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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, April 9, 2019

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

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Donald Neil Plett: Colleagues, if I appear surprisingly calm today in most of my speeches, it is as a result of Senator Lankin — and I don't see her here right now — coming across and giving me a bracelet that is supposed to calm my nerves.

Senator Lankin, thank you for this.

Senator Lankin also gave me a little tube of some oil. We are hoping that Senator Lankin and I will be on the same page most of the day today. Hopefully I will remain calm.

Honourable senators, this morning I gave notice to the Clerk of the Senate, Mr. Richard Denis, that I would be raising a question of privilege. As my notice stated, the nature of the breach concerns the April 4, 2019, leak of a confidential agreement which was agreed upon through private negotiations between myself, the Government Representative in the Senate, the Leader of the Opposition in the Senate, the Facilitator of the Independent Senators Group, and the Leader of the independent Liberals.

I am giving notice that later today I intend to raise a question of privilege concerning this leak, which I believe is a violation of privilege affecting all senators and the ability of the Senate to carry out its function. If the Speaker would rule there is a prima facie case of privilege, I am ready to move the appropriate motion.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Gib and Elsie Patterson, accompanied by their family. They are the guests of the Honourable Senator Black (*Ontario*).

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

Hon. Senators: Hear, hear!

WORLD INTELLECTUAL PROPERTY DAY

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, April 26 will mark World Intellectual Property Day. First recognized nearly 20 years ago, it offers a

unique opportunity to discuss the very real need for robust intellectual property protections: patents, trademarks, copyright and similar rights.

This year's theme is Reach for Gold: Copyright and Sports. New sports technologies enhance athletic performance. Merchandizing and licensing agreements help generate revenue. Broadcasting rights bring sport and television together, engaging fans the world over.

While not something we think about every day, intellectual property protection actually plays a huge role in our lives. New products, new inventions and new methods of manufacturing drive our economy and improve the well-being of all Canadians. Music and arts enrich our lives and help shape our future as a country. It's not surprising that intellectual property plays a major role in international agreements and the debate in relation thereto.

I was pleased to note in last fall's Budget Implementation Act the government made good on a pledge to enact the College of Patent Agents and Trade-mark Agents Act. This college will be responsible for the regulation of patent agents — patent attorneys — and trademark agents. They will be regulated just like other professions, like lawyers and engineers, that entrepreneurs might be inclined to hire. This was an initiative long promoted by the Intellectual Property Institute of Canada, sometimes referred to as IPIC, and its realization will be a great step forward.

Honourable senators, I'm pleased, along with IPIC, to invite you to a reception later today in room C-128, just upstairs in the Senate of Canada Building. Once again, the event will feature the work of some of Canada's brightest secondary school students and their science projects as well as other displays highlighting the importance of intellectual property protections.

I hope you will be able to join us in room C-128 any time after 4:30 this afternoon.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Tarek Hadhad, as well as representatives of Sobeys. They are the guests of the Honourable Senators Coyle, Boehm and Omidvar.

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

Hon. Senators: Hear, hear!

PRIVATE SPONSORSHIP OF REFUGEES PROGRAM

FORTIETH ANNIVERSARY

Hon. Mary Coyle: Honourable senators, today I rise to share with you a story of loss, courage, community, vision, partnership and hard work, the story of “Peace by Chocolate” and the Hadhad family.

The brutal civil war in Syria has displaced 12 million people, half of its pre-war population. Over 1 million have been injured and 465,000 have died. British poet Warsan Shire said, “no one leaves home unless home is the mouth of a shark.”

For the Hadhad family, Damascus had become just that — as dangerous as the mouth of a shark. The family saw their business, a thriving chocolate factory exporting all over the Middle East, bombed in an air strike in 2013. Like many of their compatriots, the Hadhads sought refuge in Lebanon.

In late 2015, Tareq Hadhad was the first of his family welcomed by the volunteers of SAFE, Syria-Antigonish Families Embrace. In early 2016, the rest of the family arrived. Today, eight Syrian families are making Antigonish their home.

Within months of arriving, the Hadhad family decided to start a chocolate factory as a way to earn a living and create employment for others. That chocolate factory, which started in the family’s kitchen, selling at the local farmers market, expanded into a small driveway shed built with muscle and materials provided by the community. It now operates in a facility provided by the Hadhad family’s national business partner, Nova Scotia’s Sobeys corporation.

The appropriately named Peace by Chocolate business produces assorted chocolates including rainbow-wrapped Pride Bars, Peace Bars, Forgiveness Bars with slogans such as “Kiss & Make-Up,” and even Easter bunnies. Tareq Hadhad, the company’s CEO who is with us today, says, “It is not where you are from that is important. It is who you are.”

He and his family have been demonstrating who they are by creating local jobs, sending donations to the victims of the Fort McMurray wildfires and, more recently, by announcing plans to hire 50 refugees, mentor 10 refugee start-ups and help four refugee businesses access new markets.

Later today, at 5:30 in the senators’ lounge, Senators Omidvar, Boehm and I, together with the Refugee Hub of the University of Ottawa, are hosting an event to celebrate the fortieth anniversary of Canada’s Private Sponsorship of Refugees Program. Come enjoy delicious snacks from Yasmin Syrian Cooking. Please join us as we celebrate Tareq Hadhad, Peace by Chocolate, Canada’s 327,000 privately sponsored refugees and the thousands of volunteers who have contributed to this important Canadian nation-building story. Shokran, *wela'liq*.

• (1410)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Chief Superintendent David Lucas of the Ontario Provincial Police. He is the guest of the Honourable Senator Boniface.

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

Hon. Senators: Hear, hear!

FISHERIES SCIENCE

Hon. Norman E. Doyle: Honourable senators, the Marine Industry Awards, which honour excellence and innovation in Newfoundland and Labrador’s marine industry, were recently announced in St. John’s. This year, four recipients were recognized, as follows:

For Industry Leadership and Excellence, Oceanex Inc.: Oceanex and its predecessor companies have been providing service to Newfoundland and Labrador for more than 100 years. Managing Partner Captain Sid Hynes is now leading a company that is one of the most successful transportation enterprises in Canada. The 400 employees at Oceanex deliver approximately 45 per cent of all the freight that comes to Newfoundland and Labrador. Oceanex has demonstrated entrepreneurship, leadership and innovation, and is worthy of this award.

For Industry Lifetime Achievement, Mr. Fraser Edison: He has mapped a lifelong career in the marine industry, beginning in intermodal transportation that eventually led him to participation in two successful offshore oil and gas developments and several investments in marine technology start-ups. Mr. Edison also had a history of giving back to the community through his pioneering efforts in the Newfoundland Offshore Oil Industry Association and his decades of commitment to Easter Seals.

For Innovation Leadership Award, Kraken Robotics Inc.: Under the innovating leadership of Karl Kenney, Kraken is delivering deep dive technologies to civilian and military markets. Kraken Robotics is now an acknowledged world leader in the innovative use of synthetic aperture sonar and underwater imaging technology.

Finally, for the Award of Historical Significance, CBC’s documentary program, “Land and Sea”. CBC’s “Land and Sea” is a documentary television program that for 54 years has been preserving and telling the untold stories that define the rich history of Newfoundland and Labrador. Over the years, “Land and Sea” has taken thousands of people from their living rooms to every corner of our province — journeys that ensure that we are all aware of and value our rich marine history and the culture that it has created. One of the original hosts of “Land and Sea,” Herb Davis, works in my office here on the Hill.

Senators, please join me in congratulating these four very well-deserved marine industry award recipients from Newfoundland and Labrador.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from Nature Canada, Ontario Nature, Canadian Wildlife Federation, as well as Ducks Unlimited. They are the guests of the Honourable Senator Griffin.

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

Hon. Senators: Hear, hear!

NATIONAL WILDLIFE WEEK

Hon. Diane F. Griffin: Honourable senators, I rise today to mark National Wildlife Week. We celebrate National Wildlife Week during the birth week of conservationist Jack Miner, who was also known as “Wild Goose Jack,” and who created one of North America’s first bird sanctuaries. According to the Canadian Encyclopedia, he was also one of the earliest to attach bands to the legs of migratory birds for the scientific study of their habits.

Jack Miner had a reputation as the “greatest hunter in Canada,” and indeed, hunters – including Indigenous, Inuit, and Metis hunters – are often leaders in conservation. The patterns Miner saw as a hunter led to his work protecting vulnerable species.

Many leaders of Canada’s conservation groups are in the room today. The Speaker has just welcomed them. Most have worked in the field of wildlife and habitat conservation for years. I thank them for their work to protect Canadian wildlife.

I am a hunter and a birdwatcher, and like Jack Miner, I see that both hunters and birdwatchers have a role to play in conservation. It is by getting to know the patterns of movement and habits of wild creatures that we are able to discover and act when something goes amiss.

That’s why it’s important for future generations to play a role, but this won’t happen if our generation doesn’t mentor them. Wildlife week is an excellent educational opportunity. When I was a high school teacher in Charlottetown at Colonel Gray, I appreciated it fully.

Fellow senators, if you find yourself in Prince Edward Island this summer — beautiful Prince Edward Island, I might add — and would like to bird watch, and if you’re there in autumn and would like to hunt geese, I would love to host you.

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

INFRASTRUCTURE UPDATE: INVESTMENTS IN THE TERRITORIES—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Infrastructure Update: Investments in the Territories*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

[Translation]

NATIONAL SECURITY AND INTELLIGENCE
COMMITTEE OF PARLIAMENTARIANS

2018 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the National Security and Intelligence Committee of Parliamentarians for the year 2018, (revised version pursuant to subsection 21(5) of the *National Security and Intelligence Committee of Parliamentarians Act*), pursuant to the Act, S.C. 2017, c. 15, sbs. 21(2).

VOLUNTARY BLOOD DONATIONS BILL

BILL TO AMEND—THIRTY-THIRD REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Chantal Petitclerc, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 9, 2019

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRTY-THIRD REPORT

Your committee, to which was referred Bill S-252, Voluntary Blood Donations Act (An Act to amend the Blood Regulations), has, in obedience to the order of reference of October 25, 2018, examined the said bill and now reports as follows.

Between 5 December 2018 and 21 March 2019, your committee studied this bill. It heard from 16 witnesses over the course of seven meetings. Bill S-252 contains a single clause which would prohibit blood collectors from providing payment to blood donors.

In addition to the sponsor of the bill, the Honourable Senator Pamela Wallin, your committee heard from individual and allied patient groups, experts in blood safety and supply, health care professional organizations, employee representative organizations, Canadian for-profit plasma collection companies and Canada's two blood agencies, Canadian Blood Services and Héma-Québec.

Members applaud Senator Wallin for the effort and energy that has been put into developing this bill and agree that the sustainability of Canada's blood supply must be protected. They empathize with the view that all blood donations, whether they be for whole blood or blood constituents, should be made voluntarily and without compensation.

However, your committee recommends that this bill not proceed further in the Senate for the reasons that follow.

Members heard contradictory testimony on several complex and technical issues. Such issues include the safety of donations; the security of the plasma supply; the ethics of compensation to donors; the self-sufficiency of plasma supply in other countries and whether that has been achieved solely with voluntary donations; and whether "voluntary" donations in other countries would be considered as being remunerated under the current wording of the bill, etc.

Members are also concerned about whether the bill should include definitions of some terms and whether the issue of compensation for plasma donation falls within federal jurisdiction. As well, some members question why the bill would exempt any organization from the prohibition on remuneration for plasma donation.

Your committee appreciates the sincerity with which witnesses presented their views on this bill and it has struggled with the complexity of the issues involved. Members of your committee concur that Bill S-252, An Act to amend the Blood Regulations, proposes a regulatory change that is overly simple for a complex issue and has the potential of resulting in unintended consequences.

Respectfully submitted,

CHANTAL PETITCLERC
Chair

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

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

• (1420)

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON APRIL 9, 2019,
AS MODIFIED, NEGATIVED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, notwithstanding the order of April 4, 2019, Question Period today take place at the usual time, after Routine Proceedings rather than 3:30 p.m., and last a maximum of 30 minutes.

