary. Gender identity and expression take many forms. It is a harsh reality that those who identify differently from the majority face discrimination, harassment and violence not just in the far corners of the world but here today.

Inclusion is about lending visibility to our diversity. Inclusive language is a significant step in this direction.

I support this bill wholeheartedly, and I would like to congratulate and commend Senator Nancy Ruth for championing this for God knows how many years. It is time to bring this home.

Thank you.

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

**Hon. Elaine McCoy:** I echo Senator Omidvar's words in congratulating Senator Nancy Ruth in championing this bill.

I must say, as an opener, there may be some generational views on this bill. I presented the card with the proposed wording to a young woman of my acquaintance who is in her mid-thirties, and she looked at it and said, "Well, what has changed?" I said that third line or second line or whatever it is. And she said, "What? I've always been singing it that way, ever since I first sang *O Canada*."

We mustn't be too stuck on our old ways — this council of elders that is meeting here today.

I have just started my research. It's amazing, isn't it? Three days hence it will be 236 years since this was first sung, and, of course, as we so often must acknowledge, the francophones in this country were the first to sing it. It was sung in French, on Saint-Jean-Baptiste Day, as Senator Nancy Ruth said. I've just started to begin to look into the matter. I can't speak French, so I'm going to do a very rough translation into English: O Canada, country of our ancestors — Senator Ringuette helped me here of course — your honour is born of glorious pride because your arm has held the sword; it has also supported the cross. Your history is one step of many brilliant deeds, and your courage and deep commitment will protect our homes and our rights into the future.

That was the essence of the first time that this was sung. I believe that's the essence that still excites us and fills us with pride when we sing our national anthem. However, senators, as I say, I have just begun my research. There is a deep history; many, many versions of this bill, many different views to be expressed; and so I would adjourn the debate in my name for the balance of my time.

(On motion of Senator McCoy, debate adjourned.)

[*Translation*]

## AGRICULTURE AND FORESTRY

### BUDGET—STUDY ON INTERNATIONAL MARKET ACCESS PRIORITIES FOR THE CANADIAN AGRICULTURAL AND AGRI-FOOD SECTOR—FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry (*Budget—release of additional funds (international market access priorities for the Canadian agricultural and agri-food sector)*), presented in the Senate on June 20, 2016.

**Hon. Ghislain Maltais** moved the adoption of the report.

He said: Honourable senators, I would like to provide some clarification about the request for the release of additional funds for the visit being organized by the Senate committee, from November 7 to 9, 2016, to Beijing and Shanghai, China.

Why go to China? There are some good reasons.

We criss-crossed Canada, from the Atlantic Ocean to the Pacific Ocean, and we met with more than 200 farmers, producers and processors. They all came to the same conclusion: notwithstanding the Trans-Pacific Partnership and the Canada-Europe free trade agreement, the Chinese market remains the most important market of the future for Canadian producers. We also consulted a number of the department's officials, who strongly believe in this mission. Why? Mainly because of the economic contacts. In Beijing, we will meet with Chinese government officials in the agricultural sector. In Shanghai, we will attend the largest agri-food expo in Asia.

• (1750)

Witnesses mentioned on a number of occasions that a Senate committee's visit to China would be considered very prestigious and could provide moral support for Canadian businesses and public servants. They also indicated that such a visit could give them access to representatives of the country, which they do not ordinarily have.

The purpose of this trip is to meet Canadian business people in China and Chinese government officials. Over 50 Canadian businesses will be represented at the expo in Shanghai. Contact will be made between the Senate committee, the Canadian Consulate and the Canadian Embassy so that we can hear these people's opinions. This is not a short-term mission. We are looking at four, five or even eight years.

Agriculture has changed and it will have to change again. China offers tremendous potential for a country like Canada, which produces a lot and could produce even more if it had access to the right markets. That is what we are going to work on.

The amount requested, nearly $270,000, seems like a lot. However, this is a long-term investment for Canada. We may not see the benefits for farmers and Canadians right away, but we will see them in the future.

[*English*]

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## FISHERIES AND OCEANS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON MARITIME SEARCH AND RESCUE ACTIVITIES—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (Budget—study on Maritime Search and Rescue (SAR) activities, including current challenges and opportunities—power to hire staff and to travel), presented in the Senate on June 20, 2016.

**Hon. Fabian Manning** moved the adoption of the report.

He said: Honourable senators, the Standing Senate Committee on Fisheries and Oceans initiated a study on maritime search and rescue on May 10, 2016. The proposed budget before you for the fiscal year 2016-17 was approved by the Internal Economy Committee last Thursday and involves travel activity in Prince Edward Island, New Brunswick and Nova Scotia. The committee intends to conduct a fact-finding mission in all three provinces and public hearings in Halifax.

As some of you may know, maritime search and rescue involves searching for and assisting people, ships and other crafts that are or are believed to be in imminent danger. The program is led by the Canadian Coast Guard and is jointly coordinated with the Department of National Defence.

The committee has already heard from several officials from the Canadian Coast Guard, the Department of National Defence and the Canadian Coast Guard Auxilliary. We have received great interest across the country in our study and are looking forward to getting on the move come the fall.

