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OFFICIAL REPORT
(HANSARD)

Thursday, March 21, 2019

The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Thursday, March 21, 2019

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

Prayers.

SENATORS' STATEMENTS

ROYAL CANADIAN LEGION

SHEDIAC, NEW BRUNSWICK

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to speak about veterans services in New Brunswick. The media is often dominated by reports of how we routinely fail our veterans, how politicians don't live up to their promises and how government falls short of its commitments.

That's all too true, but today I am going to tell you a good news story of how people decided to change that in their community.

A small New Brunswick town near where I live has decided on their own to provide housing for veterans in need. The story of this project is that of a community and a Legion coming together to get something done without waiting for someone in Ottawa or a bureaucrat in Charlottetown to make decisions for them.

Just a few years ago, the Legion in Shediac was going to close. The money wasn't there for services and upkeep. Despite the best efforts of members, there was no money to be had for them provincially or federally.

The Legion has since been able to bounce back through the hard work of its members and, in the process, has gained access to some land. The Shediac Legion decided it is now time to pay their good fortune forward and assist those in need.

This Legion is supporting the construction of eight residential units to be earmarked for veterans who served but whom, for some reason or another, are not able to live comfortably and with dignity on the benefits they have been given.

Some of these veterans live on as little as $1,600 per month, and in 2019 this is not enough to get by. Two of the units being provided will be subsidized by New Brunswick Housing. This will ensure that veterans who fall below the poverty line are able to live well on their fixed income.

Eight units might not sound like much, but in a small town this has the potential to have a huge impact on the local veterans' community.

This story is a great example of how rural people in Canada work together to get things done and serve their communities.

[*Translation*]

I urge all senators to visit rural communities in the region they represent and to talk to Canadians, because they often come up with original solutions to the problems they encounter.

[*English*]

INDIAN ACT—ELIMINATION OF SEX-BASED DISCRIMINATION

Hon. Lillian Eva Dyck: Honourable senators, on Thursday, February 28, 2019, the Senate unanimously passed my motion, which urges the government to bring into force the remaining provisions of Bill S-3 no later than June 21, 2019. I would like to thank all senators who participated in the debate and all senators for adopting the motion unanimously. This continues the strong leadership of the Senate in continually pushing the government to eliminate all sex-based discrimination in the Indian Act registry.

Colleagues, the SNC-Lavalin issue has dominated the attention of the media over the past several weeks. Consequently, despite its importance, the historic ruling by the United Nations Human Rights Committee of January 11, ordering Canada to remedy the hierarchical sex-based discrimination in section 6 of the Indian Act, and our Senate motion urging Canada to comply with this ruling by June 21, 2019, have largely gone unnoticed by news reporters.

Two weeks ago, Prime Minister Trudeau made a formal apology to Inuit for the federal government's management of the tuberculosis epidemic from the 1940s to the 1960s. Even at that important event, reporters wanted to ask questions about the SNC-Lavalin issue instead of focusing on the apology. At this apology and his earlier press conference, Prime Minister Trudeau reaffirmed his government's commitment to reconciliation with Indigenous people. He also reaffirmed his commitment to justice.

Prime Minister Trudeau and Cabinet have the perfect opportunity now to demonstrate these commitments to reconciliation and justice by complying with the UN Human Rights Committee order by June 21, 2019, as is our Senate motion. Colleagues, justice has been denied to First Nations women and their descendants for 150 years. It is high time for Canada to ensure that First Nations women — the matriarchs — have the same legal rights as First Nations men to pass on their status to their descendants.

June 21 is not only the last sitting day of the House of Commons, it is also National Aboriginal Day. Fulling

implementing Bill S-3 on this day would be most appropriate and a major step in the path to reconciliation and justice for Indigenous women and their descendants.

Thank you. *Kinanaskomitin.*

2019 CANADA WINTER GAMES

Hon. Richard Neufeld: Honourable senators, I rise today to celebrate some local athletes from my community who have recently delivered outstanding performances at the 2019 Canada Winter Games, held in Red Deer, Alberta.

For two weeks in February and March, more than 3,600 participants, 5,000 volunteers and 20,000 visitors flocked to central Alberta to enjoy Canadian sport excellence at its finest.

A big congratulations to Team British Columbia and its 349 athletes, coaches and support staff, who wrapped up the Games with an impressive 87 podium performances, including a provincial record-setting 30 gold medals, along with 28 silver and 29 bronze medals. B.C. finished fourth in the overall medal count.

Honourable mentions go to some athletes from Northeastern B.C. for some exceptional performances.

From my hometown of Fort St. John, congratulations to 17-year-old Brayden Sims, who won a gold medal in boxing, and 16-year-old Josh Telizyn, who won a bronze medal in long-track speed skating.

• (1340)

I also want to congratulate two Prince George residents, Colby Graham for his silver medal in snowboard and Kimiko Kamstra who won a silver medal in judo.

Honourable senators, please join me in congratulating the host city, the countless volunteers and the athletes and their teams who showed us what sportsmanship is all about.

I also want to take this opportunity to celebrate another local hero from Fort St. John who I have previously spoken about, Darlene Jakubowski.

Last month, Darlene participated in the 2019 Special Olympics B.C. Winter Games in Vernon. She won two gold medals in figure skating, another outstanding accomplishment in an already impressive career.

And this week, Sheryl Jakubowski has been competing in the 2019 Special Olympics World Summer Games in Abu Dhabi. Sheryl is participating in her second World Games. I'm happy to report that three days ago Sheryl won a gold medal in the 5,000-metre run.

It's always a pleasure for me to highlight some of the achievements of residents from my region in northern B.C. We may not be strong in number, but we are certainly strong in character, perseverance and purpose. Once again, congratulations to all our local athletes for their most recent performances.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. John MacDonald. He is the guest of the Honourable Senators Black (*Ontario*) and Griffin.

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

Hon. Senators: Hear, hear!

WOMEN DELIVER

Hon. Nancy J. Hartling: Honourable senators, first, I would like to acknowledge that March 8 was International Women's Day. For me, this is always an important opportunity to gather, promote gender equality and to empower women and girls. It's one of my favourite celebrations. I hope you had a chance to enjoy it.

Today I am very pleased to speak about the Women Deliver 2019 Conference in Vancouver, B.C., to be held June 3 to 6. It's the fifth Women Deliver Conference to be held in the world. I'm very excited that it's going to be in Canada this year.

Women Deliver will bring together over 6,000 people from across the globe to learn, share, network and collaborate. By building capacity and encouraging partnerships, Women Deliver aims to spark political commitment and long-term investments for women and girls.

Amazing things happen when people from all walks of life come together and share their perspectives. I am convinced this conference, with representatives from 160 countries coming together to contribute to a more gender-equal world, will be no different.

[*Translation*]

The conference will give participants plenty of opportunities to learn and network. The program includes workshops, a virtual conference, a youth zone and a film and art festival.

[*English*]

For those who can't attend, there is a mobilization campaign which encourages people to host events in their home province or territory. I will host one in my province on April 23 so people can learn about it and participate. Spread the word. You too can have one in your province or territory. The mobilization campaign will focus on three main areas: gender-responsive health systems and services, gender-based violence, women's economic empowerment and equal opportunity.

On February 26, I was pleased to have co-hosted a reception with the Speaker of the Senate to bring together representatives of Women Deliver Canada and their community partners to share information about the Women Deliver Conference. Thanks to all that attended. For those who would like more information, you can go on their website, womendeliver.org. Because we, all of us, need to realize a gender-equal world for girls and women. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Lima Nizami. She is the guest of the Honourable Senator Anderson.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Tiera Sandiford and Victoria Lunetta. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today during an extension of Black History Month to honour two very important African Nova Scotian women, Viola Desmond and her sister, Wanda Robson. Every February Canadians celebrate Black History Month. However, in Nova Scotia we call it African Heritage Month. The month of February was a time to highlight the culture and lives of people of African descent. This year's theme in Nova Scotia was Our History is Your History. This theme is a message I hope will stay with you long after February is over, and, of course, because I'm doing it today, you will. Black history is Canadian history.

You all know of Viola Desmond by now, a Canadian human rights icon who stood up for her rights in 1946 when she refused to be segregated in a movie theatre. She was forcibly removed and arrested for tax evasion. But we all know it was not tax evasion, it was because of anti-black racism and legal segregation of public spaces in Nova Scotia. Although many people know the story of Viola Desmond in this New Glasgow movie theatre, they do not know that her work for racial justice is not limited to that incident. She was also an entrepreneur. Beauty schools were segregated during her time. However, Viola Desmond did not allow this barrier to prevent her from becoming a successful businesswoman. She developed products for black skin and hair care.

Viola Desmond is now being honoured on the 10-dollar banknote and a silver coin reminding us of the fight for human rights and racial equality. Viola is one of many African Nova Scotian women who have fought for racial equity in Canada. Viola Desmond's history is Canadian history. I've had the pleasure of spending time with her sister, Wanda Robson. Wanda Robson has many of her own stories. One of the most compelling stories is that when she was a student at Cape Breton University at the age of 75, she decided that the rest of Canada needed to know the story of her sister, Viola Desmond. We must thank Wanda Robson as well for telling the rest of Canada and now the rest of the world about the compelling story of Viola Desmond.

Just as Viola's history is Canada's history, so was Wanda Robson's. It is history that must be taught in our public education system beyond Black History Month.

Honourable senators, our history is your history. Black history is Canadian history. Let's make a commitment to celebrate it beyond the month of February. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Angus Ross. He is the guest of the Honourable Senator Coyle.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-FIFTH REPORT OF COMMITTEE ADOPTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 21, 2019

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTY-FIFTH REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters, recommends that Philippe Hallée be appointed Law Clerk and Parliamentary Counsel of the Senate.

Respectfully submitted,

SABI MARWAH
Chair

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

Senator Marwah: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1350)

THIRTY-SIXTH REPORT OF COMMITTEE ADOPTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 21, 2019

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTY-SIXTH REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters, recommends that the following funds be released for fiscal year 2019-20, and that both committees be authorized to adjourn from place to place in Canada.

Transport and Communications
(Legislation: Bill C-48)

Activity 1: Prince Rupert and Terrace, British Columbia	$	136,640
Total	**$**	**136,640**

(including funds for public hearings for 12 senators and 3 senators' staff to travel)

Energy, the Environment and Natural Resources
(Legislation: Bill C-69)

Activity 1: Western Canada	$	280,888
Activity 2: Eastern Canada	$	211,204
Total	**$**	**492,092**

(including the funds for public hearings for 14 senators and 2 senators' staff to travel and for a charter airplane (sole source)).

A copy of each committee's detailed budget application is appended to this report.

Respectfully submitted,

SABI MARWAH
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix , p. 4445.*)

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

Hon. Sabi Marwah: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

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

Hon. Senators: Agreed.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, it's not my intention to delay the consideration or the adoption of this report. I would simply like to say for the record that, given the amount of money involved and given the lengthy time in which these bills have been before the Senate, I for one will be voting against the motion when it comes time to vote, but I do not stand in the way of either the committee or the whole Senate.

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

Some Hon. Senators: Question.

Hon. David Tkachuk: What exactly is Senator Harder saying here? He didn't ask for the report to be adopted now; he moved it. Then the question should have been, when should it be considered? That was not followed up. You didn't ask whether it was later this day or that we would do it immediately. I think there's a problem there. His Honour may have got ahead of you a little bit. You may have had discussions earlier; I don't know.

The Hon. the Speaker: Thank you, Senator Tkachuk.

Just to clarify, Senator Marwah, are you requesting leave to consider this report now or to put it on the Order Paper for consideration at the next sitting? I understood the honourable senator to be saying now. I asked if leave was granted. Leave was granted. We are on debate. Senator Harder spoke on debate.

Did you have anything on debate, Senator Tkachuk?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

Senator Tkachuk: I do want to say a few things, since it is quite a bit of money. I think it should be pointed out that we are only going to British Columbia. We are not going to Saskatchewan or Alberta. That decision created quite a few divisions in the Senate as far as where we were going, although the budget for the trip to B.C. was developed unanimously by the committee. I just want to put that on the record.

Hon. Pierrette Ringuette: This is a technical question for the senator. If I read this correctly, the expenses detailed here are for the fiscal year 2019-20. However, since the supply has not yet been tabled or approved yet, do we have the authority to approve these expenses without technically having the money to do so?

The Hon. the Speaker: Senator Ringuette, in answer to your question, it is understood that any approval for expenditures dependent upon a supply bill would be contingent upon the supply bill being adopted. Thank you for raising that.

Are honourable senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

THIRTY-SEVENTH REPORT OF COMMITTEE TABLED

Hon. Sabi Marwah: Honourable senators, I have the honour to table, in both official languages, the thirty-seventh report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Modernizing the Senate's Anti-Harassment Policy: Together let's protect our healthy worklife*.

THIRTY-EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 21, 2019

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTY-EIGHTH REPORT

On December 6, 2018, the Senate authorized your committee to recommend "a process by which the Senate could submit to the Governor in Council its recommendation on the nomination of a person or list of persons with the skills and capacities required for the position of Clerk of the Senate and Clerk of the Parliaments".

Your committee notes that the Clerk of the Senate and Clerk of the Parliaments is appointed by the Governor in Council under the provisions of the *Public Service Employment Act*.

Your committee recommends as follows:

1. That the search process for the Clerk of the Senate and Clerk of Parliaments be led by the Subcommittee on Agenda and Proceeding (Steering Committee) of the Standing Committee of Internal Economy Budget and Administration in collaboration with the Speaker of the Senate;

2. That the Steering Committee and the Speaker be supported by an executive search firm throughout the process leading to the interview of a short list of candidates; and

3. That the recommendation of one (or a list of) candidate(s) be made by the Steering Committee and the Speaker to the Governor-in-Council for the official appointment to take place.