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Serge Joyal introduced Bill S-260, An Act to amend the Criminal Code (Conversion Therapy).

(Bill read first time.)

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

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

[*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, May 2, 2019, from 1 p.m. to 4 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

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Serge Joyal: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, April 10, 2019, at 3:15 p.m., even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES AND OCEANS

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

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet, in order to continue its study of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, on Tuesday, April 30, 2019, from 5 p.m. to 9 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber on Thursday, April 4, 2019, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

OCEANS ACT
CANADA PETROLEUM RESOURCES ACTBILL TO AMEND—TWELFTH REPORT OF FISHERIES
AND OCEANS COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Fisheries and Oceans (*Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act*, with an amendment), presented in the Senate on April 4, 2019.

Hon. Fabian Manning moved the adoption of the report.

He said: Honourable senators, during clause-by-clause consideration of Bill C-55, Senators Patterson and McInnis each proposed an amendment that was adopted.

The first amendment was introduced by Senator Patterson and amended clause 5 of the bill to enhance consultation and cooperation. This amendment works to ensure that prior to the Minister of Fisheries, Oceans and the Canadian Coast Guard designating an interim marine protected area by ministerial order, the proposed order be posted on the minister's website and a 60-day comment period be provided for. Written notice to be given to jurisdictions whose lands or interests may be affected by the proposed order is also provided for in this amendment.

The second amendment was introduced by Senator McInnis. It also amended clause 5 of the bill. This amendment was proposed to ensure that a certain level of detail is available to the public prior to the minister designating an interim marine protected area by ministerial order.

Prior to being able to designate an interim MPA, the minister must include, on the Fisheries and Oceans Canada website, the approximate geographical location of the proposed marine protected area and preliminary information on the habitat and species to be protected.

Your Honour, I wish to take the opportunity to thank all members of our committee for their due diligence on Bill C-55. It garnered some interest across the country. We had the opportunity to hear from people on several sides. I won't say both sides because there are several sides to this bill. At the end of the day, we had pretty well a consensus at our table.

As chair of the committee, I want to take the opportunity to say thanks to the members for their time and effort in making sure that Bill C-55 was brought to the chamber here today and that the amendments took some time to debate. Senator Patterson took some time. He is not a member of the committee but he proposed the amendment and convinced most of us around the table that it was a positive amendment for the bill. Therefore we look forward to seeing Bill C-55 move forward. Thank you.

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

Some Hon. Senators: Agreed.

Senator Harder: On division.

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

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

(On motion of Senator Manning, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1430)

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—DEBATE POSTPONED

On Other Business, Senate Public Bills, Third Reading, Order No. 1, by the Honourable Terry M. Mercer:

Third reading of Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

Hon. Terry M. Mercer: Honourable senators, I note this is on day 14. Therefore, with leave of the Senate, I would ask that consideration of this item be postponed until the next sitting of the Senate.

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

Hon Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

SIKH HERITAGE MONTH BILL

THIRD READING—DEBATE ADJOURNED

Hon. Sabi Marwah moved third reading of Bill C-376, An Act to designate the month of April as Sikh Heritage Month.

He said: Honourable senators, it is my privilege to rise today to speak at third reading in support of Bill C-376, the Sikh heritage month act.

To date, this legislation has received support from all parties in both the House of Commons and the Senate. In particular, I wish to acknowledge and express thanks for the efforts of Mr. Sukh Dhaliwal, Member of Parliament, who has led the effort to initiate the bill. I would also like to thank the members of the Standing Senate Committee on Social Affairs, Science and Technology for their unanimous support.

April has already been established as Sikh Heritage Month by parliaments in Ontario in 2013, B.C. in 2017, Alberta in 2017, and Manitoba in 2019. These actions have received widespread support among citizens, community organizations and local governments.

A proclamation of Sikh heritage month in Canada would be a continuation of this journey. The Sikh Canadian story is a story of pioneers and settlers of over a century ago, of soldiers who fought alongside Canadians in two world wars, of fighting for equality and justice — to the eventual engagement in all walks of life. It also celebrates the social, economic, political and cultural contributions that Sikh Canadians have made to Canada. It is, in fact, a story of Canada.

As a bit of background on the journey of Sikh settlement in Canada, the earliest Sikh settlers came here over a century ago, in 1897, when Sikh soldiers arrived as members of the British Army. It is not well known that Sikh soldiers served in the Canadian Army in World War I — all volunteers that served a country that denied them the rights of citizenship.

The natural hardships faced by early settlers in Canada were compounded by other barriers — political, immigration, citizenship and others. In the face of isolation and financial hardship, the early Sikh settlers proceeded to build institutions that would serve the fledgling community, beginning with the Khalsa Diwan Society in 1907.

Most remarkable was the resolve of many of those early settlers — mainly farmers and labourers — to resolutely work within the framework of Canadian law. They pressed for changes in law for half a century — changes that eventually lifted restrictions against South Asian settlers, even those born in Canada and who had fought under the Canadian flag.

It is fitting that this bill is being studied in the Senate during the month of April, a month that is meaningful to the Sikh community around the world. The month of April has a cultural significance in the region, loosely described as “greater Punjab,” the former homeland of the great majority of Sikhs. It is the month of Vaisakhi, a harvest festival celebrated by all people of the region, akin to Thanksgiving.

For the Sikhs, it has added meaning, as it also commemorates the birth of the Khalsa order in 1699, the final stage in the evolution of the Sikh faith, one that emphasizes the values of equality, selfless service and social justice, and a milestone celebrated by the Sikhs the world over.

Overall, Vaisakhi — and the month of April — is a festive occasion, celebrated by the Sikhs in many ways — with parades, a tradition observed by Sikh communities worldwide. These have been accompanied by art exhibitions, film festivals, academic lectures and symposia on various aspects of their history, culture and faith. Academic institutions have attracted Sikh students and scholars, and initiatives are under way in the community to sponsor academic programs and Sikh studies in prominent universities. A national proclamation will spur greater community engagement to fund other such initiatives.

The proclamation of a heritage month is more than a celebration of a community's history; it offers an opportunity to reach out to its neighbours and to educate the broader public.

In her support of Bill S-232, Jewish heritage month, Senator Frum so eloquently said:

... this official embrace of the Jewish people and the Jewish culture ... can only help promote the values of tolerance, acceptance and inclusion.

The same sentiments apply to this bill.

The value of recognizing people's heritage is subtle, yet profound. Such recognition is a step towards understanding, which is a necessary condition for integration. It is an essential element of a civil society, and it makes for a more cohesive nation. As a country, we celebrate a number of communities, ethnicities and religions in the form of heritage months. This gives us, as a nation, the opportunity to celebrate the unique cultures and values of these communities.

The Sikh community has a particularly unique position with visible principles of faith. As a result, as with other minority communities, they sometimes face prejudice and racism. Such responses have much to do with lack of knowledge of the community. Information and familiarity with the history of the community and its core values will go a long way to alleviate misunderstanding.

When Mr. Shimon Fogel, CEO of the Centre for Israel and Jewish Affairs, appeared before the Human Rights Committee last year in support of Jewish heritage month, he said:

The concept of heritage months offer a proactive approach to peeling back the ignorance that really serves as the engine ... of the kind of intolerance that all of us would wish to see diminish. ... It is in this context that ... they play an important role in helping other Canadians appreciate the shared values of specific communities. ... They bring down that sense of suspicion and hostility that is born from a sense of ignorance about other faith communities.

He went on to say that by establishing heritage months:

... we are signalling to these communities that we value what they bring to Canada ... in a context that strengthens ... Canadian values and enriches the lives of ... Canadians and Canadian society.

I couldn't agree with him more.

This is why Sikh heritage month is so important, as it will create one more platform to shed light, and dispel misunderstandings and fallacies that stem from lack of knowledge. It will also give us the opportunity to celebrate the engagement and contributions that Sikh Canadians have made in every aspect of public life in Canada — in the fields of medicine and law, science and engineering, information technology, and finance, to say nothing of their presence in the Armed Forces and in the political life of this country.

It will encourage us to talk and learn more about their beliefs and values, and to educate future generations of Canadians about the important and valuable role they have played in communities across this country.

• (1440)

Although Senator Ataullahjan is referred to as the critic of this bill, her eloquent words of endorsement during a second reading speech were particularly moving. She closed her comments by quoting MP Sukh Dhaliwal:

The history of Sikhs in Canada is a story of compassion, hard work, persistence and giving back.

She added:

... I support this bill and ask that you do as well.

In closing, I am very appreciative that this bill has received unanimous support thus far, and I look forward to your continued support. Thank you.

The Hon. the Speaker: Senator Stewart Olsen, do you have a question?

Hon. Carolyn Stewart Olsen: Yes. I'm curious as to what will happen in Quebec with the new law against secular artifacts. I will call them artifacts.

Senator Marwah: I don't think this bill detracts from that. I think it provides another platform to educate the broader public in Quebec about why these things are important and what the Sikh faith is all about. It sheds more understanding, and perhaps over time that understanding will help change the views of many Quebecers.

Senator Stewart Olsen: If I may, with this new law, would you be allowed to celebrate and display artifacts of the Sikh tradition?

Senator Marwah: Thank you, senator, for that follow-up question. To me, it doesn't detract from the law. The law of Quebec is going to go one way; this allows us to celebrate in other ways. The law in Quebec says that people with visible articles of faith cannot join certain jobs, but this doesn't prevent or supercede that in any way.

Senator Stewart Olsen: Thank you very much.

[Translation]

Hon. Ghislain Maltais: I would like to raise a point of debate to remind Senator Marwah that the bill introduced in the National Assembly does not in any way ban any religious practice. It prohibits people in positions of authority from wearing religious symbols. Everyone can practise their religion of choice. There is no ban in that regard. This understanding of the bill is very important for your community and many others. However, in the case of individuals who represent the authority of the state, and yes, I said "the state," they will not be allowed to wear any religious symbols. Thank you.

[English]

Senator Marwah: Thank you, senator. You are absolutely correct in your statement. I think the Quebec law is only in positions of authority, which doesn't really detract from this bill at all.

Hon. Yonah Martin (Deputy Leader of the Opposition): Before I take adjournment, I just want to say that, as a B.C. senator and someone who has many wonderful friends in the Sikh community of B.C., I support this bill in principle, and I know my colleague Senator Ataullahjan has expressed those words already. I want to let the chamber know that this is something we have yet to fully discuss, but I wanted to congratulate you, Senator Marwah, and acknowledge the work that has taken place on this bill to date.

I will take the adjournment for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Marwah, for the second reading of Bill S-250, An Act to amend the Criminal Code (interception of private communications).

Hon. Yonah Martin (Deputy Leader of the Opposition): This item is on day 14, so I will adjourn debate in my name.

(On motion of Senator Martin, debate adjourned.)

FROZEN ASSETS REPURPOSING BILL

SECOND READING—DEBATE ADJOURNED

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

She said: Honourable senators, I rise today to speak on Bill S-259, the frozen assets repurposing act, which I will refer to as FARA.

Before I begin to share the details of this bill with you, I would like to thank the originators and thinkers behind this proposal. They are the World Refugee Council, which was called into life three years ago by the Centre for International Governance Innovation, or CIGI. It tasked itself to be a catalyst and to look at transformative and out-of-the-box solutions to address one of the

most significant crises in the world today, the crisis of the forcibly displaced people of the world: Those who flee their countries for safety, and those who are internally displaced and cannot flee their country. I am a very proud member of this council, along with noted academics, former heads of states, former ministers, Nobel Prize winners and activists.

The World Refugee Council released its report entitled *A Call to Action: Transforming the Global Refugee System* this January at the United Nations. It urges nation states, regional organizations and multinational institutions to do more than just talk; it urges them to take action. This bill is a direct response to the call for action. Repurposing frozen assets of corrupt foreign officials is one of the recommendations, and I am very pleased to bring it to you in the form of legislation today.

I would also like to thank Senator Andreychuk. As you all know, she was the one who spearheaded the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), or the Magnitsky Act, through Parliament and into law. That act ensures that foreign leaders do not find a safe haven for their ill-gotten gains — at least not in Canada.