There have been a number of recurring concerns over the years with maritime search and rescue, including the Canadian Coast Guard's aging fleet, a shortage of human resources, the adequacy of the search and rescue response times, and lack of search and rescue capacity in Canada's North, to name just a few. It is the committee's view that these concerns continue to create challenges for the delivery of maritime search and rescue services in various parts of the country and deserve to be examined carefully and addressed adequately in a timely manner.

Honourable senators, our committee members are concerned about challenges in the current capacity of maritime search and rescue activities, managed and operated by the Canadian Coast Guard. We believe it is essential that search and rescue operations are timely and adequate to meet the needs of all Canadians on all three coasts, the Great Lakes and the St. Lawrence River.

I want to stress that the committee is very conscious of the cost of travel. We do budget for all our members, but on the average half the members take part.

In addition, the committee approved a communications plan focusing on showcasing the work we accomplish during these travel activities. The plan aims to strengthen our relationship with the media and perhaps more important to increase public awareness of the central role played by the Canadian Coast Guard and Defence personnel and volunteers in the maritime search and rescue missions, and as always to put forward the great work of the Senate of Canada.

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

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

**Senator Manning:** Yes.

**Senator Baker:** The coastline of Newfoundland and Labrador is the largest coastline on the East Coast. I don't think the honourable senator mentioned that coastline.

This is perhaps the most important study the committee has ever taken. It is search and rescue and people's lives, especially on the ocean, with oil and oil developments and our fisheries.

Will the committee be examining what the Minister of National Defence announced recently, that he was looking at the involvement of private enterprise into the area of search and rescue?

**Senator Manning:** I didn't mention the Newfoundland and Labrador coastline because I would not use my position as chair to put the concerns of my own province above any other province or territory in Canada. So being the neutral person I am, I look forward to studying all aspects of search and rescue throughout Canada. I'm looking forward to hearing from Canadians, including our native Newfoundlanders and Labradorians, where we hope to travel in November on a fact-finding mission and public hearings.

Part of those discussions has involved trying to get a grasp of the layout of search and rescue in Canada at the present time. As you touched on with regard to Newfoundland and Labrador, Canada itself is a very large geographical country, and certainly providing search and rescue services is no minor task for the people who are presently involved.

I wouldn't want to prejudge our study in any way, shape or form, but I think that even in the preliminary conversations that we're having, many suggestions are coming forward on how to improve search and rescue, how the government delivers search and rescue, and certainly conversations around the possibility of hearing from people who will be laying out plans or suggestions in regard to looking at private enterprise.

As you and other senators may be aware, there are several countries in the world that have partial private enterprise providing search and rescue, and in some cases they have had the full search and rescue provided by private enterprise. In Newfoundland and Labrador, as an example, in regard to the offshore oil and gas, we have private enterprise providing search and rescue 24 hours a day, 7 days a week, 365 days a year.

I'm sure there are benefits and things that we can learn from them. I wouldn't want to prejudge our work, but we will be open to hearing from all aspects. The bottom line is that we want to present a report that offers suggestions for improvements to ensure that mariners and people in need of search and rescue services are provided that service in a timely and financially efficient manner.

**The Hon. the Speaker:** Honourable senators, it being six o'clock, pursuant to rule 3-3(1), I must leave the chair until eight o'clock.

Is it your desire not to see the clock, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Senator Patterson, a question?

**Hon. Dennis Glen Patterson:** Thank you, Your Honour.

I do enthusiastically welcome the important study of the Standing Senate Committee on Fisheries and Oceans on search and rescue. It's a vital issue for the remote communities of Canada and the remote communities in the North, which sadly are served from faraway southern bases. This imperils the lives of our citizens in a very harsh climate on a regular basis. It's been an ongoing source of frustration for many years.

• (1800)

I was delighted, Mr. Chair, that you mentioned three coasts in your study. I come from, with the greatest of respect to Senator Baker, the longest coast in Canada. Not the longest coast in the Maritime region, but the longest coast in Canada.

My question is simple. Do the terms of reference include Northern Canada, and will it be possible for the committee to either travel to Northern Canada or hear witnesses from Northern Canada who are vitally concerned with the issue of search and rescue?

**Senator Manning:** I did mention three coasts. I need to be educated because I always talk about coast to coast to coast. Any time I speak I usually do that to ensure I cover all aspects of Canada, including the North. Maybe I need to go coast to coast to coast to coast. I'm not 100 per cent sure, but I'll take your advice on that.

Senator Watt is a member of our committee and on several occasions has put forward concerns, ensuring that the North had the opportunity, number one, to be heard during this committee's

study, and about our plans to travel to the North, when time permits us to do so, not necessarily to see the search and rescue facilities that are there now, because there are none, but there is the need to speak with the local people there and get some feedback from them.

As I mentioned earlier, with the size of Canada, you can't necessarily have search and rescue personnel and equipment in every corner, but certainly when you look at the North, the large geographical size, the time it takes to get to the North, the way the communities are spread out in the North, there is no doubt in my mind that we will receive some very important information from the people of the North during our study. I, for one, am looking forward to it, as are all members of the committee, I'm sure.