Respectfully submitted,

SABI MARWAH
Chair

The Hon. the Speaker: Honourable senators, I understand there is some confusion with regard to the French copy. I believe honourable senators will find that the French version follows the English text. Thank you.

Honourable senators, when shall this report be taken into consideration?

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

BUDGET 2019

NOTICE OF INQUIRY

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the budget entitled *Investing in the Middle Class*, tabled in the House of Commons on March 19, 2019, by the Minister of Finance, the Honourable Bill Morneau, P.C., M.P., and in the Senate on March 20, 2019.

[*Translation*]

APPROPRIATION BILL NO. 4, 2018-19

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-95, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019.

(Bill read first time.)

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

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be placed on the Orders of the Day for second reading later this day.

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

Hon. Senators: Agreed.

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

[*English*]

• (1400)

FROZEN ASSETS REPURPOSING BILL

FIRST READING

Hon. Ratna Omidvar introduced Bill S-259, An Act respecting the repurposing of certain seized, frozen or sequestrated assets.

(Bill read first time.)

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

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

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE COUNCIL OF STATE GOVERNMENTS' MIDWESTERN LEGISLATIVE CONFERENCE, JULY 15-18, 2018—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the 73rd annual meeting of the Council of State Governments' Midwestern Legislative Conference, held in Winnipeg, Manitoba, from July 15 to 18, 2018.

ANNUAL SUMMER MEETING OF THE NATIONAL GOVERNORS ASSOCIATION, JULY 19-21, 2018—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the summer meeting of the National Governors Association, held in Santa Fe, New Mexico, United States of America, from July 19 to 21, 2018.

ANNUAL CONFERENCE OF THE NEW ENGLAND GOVERNORS AND EASTERN CANADIAN PREMIERS, AUGUST 12-14, 2018—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the 42nd annual conference of the New England Governors and Eastern Canadian Premiers, held in Stowe, Vermont, United States of America, from August 12 to 14, 2018.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO PAKISTAN, MARCH 31-APRIL 8, 2018—REPORT TABLED

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its bilateral visit to Islamabad, Pakistan, from March 31 to April 8, 2018.

BILATERAL VISIT TO SOUTH AFRICA AND KENYA, AUGUST 31-SEPTEMBER 8, 2018—REPORT TABLED

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its bilateral visit to Cape Town, South Africa, and Nairobi, Kenya, from August 31 to September 8, 2018.

WESTMINSTER SEMINAR ON EFFECTIVE PARLIAMENTS, NOVEMBER 26-30, 2018—REPORT TABLED

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its participation at the 2018 Westminster Seminar on Effective Parliaments held in London, United Kingdom, from November 26 to 30, 2018.

EXPERT COMMITTEE MEETING ON STATUS, JUNE 8-11, 2018—REPORT TABLED

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its participation at the Expert Committee Meeting on Status (EXCO), held in London, United Kingdom, from June 8 to 11, 2018.

[*Translation*]

THE SENATE

NOTICE OF MOTION TO URGE THE GOVERNMENT TO SUPPORT THE GENUINE AUTONOMY OF TIBET

Hon. Thanh Hai Ngo: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of Canada to actively support the genuine autonomy of Tibet and, consequently, to also call for the People's Republic of China to:

(*a*) renew the Sino-Tibetan dialogue in good faith and based on the Middle Way Approach;

(*b*) respect the linguistics rights, freedom of movement, thought, conscience and religion of the people in Tibet;

(*c*) free all Tibetan political prisoners, and cease all arbitrary detention of dissidents; and

(*d*) grant Canada reciprocal diplomatic access to Tibet without limitations;

That the Senate also urge the Government of Canada to acknowledge the Dalai Lama's appointment of Gedhun Choekyi Nyima as the official eleventh Panchen Lama; and

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

[*English*]

ABORIGINAL PEOPLES

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

Hon. Lillian Eva Dyck: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Thursday, April 11, 2019, from 1:00 p.m. to 4:00 p.m., for the purposes of its study on the subject matter of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTAIN MATTERS PERTAINING TO THE FORMER MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA AND TO CALL WITNESSES

Hon. Donald Neil Plett: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the serious and disturbing allegations that persons in the Office of the Prime Minister attempted to exert pressure on the former Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, P.C., M.P., and to interfere with her independence, thereby potentially undermining the integrity of the administration of justice;

That, as part of this study, and without limiting the committee's right to invite other witnesses as it may decide, the committee invite the Honourable Jody Wilson-Raybould, P.C., M.P.;

That the committee submit its final report no later than June 15, 2019; and

That the committee retain all powers necessary to publicize its findings until 180 days after tabling the final report.

Hon. Senators: Hear, hear.

QUESTION PERIOD

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Donald Neil Plett: Honourable senators, I want to thank my leader for allowing me the opportunity of taking his spot at Question Period today.

My question is for the Leader of the Government in the Senate.

Senator Harder, since the SNC-Lavalin scandal exploded into view after the demotion and subsequent resignation of Jody Wilson-Raybould, the Prime Minister has claimed that his interventions and those of his staff were necessary because 9,000 jobs were at stake and that it was his job to protect them.

Yesterday, we learned that this is not true. In an interview with the Canadian Press, the CEO of SNC-Lavalin Group said he never cited the protection of 9,000 jobs as a reason the company should be granted a remediation agreement to avoid a criminal trial. And I quote:

> This thing that somehow they're going to be unemployed is not true . . .

That needs repeating. Not true.

There are those who say when you speak an untruth, you are lying.

Further to that, Senator Harder, the Clerk of the Privy Council Office, Mr. Wernick, threatened Ms. Wilson-Raybould last September, warning that SNC-Lavalin will likely be moving to London —

The Hon. the Speaker pro tempore: Colleagues, let's get through this. Let's listen and get through it. Thank you.

Senator Plett: Thank you, Your Honour.

Further, Senator Harder, the Clerk of the Privy Council, Mr. Wernick, threatened Ms. Wilson-Raybould last September, warning that SNC-Lavalin will likely be moving to London if they do not get the deferred prosecution agreement.

Now we find out from the CEO of SNC-Lavalin that there was never any such danger. He told the Canadian Press that there were no plans to move the company's headquarters to London, no plans.

Senator Harder, I hope that you agree that Canadians deserve to know the truth, because it's becoming abundantly clear that Canadians are not going to get it from the Prime Minister —

The Hon. the Speaker pro tempore: Please get to your question.

Senator Plett: "Will you" is part of a question.

• (1410)

Will you agree today to add your voice to the many others and ask the Prime Minister to waive attorney-client privilege and cabinet confidence to allow Jody Wilson-Raybould and Jane Philpott to speak openly so Canadians can learn the truth?

Hon. Peter Harder (Government Representative in the Senate): No.

Senator Plett: Senator Harder, a growing number of courageous people such as Jody Wilson-Raybould and Jane Philpott have paid a high price to protect both the independence of our justice system and the integrity of Parliament. They have done so at great personal cost and, in doing so, have earned the respect of Canadians from coast to coast to coast.

I am wondering if just for a moment, Senator Harder, you would put down your talking points, "yes" and "no," and be transparent with us. Do you, Senator Harder, share the concerns of many Canadians that there is a cover-up — here maybe a yes-or-no answer might be good — going on, and will you do everything within your power to ensure that the truth comes out, yes or no?

Senator Harder: I thank the honourable senator for his scripted question. My notes allude me, but let me respond.

This government has taken unprecedented steps to ensure that the former Minister of Justice and Attorney General were able to speak before the standing committee by issuing an Order in Council, which is unprecedented. I think the last time was some 50 years ago. That precedent is a token of the government's commitment to ensuring that the voices of those affected are presented before the parliamentary process in the other place. The honourable senator will know there were a number of other witnesses from the government, both former and serving officials.

The senator will also know that the Prime Minister, in an openness to ensure that there is appropriate investigation of these issues, called on the Ethics Commissioner and compliance officer of the other place to undertake an examination, and that is underway.

Further, the Prime Minister has sought the advice of the former Deputy Prime Minister and Minister of Justice and Attorney General as a special adviser to advise on the machinery of government issues that have been raised by this, as well as the relationship issues that are appropriate between an Attorney General, her staff, and the staff and members of cabinet.

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is also for the government leader, which concerns the former president of the Treasury Board, the Honourable Jane Philpott, who resigned earlier this month. In an interview with *Maclean's* this morning, Dr. Philpott stated:

> I felt that there was evidence of an attempt to politically interfere with the justice system in its work on the criminal trial that has been described by some as the most important and serious prosecution of corporate corruption in modern Canadian history.

She went on to say:

> I believe the former attorney general has further points to make. I believe that I have further issues of concern that I'm not free to share.

Senator, Dr. Philpott says there's much more to the story that should be told. Isn't that why your government has shut down the work of the house Justice Committee — to prevent the truth coming to light? If your answer is no, could you explain how the committee could conclude without having all of the information that other committee members felt was necessary and that Canadians deserve to know?

Senator Harder: I thank the honourable senator for her question. Let me repeat that the Government of Canada has taken unprecedented steps to ensure that the former Minister of Justice and Attorney General has been able to speak to this issue for over four and a half hours of testimony; that the government has, as I've indicated already several times, initiated other processes to ensure that appropriate fora are provided to those who have concerns on this matter, and those processes are underway and should be respected.

Finally, I should indicate I have utmost regard and respect for the two former ministers involved, but the government is the government of the day who is intent on ensuring that Canadians

are provided with the benefits of the budget that was tabled earlier this week, the subject matter of which is yet to have any time in this place or the other.

Senator Martin: As you say, the former Attorney General did speak for four hours. That is a lengthy period, but I think there's a lot more to this. Dr. Philpott's interview and her words, "I believe that the former Attorney General has further points to make," are what concerns us, that she needs to have the venue to do so.

At this time, the Justice Committee has shut down. There is no place in the house. We have an opportunity here in the Senate through the motion brought forward by my colleague, the Leader of the Opposition, to give both Dr. Philpott and the former Attorney General a forum to speak their truth fully and freely. Dr. Philpott said: "I believe we actually owe it to Canadians as politicians to ensure that they have the truth."

Senator Harder, do you agree with Dr. Philpott that the Canadians we serve should be given the whole truth? If so, will you support a Senate study into this matter?

Senator Harder: I thank the honourable senator for her question. It gives me the opportunity to remind the honourable senator that I've spoken to the motion to which she refers and expressed my views, which continue to be my views. As I said in that speech, it will be for the Senate of Canada to determine whether the Senate of Canada undertakes yet another forum. That is a matter we have yet to conclude on.

Having said that, I would also like to reiterate what the former Attorney General and Minister of Justice made clear in her testimony, which was that at no time did she feel that any law was broken, but she did indicate that, in her view, there was undue pressure. What she also acknowledged was that there was no breaking of law. Those other individuals from whom she felt undue pressure testified with their perspective.

Finally, the other truth, of course, is that no direction was given by the Prime Minister to the Minister of Justice as to how this case ought to conclude.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF COMMITTEE

Hon. Marilou McPhedran: Thank you, Your Honour.

My question is to the chair of the Standing Committee on Internal Economy, Budgets and Administration.

Senator Marwah, in the past 13 months I have asked in February 2018 and, again in November 2018, how much public funding has gone to legal representation for senators and Senate officials who are the subject of complaints of harassment, including bullying and sexual harassment.

While CIBA has technically "replied," there actually remains no substantive answer on the record. Instead, *Blacklock's Reporter* may have been more helpful. In an article regarding the Senate's new harassment policy, it was noted that severance payments to staff more than doubled from fiscal year 2016/2017 to fiscal year 2017/2018.

My question has two parts: One, is any portion of the more than doubling of severance payments referred to in the *Blacklock's* article to staff related to complaints of harassment, including bullying and sexual harassment against senators and/or Senate officials? Two, given that the Senate legal assistance and indemnification policy allows for legal representation to senators and Senate officials who face complaints of harassment, including bullying and sexual harassment, will the new harassment policy tabled today, expected to come into effect in the coming month, provide funding for complainants to access legal representation or other advocacy services to ensure equality in this process? If not, why not?

Hon. Sabi Marwah: Thank you, senator, for that question.

As you're aware, all proceedings that are taken at steering committee are in camera and are protected under the Senate rules by confidentiality. Hence, I respond to you that those amounts could not be divulged because even divulging amounts in aggregate may inadvertently violate the spirit of confidentiality that exists. That is our response. Asking me the question the third time is not going to change my response.

• (1420)

On the second part, which is Blacklock's, I honestly cannot comment on why or how Blacklock's got that number, nor do I intend to try and find out. Blacklock's has their sources; somebody leaks it. I honestly have no idea.

Your third question was about whether the new Senate policy will cover certain procedures or requirements to compensate or not compensate. That I honestly don't know.

Senator Saint-Germain and Senator Tannas are not here. They are members of the steering committee that approved the report, and I'm sure they will take it under advisement.

The Hon. the Speaker: Senator McPhedran, before you go to your supplementary, I want to remind senators that when we do not have a minister here, we have agreed that senators can ask a question and a supplementary. When you ask two or three questions in your first question, you're probably using up your supplementary. But for today, Senator McPhedran, go ahead.

Senator McPhedran: Your Honour, thank you very much for your generosity. It is a quick supplementary question, and it is to the Chair of the Standing Committee on Internal Economy, Budgets and Administration, and it is whether the committee has or will undertake any kind of a review, in the context of the new harassment policy, to look at the impact of the way you currently respond, both to questions but also to complaints, to cases of harassment, and the impact on the complainants, a different lens than a focus on Senate, Senate officials and senators.