The bill I am speaking to today stands on the shoulders of the Magnitsky Act, and I, in turn, Senator Andreychuk, stand on your shoulders. They are slim but, metaphorically, very broad.

If Bill S-259 is called into law, Canada will be able to seize the frozen assets of corrupt foreign officials through court order and repurpose them to alleviate the suffering of the people who have been most harmed by their actions. In this way, it will square the circle.

Why is this important? For one, the world is facing a forced displacement calamity. There are nearly 70 million people around the world. Half of them, colleagues, are children who have fled their homes because of armed conflict; violence; persecution; and human rights abuses, including torture, sexual assault and exploitation. This is the highest amount number of the forcibly displaced since the Second World War, and the numbers continue to rise daily. Over 25 million are refugees who have left their homes and crossed international borders, but another 45 million are internally displaced within their own countries. This has created a significant strain, especially on those jurisdictions that border these places and are themselves challenged to meet the needs of their own citizens, let alone thousands of arriving refugees.

Colleagues, as someone who had to make the decision to leave a country in the middle of the night, a decision to flee is never an easy one. It is fraught with peril and, frankly, it paralyzes you. I will never forget trying to pack one bag. What should I put in it? Should I pack books, photos or medicine? I think there is a bit of sanity in me that prevailed, and in the end, I packed the most important things, which were baby formula and diapers.

I can still remember what it was like to cross the border from Iran into Turkey. I remember. I can almost still smell the fear that was pervasive in the room. It was our fear, of course, but there was also the fear that I sensed in the revolutionary guards who were surrounding us. But here is the difference: They were barely

14 or 15 years old. They had weapons, and they had bayonets. We all recognize what a toxic combination fear and weapons can be.

• (1450)

I share this story with you because I want you to walk in the shoes of these people who feel their fear, feel their loss, and their helplessness. As Senator Coyle so eloquently said today, no one leaves home unless the home becomes the mouth of the shark.

I am, of course, one of the few lucky ones. I was able to come to Canada. I have had a very productive life with my family. That is not always the case for the people who are forced to flee. The displaced of today live in squalor, there is little food, fresh water is scarce, disease and danger lurks everywhere. Sex and human trafficking are growth industries in such settlements. And resettlement — an option that we are rightfully proud of in this country — only applies to a slim 10 per cent of the world's refugee population.

It is countries like Bangladesh, with the Rohingya refugees, Uganda, with the South Sudanese or Columbia with the Venezuelans who are most at risk. All have opened their doors to let people in. But this has put an enormous strain on them, their communities, their economy and their social fabric.

There is another reality that I would like you to consider. Forced displacement is no longer a temporary phenomenon. On average, it lasts 20 years. Whole generations of human beings knowing nothing more than living a protracted, uncertain life. Clearly, new streams of funding are necessary to deal with this growing need. As the World Refugee Council has pointed out again and again in its report, there is just not enough money in the system. Simply put: More funds are needed.

The UNHCR, as one example, is only ever able to reach 60 to 65 per cent of its annual budget. In 2017, at the height of the crisis, it actually only reached 57 per cent. These are not just numbers. I hope I'm not just painting a picture of numbers, but painting a picture of lives at risk.

And yet, there is apparently a whole lot of corrupt money floating around. The World Bank estimates that \$20 billion to \$40 billion per year are stolen by public officials. Even more pertinently, it is estimated that corrupt leaders of countries with large numbers of refugees, or of countries whose population has been displaced, have deposited billions of dollars in cash and assets in foreign jurisdictions. It is reasonable to assume that, in fact, it is reasonable to be certain that a lot of this money is parked right here in Canada.

Let me describe to you how this bill would work. As I noted, Canada already has a number of sanctions regimes that permit the freezing of assets by corrupt foreign officials. There is the Magnitsky Act, there is also the United Nations Act, the Special Economic Measures Act, and the Freezing Assets of Corrupt Foreign Officials Act.

The decision whether to take that next step and seek a court order for confiscation would be made exclusively by the Attorney General of Canada. Only the Attorney General or someone else with the AG's consent could make an application to a provincial Superior Court.

How would the AG come to this decision? The AG would be acting on behalf of the government as a whole, and will no doubt have conferred with colleagues including the Minister of Global Affairs. Clearly, he or she would be motivated by reports and documents, by the list of frozen assets that is already there, from other reputable sources, journalists, academics, fact-finding missions, et cetera, concerning the individual in question, their role in corruption, the impact of their actions on people and whether they fall into the description of section 6 of FARA. The AG would then make an application to the court. The court would decide, based on evidence, if the confiscation should proceed. The court would give notice, would hear witnesses, weigh evidence, including from the representatives of the foreign official. The court would make a decision based on the balance of evidence.

If the court decides that the assets should be confiscated, then it would also, in the ruling, set out the criteria and the plan for distribution of the assets. The court would decide to whom and how the assets should be distributed: Should they go back to the country of origin? Or should they go to the UNHCR or another recognized NGO, like Médecins Sans Frontières? Should they go, in fact, to the neighbouring country that is dealing with the massive influx of refugees? The court would also decide on the means to monitor the implementation of the order thus providing accountability and transparency.

Let me give you a practical example — we'll make it real. Canada has already frozen the assets of the military generals in Myanmar who committed a genocide against the Rohingya, and forced a million people to flee to Bangladesh. Canada, through the court, will be able to confiscate their assets and repurpose them to help the Rohingya who are currently in the refugee camps in Bangladesh. The court could decide whether the money goes to Bangladesh, whether the money goes to an NGO or another entity. That would be the court's decision. Another example is Venezuela. The UNHCR has said — and this is a stunning factoid that I would like to drive home to you — 5,000 people left Venezuela every day in 2018 in search of protection. All told, that's 3.4 million people who have left since the crisis started. I'm sure we can imagine how the sudden influx is straining the host communities in Colombia and Peru.

Canada has already frozen the assets of President Maduro. If this bill is passed, the courts would be empowered to confiscate those assets and repurpose them to help Venezuelans in need, whether they are in Columbia or neighbouring countries. As well, the court would also decide to whom the funds should be dispersed, how they would be dispersed and how the accountability would be ensured.

The same example could apply to South Sudan as well. The names of two warlords are currently on the list of frozen assets, so if this bill is passed, the law would apply to that context as well.

I hope the principles of this bill are apparent to you.

The first principle relates to accountability. Dictators, human rights abusers, kleptocrats have acted with impunity for far too long. They need to be held to account. They purloin the wealth of their nations, leaving a trail of victims in their wake whose lives are devastated. As the World Refugee Council has pointed out, in considering accountability, it is important to remember that forced displacement is often the result of bad governance, violent and oppressive regimes, or those who fail or refuse to protect their own people are responsible for much of the forced displacement in the world today. These are very often the same regimes that are corrupt. They steal from their treasuries and place the money in other assets offshore for the unlawful benefit of the rulers and their associates.

The second principle is justice by seizing the assets and repurposing them back in support of those whose lives have been immeasurably harmed, destroyed perhaps for a lifetime, perhaps over multiple generations. I hope you will see the moral symmetry at play here. I hope you will appreciate it. Actions have reactions. And there must be consequences. Without consequences, we are left with words, full of sound and fury, but signifying possibly nothing.

The third principle is due process. This bill proposes that the seizure of assets of corrupt foreign officials take place through court order. Only a judge will decide, based on the balance of evidence provided to her or him, whether to proceed on the matter. Only a judge will decide whether the seized assets are returned to the source country or to another jurisdiction, and in this way, the bill makes certain that political motivations for seizing assets are removed. This requirement adds transparency, because the application and evidence will be public, the hearing will be open and the results with reasons will be published. In addition, a court hearing will ensure that anyone who has a potential interest in the frozen asset can come before the court and make their case.

• (1500)

The fourth principle is openness. Canadians and the world will know, through a public registry, not just the names of the foreign officials, but also the value of their frozen assets.

The fifth principle is compassion; but compassion with an edge, with a heavy dose of pragmatism. We can empathize and sympathize with the victims of displacement, but they need housing, safety, health care, food and water. All of this comes with a cost. As detailed by the World Refugee Council in its report, the UNHCR is not able to meet the growing needs of the growing numbers of displaced people. By repurposing stolen money back to those who have suffered the most, this bill will create a new source of financing and provide urgently needed resources for the victims of this unfortunate phenomenon. That is compassion, but linked to effective action.

Finally, this bill is about good governance. Canada should and must not be a safe haven for ill-gotten gains. In this chamber, we're looking at other avenues of hidden corrupt money, such as Senator Wetston's inquiry into beneficial ownership. This bill sends a strong message to corrupt leaders: You and your money are not welcome in this country. This is not a place where you can hide or grow it.

Colleagues, some have asked whether the courts are, in fact, the right vehicle for this bill. To that I offer two responses.

First, the courts have the expertise to deal with such matters. The courts are regularly called upon to deal with the issues of asset confiscation albeit in different circumstances. Currently, the courts oversee the confiscation and distribution of the proceeds of crime from drug cartels, gangs and/or other criminals. My second observation is that the involvement of the courts will guarantee openness, impartiality and fairness. The courts are well positioned to provide considered and just solutions, and to oversee a transparent and accountable process.

Some of you may be thinking about the million-dollar question we always ask: If this legislation conforms to the Canadian Charter of Rights and Freedoms. Let me quote from a policy paper published on this question by the World Refugee Council, which was prepared by a noted lawyer, former Attorney General of Canada, and former Canadian ambassador to the United Nations, Allan Rock.

The section of the Charter that could potentially be invoked to attack asset freezes and confiscation is section 7 — the right to life, liberty and security of the person . . . Although this section has been held by the courts to be very broad, the jurisprudence has also made clear that section 7 generally does not protect and apply to the economic rights of the applicant.

Justice Gagné ruled in a case involving the freezing of the assets of former President Ben-Ali of Tunisia and she noted:

. . . generally, neither the right to hold employment nor the economic interests of the applicants are protected by the Charter.

The paper concludes on this point:

. . . it is unlikely that an applicant would be successful in challenging Canadian legislation providing for the freezing and confiscation of the assets of corrupt foreign officials on the ground that it contravenes the Charter.

I would like to point out another very important aspect of this bill. Currently, we do not know the value of the assets that have been frozen in Canada. We know whose assets have been frozen, but we don't know their value or their nature. There is no public transparency, since the government is not obliged to provide this information. This bill will raise the curtain, make it less opaque and compel the government to list not only corrupt foreign officials, but also to provide the value of their assets. In the absence of this information, Canadians are not able to advocate for confiscation and opportunities to achieve the benefits of FARA may be lost.

Finally, I would like to tell you that this legislation is unique, but it is not unprecedented. In 2015, Switzerland enacted the Foreign Illicit Assets Act. Under that law, the Swiss government can apply to their Federal Court to confiscate frozen assets. If granted, Switzerland can send the assets to the country of origin or another entity for the purpose of improving the lives and conditions of the inhabitants of that country and supporting the

rule of law in the country of origin, thus contributing to the fight against impunity. Both the United Kingdom and France are currently looking at similar legislation.

This brings me to the final reason why I believe this legislation is important. If Canada succeeds in passing it, I believe that others will follow. We followed the example of the U.S. in calling the Magnitsky Act into life, and Senator Andreychuk improved on the U.S. version once it came to Canada.

The same narrative could well follow this act. This bill, I believe, will ignite the imagination of other jurisdictions by providing a concrete example of how we do it. Others will pick up on and improve on it. This can and will be transformative, and it will start here in Canada.

In conclusion, colleagues, for far too long corrupt foreign officials have acted with impunity. They have not only stolen mass wealth, but have created significant hardship for their people. Their actions have contributed to the displacement of millions of people that continue to grow daily. The principles that this bill are based on, the principles of accountable, justice, due process, openness, compassion coupled with pragmatism, and good governance will ensure that words lead to action and that action leads to consequences. Calling them out is not enough. We have to make them pay. FARA will accomplish precisely that.

Thank you, colleagues.

Hon. Howard Wetston: Will the honourable senator take a question?