Rest assured that the concerns of the North are being brought forward to our committee on a very timely and continuous basis by Senator Watt, and he is doing very well in that.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

### FOURTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Human Rights, entitled: *The Forgotten Many: Human Rights and North Korean Defectors*, tabled in the Senate on June 20, 2016.

**Hon. Jim Munson** moved the adoption of the report.

He said: Honourable senators, the Senate Human Rights Committee report entitled *The Forgotten Many: Human Rights and North Korean Defectors* was made public yesterday. It received a great deal of media coverage in *The Globe and Mail* and other media outlets and Canadian Press, and it happened on World Refugee Day.

It was significant that we were talking about the forgotten many in North Korea, defectors the rest of the world has somewhat ignored. Our focus in the world, it seems to be, is on the danger of nuclear warfare or unrest in that particular region. We felt as a Human Rights Committee that it was important to put the human face to people who have left the country via China, have gone on a torturous road, what they thought would be to freedom, only to be returned. Because they are defectors and not refugees, they have no way of claiming refugee status in this country, and we felt it was extremely important to bring attention to this matter. With so much focus on Syria and other countries in the world, we thought this would be an important thing to do.

We had a number of recommendations in the report, but the major recommendation was for the minister to use his discretion in allowing North Korean defectors from other parts of the world.

With this report that I'm tabling today, we, as the Human Rights Committee — and we hope the Senate supports us — want some answers to our recommendations. We want the minister to address this issue. We don't just want to publicize this issue; we want answers from the government.

I would now like to move:

> That the fourth report of the Standing Senate Committee on Human Rights, tabled with the Clerk of the Senate on Monday, June 20, 2016, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of Immigration, Refugees and Citizenship.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

### FIFTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Perspectives on the Situation in Venezuela*, tabled in the Senate on June 8, 2016.

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

She said: As many of you who watch international news and follow events in South America can appreciate, there is a strong sense that important political and economic shifts are afoot in that region.

With its knowledge and insight of regional developments gained from past studies, including of Canada's free trade agreements with Chile, Peru and Colombia, the Standing Senate Committee on Foreign Affairs and International Trade has taken note of these significant shifts, which relate to the global collapse of commodity prices, the emergence of new leaders and rising opposition movements.

Accordingly, the committee is closely monitoring evolving developments in the region, including Brazil, in light of the 2012 report on Canada-Brazil relations. It is also actively studying Argentina's political and economic transformation in order to assess the implications for the region and the Canadian interests there.

Venezuela is one country whose growing crisis and commitment to democratic principles has captured the committee's attention for some time. We have been concerned in particular about the growing social unrest and anti-government demonstrations led by students and opposition figures over economic challenges, food shortages, high crime rates and government corruption, challenges which have become systemic in Venezuela over several years.

You will remember that demonstrations in mid-February 2014 were particularly violent and consequential in terms of the human rights situation in Venezuela. Notably, the government's violent reaction to the protest resulted in over 40 deaths. Since those events, Venezuela's deep political and social divisions have become even more entrenched, particularly following the December 2015 parliamentary elections, which resulted in the opposition taking control of the Parliament.

The committee has been fortunate to have the opportunity over the last few years to hear first-hand accounts of the political, economic and social developments gripping Venezuela. In May 2014, the committee heard testimony from a then-member of Venezuela's National Assembly's opposition faction, María Corina Machado. You will recall that her parliamentary seat was suspended following her address to the Permanent Council of the Organization of American States on her government's reaction to the February 2014 demonstrations.

More recently, in May 2016, this year, several members of the National Assembly representing some of the political parties who took control of Parliament away from the pro-government parties in December 2015 elections appeared before our committee.

• (1810)

It also heard testimony from officials from Global Affairs Canada about Canada's bilateral relations with Venezuela. In light of their testimony, the committee tabled a report about the political situation and growing economic crisis in Venezuela. I would like to share with you some of the perspectives offered in the report on the situation in Venezuela.

In particular, the report highlights concerns regarding the state of democracy in Venezuela under present conditions. In this respect, the newly elected National Assembly has been attempting to put in place wide-ranging and necessary political and economic reforms in Venezuela.

For instance, it adopted an amnesty and reconciliation bill intended to offer amnesty to 77 politicians, students and military officers, many of whom were jailed following the violent February 2014 anti-government protests. Regrettably, these efforts at reform have been repeatedly thwarted either directly or indirectly by President Nicolas Maduro, who retains sufficient political influence, including over the government-controlled judicial system. For example, shortly after its adoption, the supreme court overturned the amnesty law, among other rulings it has made since December 2015, regarding legislation it deemed unconstitutional.

This report also draws attention to how the ongoing political strife in Venezuela is hampering efforts to address the country's increasingly fragile economy. Indeed, dialogue and compromise are necessary in part to overcome the economic impact of declining global oil prices and the loss of Venezuela's status as the region's key oil supplier.

Without a resolution in sight, the committee was told that the ongoing shortages of food, water, energy and basic medicines will become more acute, severely hampering the health and welfare of the Venezuelan people. Indeed, I should tell you that this week and last week, riots on the streets have accelerated with the concern that a country with the rich resources that Venezuela has has caused people to run short of basic necessities, and they have taken to the streets. It is very fragile at this moment, and we believe that it is unnecessary. This is an issue of governance. This is not an issue of lack of resources or other international issues.