Senator Marwah: Thank you, senator, for the supplementary. I guess I would say that given your question, I think we will now.

[*Translation*]

CANADIAN HERITAGE

COPYRIGHTED MATERIAL

Hon. Renée Dupuis: My question is for the Government Representative in the Senate. It is a question I had for the Minister of Canadian Heritage when he took part in Question Period in the Senate on March 19, 2019.

At least three professional writers' associations have spoken out against a practice being used by Internet sites that violate their members' copyrights. Three of those associations are UNEQ in Quebec, the Authors Guild in the United States and the Society of Authors in Great Britain. These three organizations are calling on legislators to put an end to the practice of certain websites that claim to be online libraries of digitizing books from public or university libraries and lending them to Internet users.

These sites are digitizing and distributing copyrighted material online without the authors' permission and without paying them any royalties, in violation of Canada's Copyright Act.

What is interesting is that these sites are referring to this practice as "controlled digital lending." What is more, some of them are falsely claiming the following, and I will quote from one such site:

[*English*]

> Imagine a world where authors can make money by giving digital versions of their books away to their readers . . . .

[*Translation*]

There is also the fact that this website claims to be a site that was, and I quote:

[*English*]

> . . . made with love in Vancouver, BC.

[*Translation*]

We know that, in Canada, there is a comprehensive system for managing public library loans through which the Public Lending Right Commission of the Canada Council for the Arts enforces authors' copyright and pays them royalties on loans made by Canadian public libraries.

The question that I would like you to submit to the minister is as follows. What does the government intend to do, as part of its current review of the Copyright Act, to stop such practices? These sites are falsely claiming that the use of material on their site is fair and legal, an argument that an American court recently rejected in the *ReDigi* case.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She and other senators will know by the answers to related questions from the minister concerned that he has as a high priority attending to the copyright and the protection of copyright for artists and creators.

I will bring the specific question to his attention, and I will be happy to report back.

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Denise Batters: Senator Harder, let's review the SNC-Lavalin scandal.

The female Director of Public Prosecutions, the female Attorney General of Canada, and very recently a female Federal Court judge refused to stop SNC's criminal trial.

This entire scandal is happening because three of the most powerful men in the Trudeau government would not take Jody Wilson-Raybould's "no" for an answer: the Prime Minister, his closest adviser and the Clerk of the Privy Council.

All of those women are lawyers and none of the men are, and yet these men repeatedly pressured Jody Wilson-Raybould to change her mind or get a second legal opinion.

Senator Harder, why isn't the legal opinion of three of the highest-ranking female lawyers in Canada enough for this feminist Prime Minister?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's clear that in the view of the Prime Minister and his government, this issue was an important issue, as it was the first time the new DPA was potentially involved, one that the government needs to proceed with with caution and appropriate regard for the law. That was and remains the objective of the Prime Minister.

The former Minister of Justice and Attorney General in her four and a half hours of committee hearing confirmed that no direction had been received by her from the Prime Minister and confirmed that no laws were broken.

What we have is a breakdown of trust, if I can put it that way, between certain individuals in the Prime Minister's Office and the former minister. That has been acknowledged by all concerned.

What, again, is important for us all is to understand that the rule of law in Canada remains strong and that there has been no interference that is inappropriate or no direction given on this matter.

Senator Batters: Senator Harder, this fake feminist Prime Minister seems to have issues accepting "no" from women. Trudeau pressured the female Attorney General and fired her when she wouldn't bend to his will. He screamed and ranted at his former parliamentary secretary when she chose not to run again.

Today, one of his most trusted former ministers called the pressure from the Trudeau government bullying and harassment. Dr. Philpott said there is much more Canadians still need to know about this story.

Senator Harder, you could withdraw your motion and expose the truth. What it's going to be, let Jody Wilson-Raybould speak or defend Justin Trudeau's "old boys' club"?

Senator Harder: Again, I thank the honourable senator for her question. As I have indicated in response to other questions, this is a matter, as the honourable senator knows, that is before the Senate for debate. My views have been expressed and are clear. I look forward to others engaging in the process.

Hon. Leo Housakos: Honourable colleagues, I quote:

> There's much more to the story that needs to be told.
>
> . . . we . . . owe it to Canadians . . . to ensure that they have the truth.

Honourable colleagues, those are the words of a former senior cabinet minister in the Trudeau government, Dr. Jane Philpott. She's clearly calling for transparency and accountability. She's clearly asking the Parliament of Canada to have the truth rain down on this place.

Instead of the Prime Minister allowing the other place and this place to do their jobs, he chooses to hire a former deputy prime minister to come into his office and educate him on the important principle of the separation of power between the executive, the legislature and the judiciary, and also to explain to him the role of the Attorney General and the Justice Minister of Canada.

At least there are two former cabinet ministers in his government who understood this important principle. There have been 23 prime ministers in this country over 150 years, and not a single one has attempted to transgress that important principle.

Why does this Prime Minister have such difficulty understanding the importance of separation between the executive and the judiciary and respect that?

Some Hon. Senators: Hear, hear.

Senator Harder: If the question is the question as posed, the Prime Minister, of course, deeply understands the important relationship that is involved in the exercising of responsibilities by the Minister of Justice and the Attorney General.

• (1430)

He has respected that in terms of how his government, in proceeding with the newly created deferred prosecution agreement provisions, did so with caution and in an informed fashion.

That is the issue on which he is seeking additional advice from the former Deputy Prime Minister and Minister of Justice and Attorney General, because that is a unique and newly informed provision in the Canadian practice and one that this government wants to ensure is proceeded with cautiously and appropriately.

Senator Housakos: Government leader, clearly this Prime Minister doesn't understand the principle because he has lost two senior former cabinet ministers who are both saying, as of today, there's a lot more to the story than we have already heard. As Parliament, we owe it to Canadians to find out exactly what that story is and allow for Canadians to come to a determination if laws have been broken or not, and the police authorities will come to that determination.

Clearly the Prime Minister is struggling with this important principle because if he hadn't been struggling with it, he wouldn't need to hire an outside adviser like Anne McLellan to come in and explain it for him.

Wouldn't it have been a lot easier for this Prime Minister to simply count upon the sage advice of Liberals who have experience in government and in Parliament, some of those non-merit appointed Liberals who are sitting in the Senate that he threw out of his national governing caucus three years ago, like Senator Mercer, Senator Downe, Senator Joyal and Senator Dawson? Couldn't this Prime Minister have benefited from some of their experience and not put the country in the political and judicial crisis we're in today?

It is no laughing matter. Trudeau-appointed senators might be laughing, but it is no laughing matter.

Senator Harder: I'm trying to figure out what the question is, but let me simply say —

Senator Housakos: The question is clear.

Senator Neufeld: It's no wonder you're backing up the Prime Minister.

Senator Harder: Let me say that the Prime Minister, as I've said several times now, has sought the advice of the former Deputy Prime Minister and Attorney General on a very specific set of questions.

In the preamble of the question, there was reference to laws having been broken. The former Attorney General and Minister of Justice in her four and a half hours of testimony made clear that in her view — and she was the Minister of Justice and the person most affected in this — there were no laws broken. To suggest that there were or to suggest the police are investigating is to try to invent and stoke a fire.

Senator Housakos: She wants to complete her testimony.

CANADIAN HERITAGE

COPYRIGHT POLICY

Hon. Patricia Bovey: Honourable senators, my question is for the Leader of the Government in the Senate. I'd like to return to the visit we had from the Minister of Canadian Heritage. I was pleased when he said he would get back to me on the work that has been done on the Cultural Property Export and Import Act with regard to processes for export of works of art, especially after the situation with the Chagall painting from the National

Gallery. I await that, and I trust we'll get that answer fairly soon, along with the timeline, as I asked him for the review of that piece of legislation.

I'm also very concerned about the Copyright Act. I don't believe I got an answer as to the timing as to when the arts community can expect revisions to the Copyright Act, nor did we get an answer to my question on whether that would include artists' resale rights, which is inhibiting our artists overseas with their international work.

I ask, senator, if you can get me the answers on the timelines regarding those important pieces of legislation.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know by the response she did get that the minister is well seized of this issue.

With respect to timelines and what may or may not be included in an announcement, I will seek that information. However, I wouldn't be surprised if that information was forthcoming only in the context of an announcement by the minister in respect of this provision.

HEALTH

REGULATION OF VAPING FLUIDS

Hon. Colin Deacon: Honourable senators, my question is for the Leader of the Government in the Senate. Further to questions and concerns raised by Senator Seidman about the rampant use of e-cigarettes in this country that some consider at epidemic levels, I'd like to focus on the liquid or the vaping fluid that is used in e-cigarettes.

Vaping fluid is now available in countless flavours. Many flavours in Canada are clearly targeting younger users, like bubblegum and cotton candy. The U.S. Food and Drug Administration just announced that it intends to dramatically reduce the available flavours in vaping fluid down to three: tobacco, mint and menthol.

Specifically, I was concerned to learn in a February 19 "Quirks & Quarks" episode on CBC that the flavours used in vaping fluids have been tested and approved for ingestion but not for inhalation. I was even more concerned when I learned about the particulate matter produced by these flavours that, when used in e-cigarettes, are linked to several serious respiratory illnesses, such as COPD.

Would the fact these flavours have not been proven safe for inhalation enable Health Canada to halt their use in vaping fluids in Canada?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and I would first congratulate him on his choice of radio listening. The program is highly enlightening and popular.

I can report, and as is obvious from the legislation that this chamber dealt with, the government has shared the concerns that you expressed and that many Canadians, particularly parents, have with respect to vaping. As you know, we as a government took actions to protect youth by banning vaping products for those under 18, as well as prohibiting the promotion of certain flavours and restricting ads aimed at youth.

The government has also proposed further restrictions on vaping ads like billboards and launched a new public education campaign to inform our youth of vaping risks. The government also gave notice of intent to develop potential regulatory measures to reduce the impact of vaping products advertising on youth, with a focus on the placement of content of advertisements and other forms of retail promotion. This was published in the *Canada Gazette*, and the Government of Canada is seeking feedback from stakeholders and concerned citizens as part of that consultation process.

I will certainly bring to the attention of the minister your question and the concerns yet again expressed by members of this chamber.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Doug Martin. He is the spouse of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-81, followed by consideration of the thirty-eighth report of the Standing Senate Committee on National Finance, followed by consideration of the thirty-ninth report of the Standing Senate Committee on National Finance, followed by second reading of Bill C-95, followed by all remaining items in the order that they appear on the Order Paper.

ACCESSIBLE CANADA BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Dyck, for the second reading of Bill C-81, An Act to ensure a barrier-free Canada.

Hon. Chantal Petitclerc: Honourable senators, it moves me deeply to speak to Bill C-81 today. This bill, which many have described as historic, represents hope for a barrier-free Canada for people living with disabilities.

I would like to begin by thanking the bill's sponsor, Senator Munson, for his tireless work in moving this file forward. I would also like to thank him for his remarkable speech. His work on this bill is a testament to his caring nature and his genuine respect for persons living with disabilities.

[*English*]

I also want to recognize Minister Carla Qualtrough, a former Paralympian, who has worked so hard on this. In 1992, the year the disability act became law in the U.S.A., we were both competing in Barcelona. I remember well the hope that bill was bringing to the world for persons with disabilities.

• (1440)

Yes, it took time, but finally, we have our bill, the barrier-free act, so it is a historic moment. It's fair to say that your legacy, Minister Qualtrough, goes way beyond the medals you gave this country.

[*Translation*]

Instead of giving a speech today, I would just like to share three stories with you. In my humble opinion, these stories illustrate why we need this bill and why we must create a barrier-free Canada.

[*English*]

Here I go. This was 1988, my first year in college, which was five years after becoming paraplegic. This was also the year I saw the movie *Wings of Desire* by Wim Wenders. So at 17, I decided that learning German was a high priority. I took German class, but there was a small problem: There were four or five steps to get to that class at the end of a corridor corner. The CEGEP did great; they had a ramp. But I have to tell you the ramp was so short and so steep, it was a disaster waiting to happen. I had two options. I could ask for friends to push me up the ramp, or I could take a deep breath, roll like my life depended upon it and hope to make it to the top.

I was young. I was trying to fit in, and so I refused to ask for help. But I was determined. To go unnoticed, I would get to the class early and push up that ramp without anybody watching me and try to make it up the ramp. Sometimes it took three or four attempts.

After a while, my ego, or survival instinct, got the best of me, and I dropped out of the class; I abandoned it.

I think we can all agree that me not speaking German is not a human tragedy, but it's easy to imagine — and this is my point — that situations like this happened and still happen to thousands of persons with disabilities, with much more serious impacts to their lives, the pursuit of their goals, the contributions they wish to bring to this country and their basic rights to accessibility.

In my humble opinion, without first removing physical, architectural and communication barriers, we can't talk about an accessible Canada.

[*Translation*]

The goal of Bill C-81 is not only to eliminate barriers, but also to establish specific, defined, concrete standards that will make accessibility a reality. In addition, this bill makes it clear that persons living with disabilities will be part of the process every step of the way.

[*English*]

The stated commitment in the bill, the commitment to respect "nothing about us without us," is crucial, in my opinion. No matter the good intentions, persons with disabilities have the lived experience and expertise to know what works and what should be done. This bill puts them at the centre of the process, as it should. This alone gives me hope.

But "barrier-free" is more than building good ramps, obviously. In fact, I would dare to say that's the easy part. Changing attitudes is what really matters.