Senator Omidvar: Of course.

Senator Wetston: Freezing assets is a challenge at the best of times. I have had some personal experiences attempting to do so under securities legislation, but it's not uncommon. The focus in the bill to try and achieve a registry — which I think would be a very important component of addressing issues of transparency, because one of the largest challenges in attempting to freeze assets is to identify assets. The identification process can be complicated, and issues like beneficial ownership would help that. A registry would also assist in that. That's not straightforward.

My question to you is, in looking at and thinking about this bill which potentially has some meaningful opportunities to do something good in society, would you have any thoughts about the way in which not only might you repurpose these assets, but the way in which you might identify the assets which might be repurposed?

Senator Omidvar: Thank you, Senator Wetston, for that question. It is difficult to identify the assets, but it is not impossible. I'll take us back to 2011 when the Canadian government identified Moammar Gadhafi's assets held in Canada, to the tune of \$2.2 billion. The Canadian government then entered into negotiations with Libya and returned the assets to the Libyan government. We still don't know if the money was further corrupted or used in the way that Canada would have seen it. We have done it before.

I believe that when the Attorney General makes an application to the court, the Attorney General will likely have some evidence.

Now, the government has instruments that they can rely on. There is FINTRAC and other, and you probably know more about this than I do. Again, I think it would be important at committee to study that question in particular and to look at the experience of other countries, including in the U.K. where they actually do have a registry, or something in the shape of a registry, for beneficial ownership and derive lessons from that as we move forward. I hope that answers your question.

(On motion of Senator Martin, debate adjourned.)

• (1510)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

The Hon. the Speaker: Honourable senators, before recognizing Senator Sinclair, Rule 6-12 requires me to inform the chamber that should Senator Sinclair speak now, his speech will have the effect of closing debate on the motion for second reading.

Hon. Larry W. Smith (Leader of the Opposition): I'd like to adjourn the debate in my name.

The Hon. the Speaker: It is moved by the Honourable Senator Smith, seconded by the Honourable Senator Martin that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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 nays have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: Honourable senators, before calling in the senators, I will remind honourable colleagues that the bells will stop ringing at 3:30 for Question Period. Because the bells will already be ringing for the vote, there will be no warning to senators, so you will have to watch your clocks to be back here in time for Question Period. Following Question Period, the bells will continue ringing for the balance of the time for the vote.

Call in the senators.

• (1530)

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding to Question Period, just for clarity's sake, following Question Period, which will be 40 minutes or shorter than that, if there are fewer questions to take up the 40 minutes, the bells will continue ringing for the balance of the one hour as if Question Period had not interrupted the bells.

Hon. Donald Neil Plett: Your Honour, before Question Period starts, I wish to ask the Leader of the Government a question.

We were anticipating the minister of public works — I'll get it right; it's this bracelet that I'm wearing — the Minister of Public Safety here today to answer pertinent questions that we had as a result of a very long Defence Committee meeting yesterday. I'm wondering why the minister chose today to not come to Question Period. Before we start, Your Honour, could the leader answer that?

Hon. Peter Harder (Government Representative in the Senate): I would be happy to answer in the context of the time allotted for Question Period.

Senators, we have had the tradition of having ministerial Question Period, and we go through the motion when that is available. I certainly consult leaders as to who and which minister, at what time, comes. We have had the experience from time to time — I think it has only been a couple of times — where circumstances intervene and the minister who was otherwise available becomes unavailable. In the case of Minister Goodale, he was looking forward to coming. However, as Minister of Public Safety, he was called to an urgent meeting and informed me he would be unable to attend.

Lest the honourable senator suggests there is a conspiracy in either the minister's mind or his that this had anything to do with Bill C-71's timing, he informed me before I was aware of the committee having completed its work. As you know, he appeared before the committee last week for an enjoyable hour.

Senator Plett: Well, Senator Harder, I want to make a point that some of us here actually believe this august chamber is a fairly important institution, as important as the other place. For us to just cancel a meeting that we would have had over there would have been unacceptable. The minister was quite well aware.

And yes, let me repeat: I have specific concerns and doubts about whether there was some conspiracy there. I'll be the first to put that on the record. His bill got amended yesterday.

Do we have an assurance, Senator Harder, that the minister will maybe come next week, before this becomes old news?

Senator Harder: Perhaps the honourable senator would like to speak to his leader, who suggested that we have the minister who was otherwise scheduled, Seamus O'Regan; for the subsequent week, we not have any minister; and for the final week for ministerial questions, we have Minister Morneau.

If there are other suggestions to be made by leadership, I'm happy to entertain them.

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Larry W. Smith (Leader of the Opposition): I've been looking forward to asking you a question, sir. Is it "shameless" O'Regan? Is that what you just said?

Hon. Peter Harder (Government Representative in the Senate): That would be disrespectful and I'm not disrespectful.

Senator Smith: No, I know, but I thought you just said it. You might have had a slip of your tongue, because I did hear that.

My question is for you, sir. As we know, on March 31, the Prime Minister's lawyer sent a letter to the Leader of the Opposition, Mr. Andrew Scheer, threatening a lawsuit regarding comments he made about the SNC-Lavalin affair. This letter seems to imply a change of heart in how the Prime Minister has handled this matter thus far. I'm interested in whether the government leader agrees with the Prime Minister's new-found enthusiasm for an open airing of the facts regarding his government's attempted interference in a criminal prosecution.

Senator Harder, given the Prime Minister's willingness to submit to a full examination of the facts under oath, could you tell us if your thoughts have changed with respect to a Senate study on the SNC-Lavalin matter? Do you now support our colleague Senator Plett's motion?

Senator Harder: No, I do not.

Senator Smith: That reminds me of yes and no answers.

If the Prime Minister is willing to submit to pretrial discovery in relation to a lawsuit he has threatened to pursue, then he must have no objection to the details of this matter being publicly examined before the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Harder, if the Prime Minister is apparently now willing to have this matter publicly aired, then why aren't you?

Senator Harder: Again, honourable senator, let me repeat: The matter with respect to the two former ministers, particularly the former Minister of Justice and the Attorney General, have been well-aired in the committee of the other place.

As I have said now several times, the Ethics Commissioner in the other place has been seized of the matter and is, under his authority, taking all steps necessary to make the investigation that has been referenced.

The honourable senator will also know that the Prime Minister has engaged, as I have said several times now, the former Deputy Prime Minister and Attorney General with respect to providing advice by June 30 with respect to the relationships between the ministers and the Attorney General and their respective offices.

Honourable senators, for the record, I would also quote from the former Attorney General, in her lengthy written brief and the audio recording to the committee at page 19 of that brief. Former Minister Wilson-Raybould states:

For my part, I do not believe I have anything further to offer a formal process regarding this specific matter

In an interview on "Power Play" aired last Thursday, former Minister Philpott stated:

. . . I think there's enough information on the public record for Canadians to see what happened and judge for themselves.

In another interview with *Maclean's* published last Thursday, Dr. Philpott was asked:

Do you still feel there's more that Canadians should know?

Dr. Philpott answered:

. . . in reference to my previous comments, since that time obviously more information has become available. Probably the most important piece is the 43-page document that was tabled by the former attorney general. . . .

Those were important pieces to put out there. Is there more to say? There are other pieces of information, parts of the story that I could add to, based on conversations that I had. At this point I'm not inclined to feel that there's benefit in making a big issue of that, because I think there's enough information out there now for Canadians to judge what took place.

CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Hon. Leo Housakos: Honourable senators, my question is for the government leader in the Senate.

Senator Harder, on a couple of occasions in the month of March while answering questions during QP here in the Senate chamber — on one occasion, March 20; and on a second occasion, March 21 — you responded by saying it was Prime Minister Justin Trudeau who referred the question of the SNC-Lavalin scandal to the Conflict of Interest and Ethics Commissioner in the House of Commons. That, of course, is false. We all know that it was two members of the House of Commons, Charlie Angus and Nathan Cullen, who referred the question of political interference in the criminal process known as the SNC-Lavalin scandal.

Would you take this opportunity, government leader, to set the record straight in this chamber and to confirm that it was not Prime Minister Justin Trudeau who called for an inquiry by the Ethics Commissioner?

Hon. Peter Harder (Government Representative in the Senate): Absolutely. What I think is absolutely important, and to which I will continue to underscore, is this: The Prime Minister committed himself and his government to full cooperation with the Ethics Commissioner.

• (1540)

Senator Housakos: Well, it's good to see that the Prime Minister is committed to a clear and transparent process with the Ethics Officer because as soon as they started hearing testimony they didn't like at the Justice Committee, they shut that down.

Senator Harder, the closed-door investigation by the Office of the Conflict of Interest and Ethics Commissioner in regards to the SNC-Lavalin scandal is the only investigation of which we're aware that your government is facing right now. The thing is, the Commissioner himself is away on medical leave. Now we know, thanks to a story by Tom Korski with *Blacklock's Reporter*, that the Acting Director of Investigations is the sister-in-law of none other than Liberal cabinet minister Dominic LeBlanc — the same Dominic LeBlanc, colleagues, who was himself found guilty of breaching the code relating to a contract awarded last year to another family member. Boy, I guess it's good to be a member of that family. I guess, a small comfort there, colleagues.

Senator Harder, how can Canadians take this investigation seriously and, for that matter, at this point, how can Canadians take this government seriously?

Senator Harder: Let me seek to assure all senators that the government has complete respect for the independence of agents of Parliament. As the honourable senator would know, they are independent officers. Their offices themselves are independent. All questions related to employees in the Office of the Conflict of

Interest and Ethics Commissioner should be referred to the Commissioner's office. The Commissioner's office itself has addressed these questions publicly:

The office can confirm that a potential conflict was identified in 2013 between Martine Richard, senior general counsel in our office, and the Honourable Dominic LeBlanc. At that time, appropriate measures were put in place to shield Ms. Richard from any involvement in matters relating to Minister LeBlanc.

I think it's important for us on this side to respect the independence and the integrity with which agents of Parliament conduct their work and engage their staff.

PUBLIC SAFETY

CYBERSECURITY AND ELECTION INTEGRITY

Hon. Marc Gold: Honourable senators, my question is to the Government Representative in the Senate. In its recent update on cyber-threats to Canada's democratic process, the CSE stated:

We judge it very likely that Canadian voters will encounter some form of foreign cyber interference related to the 2019 federal election.

I should add that "very likely" is a very high standard for the CSE, as they explain in the report.

As members know, the Government of Canada recently announced the creation of the Security and Intelligence Threats to Elections Task Force, which is comprised of officials from CSIS, the RCMP, Global Affairs and CSE.

Senator Harder, can you give us an update on the activities of this task force and any progress they may have made to protect the integrity of the upcoming election?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The matter has been raised in this chamber, both in Question Period and outside, as we have examined the threats of cybersecurity to democratic processes.

The assessment to which the honourable senator refers does indeed confirm that it is highly likely that Canadian voters will encounter cyber interference ahead of or during the 2019 election. The government has and will continue to work with CSE to identify, assess and respond to potential threats to the election. In particular, I reference three actions that have been taken.

First, the government recently announced the creation of the Cybersecurity Intelligence Threats to Elections Task Force — the so-called SITE Task Force. It is comprised of officials from CSIS, the Royal Canadian Mounted Police, Global Affairs Canada and CSE. In anticipation of the 2019 election, the SITE Task Force will help the government assess and respond to foreign threats.

Second, CSE will assist Canadian political parties and election administrators as appropriate. CSE, in coordination with the cyber centre, has offered to provide cyber security advice and guidance to all major political parties, in part through a brochure on cybersecurity and campaign teams.

Finally, CSE's "Get Cyber Safe" campaign will also continue to publish relevant advice and guidance in advance of the 2019 election.

With respect to the specific question, all of these measures are now underway. I think it's best we let the expected channels of advice and communication continue to advise those who are most threatened and bring to the public attention, when necessary, the state of concern.