Indeed, Venezuela's economy was recently described by the Economist Intelligence Unit as reaching the point of "default," "crisis" and "collapse." In this respect, the country is experiencing triple digit inflation, a contraction of its GDP, a discouraging climate for business investment, strict currency controls, and serious currency devaluation in addition to severe shortages in the basic necessities of food, medicine and water. GDP is estimated to decline a further 12.7 per cent in 2016.

The rate of inflation over 2015 averaged 121.7 per cent, and it is estimated to reach 640.5 per cent by the end of this year.

The Maduro government has continually laid the blame for the country's economic hardships on Venezuela's right wing groups and foreign governments, referring to their actions as "economic war."

Global Affairs Canada officials noted that Canadian officials take opportunities at various fora to raise awareness of human rights abuses in the country such as at the meeting of the Organization of American States and its efforts to visit political prisoners such as Leopoldo López, a prominent opposition leader who was detained after the February 2014 protests and was sentenced in September 2015 to 13 years in prison, where he remains today.

Indeed, concern about the state of human rights in Venezuela on the part of domestic and international observers is not new. This widespread and constant concern has focused on government repression of political dissent, the erosion of rule of law, attacks and threats against human rights defenders as well as journalists critical of the government.

Accordingly, our committee report emphasizes the importance of the rule of law in democratic societies and the detriment to democratic principles of any such country when it imprisons political opponents.

To avoid a deterioration of the status quo, the committee encourages all branches of the Venezuelan political and judicial system to undertake dialogue and reach a compromise that benefits the Venezuelan people.

I would note that the appearance of these Venezuelan parliamentarians before our committee was not without considerable risk. During our meeting, they confirmed that they

return to Venezuela not knowing the consequences of their human rights following their public testimony before our committee.

The committee is grateful to Luis Florido, Chair of the Standing Committee on Foreign Affairs of the National Assembly of Venezuela, his colleagues Williams Dávila and Luis Emilio Rondón Hernández, as well as Freddy Guevara, Chair of the Standing Committee on Oversight of Government Operations and Public Accounts, for providing their insights and their courage to come before our committee.

In closing, I encourage all senators, if you have not already done so, to consult the report for a timely and pertinent consideration of the events in Venezuela that continue to evolve daily. It is in our hemisphere, and we need to be engaged.

Current developments have shifted towards efforts on the part of the opposition to hold a call for a referendum on President Maduro in very short order, yet these efforts are again being thwarted by the president and the courts.

The committee will certainly continue to monitor the developments in Venezuela and the challenges facing the Venezuelan people and report as appropriate to this chamber.

We trust that the Senate will accept this report and continue to follow the plight of the Venezuelan people today as this critical crisis continues to unfold.

Thank you, senators.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON ISSUES PERTAINING TO INTERNAL BARRIERS TO TRADE

### FIFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Tear down these walls: Dismantling Canada's internal trade barriers*, tabled in the Senate on June 13, 2016.

**Hon. David Tkachuk** moved the adoption of the report.

He said: Honourable senators, section 121 of the Constitution Act, 1867 states:

> All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Next year marks 150 years after our country was formed, and the promise of section 121 has failed to be realized. Far too many unnecessary regulatory and legislative differences exist amongst Canada's jurisdictions, preventing the free flow of people, goods, services and investments between provinces and territories.

By some estimates, this costs the Canadian economy as much as $150 billion annually. It is time, honourable senators, for Canada to tear down these walls. It's time to make it as easy to conduct trade amongst ourselves as it is for Canada to conduct trade with other countries.

It is for this reason that your Banking Committee undertook as one of its first orders of business in this Parliament an examination of Canada's internal trade barriers with a view to identifying the actions that our federal, provincial and territorial governments must take on a priority basis to tear down the walls created by internal trade barriers.

The committee held 11 meetings and conducted a fact-finding trip to Vancouver and Calgary. In Ottawa, it heard testimony from 42 witnesses. It received information from 10 groups and individuals during its fact-finding mission to Vancouver and Calgary. Our report, complete with seven recommendations, was tabled in this place on June 13.

• (1820)

I want to thank my fellow senators on the committee for their hard work and wise contributions to the substance of the report: Senator Day, the deputy chair; his predecessor, the former Senator Hervieux-Payette; Senators Black, Massicotte, Tannas, Ringuette, Enverga, Campbell, Smith, Wallin and Greene. We are very encouraged by the reception the report received among Canadian business people and experts.

The Canadian Independent Petroleum Marketers Association wrote and said they were encouraged by a specific finding in the report outlining the economic impediments directly caused by a harmonized provincial carbon regime.

Professor Trevor Tombe, writing in *MacLean's* magazine said:

> Overall, the Senate report is strong. It recognizes the importance of trade between provinces, and the economic consequences of inhibiting it. It sketches out the characteristics of what a good deal would look like, and what the Federal government should do to get there. It will

prove a useful yardstick by which we can measure any future deal the provinces come up with. We should all be watching closely.