Let me tell you another story. My friend Cheri Blauwet is a U.S. Paralympic racer and a brilliant individual. When she retired from track, she decided she wanted to study medicine, and so she did. She is a strong, passionate woman, and in part because of the disability act in the U.S., she faced minimum architectural barriers to achieve her goal. Access was fine, and medical equipment was slightly adjusted. So she became Dr. Blauwet.

But the barrier she did not expect was that patients were thrown off by her being a doctor in a wheelchair. She had all kinds of reactions. Let me quote my favourite from a *New York Times* article entitled, "I Use a Wheelchair. And Yes, I'm Your Doctor." This is Cheri being quoted:

> Although my badge reading "Dr. Blauwet" and stethoscope were clearly visible, a man next to me in line said: "You look like you are doing pretty well. When are you going to be discharged?" Clearly, my wheelchair was the only thing he saw. Moreover, he equated my wheelchair with illness, rather than empowerment.

I find this example so revealing. I know for a fact that it happened to her not just one time — being taken for a patient, even wearing the badge, the white clothes and a stethoscope.

Attitude is everything. Unless we can change attitude, perception and behaviours, we cannot speak of a barrier-free Canada.

[*Translation*]

Could this bill serve as a powerful tool to help change attitudes towards people with disabilities? That is certainly its intent, and I think we have every reason to believe that it will.

I would like to wrap up my remarks by telling you about my cousin's son, an amazing little boy named Milan.

[*English*]

Milan is only 8 years old. He was born with cerebral palsy, and he is a gutsy, fearless, joyful little boy. He uses two canes to walk, to play and to run. He would really want me to mention that he is the up-and-coming sledge hockey star on his team.

Last year in my home, as I watched him play with my son, running around, rough-housing, free of all fear and self-consciousness, it became clear to me that little Milan did not even think of himself as a person with a disability. Just as revealing, my little boy did not see him as a person with a disability. They were just two boys playing together.

Dear colleagues, that should be what we aim for when it comes to a barrier-free Canada.

[*Translation*]

Now, I'm not naive. I'm well aware that this bill will not magically transform the lives of every individual in Canada living with a disability. There are limits to what it can do, to its scope and to the number of people with disabilities it can benefit. Some legitimate concerns have been raised, here in the Senate and by some organizations, and we will have an opportunity to examine those concerns at committee.

[*English*]

So no, I'm not naive, but allow me to be hopeful — hopeful that Bill C-81 will set a solid foundation, bring forward concrete, high standards of accessibility and contribute to changing mentalities — hopeful that it will create a strong momentum and that this momentum will be embraced by provinces and territories, and that Canada will indeed gradually become barrier-free.

In the end, I'm hopeful that little Milan will be able to grow up in a country where his disability will never stop him from achieving his craziest dreams. That, dear colleagues, in the years to come, will be how we can measure the success of this bill.

Thank you.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Lucie Moncion: Honourable senators, today I wish to speak to Bill C-81, An Act to ensure a barrier-free Canada. This bill was based largely on the Accessibility for Ontarians with Disabilities Act, 2005, or AODA.

The speeches we've heard so far on this bill have covered all the points included in this piece of legislation, so I'll not dwell too much on that aspect. I will focus my remarks on some points that could be studied at committee.

• (1450)

Bill C-81 would establish the Canadian Accessibility Standards Development Organization, an independent, permanent expert body, to develop accessibility standards that would be used as a reference in drafting regulations. It establishes the position of accessibility commissioner, who will be responsible for overseeing the implementation of the bill. Bill C-81 will be supported by regulations that will detail the duties of the regulated entities and provides that the minister, the CRTC and the CTA may grant certain exemptions with regard to the production of reports.

My intervention today will offer a comparative analysis of two statutory regimes, namely Ontario's accessibility law and Bill C-81. I will look at the duties of the entities subject to the legislation with regard to services provided to persons with a visual, hearing or language-based disability, responsibilities with regard to training people who provide services to the public, and the time frame for the implementation of this act.

I am familiar with Ontario's accessibility law because I had to implement it at my organization. I wanted to ensure that the bill covered all the components and was an improvement over Ontario's legislation.

The major difference between the federal legislative framework proposed by Bill C-81 and Ontario's law is that the federal bill creates an independent, permanent expert body, the Canadian Accessibility Standards Development Organization. The mandate of this organization will be to develop accessibility standards that will be used as a reference in drafting regulations. In Ontario, the committees responsible for developing standards are created as needed by the Minister for Seniors and Accessibility.

Bill C-81 creates the position of accessibility commissioner, whose mandate is to oversee the implementation and enforcement of the bill. However, the bill does not establish a coming into force date, which makes the bill less binding and takes away the urgency of carrying out its provisions. This aspect is contrary to the provisions of the Ontario law. At an information session on February 20, the Minister of Public Services and Procurement said that such a date would have a negligible impact on the effectiveness of the legislation and is not realistic.

In my opinion, if there is no coming into force date for the act, there will be no set time frame for entities to comply with the act, and some will drag their feet. In Ontario, rolling deadlines came into force over several years, depending on the type of business

or organization, which gave them ample time to comply with the legislation. It also allowed those responsible for implementing the act to monitor the situation. The same system could be implemented in the regulations and would allow for compliance indicators to be established.

Part 4 of Bill C-81 imposes various duties on regulated entities, including preparing accessibility plans, creating a feedback process, and preparing progress reports on the implementation of an initial accessibility plan. Under the new accessibility legislation, the initial accessibility plan must be adopted and published before the expiry of one year after the day fixed by the regulations, and it must contain the policies, programs and practices in relation to the identification of barriers. Updated accessibility plans must be prepared and published no later than the third anniversary of the day on which the plan was last published.

Employers must present an initial accessibility report and updated reports to the commissioner on an ad hoc basis. The regulations will provide details on the duties of entities subject to Bill C-81.

At present, we know that the regulations could be very broad in scope, given that Canadian jurisprudence takes a free hand with recognizing situations of discrimination based on disability, and that the bar for employers to claim the "undue hardship" defence is high.

As president and CEO of an Ontario entity that was subject to the Accessibility for Ontarians with Disabilities Act, I had to implement policies and procedures based on the Ontario law, make sure we were complying with the prescribed standards in every respect, and periodically submit a compliance report. For us, as employers within an entity serving the general public, the Accessibility for Ontarians with Disabilities Act could have been onerous to implement, both financially and logistically.

However, this law was actually an opportunity, because it gave us a chance to grow as individuals and to better understand the difficulties that people with disabilities face every day. We learned how to serve them better.

As Senator Petitclerc mentioned earlier, that also led to significant changes in behaviour. Ontario was the first jurisdiction in the world to require employees to take training on accessibility. There's no such requirement in Bill C-81, but any future regulations could provide for something similar.

The employees of the Alliance des caisses populaires received the training from Le Phénix, which is, and I quote:

> . . . the only provincial francophone organization working for the inclusion and the full and meaningful participation of people with disabilities in every activity sector and in all their diversity.

All the employees in my network — there were almost 400 of us — received training provided by people with a vision, hearing, language or physical disability. Relying on humour and games, these individuals showed us that even if we spoke louder, the hearing impaired would not hear any better and we should offer interpretation adapted to their needs instead. We also examined contractual agreements, and the accessibility of automatic tellers and online services. We have legal obligations we must comply with. We learned to recognize the problems that people in wheelchairs had to deal with every day, which reduced their independence. We learned not to distract guide dogs, which have a job to do and must remain vigilant for their masters. We learned about the rules that govern the provision of services and our obligations as a service entity.

I find it regrettable that the bill does not include this component. We must demystify disabilities, eliminate the associated fear and embarrassment and foster a better understanding of the barriers faced by people with disabilities every day, bearing in mind that they will receive better service.

Bill C-81 creates a tool to educate and inform organizations regulated by the new Canadian Accessibility Standards Development Organization, whose mission, as described in the text of the bill, includes the following:

> [T]he dissemination of information, including information about best practices, in relation to the identification and removal of barriers and the prevention of new barriers.

I hope this tool will be just as helpful as what is currently being done in Ontario.

I invite the committee members who will be studying this element of the bill to pay particular attention to this issue. Perhaps it would be appropriate to include mandatory training in the bill. Ontario has stated that improving accessibility can do the following:

> . . . create up to $9.6 billion in new retail spending and $1.6 billion in new tourism spending in Ontario over five years.

It is estimated that between now and 2025, aging Ontarians and people with disabilities will represent 40% of total income in Ontario. That's $536 billion. It may be worth our while to take another look at the training component of the bill. If we accept the July 19 projections as valid, Ontario is demonstrating foresight in its approach to services for seniors and people with disabilities.

As is the case with many of the bills we have to vote on, we have little information about the regulations that will guide the implementation of this bill. The devil is in the details, so it is hard to decide on the scope of this legislation in terms of how it will affect the entities that must comply with it. We have to assume that if the regulations reflect the state of the law in Canada, they will cover a broad spectrum of disabilities that will ultimately determine the obligations set for the regulated entities.

Lastly, Bill C-81 gives the minister, the CRTC and the CTA the power to grant exemptions from producing reports. The Ontario law does not allow for this kind of exemption. We should better understand these exemptions to avoid creating any loopholes that could allow an entity to circumvent the law.

The existing federal accessibility legislative regime currently protects people with disabilities against discrimination under section 15 of the Canadian Charter of Rights and Freedoms and

section 3 of the Canadian human Rights Act. The Charter applies to the government, while the Canadian Human Rights Act applies to private entities under federal jurisdiction. Canada is also a signatory to the United Nations Convention on the Rights of Persons with Disabilities.

• (1500)

The federal regime for dealing with discrimination is reactive rather than proactive. First, a violation under the Charter or the Human Rights Act must occur. Next, the person with a disability or his or her representative must file a complaint with the Canadian Human Rights Commission or the courts, which would then hand down an order or a ruling and impose sanctions on the entity that failed to meet its obligations, and remedies would be ordered. As a result, progress in this area is made one violation at a time.

On top of that, there is no third party to ensure that the rights of people with disabilities are being upheld. The burden of asserting their rights falls on the shoulders of people with disabilities who have suffered discrimination. It should be noted that disability is the most common ground for discrimination complaints to the Canadian Human Rights Commission, accounting for over 60 per cent of complaints received.

It is high time that we ended this discriminatory regime and moved on to implementing a new regime that is much better suited to today's needs. Bill C-81 is important and necessary for ensuring that we can provide adapted and adequate services to people with disabilities. Let's send this bill to the Social Affairs Committee to be studied further so that we can pass legislation that improves accessibility for people with disabilities.

Thank you for your attention.

Hon. René Cormier: Distinguished colleagues, I want to say a few words today in support of Bill C-81, An Act to ensure a barrier-free Canada, and to share a few observations and concerns that came out of various meetings I recently had with organizations in New Brunswick.

I want to begin by saying that I support this bill. It is an important and even historic step for persons with disabilities, as many of our colleagues have rightly pointed out. Since the adoption of the United Nations Convention on the Rights of Persons with Disabilities, many Canadians, especially those with disabilities, have been calling for this type of bill.

[*English*]

I would also like to acknowledge the robust debate in support of this bill, whose foundations and objectives reflect the very values of an inclusive Canada to which we all aspire.

[*Translation*]

Honourable senators, I want to tell you how important this bill is for my region. On one of my recent tours of the various regions of New Brunswick, I learned that my province has the second-highest rate of disability in Canada, at about 26 per cent of the population.

[*English*]

Creating a barrier-free Canada is, therefore, a priority for my province, which is also facing a rapidly aging population, so this proportion is sure to rise.

[*Translation*]

Although the scope of the bill is limited to the areas set out in clause 5 and the entities and persons under federal jurisdiction set out in clause 7, the accessibility bill could serve as a model or even as an inspiration for all of the organizations and entities that are not subject to this bill.

As the Honourable Senator Munson so clearly stated — and I would like to take this opportunity to thank him for his leadership on this file — this bill involves a culture change. It seems to me that this cultural shift is already well under way among the people of Canada. Now it is our turn, honourable colleagues, to make the final push to ensure that people with disabilities are fully included in our society and that the fundamental rights of all Canadians are respected.

Although I support Bill C-81 unconditionally, I did have a few concerns at first reading stage, and some organizations in New Brunswick that have been working in the field for many years also pointed out some issues to me. I would like to talk about three of those issues, namely the reality of rural areas, the terminology used in the bill, and the recognition of language rights.

I will start with the reality of rural areas.

[*English*]

When I met with the director of Ability New Brunswick, an organization formed in Moncton in 1956, Haley Flaro told me about the daily needs and challenges of their members. It was alarming to hear the unique challenges that people with disabilities in rural communities face.

For example, a large proportion of people with disabilities in these rural communities rely on paratransit services provided by volunteers, which the organizations indeed coordinate, to get around in their day-to-day lives. We can only try to imagine how challenging this must be for them in terms of accessibility.

Rural communities across Canada must be resourceful and act in solidarity in trying to address inaccessibility issues for people with disabilities, even within the scope of Bill C-81.

There also seems to be some concern that attention is focused on issues in major urban centres across the country, such as Montreal, Toronto and Vancouver. Yet the challenges faced by people living in rural areas are sometimes very different from those in urban areas, and they must be considered equally.

[*Translation*]

People with disabilities living in rural areas and the organizations that support them are calling for better representation under Bill C-81.

Paragraphs 23(2)(a) and 23(2)(b) of the bill state that the majority of the directors of the Canadian Accessibility Standards Development Organization will be persons with disabilities and will be representative of the diversity of Canadian society. These objectives are very laudable and should be commended. That said, given that a large number of Canadians live in rural areas where the needs and difficulties are quite different, I think it is vital to ensure they have effective representation so that their concerns are heard at all times, especially when accessibility standards are being created.