COMMITTEE AMENDMENTS TO BILL C-71

Hon. André Pratte: Honourable senators, my question is for the Government Representative in the Senate. Yesterday, the majority on the Standing Senate Committee on National Security and Defence adopted amendments that, in effect, defeat the purpose of Bill C-71, a bill which proposes to strengthen Canada's gun control regime. These amendments would, for instance, eviscerate the bill's provisions that strengthen background checks for persons applying for a gun licence. Would the Government Representative give us an indication as to the government's view of these amendments?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for his sponsorship of this important bill.

With respect to the specific question he is asking, obviously the government is waiting for the completion of the Senate process before forming a view as a government on its interaction with a bicameral parliament. Having said that, while the government is closely monitoring the situation, I would have to acknowledge that I, for my part, and the government for its, are concerned about the Senate amendments —

Senator Martin: Point of order, Your Honour?

The Hon. the Speaker: Sorry, Senator Martin, but points of order during Question Period are out of order.

Senator Harder?

Senator Martin: You said there is a process already in place, senator?

Senator Harder: I have referenced, senator, that there is a process in place and the government is waiting for that process to unfold. Having said that, it's important for me to express to all senators that, during the 2015 election, the government promised voters that it would implement a range of specific measures to enhance public safety and reduce gun violence. Among those measures promised were three: First, to repeal changes made by the previous government that allow restricted and prohibited weapons to be freely transported with automatic authorization to transportation; second, to put decision-making about weapons restrictions back in the hands of police, not politicians; and, third, to require enhanced background checks to obtain a gun permit.

The committee's report, as the honourable senator suggests, would undermine these three objectives. I would leave it to the rest of the Senate to determine in what form we wish to, as a Senate, collectively communicate our views.

[*Translation*]

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Pierre-Hugues Boisvenu: My question is for the Leader of the Government in the Senate.

Senator Harder, the SNC-Lavalin scandal has obviously been dogging the government for over two months now. When the Minister of Justice appeared before the Standing Senate Committee on Legal and Constitutional Affairs at the height of the crisis, I asked him whether he had taken the measures necessary to preserve and protect all of the documents, emails, texts and other information shared between the players in the scandal. His answer was vague. He basically never answered my question.

Senator Harder, did the Minister of Justice and the Prime Minister's Office take measures to protect all of the evidence in this scandal involving political interference in the judicial process?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Without accepting the premise of the question, the Government of Canada is subject to protection and preservation of documents to which it is faithfully adhering.

[*Translation*]

Senator Boisvenu: Senator Harder, if the government did protect all of the evidence, could you tell us on what date those measures were taken by the Justice Minister's office and the PMO?

[*English*]

Senator Harder: Let me reiterate that all ministerial offices and the government as a whole operate within strict provisions of information preservation. Those rules and obligations have been and are in place.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is also for the Government Leader in the Senate. The second page of the letter from the Prime Minister's lawyer to the Honourable Andrew Scheer states it was entirely false that the Prime Minister had been informed by Jody Wilson-Raybould that his actions were inappropriate and amounted to political interference. However, last Wednesday, just three days after his lawyer sent this letter to Mr. Scheer, the Prime Minister admitted in the other place what he had previously denied, that Ms. Wilson-Raybould had indeed warned him against politically interfering with her role as Attorney

General during their meeting on September 17. Senator, could you please explain this discrepancy by the Prime Minister's own admission in the other place?

• (1550)

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I think it's important that, as the Government Representative in the Senate, I not speak to what lawyers representing the Prime Minister may or may not have sent. What I can speak to is the interaction between the Prime Minister and the former Attorney General. The Prime Minister has expressed his view and the former Attorney General has expressed hers, and I believe that those speak for themselves.

Senator Martin: I think the reason why we have more questions is because there are more questions than answers that have been sort of convoluted by some of these admissions and timelines and whatnot. Ms. Wilson-Raybould told the House of Commons Justice Committee about the September 17 meeting:

At that point, the Prime Minister jumped in, stressing that there is an election in Quebec and that "and I am an MP in Quebec—the member for Papineau".

Senator Harder, does the Prime Minister acknowledge that this part of Ms. Wilson-Raybould's testimony is also true, that he raised the Quebec election in conjunction with SNC-Lavalin?

Senator Harder: Again, I believe the Prime Minister's comments stand on their own and are an expression of his views. Let me simply again quote, as I did earlier, former Minister Wilson-Raybould where she states:

For my part, I do not believe I have anything further to offer to a formal process regarding this specific matter . . .

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

DESIGNATION OF ISLAMIC REVOLUTIONARY GUARD CORPS AS A FOREIGN TERRORIST ORGANIZATION

Hon. David Tkachuk: Honourable senators, my question is also for the Government Leader. It concerns a motion which passed in the other place last June, which called upon the government to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada. Almost 10 months have passed and your government has still not listed the IRGC as a terrorist entity. Yesterday the United States announced it will formally designate the IRGC as a foreign terrorist organization, taking effect next week.

In February, a delayed answer tabled in this chamber stated that government officials have been:

. . . examining the options available to the Government of Canada.

Senator Harder, what does this mean "examining the options"? Is it your government's intention to act in accordance with the motion supported almost a year ago or not?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I think it's important for both legislatures to acknowledge, as the motion itself does, that foreign policy is the conduct of the government and that the views expressed by one house or the other is exactly that, the views of the house.

What the government has done and what the document that you reference in tabling the response to a written question is it continues to monitor and determine whether and when such action would be appropriate.

I would suggest that citing the decisions made by President Trump are not necessarily a high endorsement.

Senator Tkachuk: Well I don't think whether it's endorsed by President Trump or not is what is important. What is important is what the Government of Canada is going to do. The last time we had this discussion, you said they were examining the options. I have asked you this before and I didn't get a straight answer, so where are we in this process? Are you examining the options? Has the Minister of Public Safety made a recommendation to cabinet? When do you expect that the IRGC will be listed as a terrorist entity?

Senator Harder: The government is examining its options. When it has an announcement to make, it will make an announcement.

PUBLIC SAFETY

USE OF DRONES IN DELIVERY OF ILLICIT DRUGS OR CONTRABAND MATERIAL TO PRISONS

Hon. Paul E. McIntyre: Honourable senators, my question for the Government Leader in the Senate today concerns illicit drugs in prisons and drones.

Leader, it was recently revealed that 37 inmates overdosed on opioids at the Donnacona federal penitentiary in Quebec in just a three-month period in late 2018. Reportedly, drones are being used to deliver drugs to inmates at this penitentiary by dropping them into prison courtyards or into window sills. This is not the only incident of drones being used to transport illicit drugs to prison. Last year, similar cases were reported at Stony Mountain Institution in Manitoba and Matsqui Institution in British Columbia.

Leader, could you please make inquiries and tell us what measures the federal government will take to keep these drugs out of Donnacona prison. What measures will be taken to address the use of drones in delivering illicit drugs to inmates at Donnacona and elsewhere?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I would indeed be happy to make such inquiries and report back.

Senator McIntyre: Could the government leader also please make inquiries and let us know if Correctional Service Canada is aware of any similar cases involving drones providing drugs or contraband material to federal correctional facilities in my home province of New Brunswick?

Senator Harder: I will add that to my inquiry.

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Government Leader in the Senate. This morning the Prime Minister told reporters:

You cannot be lying to Canadians. . . there are consequences, short-term and long-term, when politicians. . . twist the truth.

Senator Harder, on February 7 after the *Globe and Mail* story which revealed the scandal was published, the first thing the Prime Minister told Canadians was:

The allegations of the *Globe* story are false.

Instead, every day since we have learned more and more about this matter that prove the allegation is true, that this government did attempt to politically interfere in the criminal prosecution by placing inappropriate pressure on the former AG. Canadians deserve to know the truth about SNC-Lavalin, fraud and bribery, and whether the Prime Minister or his staff stepped over the line and broke the law by improperly pressuring the AG to drop the charge in the bribery cases.

My question is: When the Prime Minister said the allegations were false, what did he mean? What exactly was false?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I think the answer to his question has been repeatedly played out in not only the Prime Minister's statements but those of others, and that is that the allegations of direction or interference are false. Did the Prime Minister raise the issue with the then-Minister of Justice and the Attorney General? Yes. Were there conversations had at the senior level with the Prime Minister's Principal Secretary and the Clerk of the Privy Council? Yes. They both have expressed the circumstances of their interaction with the former minister, as has the former minister. But again I repeat the former minister has said all the facts are out there and it's now for Canadians to judge.

Senator Ngo: Thank you, Your Honour. The Prime Minister's actions do not match his words. The mandate letters given to members of the cabinet from the Prime Minister state:

We have. . . committed to set a higher bar for openness and transparency in government.

This promise has been broken time and time again by this government. It has shut down investigations of not one, but two committees on the other side. They have blocked witnesses from appearing. Prime Minister Trudeau himself stopped Ms. Wilson-Raybould from speaking about her conversation with the Prime Minister prior to her resignation about the reason for her resignation or what was discussed at cabinet on February 17, in short, from telling her full story.

Senator Harder, if the Prime Minister wants the truth to come to light, then why did the Liberal committee in the other place shut down the study of the SNC-Lavalin scandal? By not allowing the former AG to tell her inside story, is the government abandoning the principle of openness and transparency it promised the Canadians in the last election?

Senator Harder: Again, I want to thank the honourable senator for his question. He'll know that the relevant committee in the other place held a number of hearings, indeed the former minister was before the committee for I believe four and a half hours, and that a number of witnesses were called. I can't comment on the decisions of the committee to end its consideration of this matter. However, I can refer to the statements made by the former Minister of Justice and Attorney General that all the facts are known. It's now for Canadians to judge.

• (1600)

TRANSPORT AND COMMUNICATIONS

BUSINESS OF COMMITTEE

Hon. Marilou McPhedran: Honourable senators, I have a question on accountability to put to the chair of the Standing Senate Committee on Transport and Communications, Senator David Tkachuk.

Not often do committees travel when in the midst of considering a bill, but the Standing Committee on Internal Economy, Budgets and Administration has so far approved a budget of \$136,470 for members of the Standing Senate Committee on Transport and Communications to travel while studying Bill C-48.

Following through on the rationale given to justify this exceptional expenditure of public monies and a bigger carbon footprint — as to why the committee needed to travel at this time — what has been put in place to guarantee that, as indicated to this chamber by proponents of this exceptional travel, the voices of those Canadians who haven't yet been heard by this committee will, in fact, be heard as a result of this substantial cost for this committee to travel at this time?

Senator Tkachuk, would your committee please include answering this question in detail after your travel is completed through a report to this chamber?

Hon. David Tkachuk: We're going to submit a report on the bill after clause-by-clause consideration; there will be a report there. The committee is going to agree to the report. That will be presented back to the Senate.

Senator McPhedran: May I ask for clarification? I asked a pretty specific question about whether you would answer in detail about the voices that were heard. Typically, as you know, committees study bills here, and people present, either via video or travel. This is unusual.

My question is whether we could understand better as a chamber whether, in fact, this committee did what was stated as its rationale for this travel.

Senator Tkachuk: I have no idea what you're talking about. I really don't. There is a process. We are going through the process. We are going to Internal Economy. It will come to the Senate. The budgets are approved. We will hear witnesses. We're going to present a report. In that report, it will tell you how many witnesses we heard and where we heard them. I know that on the West Coast, we have 50 witnesses already appearing in just two days, so you can imagine how many are going to be appearing on the Prairies.

We're happy to be travelling to Saskatchewan and Alberta, although there was some discussion of whether we should travel, especially by ISG senators. I'm glad they saw the light. We're now going to Edmonton and Regina. We're not going to Estevan; we were voted down on Estevan, but if there are extra witnesses, we have the money to hold extra time in Regina when we go there the first week in May.

Hon. Frances Lankin: I have a supplementary question.

The Hon. the Speaker: I'm sorry. I'll put you on the list for questions.

PRIME MINISTER'S OFFICE

CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Hon. Denise Batters: Senator Harder, further to Senator Housakos's question, we are dealing here with someone in the Ethics Commissioner's office who is the acting director of investigations. In your response today, you referred to independence, but once again, the Trudeau government proves that it needs to use a definition of independence that bears some actual resemblance to the word and the definition of "independence." In what world would it be appropriate that the sister-in-law of a senior cabinet minister, Dominic LeBlanc, would be able to be involved at that high a level investigating any Trudeau government minister or Prime Minister Trudeau? This is outrageous.