I want to thank library analysts Brett Stuckey, Dylan Gowans and, of course, June Dewetering. I want to thank the clerk, Lynn Gordon, and, finally, Senate Communications, particularly Marcy Galipeau, and all who contributed to make this report a success.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT TO TAKE THE STEPS NECESSARY TO DE-ESCALATE TENSIONS AND RESTORE PEACE AND STABILITY IN THE SOUTH CHINA SEA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Cowan:

That the Senate note with concern the escalating and hostile behaviour exhibited by the People's Republic of China in the South China Sea and consequently urge the Government of Canada to encourage all parties involved, and in particular the People's Republic of China, to:

(*a*) recognize and uphold the rights of freedom of navigation and overflight as enshrined in customary international law and in the United Nations Convention on the Law of the Sea;

(*b*) cease all activities that would complicate or escalate the disputes, such as the construction of artificial islands, land reclamation, and further militarization of the region;

(*c*) abide by all previous multilateral efforts to resolve the disputes and commit to the successful implementation of a binding Code of Conduct in the South China Sea;

(*d*) commit to finding a peaceful and diplomatic solution to the disputes in line with the provisions of the UN Convention on the Law of the Sea and respect the settlements reached through international arbitration; and

(*e*) strengthen efforts to significantly reduce the environmental impacts of the disputes upon the fragile ecosystem of the South China Sea;

That the Senate also urge the Government of Canada to support its regional partners and allies and to take additional steps necessary to de-escalate tensions and restore the peace and stability of the region; and

That a message be sent to the House of Commons to acquaint it with the foregoing.

**Hon. Michael L. MacDonald:** Honourable senators, this motion stands in the name of the Honourable Senator Cools, and after my intervention today, I ask that it remain adjourned in her name.

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator MacDonald:** I am pleased to rise today to address Senator Ngo's timely motion regarding China's hostile behaviour in the South China Sea. For reasons I will outline, this issue is of great consequence to the security and stability in the region, and its proper resolution is in the collective interests of the global community.

As tensions continue to rise, and with daily reports of increased military activity in the area, it is crucial that we as senators act on this motion in a timely manner.

I must start first by acknowledging the work that Senator Ngo has done on this issue. Prior to presenting this motion, Senator Ngo had addressed this matter in the form of an inquiry here in the Senate Chamber. However, given the escalating nature of the situation, Senator Ngo has taken the appropriate initiative in presenting a stronger response in the form of this motion.

For those who did not hear his speech to this motion, or his related inquiry, I would encourage you to read it, as it provides an excellent overview of the situation as well as the historical context that has precipitated the escalation of tensions in this area.

Senator Ngo's motion would send a strong message to our government that the current state of affairs in the South China Sea is unacceptable and that Canada must do more to encourage a peaceful resolution.

His motion would urge the government to encourage all parties involved, and in particular China, to first recognize the rights enshrined in international law and the United Nations Convention on the Law of the Sea.

Second, cease activities such as the construction of artificial islands and the militarization of the region that has served to complicate and escalate this dispute.

Third, abide by multilateral efforts to resolve the situation and implement a binding code of conduct in the region.

Fourth, commit to a peaceful and diplomatic solution while respecting settlements of international arbitration.

Fifth and finally, strengthen efforts to reduce the environmental impacts the dispute has had on the ecosystem in the region.

Senator Martin also spoke eloquently to this motion and provided a reasoned voice to these discussions. I will not repeat many of the facts already outlined by my colleagues, but I do think it is important to provide some basic context as I speak to you today.

Territorial disputes in the South China Sea are certainly not a new phenomenon. There have been competing claims to these islands and waters throughout modern history as well as several unfortunate instances of armed conflict.

In addition to China, other coastal countries in the region have competing and to varying degrees overlapping claims within the region, including Brunei, Malaysia, the Philippines, Taiwan, and Vietnam, where amongst the most contentious of the disputes is over the Spratly and Paracel Islands.

It is necessary, colleagues, to consider and fully understand what is at stake. The South China Sea in and of itself is a transitway for approximately 30 per cent of the world's marine trade annually, amounting to a worth of an estimated $5.3 trillion U.S.

The South China Sea is also host to an abundance of valued fisheries, as well as substantial hydrocarbon deposits touting an estimated 11 billion barrels of oil and 190 trillion cubic feet of natural gas.

There is no doubt that the South China Sea is an area of substantial strategic and economic value, and as mounting tensions in the region continue to increasingly jeopardize regional security, it is necessary to understand that the implications of any conflict are truly global in scale.

Given Canada's economic investment in the area, not to mention our consideration of the Trans-Pacific Partnership agreement, the stakes are high for Canada.

China's claim in the South China Sea is based on what is known as the "nine-dash line," an area covering nearly 85 per cent of the sea. China has stated to the United Nations that it has "indisputable sovereignty over the islands in the South China Sea and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and the subsoil thereof." Though neighbouring countries have competing claims, they are far less expansive.

As has been widely reported, to bolster their historic claim, China has been constructing several artificial islands in the area. Time-lapse satellite images clearly show the transformation of subsurface reefs into islands fit with ports and airstrips. To create the islands, the Chinese have used dredging barges that pull sediment from the seabed floor and deposit the material on the existing reef, forming artificial islands. Needless to say, the process is extremely detrimental to the sensitive ecosystem in the area.