Therefore, I would like the committee that studies the bill in more detail to consider how this can be achieved and, with respect to Bill C-81, to clearly determine what would constitute effective representation of the rights and concerns of all persons with disabilities living in rural communities across the country.

The second element is the terminology used in the bill. Colleagues, after consulting several community groups, I can state that it is essential to always consider the person first, because they are not defined by their disability. As I was researching this issue, I learned about the concept of the disability creation process, which was described as follows by Dr. Patrick Fougeyrollas:

> This systemic model views social participation as the result of the interaction of personal and environmental factors. A social participation or disabling situation refers to the total accomplishment of life habits, resulting from the interaction between personal factors (impairments, disabilities and other personal characteristics) and environmental factors (facilitators and obstacles).

In looking more closely at the definition of disability in clause 1 of Bill C-81, I see that it is meant to be as inclusive as possible. Indeed, it states that a disability is something that, "in interaction with a barrier, hinders a person's full and equal participation in society." This definition seems to correspond to an inclusive model that identifies interaction with the environment as a source of inaccessibility. To that end, wouldn't it make sense to use terminology in this bill that perfectly reflects this concept, for example, "persons living with disabilities" instead of "persons with disabilities"?

I think we should take advantage of this highly symbolic opportunity. This would help underscore the fact that all individuals are equal and that it is our social and environmental organization that creates limitations that are incompatible with the personal abilities or factors of a portion of the population, from which the disabilities stem. I therefore encourage the committee to reflect on that issue as well.

• (1510)

The third and final point is recognition of language rights. As our honourable colleagues have pointed out a number of times, according to its preamble, Bill C-81 will implement the United Nations Convention on the Rights of Persons with Disabilities.

Two of the convention's articles cover the recognition and use of sign language. The first, article 21(e), says that states parties shall recognize and promote the use of sign languages to enable all persons to exercise the "right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice . . . ."

Article 30 of the UN convention is about enabling persons with disabilities to participate in cultural life, recreation, leisure and sport. This is crucial to ensuring social inclusion. Paragraph 4 reads as follows:

> Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign language and deaf culture.

Contrary to the requests made by various organizations and this provision of the UN convention, the government did not include in Bill C-81 any type of recognition for ASL and LSQ sign languages for people with hearing loss. While no one is asking that they be given official language status, some kind of recognition of sign languages in this bill would have ensured automatic access to interpretation services or any measures needed to uphold the rights of people with hearing loss, particularly regarding communication, one of the areas that was even included in the purpose of the act, under clause 5(c). Once again, the committee tasked with studying this bill will have the opportunity to examine this important issue.

In closing, I add my voice to that of all my honourable colleagues who, like me, would like the debate on this bill to be efficient so that it may pass as soon as possible.

My last few words are for the people living with disabilities and for all of the Canadian communities, organizations, caregivers and loved ones that support them. It goes without saying that your dedication is an inspiration to us all. We admire your determination and the way you help each other. We will look to these qualities to guide us as we do everything in our power to protect the fundamental right to equality and everyone's right to full inclusion in our society.

My greatest wish is that we can reduce barriers across Canada for every type of disability, so that all Canadians can achieve the highest levels of excellence, just like our colleague, Senator Chantal Petitclerc, and live out their greatest dreams.

Hon. Senators: Hear, hear!

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

Hon. senators: Agreed.

The Hon. the Speaker pro tempore: It is moved that the bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Munson, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

[*English*]

THE ESTIMATES, 2018-19

SUPPLEMENTARY ESTIMATES (B)—THIRTY-EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirty-eighth report of the Standing Senate Committee on National Finance, entitled *Final Report on the Supplementary Estimates (B), 2018-19*, tabled in the Senate on March 20, 2019.

Hon. Percy Mockler moved the adoption of the report.

He said: Honourable senators, I rise to discuss the thirty-eighth report of the Standing Senate Committee on National Finance. This report deals with Supplementary Estimates (B) 2018-19, which were referred to our committee for review on February 21, 2019. These supplementary estimates request Parliament's approval for an additional $2.5 billion in voted expenditures and increase forecasted statutory expenditures by $3.7 billion, for a total increase in budgetary expenditures of $6.2 billion, which represents an increase of 2.2 per cent over authorities to date in the 2018-19 budget.

Honourable senators, each department is required to report in the estimates how much money they are going to spend for the coming fiscal year, where they are going to spend it and what outcomes and results they are expected to achieve for Canadians.

[*Translation*]

Honourable senators, as part of its study, our committee held four meetings and questioned representatives from 11 departments and agencies that are asking for appropriations of nearly $2.1 billion, or 85 per cent of all the appropriations requested in these supplementary estimates.

[*English*]

Honourable senators, in the report, the Standing Senate Committee on National Finance made some observations that I want to share with you, which highlight issues discussed during our examination of the supplementary estimates on key concerns facing each organization or ministry. All observations can be found in the report, but I wanted to highlight a few of those observations today.

[*Translation*]

Employment and Social Development Canada has implemented a number of mechanisms to help students better manage their loans and to support them in their efforts to pay back the Government of Canada, such as increasing the minimum annual income that borrowers must be earning before they have to start paying back their loans. However, the committee believes that the government could do more to help students manage their debt, as well as to improve collection practices and review access to scholarships.

Honourable senators, since the National Energy Board has completed its review of the Trans Mountain expansion, the Government of Canada must quickly finalize its review of the project, once it finishes consulting with First Nations.

[*English*]

We are also in agreement that First Nations must be consulted. At the earliest opportunity, the government should table stand-alone legislation to solidify Indigenous Services Canada's mandate and therefore clarify its minister's powers and duties and make consequential amendments to the Department of Indian Affairs and Northern Development Act. We believe that it is important that Indigenous Services Canada continue to work with First Nations, Inuit, and Metis to provide them access to various services. I want to share some of those services that are in dire need of being moved on immediately, such as primary health care, education, water and wastewater systems, housing, community infrastructure, social programs and, yes, emergency management for First Nations.

• (1520)

Honourable senators, these are not luxury items. These items are necessities of life and quality of life.

Crown-Indigenous Relations and Northern Affairs Canada manages the relationship between the Government of Canada and First Nations, Inuit and Metis; works with Indigenous peoples to build capacity for self-determination; and leads the government's activities in the North. Our National Finance Committee believes that Crown-Indigenous Relations and Northern Affairs Canada needs to give greater urgency to resolve First Nations' claims in a timely manner and continue to work toward reconciliation with Indigenous peoples across Canada from coast to coast to coast. This is a must.

Honourable senators, I want to share information. Immigration, Refugees and Citizenship Canada is requesting $100 million to compensate provinces and municipalities for temporary housing. There is no doubt in my mind Senator Forest knows what it all means, "municipalities." That's $100 million to compensate provinces and municipalities for temporary housing costs associated with the increased volume of asylum-seekers. The department needs to put in place performance measures to track where asylum-seekers are settling and what costs are being incurred, as well as a mechanism for determining which provincial and municipal costs related to the increased volume of asylum-seekers are eligible for reimbursement.

Honourable senators, as more veterans access programs, I'd like to share a few comments on Veterans Affairs Canada. It needs to have sufficient capacity to provide timely access to its vital services. It is important. It also needs to urgently reimburse veterans for $165 million in underpayments due to an accounting error.

The members of the committee are determined to streamline the supply process, with the objective of being more transparent, accountable, predictable and more reliable for parliamentarians and the Canadian public at large. We will continue to do so in the study of the estimates that will be sent to the Finance Committee.

[*Translation*]

Honourable senators, on behalf of the committee, I would like to thank the people working for departments and organizations who regularly testify before us regarding proposed legislation. I thank them for their professionalism, their availability, and, above all, their willingness to collaborate and provide the clear, precise information we need to study the bills referred to the Standing Senate Committee on National Finance.

In closing, honourable senators, as many of my fellow Standing Senate Committee on National Finance members often say during our meetings, I would be remiss if I did not take a moment on behalf of all committee members to thank the many people who work mostly behind the scenes to keep committee work running smoothly and support senators in carrying out their enormous day-to-day responsibilities as parliamentarians.

I would like to thank the clerk and her team, the analysts, the Library of Parliament employees, the interpreters, the translation team, the technicians and senators' employees. All these professionals work long, hard hours to help us do our work.

Thank you.

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

Some Hon. Senators: Agreed.

Senator Plett: On division.

(Motion agreed to, on division, and report adopted.)

THE ESTIMATES, 2019-20

INTERIM ESTIMATES—THIRTY-NINTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirty-ninth report of the Standing Senate Committee on National Finance, entitled *Final Report on the 2019-20 Interim Estimates*, tabled in the Senate on March 20, 2019.

Hon. Percy Mockler moved the adoption of the report.

He said: Honourable senators, I rise again today to talk about the thirty-ninth report of the National Finance Committee, which is about the Interim Estimates, 2019-20.

The Standing Senate Committee on National Finance was authorized to examine the interim estimates in order to report on them to this chamber. We received the order of reference from the Senate on February 21, 2019.

[*English*]

Honourable senators, the 2019-20 Interim Estimates include $37.7 billion in voted budgetary expenditures and $14.3 million in voted non-budgetary expenditures. These amounts support the government's financial requirements for the first three months of the 2019-20 fiscal year and are outlined in a proposed schedule to the first appropriation bill for the fiscal year in question.

The Standing Senate Committee on National Finance held one hearing on the interim estimates with the former president of the Treasury Board and Minister of Digital Government, the Honourable Jane Philpott, and officials from her department.

[*Translation*]

Honourable senators, parliamentarians have noted a lack of alignment between the budget and the Main Estimates. It is becoming increasingly difficult for them to examine the government's budgets in general and the government's complete spending plans for the coming fiscal year of 2019-20.

Honourable senators, regardless of what some may say, in the past, the calculation of the amounts for interim supply was clear, transparent and precise. However, the same can't be said for the Interim Estimates, 2019-20. Without more detailed financial information, it is impossible for the committee to determine whether the amounts requested are reasonable and to tell Canadians how their money will be spent.

[*English*]

Honourable senators, as we are mindful at our committee of transparency, accountability, predictable and reliability, our committee is concerned by the considerable growth in the size of the interim estimates. It is an increase of 22 per cent from 2018-19 to 2019-20 — 22 per cent increase. Our committee can only wonder whether overall federal spending will increase by 22 per cent this year or whether the government's cash spending needs have grown by 20 per cent in the first three months of the year.

Canadians have a right to know. Canadians must be aware that we need a mechanism to trace the money.

Honourable senators, there is a saying that actions speak louder than words. I say to the government: Let the words teach, and let actions speak.

• (1530)

I am concerned, we are concerned and Canadians are concerned. If the government wishes to continue with its revised estimates process, including interim estimates, it needs to carefully examine how to make the calculation of the funds requested in interim estimates more transparent and accountable.

Honourable senators, we will always uphold transparency, accountability, predictability and reliability.

[*Translation*]

In closing, I mustn't forget to acknowledge the professionalism of our entire team. As chair, and on behalf of the vice-chairs, Senators Pratte and Jaffer, I also want to thank the committee members for their dedication and participation in our meetings.

Thank you, Madam Speaker.

Hon. Senators: Hear, hear!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

APPROPRIATION BILL NO. 4, 2018-19

SECOND READING

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate) moved second reading of Bill C-95, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019.

She said: Honourable senators, I rise today to speak at second reading of Bill C-95, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019. This is the fourth and final appropriation bill for 2018-19. This bill relates to the adoption of the budgetary provisions set out in the Supplementary Estimates (B), 2018-19, which are the second and last supplementary estimates for the current fiscal year.

I would like to remind our colleagues who are not yet familiar with the process that supplementary estimates contain expenditures that were not set out in Budget 2018 or the Main Estimates. This bill is essentially asking you to authorize expenditures that could not have been predicted by the government in earlier government spending plans.

[*English*]

We heard the report from the Standing Senate Committee on National Finance, so before going further, I would like to acknowledge the great work that has been done on that by the clerk, by the people of the Library of Parliament and Translation Bureau. I think they have done great work.

[*Translation*]

I would also like to point out that the committee does not vote on supply or on the estimates per se. It studies them in order to report on them to the Senate.

As you know, in the case of normal bills, we have a second reading that takes place at committee, and then there is a clause-by-clause study. In the case of supply bills, the committee does not do a clause-by-clause study of the bill. Rather, it studies the report on the supplementary estimates that is provided in advance. In this particular instance, it was provided to us several weeks in advance, and we did a pre-study. We then received Bill C-95, which just passed in the other place. We are asking you to pass it at second reading, but it does not need to be referred to the committee because the committee has already reported it back. We can therefore proceed with second and third reading.

Now I'd like to turn to the specifics of the bill before us. Bill C-95 seeks Parliament's approval for $2.5 billion in new voted expenditures, for a total of $123.6 billion in voted budgetary expenditures in 2018-19. The Supplementary Estimates (B) represent 2 per cent of the total proposed budgetary authorities in 2018-19.

Seven organizations are seeking more than $150 million. I will list them in descending order. The Department of National Defence requests $561.8 million. The Department of Veterans Affairs requests $323.2 million. The Department of Indigenous Services Canada requests $318 million. Treasury Board Secretariat requests $303.9 million. The Department of Citizenship and Immigration requests $192 million. The Department of Employment and Social Development requests $181.6 million. Lastly, the Department of Foreign Affairs, Trade and Development requests $163.7 million.

Let us briefly look at the major budget items.

[*English*]

The Department of Veterans Affairs requests funding for demand-driven programs and services which provide support to eligible veterans and their families.