Who will confirm to Canadians and validate what steps were taken to avoid the obvious conflicts that would exist here with investigating the SNC-Lavalin scandal?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know by my previous answer that the Ethics Commissioner's office itself has taken the appropriate steps, or steps they feel are appropriate. It is, of course, for the independent Office of the Ethics Commissioner to answer the specific question the honourable senator is asking, but they feel, in their view, that

their independence has been preserved and the integrity of their office and all of its staff are accordingly also not suspect, in their mind.

TRANSPORT AND COMMUNICATIONS

BUSINESS OF COMMITTEE

Hon. Frances Lankin: Honourable senators, my question is to Senator Tkachuk, as chair of a committee. Senator Tkachuk, I understood Senator McPhedran's question to you very clearly, but I understand that you didn't. I'm not mansplaining here; I just want to try again. That was a joke, but with no offence to anyone, I hope.

Hon. David Tkachuk: No offence taken.

Senator Lankin: The question is about the rationale that was given to Internal Economy regarding travelling in order to hear voices of Canadians who will not otherwise be heard — that their views be heard.

If the witnesses, for example, contained all members of associations of various sorts, pro and con; or members of communities, like Indigenous communities, pro or con, who have already been heard by the committee in Ottawa or on lists, then it will have defeated the purpose of these funds for which she is looking for accountability — and I think all senators will agree with that; it would belie that rationale that went forward. What Senator McPhedran asked was simply that, when you come back — not the report on the legislation, but the report on your trip — a separate report to this chamber, indicating that if the witnesses you heard from there were, in fact and indeed, not just geographically different voices but organizationally different voices.

Senator Tkachuk: First of all, no. As I explained before, we're going to listen to the witnesses in British Columbia. We're going to listen to the witnesses in Alberta. We're going to listen to the witnesses in Saskatchewan.

In the report, it's going to tell you who the witnesses are, and it's going to tell you who the witnesses are that we hear here in Ottawa. The report will be presented with the bill on the required date, I think. All the information will be there that the senator wants.

Senator Lankin: This is a “would you agree” question. Of course, as you point out, we can all read that list, but it was your committee that made the request and commitment that this was in order to hear voices and organizations of opinions that have not already been heard.

Do you not think, as a matter of accountability — it's not a big task that is being asked of you — that as chair of the committee, on behalf of your committee, that you could respond to this and give the report to the whole Senate?

Senator Tkachuk: There is a process. First of all, Internal Economy is going to hear it on Thursday. It is going to be presented in the chamber. The budget is going to be passed, and we're going to hear Canadians.

I know that ISG senators have not wanted to travel. We all know that. They didn't want to travel to B.C. at the beginning, and then they changed their minds. Then they said, “Well, we will travel to Alberta.” I said, “No, we have to go to Saskatchewan, too” and then they changed their mind. Then when we tried to pick the date so we could get Alberta and Saskatchewan included — and three cities at least included as we have for the Energy Committee — they said “no;” they said, “No, we won't want to travel to an oil city in Saskatchewan. We just want to travel to Edmonton and Regina, and that's it.”

I know the ISG senators don't want to travel. They're being made to travel because of political pressure. The information they want is going to be in the report. They can distill it in any way they choose.

The Hon. the Speaker: I'm sorry, Senator Lankin. You have had your supplementary question.

PUBLIC SAFETY

COMMITTEE AMENDMENTS TO BILL C-71

Hon. Donald Neil Plett: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, in response to Senator Pratte's question about the amendments that passed yesterday at Standing Senate Committee on National Security and Defence on Bill C-71, you, Senator Pratte and others made it very clear yesterday — Senator Pratte made it clear — that he didn't support, all of a sudden, for some reason, amendments. You seem to indicate here that you don't support amendments.

• (1610)

Yet, Senator Harder, when we spoke about Bill C-68 at second reading, you clearly indicated you would support some amendments.

Senator Harder, is it this government's idea and your idea and your position that you support only amendments that agree with you and no other amendments should be brought forward?

We, yesterday, amended the most egregious parts of the bill. We had votes, Senator Harder, that supported amendments from all groups in this chamber. All groups at that committee voted at one point or another in favour of certain amendments, and here you stand. And Senator Pratte says, “They're not the amendments that we or the government want, so you shouldn't have the right to make them.” Is that your position?

Hon. Peter Harder (Government Representative in the Senate): Senator, I suggest that you might need a bit wider band. That is not my position at all. Over the last three-plus years, I've articulated a view that the government is willing to hear from the Senate and to hear improvements to the legislation that it considers. And the government has taken those amendments, where they have been brought forward by the majority in this chamber, to the Parliament of Canada. In a good deal of those cases, they have accepted amendments.

All that I have said with respect to the decisions that have thus far been made in the committee is that we will have to see how this chamber itself reflects its views in dealing with the report at third reading.

I, for one, thought it was a little premature to take out clause 18, for example, because that is the so-called greater clarity clause where it says:

For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

I would think that this Senate may want to re-establish that in the bill when it considers it. But let's get to the bill when we have the report and have that debate in this chamber.

Senator Plett: Well, that, Senator Harder, would be the normal procedure and has been for 152 years. And yet for some reason we were led to believe yesterday by the sponsor of this bill that we had in some way done something wrong by coming there and presenting reasonable arguments from witness testimony that wanted certain parts of it changed. Yet now we seem to believe again, a typical Liberal philosophy, we know better.

Similar to your comment about when it's President Trump saying something, you aren't going to take anything from President Trump. He was elected as your government has been elected. Is that not the democratic process, and is it not the democratic process for us to amend legislation as we deem fit?

Senator Harder: There is a lot to unpack in that. My reference to President Trump is only that the Government of Canada will not be dictated to by President Trump. Obviously, he was elected and has the effect that he has in the United States.

I infer from what the honourable senator is asking that he's inspired by President Trump. I'm not.

Now, with respect to the democratic process, absolutely, senator; it's entirely in the gift of the committee that is sponsoring this bill to consider amendments. It is entirely in the competence of this chamber to deal with the report when it comes and to ensure that the end product of our deliberation, our democratic process, reflects the majority in this house. Then that bill, amended or otherwise, will go to the other place and they will have the opportunity to either say "yea" or "nay" and send us a message, and we will have the opportunity to engage in that message.

[*Translation*]

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

[*English*]

The vote will take place at 4:55. The bells will resume ringing.

• (1650)

ORDERS OF THE DAY

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Batters	McIntyre
Beyak	Plett
Boisvenu	Poirier
Doyle	Seidman
Eaton	Smith
Manning	Stewart Olsen
Marshall	Tkachuk
Martin	Wells
McInnis	White—18

NAYS THE HONOURABLE SENATORS

Anderson	Harder
Bellemare	Klyne
Black (<i>Ontario</i>)	Kutcher
Boehm	LaBoucane-Benson
Boniface	Lankin
Bovey	Lovelace Nicholas
Boyer	Marwah
Busson	McCallum
Christmas	McPhedran
Cormier	Mégie
Coyle	Mitchell
Dalphond	Miville-Dechêne
Day	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Munson
Dean	Omidvar

Downe
Duffy
Duncan
Dupuis
Dyck
Forest
Forest-Niesing
Gagné
Gold
Griffin

Pate
Petitclerc
Pratte
Ringuette
Sinclair
Verner
Wallin
Wetston
Woo—51

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1700)

The Hon. the Speaker: Resuming debate on main motion.
Senator Plett?

ADJOURNMENT

MOTION NEGATIVED

Hon. Donald Neil Plett moved:

That the Senate do now adjourn.

The Hon. the Speaker: It is moved by the honourable Senator Plett, seconded by the honourable Senator Wells that the Senate do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour please say “yea.”

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Senator Plett: I think an hour.

The Hon. the Speaker: One hour bell, the vote will take place at 6:01. Call in the senators.

• (1800)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Batters
Bellemare
Beyak
Boisvenu
Doyle
Eaton
Gagné
Harder
Housakos
Marshall
Martin

McIntyre
Mitchell
Ngo
Plett
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk
Verner
Wells—23

NAYS
THE HONOURABLE SENATORS

Anderson
Black (*Ontario*)
Boniface
Bovey
Boyer
Cormier
Dalphond
Deacon (*Nova Scotia*)
Dean
Duncan
Dupuis
Dyck
Forest
Forest-Niesing
Gold
Griffin
Klyne
Kutcher

LaBoucane-Benson
Lankin
Lovelace Nicholas
McCallum
Mégie
Miville-Dechéne
Moncion
Moodie
Munson
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Sinclair
Wetston
Woo—35

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, pursuant to rule 3-3(1), I'm required to leave the chair now until 8 o'clock, unless there is agreement that we not see the clock.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a “no.” The session is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

The Hon. the Speaker: Honourable senators, pursuant to rule 13-3, Senator Plett gave notice of a question of privilege. Pursuant to rule 13-5(1), I now call upon Senator Plett.

Hon. Donald Neil Plett: Honourable senators, questions of privilege have always been taken very seriously by this chamber and for very good reason. If parliamentary privilege is breached as Senate rule 13-1 states, it impacts not only one senator but “the ability of the Senate to carry out its functions.” Consequently, the rule goes on to say:

The preservation of the privileges of the Senate is the duty of every Senator and has priority over every other matter before the Senate.

Colleagues, the nature of the breach before us today concerns the leak of a confidential document outlining the agreement reached by Senate leadership after private negotiations between myself and the following: Senator Harder, the Leader of the Government in the Senate; Senator Larry Smith, the Leader of the Opposition in the Senate; Senator Pau Woo, the Leader of the Independent Senators Group; and Senator Joseph Day, the Leader of the independent Senate Liberals.

You will recall, colleagues, that we were experiencing some difficulty conducting the chamber's business last week after the Leader of the Government in the Senate tabled a unilateral, heavy-handed motion which was met with objections and resistance from senators on both sides of this chamber.

In an attempt to resolve the impasse and ensure the ability of the Senate to carry out its functions in a timely and orderly manner, these four individuals, along with myself, entered into negotiations on the morning of Thursday, April 4, 2019.

Colleagues, allow me to note that this was no small thing. I have noted in this chamber on many occasions that there is no obligation on the part of Her Majesty's Loyal Opposition to negotiate with anyone on Senate proceedings regarding government legislation except for the Leader of the Government in the Senate. However, in the spirit of compromise and collegiality and in an effort to protect the ability of the Senate to

carry out its functions, the Leader of the Official Opposition in the Senate and I agreed to a meeting where all four leaders would sit down to collaborate on a way forward.

We arrived at an agreement by noon which covered 13 pieces of legislation. This agreement was subsequently signed by all four leaders. Both the detail of the negotiations and the terms of the agreement were to remain strictly confidential in order to protect the integrity of the process and of future negotiations.

However, by 2 p.m. that afternoon — two hours after the agreement was reached, as I noted in my letter of notice to the Clerk of the Senate — the full details of the agreement had been leaked to the media. Less than two hours after our meeting adjourned, a copy of the signed document had been posted on Twitter by Dale Smith, a freelance journalist with the Canadian Parliamentary Press Gallery.

Senators, it is not Mr. Dale Smith who is guilty of a breach of privilege, however. On the contrary, it is the person who was in the meeting who provided a copy of the agreement to one or more — perhaps 58 — individuals not present at the negotiations.

As I stated earlier, there were only five people present in the room. The agreement and the details of the negotiations which led to it were strictly confidential and were not to be shared outside of the most immediate advisers of each leader. Under no circumstances was it to be broadly shared with other senators and then released to the public. Yet this appears to have been exactly what has happened.

Colleagues, I have reason to believe that it was Senator Pau Woo who distributed copies of the agreement and, in doing so, breached both confidentiality and violated the privilege of myself and others in the negotiations.