Equally unnerving are the recent reports detailing Chinese military occupation of these islands. Chinese military aircraft, including fighter aircraft and surveillance drones, as well as anti-ship and anti-aircraft missiles are reported to have fortified these islands. Consequently, other countries in the area have been forced to respond, bolstering their own defence budgets and military presence in the region.

The increasing militarization of this volatile and disputed region must be recognized within the international community for what it is — unacceptable. China must cease this hostile and aggressive behaviour and negotiate a diplomatic resolution based on the rule of law.

The Philippines, who claim sovereignty over a portion of the disputed zone and, like China, claim sovereignty over the Spratly Islands, have taken a principled approach based on the rule of law. In 2013, they filed a claim against China with the Permanent Court of Arbitration in The Hague in accordance with the United Nations Convention on the Law of the Sea. This convention, established in 1982 and which now has 167 party states, acts as the prevailing international treaty in defining the rights and responsibilities of signatories with respect to the oceans, and provides for a binding arbitration process for matters of dispute. The court, in the claims submitted by the Philippines, found that there were grounds to review the case and is set to provide a binding ruling in the coming days.

Whatever this ruling may be, it is imperative that both the Philippines and China respect the court's findings and work bilaterally to resolve the disputed claims. Doing so would provide other involved states an incentive to find resolution in their own overlapping disputes.

• (1830)

That said, China has not participated in the arbitration process and has publicly stated that it will not recognize any ruling of the court. I need not remind you that this will be a ruling that will be provided in accordance with international law, under the prevailing convention governing the seas. The court is mandated to provide settlement arbitration in accordance with the Law of the Sea, a convention that China has signed and ratified.

By failing to participate in the arbitration and refusing to recognize any ruling, China will be acting, in effect, as an international outlaw challenging the rule of law.

It has been said that although the compulsory arbitration process is legally binding, it also lacks an enforcement mechanism. Therefore, it will be essential that whatever the ruling may be, the international community collectively pressure the involved states to abide by the court's decision and resolve outstanding disputes in a peaceful and diplomatic manner. International law must rule supreme.

On an issue of this magnitude, I am certain that China's refusal to respect the ruling will set a very dangerous precedent.

If China's historic claims to the majority of the South China Sea are in fact legitimate — and that's not for me to decide — they should be found to be legitimate under law, and any disputed claims must be settled through the appropriate legal mechanisms in accordance with such laws and conventions.

As I said, it is certainly not for me, nor for Canada, to pass judgment on the legitimacy of China's claims. That is a matter for an international court to decide.

Yet I firmly believe that the construction and militarization of artificial islands within disputed boundaries is an affront to the principles of the laws and ratified treaties that have served to ensure continued peace and security on the sea. Such actions by any of the countries within the disputed boundaries will only serve to erode security and relations in the area, jeopardize international interests and escalate tensions in an area with a history of conflict.

Unfortunately, China's aggressive behaviour in the South China Sea is hardly an isolated example of a troubling trend evident in their diplomatic manner. On several occasions, China has exhibited this troubling behaviour right here in Canada.

A few months ago, I was one of a number of Canadian parliamentarians who attended a function hosted by the Taiwanese at the Château Laurier. We were subsequently attacked in the press by the Chinese ambassador, telling us that we had no business socializing with the Taiwanese.

How dare they tell us whom we can break bread with in our own country.

And a few weeks ago, the Chinese foreign minister stood here in our capital and berated a Canadian reporter for asking a question about human rights. Beside the bullying Chinese officials sat our foreign minister, Mr. Dion. But did Mr. Dion intervene to defend free speech and freedom of the press in Canada? Of course not. He sat there, mute. Colleagues, the old truism and the Latin legal maxim is *qui tacet consentire videtur* — he who is silent appears to consent. Mr. Dion was complicit in his silence, and his conduct to me as a Canadian was shameful and embarrassing.

Then the next day, the same Chinese official threw a tantrum and demanded a meeting with the Prime Minister, although none was scheduled or necessarily appropriate. The Prime Minister then folded like a cheap lawn chair and gave this bully an audience. Apparently our new "golden age" relationship with China consists of China saying "jump" and the Prime Minister asking "how high?"

And as recently reported by *The Globe and Mail*, the Chinese government published a lengthy shipping guidebook for the Northwest Passage to aid Chinese cargo vessels in making the treacherous journey in the future. Any such passage, I would argue, would be an affront to Canada's claim to the Northwest Passage and our national sovereignty.

When Canada's Prime Minister publicly states his admiration for China's basic dictatorship, these words are heard in Beijing. It is increasingly evident that our government, faced with China's actions in defiance of international law, is hesitant and simply not willing to take a position besides neutrality. I believe that most Canadians are not as naive as the government when it comes to the realities of the mainland Chinese dictatorship, and I for one believe it is time for Canada to take a stronger position when a foreign state outrightly refuses to recognize the primacy of international convention on a matter such as this.

The rule of law is a founding principle of our great nation, as well as any other free and democratic society, and we must stand up and defend these principles.

It should be clear to all parties that the militarization of artificial islands within a disputed boundary in the South China Sea to the detriment of regional security is unacceptable and not an option. Brunei, China, Malaysia, the Philippines, Taiwan and Vietnam must commit to de-escalating the situation in the region and to finding a peaceful and permanent settlement.