The department provides several disability benefits, financial benefits and health care and rehabilitation support programs to eligible Canadian Armed Forces members, veterans and their families. The requested funds are to support increases in some programs which stem mainly from an increased number of veterans accessing support, such as the Disability Award and the Earnings Loss Benefit.

[*Translation*]

The Department of National Defence requests $313.9 million for Canada's military contribution to the Global Coalition against Daesh, known as Operation IMPACT, the North Atlantic Treaty Organization assurance and deterrence measures in Central and Eastern Europe, known as Operation REASSURANCE, counter-terrorism and maritime security operations in the Middle East, known as Operation ARTEMIS, and Canada's military mission in Ukraine, known as Operation UNIFIER.

This funding will support overseas missions, including deployment of task forces, maritime security, counter-terrorism operations, surveillance, and military training and capacity building for international partners. The missions promote peace and security in the Middle East and in Eastern and Central Europe.

[*English*]

Treasury Board Secretariat outlined its paylist requirements for funding for adjustments made to terms and conditions of service or employment of the federal public administration.

A number of collective agreements may be ratified before March 31, 2019. This funding provides the government with capacity to address resulting pressures that could be realized by the end of the fiscal year.

[*Translation*]

The Department of Employment and Social Development requests $163.5 million to write off debts due to the Crown for unrecoverable Canada student loans. The Canada Student Loans Program provides financial assistance to post-secondary students in financial need. This funding will be applied to write off 31,658 debts for which reasonable efforts to collect the amounts owed have been unsuccessful. Consistent with standard accounting practices, defaulted loans are written off on a regular basis.

[*English*]

The Department of National Defence requests funding for Arctic and Offshore Patrol Ships that will be used to conduct sovereignty and surveillance operations in Canada's waters and to participate in international operations. The first of six ships was launched in September 2018, and construction of the second and third ships is under way. This funding will be used to reimburse the shipyard for construction costs, as per terms of the contract.

[*Translation*]

• (1540)

The Department of Global Affairs requests funding to implement the Feminist International Assistance Policy included in the 2018 federal budget. The funding will be used to provide humanitarian assistance, combat gender-based violence, increase access to education, promote gender equality, strengthen democratic processes and support the empowerment of women and girls.

[*English*]

The Department of Citizenship and Immigration demands funding to support the increased volume of asylum seekers. The continued influx of asylum seekers entering Canada has increased pressure on provinces to provide shelter and social services. This funding will be used to compensate provinces and municipalities for temporary housing costs and to provide federal interim lodging facilities services to supplement the capacity of provincial and municipal partners. This funding is in addition to $50 million presented in Supplementary Estimates (A) in the fall.

[*Translation*]

VIA Rail Canada requests funding for fleet renewal for the Quebec City-Windsor corridor. VIA Rail Canada Inc.'s operations in the Quebec City-Windsor corridor account for 94 per cent of passenger trips. The existing fleet in the corridor will be replaced with new diesel, bi-directional trains. A contract to build the trainsets was awarded in December 2018.

[*English*]

The Department of Indigenous Services Canada demands funding for the Emergency Management Assistance Program.

This funding is to be used to reimburse First Nation communities, provinces, territories and non-governmental emergency service providers for costs incurred during response and recovery activities on reserves across Canada. Activities can include, but are not limited to, the response and recovery of emergency events such as floods, wildfires, tornadoes, severe weather and loss of essential services.

[*Translation*]

Before I finish, I want to point out that after the bill passes second reading stage, it will not go back to committee for further study, since the committee has already studied it.

If you are inclined to learn more, given that there are other expenses that the supplementary estimates fund, there are the Main Estimates, which are rather extensive, and there is also the analysis done by the committee, which is very thorough and covers programs that were not discussed here today.

That concludes my presentation. Thank you.

Hon. Senators: Hear, hear!

[*English*]

Hon. Elizabeth Marshall: Thank you for those remarks, Senator Bellemare. You mentioned our exhaustive work. I'm about to report on it.

I'd like to start by saying that Bill C-95 is requesting parliamentary approval of $2.5 billion for 48 federal organizations. This is the last supplementary supply for this fiscal year. It will bring the total budgetary expenditures for the year to $291 billion.

I'd like to speak now about the different departments and agencies that requested money and give you an idea as to what the money will be used for.

The Department of Veterans Affairs is requesting $323 million for programs and services to veterans. Officials informed the committee that additional funds are being requested because veterans' programs and services are demand-driven. A 9 per cent increase in the number of veterans accessing benefits and services, as well as a 30 per cent increase in disability applications over the past three years, have led to increased funding requirements.

In addition, the first application approval rate is increasing. For example, in 2013 the first application approval rate was 73 per cent, while the current rate is 84 per cent.

There were two other issues raised by departmental officials when they testified. The first relates to the Parliamentary Budget Officer's report, which was issued last month, which compared estimates of the fiscal costs of each of the three different regimes of veterans' benefits since 2006.

Without getting into too much detail of the three different regimes, the Parliamentary Budget Officer found that the Pension Act regime, which was in effect up to 2006, is the most generous for the veterans and the most expensive for the federal government.

He also said that most, but not all, veterans will be financially better off under the new Pension for Life regime which takes effect April 1 of this year, compared to the veterans wellbeing act which was in effect prior to April 1 of this year.

Since the effective date of the new pension for life regime is April 1, I expect we will hear more about its impact on veterans over the coming months.

The second issue raised by officials is the compensation owed to approximately 270,000 veterans, survivors and members of the RCMP related to incorrect disability pension payments issued by Veterans Affairs between 2003 and 2010.

The estimated value of error is approximately $165 million, so, if the department's estimates are correct, it is an average underpayment of $600.

However, the department indicated that they anticipate issuing payments before the end of 2020. That would be next year.

Some senators on our committee were surprised that retroactive payments were not expected to be made before 2020.

Officials indicated that the department staff working to implement the new "Pension for Life" program are the same staff who would be working on the calculation error, and, therefore, there is what they called a "capacity issue."

However, some senators had difficulty reconciling the 2020 date with the department's top priority, "to provide veterans with excellent service demonstrating care, compassion and respect."

If the reverse were to happen and veterans were overpaid, government would not wait until 2020 to be compensated. Rather, I expect the overpayments would be deducted immediately from their benefits.

Of the 48 organizations requesting additional funding, the Department of National Defence is requesting the highest amount, $561 million.

Honourable senators, $383 million of the $561 million relates to Canada's continued military contribution to global security initiatives in support of our NATO allies in Central and Eastern Europe, international security, stability in the Middle East and UN operations in Mali.

These include Operation IMPACT, Operation Reassurance, Operation ARTEMIS and the UN operation in Mali, which is called Operation Presence.

We recently learned that Operation Unifier, Canada's military mission in the Ukraine, has been extended to March 2022; and Operation IMPACT, Canada's military mission in Iraq, has been extended to March 2021. The mission in Mali will finish in July 2019.

Honourable senators, $159 million of the $561 million will provide funding for the Arctic and Offshore Patrol Ships. This program is for six ships, with three ships under construction and a fourth to start later this year, but $339 million has been paid previously for this project.

The contract for the six ships is for $3.2 billion while the total overall project budget is $4.3 billion.

The first ship, HMCS *Harry De Wolf*, is nearing completion and will be delivered to the navy this summer. It is anticipated that the remaining ships will be delivered at 12-month intervals.

In reviewing the funding request of the Department of National Defence, it is not possible to compare the funding being requested to that outlined in their 2017 defence policy.

What we know is that the defence policy indicated that $6 billion would be spent on capital projects last year — that's the 2017-18 fiscal year — while the department actually spent $3.7 billion on capital projects, resulting in a shortfall of $2.3 billion last year.

Similarly, the government's new defence policy indicated that $6.6 billion would be spent this fiscal year on capital projects, but the department has only requested $4.2 billion, again resulting in a shortfall of $2.4 billion.

Since we do not know which capital projects are included each year in the new defence policy, we cannot follow the money to determine which projects are behind schedule.

However, since the department's capital spending is significantly less than that outlined in the defence strategy, we can conclude that at least some capital projects are behind schedule.

I have spoken on this issue before. I have to say again: The department needs to improve its transparency around capital projects.

The Department of Indigenous Services Canada is requesting additional funding of $318 million; $100 million is for the Emergency Management Assistance Program.

• (1550)

The department will use this money to cover costs associated with the 2008 spring flooding, wildfires such as those in British Columbia last summer, and other emergencies, including the repair and restoration of critical infrastructure.

Of the $318 million being requested by Indigenous Services Canada, $70 million will be used to reform First Nations Child and Family Services. This is in addition to the $293 million provided by Budget 2018 through the use of vote 40. It will be used to accelerate reform of the First Nations Child and Family Services programs by investing in agencies and other service providers. Funding will be used for both First Nations children and their families. The objective is to address child protection but also to keep children in their own families and within their own communities. To address these issues, support is provided families to prevent children from coming into care.

Departmental officials indicated that there are approximately 9,000 First Nations children in care. Given the concern over the number of Indigenous children in care, the department has committed to providing the committee with statistics indicating what has happened with First Nations children over the past 10 years.

Indigenous Services Canada is also requesting $37 million for the transformation of First Nations elementary and secondary education programs. The objective is to increase the capacity of First Nations in education.

Officials indicated that over the past few years, the department has entered into agreements for First Nations school boards — one in Manitoba and one in Alberta — where First Nations have assumed control and instituted their own school boards.

The department has also invested in programs, such as the First Nation Student Success Program, which addresses literacy.

Of particular interest to some senators was the $31 million requested for internal support services. This funding will be used to hire approximately 100 new full-time positions, and will pay for other costs associated with support programs such as finance, human resources and information technology.

Departmental officials indicated that prior to the creation of the two Indigenous departments, internal services represented 3.2 per cent of total program funding. With the new funding, the new department has allocated 2.3 per cent of program funding to internal support services.

However, some senators were interested in ensuring that incremental funding, including the funding to be provided as part of Supplementary Estimates (B), be used for the most part to fund programs rather than support services. Some senators also sought clarification on the mandates of the two new Indigenous departments, as there appear to be some overlaps.

As senators are aware, the creation of the two new departments was announced in August 2017, and they were subsequently created in November 2017 by an order-in-council. However, we were informed again that the legislation for the two new departments is still in progress and no estimated completion date could be provided.

This is problematic in reviewing the funding for the two new departments as mandates would be defined in their departmental legislation. In some cases, as I mentioned, it appears that some programs do overlap. Departmental legislation would clarify the roles and mandates of the two new departments.

The Department of Citizenship and Immigration is requesting additional funding of $192 million, of which $114 million is being requested to support the increased volume of asylum seekers. This is in addition to the $118 million included in Budget 2018 and the $50 million approved in Supplementary Estimates (A).

Of the $114 million being requested, $14 million is related to the federal government's provision of temporary interim lodging sites near the Canada-U.S. border, as well as the procurement of hotels in the Greater Toronto Area. Senators, $100 million will be used to assist provinces and municipalities in providing temporary lodgings for the increased asylum seekers.

Officials informed us that the government has not yet determined how much will be paid to each province and municipality impacted by the increased asylum seekers. Department officials were also unable to provide us with a cost to date of the asylum seekers for this fiscal year, indicating that the total amount should be available by mid-June.

However, given the cost of the program, I would have expected the department to know what the actual costs are to date and to have estimated costs to year-end, or at least provide us a cost with regard to third quarter financial information.

The Department of Finance is requesting $3 million for seven projects, the largest being $900,000 for a review of open banking. Funds will be used to hire personnel to work with the open banking review team to support an advisory council and to cover costs associated with consultations, fact-finding trips and stakeholder meetings. The Standing Senate Committee on Banking, Trade and Commerce is currently conducting a study of open banking, and I expect to see additional requests for funding of this initiative in Budget 2019.

Honourable senators, last month the National Energy Board delivered to the Government of Canada it's *Reconsideration Report* on the Trans Mountain Expansion Project. During committee hearings, officials of the National Energy Board informed us that in carrying out the reconsiderations, the board held a public hearing, which included the participation of 118 interveners, including 52 Indigenous interveners and eight federal government department interveners. Interveners could file evidence, ask questions about the evidence of other parties and submit argument.

The National Energy Board is requesting funding of $6 million for the cost of that reconsideration. Approximately $4 million of this will be used to provide financial assistance for the reimbursement of costs to individuals, Indigenous groups, landowners and non-industry not-for-profit groups so they could participate in the reconsideration.

The remaining funding will cover the additional expenses associated with the reconsideration, including a marine expert to provide advice to the board during the review. Officials indicated that it is not clear what their involvement would be with regard to the 16 recommendations now that they have been made to government. However, they will continue to regulate the Trans Mountain Expansion Project through its pre-construction, construction and operations.

While the $6 million being requested by the National Energy Board, along with the $11 million being requested by five other departments, is not significant in relation to the total amount being requested in Supplementary Estimates (B), the project to which it relates, the Trans Mountain Expansion Project, does represent a significant investment by the Government of Canada.

To finance the purchase of entities related to Trans Mountain, $5.2 billion was borrowed from the government's Canada Account administered by Export Development Canada, of which $4.4 billion was used to purchase the Trans Mountain pipeline, the Trans Mountain Expansion Project and related assets. The $5.2 billion does not include the construction cost of the new pipeline, although estimates for the new pipeline are in the $7 billion to $9 billion range, and therefore it would be my intention to continue to ask questions about this project.

In previous years, governments requested Supplementary Estimates (C). However, this year the government eliminated the need for Supplementary Estimates (C) as part of its reform to the estimates process. Prior to this year, monies for each new budget initiative would be requested in Main Estimates or Supplementary Estimates (A), (B) or (C) as each new initiative was developed and approved by government. This gave parliamentarians the opportunity to question departmental officials about these new initiatives before the monies were approved by Parliament.