As a facilitator/leader of the Independent Senators Group, I am aware that Senator Woo was appointed by Prime Minister Justin Trudeau less than three years ago. But, senators, this is not simply a matter of unfamiliarity with how the Senate works. The intentional leaking of a confidential agreement is not only a breach of privilege, it is a major breach of trust which would be met with severe sanctions if it happened in any business environment. There is simply no excuse for such an action.

I am very troubled by this, not only because it is the duty of this chamber to ensure that privilege is carefully protected, but because trust is not built overnight and can be easily shattered.

Collaborative consultations and confidential negotiations between the Leader of the Government in the Senate and the leaders of the Senate caucuses serve a crucial role in determining the pace and efficiency with which legislation moves through this chamber. Efforts to ensure that this process operates smoothly are critical to the ability of the Senate to carry out its functions. Impeding that process by breaking trust, distributing confidential documents and releasing them publicly is clearly crossing a line which should never be crossed. Yet that is exactly what happened.

In fact, the entire agreement has now been published in the April 8 edition of the *Hill Times*. While some ISG senators may prefer negotiating through the media, such actions are an affront to the dignity of this place and a breach of parliamentary privilege.

Colleagues, in 2005, the Supreme Court of Canada defined parliamentary privilege in the case of *House of Commons v. Vaid* as follows:

Parliamentary privilege in the Canadian context is the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions

The Subcommittee on Parliamentary Privilege of the Standing Committee on Rules, Procedures and the Rights of Parliament in their 2015 report entitled *A Matter of Privilege: A Discussion Paper on Canadian Parliamentary Privilege in the 21st Century* noted the following:

Parliamentary privilege, an essential component of parliamentary democracy, exists to enable Parliament to function effectively and efficiently without undue impediment. . . .

. . . to properly and effectively perform parliamentary and representative functions, a member must be able to operate without fear of undue interference or intimidation.

• (2010)

The leaking of this agreement is undeniably interference. And in as much as it creates a climate of uncertainty and mistrust in future negotiations, it constitutes intimidation as well. Negotiating in bad faith can be seen as nothing less.

Senators, I fear that we are beginning to see what some ISG senators mean when they refer to a modernized Senate. Clearly, it includes not only disrespecting 152 years of Senate rules, procedures and conventions, but it also means ignoring all common sense and decency in the process.

There is a clear shift taking place in the culture of this chamber. Disguised with slogans such as a new, independent Senate, such catch phrases merely cloak a loss of honourable conduct, true sober second thought, and an undisguised desire to facilitate and even promote the Liberal government's agenda.

We saw this illustrated at our recent clause-by-clause committee meeting on Bill C-71. After the committee decided to defeat a number of clauses and amend others, Senator Pratte was of the view that an observation should be appended to the report noting the committee's failure to concur with the government's agenda. On the one hand, the ISG believes we are supposed to exercise sober second thought and bring forward amendments, but on the other hand, it does not believe that such amendments should venture beyond the parameters of what the government approves.

Colleagues, I digress. There is no question about the fact that the matter before us is a very serious one.

Your Honour, regardless of whether you rule in my favour and find that a *prima facie* case of privilege has been established, I believe there has been a trust broken — a trust which we have spent 152 years building in this chamber.

That trust is being eroded and broken down by the careless and reckless conduct of a few ISG senators, which is extremely disappointing. We can have heated debates and strong disagreements, but when we make deals, we do not break them.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker: Order, please.

Senator Plett: If a question of privilege is found in this case, I am prepared to move a motion that this matter be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for examination, report and remedy.

Thank you, colleagues.

Hon. Yuen Pau Woo: Honourable colleagues, vexatious as this point of privilege is, I'm pleased that this draws attention to the fact that the leaders of all parliamentary groups and caucuses came to an understanding on the timing of reports and votes on 13 government bills, obviating the need for a programming motion. I would like to start, therefore, by thanking leaders for their cooperation in making this happen.

It puzzles me that Senator Plett would raise a point of privilege, when we should be raising a glass of his favourite beverage to toast this breakthrough in Senate cooperation.

Colleagues, the crux of Senator Plett's question of privilege is that I leaked details of the leaders' agreement to the media. I did no such thing. If he has evidence showing that I did, he should produce it. As it stands, he has made a wild and unsubstantiated allegation.

Let me comment on the timeline that he has provided, and his theory of how the agreement was leaked. As he points out, the leaders came to an agreement around noon. The document was not signed by all four leaders until after the Senate sat, as I recall, because I did not have a copy of the document until I was in my seat.

The said journalist who received a copy of this document and tweeted it did so at 2 p.m. Senator Plett insinuates that he got a copy of the document through one of the ISG members to whom I did, in fact, send the document at 4 p.m. Two hours, colleagues, after said journalist published the article on his Twitter feed.

Ah, the plot thickens. At 2:03, what did we see? A retweet from one of my members? No. From one of the independent Liberals? No. From the government? No. But from a Conservative staffer three minutes after it was posted by a journalist. Who knows where he got it from? A Conservative staffer retweeted information that you believe to be a breach of privilege. Perhaps you will raise that point with your staffer as well.

Colleagues, let me tell you what transpired. I did share information about the agreement with members of the ISG. I did so in the most transparent way possible, which is by sending to ISG members the actual signed document listing the various bills and the timelines associated with those bills. That document contains a list of the bills and dates for committee reports or votes, and it contains four signatures, nothing more, nothing less.

It goes without saying that an agreement on dates would be useless if those dates were not made known to all senators. I have reason to believe that the leaders of other groups shared the same information, or very similar information, with members of their caucuses. Again, for the obvious reason that their members needed such information for the conduct of their work. If they did not, I can categorically say that ISG members needed the information on the projected dates for reports and third reading votes in order to carry out their vote.

I shared the document in good conscience and in the belief that it was an agreed course of action among the individuals at the meeting of leaders and with Senator Plett.

Now, I cannot say more about what happened at that meeting, because that would in itself be a breach of a confidential discussion, which is why I am astonished and troubled that Senator Plett has raised this issue of confidentiality in the chamber. It puts him and me at risk of divulging other confidential information that was shared at that meeting.

If he is trying to protect the confidentiality of a conversation that was had by a small group of individuals, he should not be doing it by bringing it up with 100 other individuals who were not at that meeting, and at a session that is broadcast live to the general public. The proper place to raise any concerns about any alleged breach of confidentiality is the small group that had the discussion in the first place.

Colleagues, I can confirm we had that conversation this morning at the leaders' meeting. I can confirm that, to the best of my knowledge, the issue has been clarified and put to rest.

Your Honour, this question of privilege is frivolous, because no privilege of the Senate or senators has been breached. I might even argue, colleagues, that to not share information with 57 senators in my ISG group on the timing of 13 bills is itself a breach of their privilege. But let's not waste any more time on procedural posturing and instead get down to the very point of the agreement that leaders have reached, which is to work diligently on the review of the bills in question according to the time frames that have been agreed to.

While I am disappointed that Senator Plett has pursued this action, I want to conclude by saying that it does not deter me from continuing to seek consensus on programming issues through a process of negotiations among all recognized groups in the Senate. This is preferable to time allocation, not only because of the collegiality it engenders, but also because it provides us with flexibility in adjusting dates as circumstances might dictate.

I look forward to the continued spirit of cooperation in the Senate. I want to assure all members that the ISG will play its role in fostering this approach.

• (2020)

Hon. Leo Housakos: It seems to me that Senator Woo has as much knowledge about the question of privilege on the floor as he does about programming motions in the Westminster model of Parliament.

It is also quite clear, Your Honour, that this is not just a regular breach of privilege. This is the most severe breach of privilege we have, because this is not a breach of one senator's privilege, but this is a breach of the government's and the official opposition's privileges in this chamber.

It's one thing when information is disclosed from steering committee meetings and from in camera meetings. It is a whole other game when you have negotiations between the Government Leader and the Opposition Leader where they're discussing operations of the chamber and legislation and how we're going to deal with that legislation, and somebody takes it upon themselves to leak that information after the fact, or during the fact, to the press.

Senator Woo is preoccupied with his defence, and I guess at some point in time, Your Honour, there will be an appropriate time and place for him to make his defence, as will be the case for the government and the opposition, because my understanding is there are only three parties that were privy to this information. If we include the Government Leader, there are four parties that were privy to that information. I don't see the benefit of why the opposition or the Government Leader would have leaked this information after they agreed that it would be confidential, as are all negotiations between the government and opposition sides.

In my decade of being in this chamber, Your Honour, I can't recall a breach of this nature of negotiations between the government and opposition where you would have this information leaked, regardless of which political party was in government. I can't recall in my 35 years of politics any negotiations on the House of Commons side between the political parties where information and discussions were leaked out to the public.

This is a first, just like the chamber has had a first where we have had a member of the Senate divulge in camera meetings on Twitter and think it's normal behaviour. I guess this is what Justin Trudeau's new Senate is all about: doing politics differently.

I guess we've learned our lesson that at the end of the day, if you want to have privileged discussions, it has to be by one representative of the government and not two. Right now, this government has two negotiators at the negotiating table with leadership. They have the summoned Government Leader, who is summoned constitutionally and receives a stipend to represent the Government of Canada despite the fact, of course, that when Canadian citizens follow this chamber, what do they see under his name? They see "non-affiliated." I guess that's also the new Justin Trudeau chamber: his Government Leader won't own up to the title that the head of government has given him.

We have another negotiator right now who speaks on behalf of a caucus that is made up of a majority of senators — you're right, it is a group, Senator Tkachuk. They've taken it upon themselves to bring themselves into negotiations between the government and the opposition, and if there's also a privilege of the breach of information, there's a privilege of process here, and the privilege is the negotiations between the government and the opposition.

Why do we have negotiations going on between the government, the opposition and another group made up of government-appointed senators? Do they not have faith in the leader that the government has appointed? We have faith in the senators that the government has appointed, but we don't have faith in the Government Representative that the government has appointed to negotiate in good faith.

All of this has become a cocktail because of some Prime Minister's willingness to unilaterally reform the Senate unconstitutionally and who has launched us into this particular situation.

I know about breaches of privilege and leaked information. I was accused once upon a time of leaking important information, and I was accused by an organization and an outfit and anonymous sources. They were baseless accusations, but at least I had the decency to get up in this chamber, Senator Woo, and refer the file to the Standing Committee of Rules, Procedures and Rights of Parliament. That's what I did.

Senator Woo: Who leaked the document?

Senator Housakos: I urge you to read the report of the Standing Committee on Rules, Procedures and the Rights of Parliament. There was a thorough study done. There were witnesses who were brought before it. All I'm saying is that, at the end of the day, there is a serious breach here and all of us should be concerned. Instead of being so blind as to give a standing ovation to a colleague who has gotten up to defend himself on the chamber floor, we should just ask ourselves the following questions: Why did that breach take place? And what will we do to study that breach so it never happens again?

Your Honour, those are the questions that need to be addressed, and I call upon His Honour to rule in favour of this question of privilege.

Hon. André Pratte: I want to make two very brief points. I note that Senator Plett said he has "reason to believe" that Senator Woo is guilty of this leak, and that's all we heard; nothing else. So the senator has reason to believe that Senator Woo is guilty of that, but there is no evidence. And Senator Housakos provided no evidence whatsoever, just a reason to believe. This is a serious charge. It is a very serious charge.

I will leave you with this thought: I'm wondering whose privileges are really breached by that. I tend to think that accusing someone of a serious behaviour without the smallest figment of proof is an attempt to intimidate that senator from doing his or her job, and this is a breach of privilege, in my view. Thank you.

[Senator Housakos]

Hon. Marc Gold: Honourable senators, I think questions of privilege are enormously important, so I want to briefly address the argument that Senator Plett provided, because in my respectful opinion, Your Honour, the question raised by Senator Plett fails to satisfy the four criteria established in Rule 13-2 for Your Honour to determine whether a prima facie case has been established.

But I cannot help but comment that some of the language used in the presentation of the question of privilege and in subsequent interventions included words and phrases like dishonourable, reckless, irresponsible, lack of knowledge and lack of decency, by comparison with the decency claimed by one of the honourable senators in this debate. It is directed, of course, at the ISG senators and does not really add to the debate or satisfy or even speak to the issues of what is or is not a prima facie case.