The means for multilateral negotiations have already been established through the Association of Southeast Asian Nations' declaration of 2002 to negotiate a code of conduct in the South China Sea. Although there has been a clear failure of member states to negotiate the terms of this code, this motion provides Canada an opportunity to reaffirm the necessity of these negotiations.

Colleagues, I've had the privilege of attending events on behalf of Canada, including several in Asia, in regard to this issue. During a recent visit to Taipei, I spoke to a gathering of the World League for Freedom and Democracy about how Canada is well positioned to articulate and defend these principles that we hold dear.

In conclusion, colleagues, I submit that this motion reflects the principles and values of Canadian society and that we as parliamentarians must promote and uphold such values. Senator Ngo's motion provides the Senate the opportunity to take a leading role in promoting a peaceful, principled resolution to this escalating situation in the South China Sea.

Again, I commend Senator Ngo for bringing this forward, and I encourage my honourable colleagues to support his motion.

(On motion of Senator Cools, debate adjourned.)

## TRANSPORT AND COMMUNICATIONS

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 102 by the Honourable Michael L. MacDonald:

> That the Standing Senate Committee on Transport and Communications be authorized to meet on Monday, June 20, 2016, even though the Senate may then

be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

**Hon. Michael L. MacDonald:** Honourable senators, pursuant to rule 5-10(2), I ask that Notice of Motion No. 102 be withdrawn.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

(Motion withdrawn.)

## LEGAL AND CONSTITUTIONAL AFFAIRS

### COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY ON MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Bob Runciman,** pursuant to notice of June 15, 2016, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report relating to its study on matters pertaining to delays in Canada's criminal justice system, between August 1st and 15th, 2016, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ABORIGINAL PEOPLES

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Lillian Eva Dyck,** pursuant to notice of earlier this day, moved:

> That the Standing Senate Committee on Aboriginal Peoples be authorized to meet on Wednesday, June 22, 2016, even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## LEGAL AND CONSTITUTIONAL AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Bob Runciman,** pursuant to notice of earlier this day, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, June 22, 2016, even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

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

## CONTENTS

**Tuesday, June 21, 2016**


PAGE

**The Senate**
Tributes to Departing Pages.
The Hon. the Speaker . . . . . 1283

## SENATORS' STATEMENTS

**Care for Veterans**
Petter Blindheim—Royal Norwegian Navy Veteran.
Hon. Carolyn Stewart Olsen . . . . . 1283

**Visitors in the Gallery**
The Hon. the Speaker . . . . . 1283

**National Aboriginal Day**
Hon. Lillian Eva Dyck . . . . . 1284
Hon. Dennis Glen Patterson . . . . . 1284

**Visitors in the Gallery**
The Hon. the Speaker . . . . . 1285

**Muslim Youth in Canada**
Hon. Mobina S. B. Jaffer . . . . . 1285

**Visitors in the Gallery**
The Hon. the Speaker . . . . . 1285

**World Refugee Day**
Hon. Ratna Omidvar . . . . . 1286

**Visitors in the Gallery**
The Hon. the Speaker . . . . . 1286

**National Aboriginal Day**
Hon. Murray Sinclair . . . . . 1286

## ROUTINE PROCEEDINGS

**Bill to Amend the Air Canada Public Participation Act and to Provide for Certain Other Measures (Bill C-10)**
Fourth Report of Transport and Communications Committee Presented.
Hon. Michael L. MacDonald . . . . . 1287

**Study on the Regulation of Aquaculture, Current Challenges and Future Prospects for the Industry**
Fourth Report of Fisheries and Oceans Committee Tabled.
Hon. Fabian Manning . . . . . 1287

**Legal and Constitutional Affairs**
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.
Hon. Bob Runciman . . . . . 1287

**Social Affairs, Science and Technology**
Notice of Motion to Authorize Committee to Study the Use of Advance Directives and the Laws, Regulations and Guidelines of the Provinces and Territories Respecting the Right to Refuse Care and Treatment.
Hon. Pamela Wallin . . . . . 1288

PAGE

**Aboriginal Peoples**
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.
Hon. Lillian Eva Dyck . . . . . 1288

## QUESTION PERIOD

**Business of the Senate** . . . . . 1288

**Delayed Answers to Oral Questions**
Hon. Peter Harder . . . . . 1288

**Health**
Suicide Prevention Policy.
Question by Senator Dagenais.
Hon. Peter Harder (Delayed Answer) . . . . . 1288
Stop Smoking Initiatives.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer) . . . . . 1288

## ORDERS OF THE DAY

**Copyright Act (Bill C-11)**
Bill to Amend—Third Reading.
Hon. Tobias C. Enverga, Jr. . . . . 1289
Hon. Joseph A. Day . . . . . 1290

**Bill to Amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and Other Acts and to Provide for Certain Other Measures (Bill C-7)**
Third Reading.
Hon. Colin Kenny . . . . . 1291

**Budget Implementation Bill, 2016, No. 1 (Bill C-15)**
Third Reading—Debate.
Hon. Peter Harder . . . . . 1294
Hon. Joseph A. Day . . . . . 1295