With the reforming of the estimates last year, this has now changed. All of the funding for the new budget initiatives, which totalled $7 billion for this year, is now included in one line in the Main Estimates, entitled "Vote 40," with $7 billion in it. Parliamentarians no longer individually approve the funding for each new budget initiative. Rather, the $7 billion was approved by parliamentarians as one line item, and Treasury Board, rather than parliamentarians, approves each new budget initiative and transfers the money from vote 40 to the department or agency.

Some parliamentarians said the government was undermining democracy with the creation of vote 40, weakening Parliament and its responsibility for answering government spending decisions by having parliamentarians vote on $7 billion of budget measures as one vote and without detailed information on the measure.

Because the funding for new budget initiatives is no longer included in a supply bill under the respective departments, parliamentarians do not have an opportunity to question departmental officials about this funding. Treasury Board now includes on its website a schedule entitled "Allocation of Vote 40," which shows when funding is transferred to a department or agency for the new program. One of the objectives of vote 40 was to increase the speed of implementing budget initiatives. However, the Parliamentary Budget Officer, in his February 7 report on these estimates, indicated that the speed of implementing Budget 2018 measures compared to 2017 has actually slowed.

This fiscal year is almost over, so we are beginning to see how vote 40 has worked. As of March 6, the government website indicates that $4.8 billion has been allocated, $1.8 billion has been withheld and $427 million remains in the vote 40 account.

• (1600)

I expect the Parliamentary Budget Officer will review vote 40 and tell us, among other things, how much of the $7 billion has lapsed, why $1.8 billion was withheld, whether vote 40 actually sped up the implementation of the 2018 budget initiatives, and the extent to which vote 40 diminished parliamentary oversight.

From my perspective, vote 40 has made it more difficult to track new budget initiatives. Since funding for new budget initiatives was included in vote 40, one would not expect supplementary supply bills to include money for 2018 budget initiatives. However, this bill did include 13 items related to Budget 2018. It was a challenge to relate each of these items to vote 40 and to determine why funding appears in both vote 40 and also in the supply bill. It looks like the funding was provided twice.

In closing, I would like to indicate that many, if not most, programs that we study at the National Finance Committee span several years and sometimes it involves more than one department or agency. This would include some of the programs I have mentioned today, including the cost of irregular migrants, which affects about five departments and agencies; the shipbuilding program, which covered a number of years; and the Trans Mountain expansion project.

I've mentioned this previously when I've spoken on supply bills, but it remains a challenge to follow the cost of the programs through the various departments and agencies, especially when they are over multiple years. I find quite often, when witnesses come before us to testify, they'll be looking for money for a certain project and you will ask how much has been spent to date and they don't know. Then you might ask how

much they think it will cost to finish the project and they don't have an estimate. Sometimes that makes it very challenging to find out the costs of the programs, as well as the progress of these programs as to whether they're having an impact or even whether they conclude.

Before I sit down, I would like to thank my colleagues on the National Finance Committee for their commitment to the work that we've done over the past year. I find that the committee is very cohesive. While I appreciate that all committees of the Senate are important, I find that the National Finance Committee gives you the opportunity to study every department and agency in the federal government. Thank you very much.

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

Some Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Bellemare and seconded by the Honourable Senator Jaffer that this bill now be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: On division?

Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: I see two honourable senators rising. Is there an agreement between the government and the opposition on the bell?

There will be a one-hour bell, the vote will take place at 5:03.

Call in the senators.

• (1700)

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson
Bellemare
Bernard
Black (*Ontario*)
Boehm
Boniface
Bovey
Brazeau
Campbell
Cormier
Coyle
Dalphond
Dasko
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duffy
Duncan
Dyck
Forest-Niesing
Francis
Gagné
Galvez
Gold
Griffin
Harder
Hartling
Joyal
Klyne
Kutcher
LaBoucane-Benson
Lankin
Lovelace Nicholas
Marwah
Massicotte
McCallum
McPhedran
Mégie
Mitchell
Miville-Dechêne
Moncion
Moodie
Munson
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Simons
Sinclair
Wallin
Wetston—53

NAYS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Beyak
Boisvenu
Doyle
Eaton
Housakos
MacDonald
Manning
Marshall
Martin
McInnis
McIntyre
Mockler
Ngo
Oh
Plett
Poirier
Richards
Smith
Stewart Olsen
Tannas
Tkachuk
Wells
White—26

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

THIRD READING

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

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on a bell?

Senator Plett: Fifteen minutes.

The Hon. the Speaker: The vote will take place at 5:25 p.m. Call in the senators.

• (1720)

Motion agreed to and bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson
Bellemare
Black (*Ontario*)
Boehm
Boniface
Bovey
Brazeau
Campbell
Cormier
Coyle
Dalphond
Dasko
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Downe
Duffy
Duncan
Dyck
Forest-Niesing
Francis
Gagné
Galvez
Gold
Griffin
Harder
Joyal
Klyne
Kutcher
Lankin
Lovelace Nicholas
Marwah
Massicotte
McCallum
McPhedran
Mégie
Mitchell
Miville-Dechêne
Moncion
Moodie
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Simons
Sinclair
Wallin
Wetston—49

NAYS
THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Beyak
Doyle
Eaton
Housakos
MacDonald
Manning
Marshall
Martin
McInnis
McIntyre
Mockler
Ngo
Oh
Plett
Poirier
Richards
Smith
Stewart Olsen
Tannas
Tkachuk
Wells
White—25

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1730)

CRIMINAL CODE
YOUTH CRIMINAL JUSTICE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Campbell, for the second reading of Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

Hon. Kim Pate: Honourable senators, I rise today to speak to Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts.

I thank Senator Sinclair for his work as sponsor of this bill. One of the two stated purposes of Bill C-75 is to ensure that the criminal justice system better reflects the needs and realities of Indigenous peoples and other marginalized Canadians.

Testimony at committee in the other place indicated that while many aspects of Bill C-75 are meaningful steps forward, there are also some lingering concerns.

Indigenous organizations have expressed support for the efforts of Bill C-75 to reduce systemic discrimination. These include measures to provide for consideration of Indigenous history and reduce unnecessary conditions in bail decisions; create alternatives to administration of justice charges and convictions; allow judges discretion to not surcharge fines; and eliminate peremptory challenges of jurors.

Others expressed concern that raising the maximum prison sentence for summary convictions from six months to two years would likely disproportionately impact Indigenous peoples, who are already vastly overrepresented in Canadian prisons.

Feminist legal experts supported measures designed to make it easier for women to report assaults and testify as witnesses in these cases, including extending the period for reporting a summary conviction offence from six to 12 months and restricting the use of preliminary inquiries.

They expressed concern, however, about the lack of a national strategy on violence against women and the dearth of options within the current criminal system to send a strong and meaningful message that communities must take violence against women seriously.

Other experts working with and on behalf of those most marginalized have also made a variety of recommendations. These include requiring that reasons be provided when conditions on bail or sureties are imposed in order to ensure that the bill's intention to reduce unnecessary conditions is effectively implemented; and means to limit and possibly cap the amount of time individuals may be held in pretrial detention.

Bill C-75 seeks to ensure that justice is done better for all. It is vital that our consideration of this bill be informed by the perspective of witnesses with expertise regarding the impact of the criminal justice system on those who are most marginalized. I will highlight three issues in particular that I believe require further study at committee.

The first relates to something that is conspicuous in its absence. It was surprising, given its billing as a comprehensive overhaul of the Criminal Code, that Bill C-75 failed to tackle mandatory minimum penalties. Courts of appeal across Canada continue to strike down mandatory minimums as unconstitutional because they result in grossly disproportionate punishment.

The government's election platform committed to implementing the Truth and Reconciliation Commission Calls to Action, including number 32, which calls for providing judges the discretion to depart from mandatory minimum penalties upon giving reasons. The mandate letter for the Minister of Justice includes "a review of the changes in our criminal justice system and sentencing reforms" and "initiatives to reduce the rate of incarceration amongst Indigenous Canadians."

Public consultations on mandatory minimum penalties undertaken by the Department of Justice in furtherance of this mandate demonstrated that nine in 10 Canadians wanted the government to consider giving judges the flexibility to not impose mandatory minimum sentences.

Although judicial discretion was clearly considered by the government, Bill C-75 is silent when it comes to mandatory minimums, a reality that is incongruous with the bill's stated purpose of ensuring the criminal justice system better reflects the needs of Indigenous peoples and other marginalized groups.

Clause 294 of the bill, on the other hand, specifically grants judges the discretion to impose a sentence higher than a legislated maximum in cases of intimate partner violence. Ironically, some of those most disadvantaged by the government's refusal to allow judges to exercise discretion to go below legislated minimums are women who are victims of violence who respond with force to violence perpetrated against them or their children; women who routinely accept offers to plead guilty to charges such as aggravated assault and manslaughter even when they have valid defences. They do so because of the prospect of mandatory penalties, especially if the alternative is a potential life sentence if no defence is mounted or the defence is unsuccessful.

At committee in the other place, numerous witnesses arrived before the committee with recommendations that mandatory minimum penalties be removed from the Criminal Code or that an exception be provided to them. They clearly articulated how the continued existence of mandatory minimum penalties undermines both of the two stated goals of Bill C-75 — that of promoting efficiency and reducing court delays, and that of better responding to the realities of Indigenous peoples and others who are marginalized within the criminal justice process.

I trust that the committee study of Bill C-75 will include scrutiny of the absence of action regarding mandatory minimum penalties.

In addition, representatives of law school clinics testified that raising the maximum penalty generally applicable to summary conviction offences from six months to two years could spell the end of legal education programs in some law clinics. These programs provide law students the opportunity to learn under the tutelage of experienced lawyers, while also providing members of marginalized communities with vital access to cost-free legal representation from clinic lawyers and the students working under their supervision.

Section 802.1 of the Criminal Code prohibits agents, who include law students and articling students, from appearing in court on charges where the maximum sentence that can possibly be imposed is greater than six months. Six months is currently the maximum sentence for most summary conviction offences, and clinic law students have long carried out the vital work of appearing in court for those who would otherwise be unrepresented. In doing so, they have helped to improve access to justice for marginalized individuals and prevent the delays, inefficiencies and injustices that too often occur when individuals without legal training represent themselves. At least three of those clinics work in particular with members of Indigenous communities.

Bill C-75 will result in maximum penalties of over six months for all but a small handful of summary conviction offences, making legal clinic students ineligible to represent clients. The members of the committee in the other place heard these concerns and took a step in the right direction; however, the resulting amendment risks providing only a partial solution.

First, the amendment is limited to allowing students to represent clients only on adjournments. Only allowing clinic students to represent clients for procedural motions to postpone and reschedule hearing dates, rather than the full scope of representation that students can currently provide, would significantly limit the benefit to both clients and students of current clinic programs.

Second, while Bill C-75 would allow provinces to use orders-in-council to grant students the ability to represent clients, there is no indication that provinces, including this one, are planning to take such steps.

We have a valuable opportunity at committee to ensure that law students and legal clinics can continue their exemplary work providing legal representation to those most in need of a voice within the legal system.

Third, and finally, Bill C-75 will bring into force Criminal Code provisions passed as part of former Bill C-452 and relating to the prosecution of exploitation and human trafficking.

• (1740)

Honourable colleagues, I believe we all agree on the need for urgent action to end the exploitation of women and girls. Findings of the UN special rapporteur on violence against women, the house Justice Committee's report on human trafficking, and the Thunder Bay Police Services Board Investigation, as well as testimony at the Inquiry into Missing and Murdered Indigenous Women and Girls have all emphasized that Indigenous women and girls are particularly at risk and they unequivocally link this reality to Canada's colonial legacy of discrimination against Indigenous peoples and the failure to ensure the safety and to uphold the rights of Indigenous women and girls.

Criminal law responses to exploitation and trafficking too often risk missing the mark, however. Fundamentally they fail to address underlying social and economic inequalities that too often result in women and girls being exploited. Even within the criminal justice system, however, law enforcement activities have been criticized for failing to hold accountable those who are profiting from exploitation at the highest level. If they are to live up to their laudable purpose, Bill C-75's provisions on trafficking must go beyond the current processes that too often focus on arresting exploited women and those involved in trafficking schemes at the lowest levels.

Bill C-75's first measure is a presumption of exploitation wherever a person who is not exploited lives with or is habitually in the company of a person who is exploited. This provision aims to facilitate proof of exploitation, in particular given the power imbalances faced by exploited and marginalized women that prevent far too many from reporting their exploiters, let alone providing witness testimony. Yet as the Canadian Centre to End Human Trafficking has noted, those most frequently arrested on the scene of illicit businesses and in the immediate presence of exploited women are often exploited women themselves and low-level managers, some of whom were also formerly exploited women. They are not leaders of trafficking organizations and most certainly not those who are profiting most from them at the highest levels.

The second key provision imposes a reverse onus on those convicted of exploitation, intended to facilitate forfeiture of proceeds of crime. Again, this is a provision whose effectiveness relies on the ability to hold those profiting at the greatest levels accountable. Those who seek to profit from exploitation too often see it as a "low-risk, high-profit" enterprise because of the reusable nature of human beings, as compared, say, to trafficking in drugs or firearms, and the anonymity that corporate law affords to those who wish to use lawful corporate structures to carry out human trafficking.

I trust these provisions will be considered in depth at committee so as to ensure they meet the objective of holding accountable those who choose to establish and profit from illicit businesses that perpetuate the exploitation of women and girls.

Honourable colleagues, there are too many for whom the criminal justice system risks being a fundamentally unjust system. I strongly support referring this bill to committee so that senators can begin the important work of hearing witnesses as soon as possible and let us all work together to ensure that the experiences of those most marginalized are at the heart of our consideration of this bill.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

DIVORCE ACT
FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT
GARNISHMENT, ATTACHMENT AND PENSION DIVERSION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Coyle, for the second reading of Bill C-78, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act.

Hon. Julie Miville-Dechêne: Honourable senators, I rise today to support the broad principles of Bill C-78, An Act to Amend the Divorce Act and other related acts. First of all, I applaud the main principle of this bill. In any divorce process, the court will take only the best interest of the dependent child into account. This principle is already generally applied by the courts, but what is new here is that the bill codifies it and makes it central to the analysis, as the Civil Code of Quebec already does. This means that the amount of time the child spends with either parent will be determined on the basis of the best interests of each child. Nothing is automatic, which is a very good thing.

Society has evolved. Fathers are more involved in the lives of their children. There is still real inequality in the division of duties and responsibilities between fathers and mothers, but every divorce is different. It is high time that absolute respect for the best interests of the child is set out in law as a determining factor to guide judges, regardless of the arguments of the parents who, in acrimonious divorces, tend to put their own interests first. These laws have not been amended in more than 20 years despite calls for reform. Major responsibilities come with having children. From my perspective, there is no doubt that the well-being of those we bring into this world comes before our own. I am insisting on what may seem obvious to some, because all too often in my life I have seen cases where divorced or separated parents have put their own interests or their freedom before the interests of their children.

Let's be clear, it is not always easy for a judge to determine what is in the best interests of the child, based on the information provided. This is a subjective notion. However, clause 16 of the bill makes a real effort to define this notion, calling on the court to give primary consideration to the child's physical, emotional and psychological safety and well-being, based on more than 20 factors set out in the bill.

I now want to talk about the new terminology in the bill. After careful consideration, I more or less agree with most of the proposed terminological changes in this bill. They are confusing at first glance, but they are meant to be more inclusive, at a time when the definition of family is changing and, especially, more neutral terminology is being used. The idea is to avoid having the terminology reinforce the adversarial relationship between parents and consider children as objects. For example, instead of saying, "the child's mother or father has custody or visitation rights," the courts will now use terms that reflect the responsibilities of parents towards their children. The terms parenting order, parenting time and decision-making responsibilities will be used. The terms may seem a bit disembodied and we will have to get used to them. There is certainly a risk that they will be misunderstood in the beginning.

According to the Barreau du Québec, the "decision-making responsibility" of parents, a new term used in Bill C-78, is better defined than the concept of parental authority in the Quebec Civil Code. These responsibilities pertain mainly to the following issues, which are set out in Bill C-78: the child's health, education, culture, language, religion, spirituality and significant extra-curricular activities. According to the Barreau du Québec, this limits the potential debate on the subjects over which parental authority can be exercised. We must make a serious education and outreach effort if we want this terminology to be understood by people going through a divorce who are already under a lot of stress.

I would now like to talk about family violence and another major concern that I have. Bill C-78 includes a detailed definition of family violence, which is cited as a factor to be considered in a decision. Of course, violence is a difficult subject, but it must be openly addressed in every relevant context, and divorce is one of them. The proposed definition is not an exhaustive one. It gives nine types of behaviour and begins as follows:

> ***family violence*** means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct. . . .

Here are some numbers that explain why this definition is in the bill. Ninety-five thousand victims of family violence have been reported. That includes 17,000 children, 10,000 of whom were abused by a parent. Family violence most often affects women and girls. In 2017, women remained over-represented among victims of conjugal violence, accounting for almost eight out of 10 victims. Intimate partner violence was the most common type of violence perpetrated against female victims of violent crime in 2017. We are talking about 95,000 victims. Here again, Indigenous women are disproportionally affected by this type of violence.

• (1750)

What these numbers tell us, and what is missing from the bill, is that family violence is gender-based, and women and girls are more at risk than men. In fact, because the bill has to be inclusive — and I understand the need for that — it talks about persons and spouses, but never fathers and mothers, because the makeup and realities of families change.

Several advocacy groups for victims of domestic violence, including the Quebec Federation of Women's Shelters, have asked that the notion of violence against women be included and defined in Bill C-78. One would think that the legislator intended to include domestic violence in the concept of family violence and to take it into account, but it is not stated in so many words, and the triggers for violence against women are specific and may have an impact on behaviour during divorce proceedings and after a separation.

On that topic, I want to highlight some concerns expressed by groups that specialize in fighting violence against women, concerns that I share. First, in determining the best interests of the child, the court must consider the ability and willingness of the spouses to communicate and cooperate with one another. A woman who has experienced domestic violence cannot cooperate and communicate with her ex as though nothing happened.

Second, in determining the best interests of the child, the court must consider whether the family violence is directed toward the child. Why overlook spousal violence as a factor, when it definitely has an impact on the child? Keeping mothers safe is another way to protect children.

Third, a woman who is a victim of domestic violence cannot participate in mediation with her ex, because she is too vulnerable, and the two parties would not have the equal footing needed to ensure successful mediation.

Lastly, violence and harassment do not end with divorce. A history of violence must be taken into consideration, even if the individual was never convicted, especially given that the risk remains significant after separation. Obviously, many judges already take history of violence and gender-based violence into account, but in order to spread that mindset, the terminology in the bill must emphasize violence against women and its distinct features.

Yesterday we had the opportunity to hear from Linda C. Neilson, a professor emerita and expert on domestic violence from the University of New Brunswick. Incidentally, I want to thank the bill's sponsor, Senator Dalphond, for organizing this video conference. Dr. Neilson said that this bill is certainly a step forward, but she lamented the fact that it ignores the inequality between men and women and still makes the woman responsible for proving the father's violent behaviour. Dr. Neilson said that spousal violence can't be reduced to a mere relationship problem, since it has consequences for the whole family. She believes that we need mechanisms around the divorce process to assess the real risks of violence and to provide the necessary support when the victims do not report the problem. She said that domestic violence must be clearly defined as child abuse, as mistreatment.

In the same information session, Mona Paré, a legal expert from the University of Ottawa, also questioned whether Bill C-78 puts enough emphasis on the child's opinion, in light of international agreements. She said that it is important to not only make sure that the child is heard during the proceedings, but also to indicate how the child's opinion should be factored into the court's decision on the arrangements.

Family law is a shared jurisdiction between the federal government and the provincial and territorial governments. For example, in Quebec, support payments are collected automatically. The changes proposed by Bill C-78 to make it easier to seize amounts owing under federal family law are welcome. However, there is also a major sociological difference between Quebec and the rest of Canada, which means that Bill C-78 will have less of an impact in Quebec.

My province is actually the champion of common-law relationships, not only in Canada but in all industrialized societies. Two thirds of Quebec women aged 34 and under, which means most young women, are common-law partners, not wives, and 63 per cent of children in Quebec are born outside marriage, which is a very large number. Just like marriages, these unions are not stable, and 50 per cent end in separation after 12 years.

Therefore, Quebec has a major challenge, and the new government of François Legault has promised to launch a process of reform. It is high time, because common-law partners and their children do not have the same protections as married spouses in the event of separation or divorce.

When a common-law relationship breaks down, children often suffer economically because legal protection for the lower-income partner is lacking. Three quarters of single-parent families are headed by women, and most of these families are the result of divorce or the breakdown of a common-law relationship. One quarter of families headed by single mothers live below the poverty line. In my opinion, the more vulnerable partner — typically the woman, but sometimes the man — should not be alone in bearing the burden of the couple's decision to separate. The children's well-being is at stake.

In conclusion, once my colleagues have voted on Bill C-78, the committee must study it thoroughly. Thank you for your attention.

Hon. Senators: Hear, hear!

[*English*]

Hon. Frances Lankin: Will the senator take a question?

Senator Miville-Dechêne: Absolutely.

Senator Lankin: Thank you very much. I was interested in your comments towards the end of your speech with respect to the difference in treatment under Quebec law of parents who are

legally married versus parents who have a common-law relationship and a difference, therefore, in the treatment and rights of those families with respect to children and responsibilities for children. That struck me as odd. I don't know, but I don't believe that's the same situation in all provinces.

Senator Miville-Dechêne: No, it's not.

Senator Lankin: Could you clarify that, if it's only Quebec, as far as you know?

Senator Miville-Dechêne: It's not. It's interesting enough that you're noting it, because Quebec on some fronts is at the forefront of some issues.

[*Translation*]

I am going to continue in French because there are a lot of technical terms. Sorry about that. Quebec has not re-examined the issue of common-law relationships in a long time. Although we were pioneers on some issues, we haven't been able to reach a social consensus to reopen this issue in a long time. The idea is that because these men and women chose to be in a common-law relationship, no rules would be imposed. There are rules governing child support, of course, but there are no rules about any kind of compensation for the lower-income partner, which means that many end up living in poverty.

Several other provinces, such as British Columbia, have made changes to their family law. A common-law relationship is not quite the same thing as marriage, but the investment each partner made is calculated so that neither partner loses out. That is a major sociological problem in Quebec. Even feminists are divided on the issue. Some say they don't want to touch common-law relationships because that is their way of remaining free. Family assets are divided for married couples in Quebec. That is very important. Many women do not want to get married because they want to remain free, but this so-called freedom is causing serious poverty.

(On motion of Senator Martin, debate adjourned.)

[*English*]

• (1800)

The Hon. the Speaker: Honourable senators, it is now 6 o'clock, and pursuant to rule 3-3(1), I'm obliged to leave the chair until 8 p.m., unless it is the wish of the chamber that we not see the clock.

Is it your wish, honourable senators, that we not see the clock?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Accordingly, the session is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

• (2000)

(The sitting of the Senate was resumed.)

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON APRIL 2, 2019, ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of March 20, 2019, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, April 2, 2019, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUDGET 2018

INQUIRY WITHDRAWN

On Government Business, Inquiries, Order No. 3, by the Honourable Peter Harder:

> Resuming debate on the inquiry of the Honourable Senator Harder, P.C., calling the attention of the Senate to the budget entitled *Equality + Growth: A Strong Middle*

Class, tabled in the House of Commons on February 27, 2018, by the Minister of Finance, the Honourable Bill Morneau, P.C., M.P., and in the Senate on February 28, 2018.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(1), I ask for leave of the Senate to withdraw the Government Inquiry No. 3.

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

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

(Inquiry withdrawn.)

BUSINESS OF THE SENATE

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I ask for leave that the Senate now proceed to the Notice Paper.

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

Hon. Senators: Agreed.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Yuen Pau Woo, pursuant to notice of March 19, 2019, moved:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet at 5 p.m. on Tuesday, April 2, 2019, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, I move this motion in the name of Senator Galvez.

The Hon. the Speaker: Are honourable 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.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fabian Manning, pursuant to notice of March 19, 2019, moved:

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, April 2, 2019, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, I move the motion in my name.

The Hon. the Speaker: Are honourable 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.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

Hon. Yuen Pau Woo, pursuant to notice of March 20, 2019, moved:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet, in order to continue its study of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, on Monday, April 1, 2019, Monday, April 29, 2019, and Monday, May 6, 2019, at 6:30 p.m.:
>
> (*a*) even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto; and
>
> (*b*) even though the Senate may then be adjourned for more than one week, pursuant to rule 12-18(2)(b)(i).

He said: Honourable senators, I move the motion standing in the name of Senator Galvez.

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 March 20, 2019, moved:

> That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Thursday, April 4, 2019, from 1:00 p.m. to 4:00 p.m., for the purposes of its study on the subject matter of Bill C-91, An Act respecting Indigenous languages, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

She said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO AFFECT SITTING ON FRIDAY, MARCH 22, 2019, ADOPTED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, at the start of the sitting of Friday, March 22, 2019, the Senate deal with any message from the House of Commons concerning an appropriation bill;
>
> That, if such a message has not been received at the start of the sitting, the sitting be suspended to await the receipt of such a message or information provided by the Government Representative about such a message, with the bells to ring for five minutes before the sitting resumes;
>
> That, after the Senate has dealt with the message and any business flowing from it, the sitting be suspended to await the receipt of a message from the Crown concerning Royal Assent, with the bells to ring for five minutes before the sitting resumes;
>
> That, except as provided in the next paragraph, after the receipt of a message from the Crown concerning Royal Assent, the Senate adjourn to the next sitting day, as provided for either pursuant to order made under the next paragraph or the provisions of the Rules, as the case may be;
>
> That at any point during the sitting the Government Representative be authorized to move, without notice, a motion concerning the next day for the sitting of the Senate;
>
> That, if at any point during the sitting the Government Representative advises the Senate that a message from the House of Commons concerning an appropriation bill is not expected or that a message from the Crown concerning Royal Assent is not expected, the Senate adjourn to the next sitting day, as provided for either pursuant to order made under the previous paragraph or the provisions of the Rules, as the case may be; and
>
> That, for greater certainty, any other business for Friday, March 22, 2019, be deferred to the next sitting of the Senate, except as provided for in this order.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Other Business, Motions, Order No. 454:

On the Order:

> Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Pate:
>
> That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, April 2, 2019, at 6:00 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

Hon. Yuen Pau Woo: Honourable senators, I understand that a deal has been reached in regard to the Agriculture Committee meeting. I'm looking over to the relevant people to make sure that this is, in fact, the case. Seeing that it appears to be the case, I move the motion standing in the name of Senator Griffin.

The Hon. the Speaker: It's already moved, Senator Woo.

Senator Woo: If it has already been moved, then I complete my statement and invite you to take it to the next step.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 8:09 p.m., the Senate was continued until tomorrow at 9 a.m.*)

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