**Business of the Senate** . . . . . 1295

## QUESTION PERIOD

**Business of the Senate** . . . . . 1296

**Agriculture and Agri-Food**
Internal Barriers to Trade.
Hon. Claude Carignan . . . . . 1296
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . . . 1296
Comprehensive Economic and Trade Agreement.
Hon. Terry M. Mercer . . . . . 1296
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . . . 1296

**Internal Barriers to Trade—Diafiltered Milk**
Hon. Ghislain Maltais . . . . . 1297
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . . . 1297
China—Canola Regulations.
Hon. Victor Oh . . . . . 1297

PAGE
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1298
Canadian Food Inspection Agency.
Hon. Claudette Tardif . . . 1298
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1298
Temporary Foreign Workers.
Hon. Don Meredith . . . 1299
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1299
Food Fraud.
Hon. Jean-Guy Dagenais . . . 1299
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1299
Foreign Ownership of Agricultural Enterprises.
Hon. Joseph A. Day . . . 1299
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1299
Assistance for Farm Ownership.
Hon. Pierrette Ringuette . . . 1300
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1300
Hog Industry Regulations.
Hon. Donald Neil Plett . . . 1300
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1300
Poultry Regulations.
Hon. Percy Mockler . . . 1301
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1301
Food Security.
Hon. Pana Merchant . . . 1301
Hon. Lawrence MacAulay, P.C., M.P., Minister of Agriculture and Agri-Food . . . 1301

## ORDERS OF THE DAY

**Budget Implementation Bill, 2016, No. 1 (Bill C-15)**
Third Reading—Debate Adjourned.
Hon. Michel Rivard . . . 1302
Hon. Claude Carignan . . . 1304
Hon. Joan Fraser . . . 1304
Hon. Ghislain Maltais . . . 1304
Hon. Percy E. Downe . . . 1305
Hon. A. Raynell Andreychuk . . . 1306

**Appropriation Bill No. 2, 2016-17 (Bill C-19)**
Third Reading.
Hon. Peter Harder . . . 1306
Hon. Joseph A. Day . . . 1306

**Appropriation Bill No. 3, 2016-17 (Bill C-19)**
Third Reading.
Hon. Peter Harder . . . 1307
Hon. Joseph A. Day . . . 1307

**The Senate**
Motion to Extend Wednesday's Sitting Adopted.
Hon. Diane Bellemare . . . 1307

**Official Languages Act (Bill S-209)**
Bill to Amend—Second Reading—Debate Continued.
Hon. Raymonde Gagné . . . 1307
Hon. Claudette Tardif . . . 1310
Hon. Serge Joyal . . . 1310

**Canadian Public Corporations Governance Bill (Bill S-216)**
Second Reading—Debate Continued.
Hon. Yonah Martin . . . 1310

PAGE

**Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Bill (Bill S-223)**
Bill to Amend—Second Reading—Debate Continued.
Hon. Joan Fraser . . . 1311

**National Anthem Act (Bill C-210)**
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Nancy Ruth . . . 1311
Hon. George Baker . . . 1312
Hon. David M. Wells . . . 1312
Hon. Jim Munson . . . 1312
Hon. Ratna Omidvar . . . 1314
Hon. Elaine McCoy . . . 1314

**Agriculture and Forestry**
Budget—Study on International Market Access Priorities for the Canadian Agricultural and Agri-Food Sector—Fourth Report of Committee Adopted.
Hon. Ghislain Maltais . . . 1315

**Fisheries and Oceans**
Budget and Authorization to Engage Services and Travel—Study on Maritime Search and Rescue Activities—Third Report of Committee Adopted.
Hon. Fabian Manning . . . 1315
Hon. George Baker . . . 1316
Hon. Dennis Glen Patterson . . . 1316

**Study on International and National Human Rights Obligations**
Fourth Report of Human Rights Committee and Request for Government Response Adopted.
Hon. Jim Munson . . . 1317

**Study on Issues Relating to Foreign Relations and International Trade Generally**
Fifth Report of Foreign Affairs and International Trade Committee Adopted.
Hon. A. Raynell Andreychuk . . . 1317

**Study on Issues Pertaining to Internal Barriers to Trade**
Fifth Report of Banking, Trade and Commerce Committee Adopted.
Hon. David Tkachuk . . . 1319

**The Senate**
Motion to Urge the Government to Take the Steps Necessary to De-escalate Tensions and Restore Peace and Stability in the South China Sea—Debate Continued.
Hon. Michael L. MacDonald . . . 1320

**Transport and Communications**
Motion to Authorize Committee to Meet During Sitting of the Senate Withdrawn.
Hon. Michael L. MacDonald . . . 1323

**Legal and Constitutional Affairs**
Committee Authorized to Deposit Report on Study on Matters Pertaining to Delays in Canada's Criminal Justice System and Review the Roles of the Government of Canada and Parliament in Addressing Such Delays with Clerk During Adjournment of the Senate.
Hon. Bob Runciman . . . 1323

**Aboriginal Peoples**
Committee Authorized to Meet During Sitting of the Senate.
Hon. Lillian Eva Dyck . . . 1323

**Legal and Constitutional Affairs**
Committee Authorized to Meet During Sitting of the Senate.
Hon. Bob Runciman, . . . 1323

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