It does, however, satisfy the highly evident and partisan agenda which is increasingly tedious, dare I say, of the honourable senators who have brought this question forward, but I digress.

There are four criteria. The first is that the question of privilege must be raised at the earliest opportunity and it was, so there is no debate about that.

However, the next criteria is one that this question fails to satisfy. The matter must be one that:

... directly concerns the privileges of the Senate, any of its committees or any Senator;

Senator Plett's question of privilege does not satisfy this criterion. Our own publication, the *Senate Procedures in Practice*, discusses various definitions of privilege in chapter 11, and at page 225 it outlines the collectively privileges of the Senate as follows:

... the regulation of its proceedings or deliberations, which includes the right to exclude strangers, to debate behind closed doors, and to control publication of debates and proceedings; the power to discipline or punish breaches of privilege or contempt; the maintenance of the attendance and service of its members; the authority to institute inquiries, to summon witnesses and demand papers; the administration of oaths to witnesses; and the publication and distribution of papers free from civil liability (defamation).

On the following page, page 226, *Senate Procedure in Practice* outlines our individual privileges as members of the Senate:

... freedom of speech in Parliament and its committees; freedom from arrest in civil cases; exemption from jury duty and from appearance as a witness in a court case; and freedom from obstruction and intimidation.

None of these privileges, whether collective or individual, is affected by the issue raised by Senator Plett. The agreement to which Senator Plett refers is not a parliamentary document. It is nothing more than a private agreement among four senators.

• (2030)

It's not a draft committee report. It's not a bill. It's not a motion for use in this chamber. Its disclosure does not engage any of the privileges I have just listed. No one's privileges have been breached, nor could they be breached by the existence or the disclosure of such a private agreement amongst senators.

The third criterion is that the matter must be raised to correct a grave and serious breach. Of course, if no actual privilege has been breached then this criterion cannot even be triggered. However, should His Honour disagree with me and find a prima facie case, I would still maintain that there is nothing grave or serious about the matter raised, notwithstanding the high rhetoric to which honourable senators on the other side have risen to.

Finally, the matter must be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available. Here, Your Honour, I submit that there is no genuine remedy that would satisfy Senator Plett. Even if Your Honour finds a prima facie case, the Senate has no remedy to rectify the situation. The journalist's tweets cannot be untweeted, neither can the retweets that Senator Woo pointed out followed three minutes after the so-called journalist released it.

Therefore, any process that we might follow on this question is futile, and a waste of the Senate's time. That is why this fourth criterion is, in fact, included in the rule. That's why the question raised does not pass muster.

Your Honour, the question raised by Senator Plett fails on three out of the four criteria set out in our Rules. If it only failed on one, as we all know, it could not be proceeded with under rule 13.

Honourable senators, I'm asking the Speaker to rule that no prima facie case has been established.

Hon. Denise Batters: Honourable senators, I want to raise a few points. Among those impacted by this breach of privilege that we have seen here are all of the senators who sat on all of those committees, who deal with all of the 13 pieces of legislation that are enunciated in that particular agreement.

They did not hear about this timeline agreed to by the leaders, and the timelines not agreed to by the leaders, because some of those particular bills have empty spots beside the third reading vote. They didn't hear about that from our caucus' leader. Many senators saw this timeline agreement for the first time on Twitter or in the *Hill Times* newspaper, and that violates our parliamentary privilege.

During the negotiation of this agreement last week, the leader of the Independent Senators Group, Senator Woo, openly expressed his demands to be included in this negotiation process. He demanded this in the chamber. He demanded this in the media, and he demanded this on social media. So then, Senator Woo was allowed to participate in these meetings. He admitted tonight that he sent the signed agreement to all 58 ISG senators, and lo and behold, that very signed agreement ends up on Dale Smith's Twitter feed.

For Senator Woo to call this type of breach of privilege vexatious tonight shows a fundamental lack of understanding and a total disregard for how serious this matter is. He treats this tonight in a mocking fashion. I find that to be totally unacceptable. Some of us, for quite some time, have thought this is a strange situation we find ourselves in, where we have a large group of independent senators who have bound themselves together into a group, where 58 senators view and call themselves independent, with some sort of a leadership structure and team. Yet how does such a group subject themselves to negotiating situation via this leadership structure?

We have a leader in that situation who doesn't want to call himself a leader. We have a deputy leader who doesn't want to call herself a deputy leader and we have a whip who doesn't want to call himself a whip. What results out of this whole situation where we have 58 people trying to call the shots all in their own little groups is that we have, in the so-called independent, nonpartisan Trudeau Senate, is a breach of privilege that, according to my colleagues who have been here for longer than I have and who have been involved in politics for much longer, we have never seen something like this.

Frankly, if this type of timeline agreement was so unimportant so as not to rise to the level of being worthy of privilege, why did Senator Woo fight so hard to be part that have particular negotiating situation last week? I rise to support this particular motion made by my colleague, Senator Plett.

Hon. Pierrette Ringuette: Honourable senators, this question of privilege is based on an assumption, regrettably because it assumed a senator has provided information, and that was the letter we received in our notice. However, Your Honour and colleagues, both Senator Plett and Senator Batters accuse all 58 independent senators of that breach in this chamber.

For the first time that I can recall in regard to the media publication submitted to a question of privilege has there been an assumption toward a senator — provider of information to media for Rules to investigate and report following a prima facie case.

This is a grave and serious finger pointing, as if the entire conservative Senate caucus and their staff had not received agreed upon the bill process agreement. It seems to me that most of Senator Plett's question of privilege is worded as to not seek a prima facie, but more to target one senator and the senator's reputation and good name in this chamber. That target is a complete assumption, as he does write in his letter. I have been led to believe that it was Senator Woo who distributed copies of the agreement.

Senator Plett does not offer evidence that a Conservative senator or any of the Conservative staff have not leaked the information. There was no affidavit presented in this chamber in regard to any other groups leaking the information.

I would question why a document indicating the different phase and the time frame to reach those phases for bills should be a great secret which responsible senators in this chamber should not see. We should not see this great secret. Oh, the grave dangers of senators having information. It's a big pitfall, wouldn't you say, Senator Housakos? It's a big pitfall, not having information for senators.

It reminds me of the time, not long ago, where partisan caucuses' deputy leaders would attend scrolls and only the three caucus leaders would know what is expected to happen in the Senate that day. That's not so far away.

Senators not in leadership roles were kept in the dark. It was again a big secret. ISG senators argue that it was and is no longer acceptable, and now all senators receive via e-mail scrolls for the day along with anticipated votes.

Your Honour, secrecy is no longer acceptable in these chamber processes. All senators should know what may occur with the Order Paper.

• (2040)

Your Honour, this chamber should take offence with the finger pointing of one senator or 58 senators, as has just been said, among 100 that were probably informed about the said legislative process arrangement.

Your Honour, in the interests of all senators, this chamber does not belong to a selected few but to all senators and to all Canadians. I cannot agree that informing senators of legislative process is a breach of privilege. As a senator in a modern Senate, I fully expect that transparency and disclosure will ensure the effective discharge of our collective and individual functions within this chamber.

Your Honour, the document providing a time frame for bills is not a parliamentary document. It is a process document. There is no grave or serious breach, except that I find the assumption towards Senator Woo an unparliamentary statement. And, Your Honour, the remedy has already occurred in respect to a process document. The remedy is an open, transparent and independent Senate.

Your Honour, I would also add that the media article cited by Senator Plett is not related to the proceedings of the Senate, and therefore is seeking to create a new privilege that the Constitution has not yet bestowed upon this Parliament. Your Honour, I believe there is no prima facie point of privilege and I thank you for your attention.

Hon. Frances Lankin: Thank you, Your Honour. The benefit of going later on the list is that much has been said and I won't repeat it. I agree completely with the comments offered by Senator Gold and Senator Ringuette. I had intended to go through the same arguments with respect to the four criteria to be met. I think that has been more than adequately covered so I will leave that. And I think that Senator Ringuette spoke to some very important issues to include there.

That leaves me with a couple of comments that I want to make. I will ask you, Your Honour, in your review of the points that honourable senators have raised, would you please look to what I will call unparliamentary language that has been used by Senator Plett and Senator Housakos. I do not believe that Senator Batters did that but you may as well take a look because sometimes they are buried in those comments, but at least for those two senators.

There has been a range of accusatory, stereotyping and demeaning remarks about all ISG senators. Senator Plett, Your Honour will note on some occasions in his presentation, made reference to some ISG senators and at other times to all ISG senators.

Senator Housakos, as he is wont to do on occasion after occasion, took the opportunity to stand on a soap box to proclaim a complete lack of credibility among ISG senators. There are many honourable senators here who are hard-working, who are diligent, who are making a great contribution.

I would note that most of the time in the last number of weeks the bells have rung because of some disagreement that the opposition has with procedural or speed of dealing with bills or not dealing with bills, which quite frankly takes away my parliamentary privilege of working on behalf of Canadians.

I take a look at the timelines that have been established and I know that Senator Housakos, across the floor in discussion, is trying to convince me those timelines are incorrect and that the articles came after Senator Woo's email. That's incorrect. In fact, the tweet by a Conservative staffer was in such a timeline as to show once again that it was not from the email that was sent to ISG senators informing us of the protocol that had been reached with respect to programming. I think that should be taken seriously. Before senators stand up and point fingers, they should look to getting evidence.

I would say to Senator Housakos, who makes the point that we should read the report of the Rules Committee with respect to the allegations of a breach of privilege against him personally, when the report of the Auditor General was leaked, and when there were witnesses who publicly spoke about seeing him with his assistant actually providing that information to reporters, the Rules Committee that he refers to —

Senator Housakos: Your Honour, I rise on a point of order. It's grossly unacceptable again for a member in this chamber to besmirch my reputation by going forward and quoting a newspaper article which clearly had anonymous sources. The people that she is referring to who saw me doing the things she claimed in that article were anonymous sources. I want to highlight again in public and for the record that those accusations were dealt with. They were referred to a standing committee of this chamber over a long period of time. There was investigation, there were witnesses, including the Auditor General himself, and they were dealt with thoroughly. And I also want to put on the record that the number one victim of those leaks was yours truly.

If you are making innuendo and character assassination attempts without knowing the facts, continue doing it, but the facts are what they are. Again, I welcome anyone to read the report of the Rules Committee. It is detailed. And just to do a drive-by smear campaign attack like that, Senator Lankin, is really beneath you.

Thank you, Your Honour.

The Hon. the Speaker: I understand the frustration with you rising on a point of order, Senator Housakos, but it really is not a point of order. But you have clearly set out that you would ask that the report be reviewed.

Therefore I would ask Senator Lankin to avoid comments with respect to that until the report is actually reviewed.

Senator Lankin?

Senator Lankin: Thank you very much. I would like to go to Hansard and to clip what Senator Housakos has just said because it is exactly what I'm accusing him of doing with his drive-by smears, on a constant basis, in making allegations about a total group of senators. We can revisit that.

I will say also in relation to the Rules Committee, of which I was a member at the time, I cannot talk about what went on because we had that conversation in camera. You will see that the report does not point a final finger or clear. Therefore, I ask you to review the report too, honourable senators. It is not a vindication.

Your Honour, so as not to test your patience, I will close with saying that in order for us to establish trust it's a two-way street. There have been multiple times where that trust has been broken and there is a job to do to restore the trust. I think there are many of us who are willing to work on that, but we have to have willing partners across the floor. I don't see evidence of that to date, but I hope that we will see evidence of that in future.

Threats that continue to happen from time to time, whether it's about this deal or other deals, and any other action that might happen subsequent to that, the threat is held, "Well, I'm going to renege on the deal." I will say, Your Honour, if there is an honourable approach that we can agree to in this chamber we should, because we are not serving Canadians in the way that this chamber could aspire to. Thank you very much.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I am prepared to hear from more senators on this matter. I know Senator Dupuis has risen a number of times. But I caution senators that rule 6-13(1) asks all senators to avoid personal or taxing comments in debate. It's of no value for me to hear such comments. I want senators to please contain your comments to the point of privilege that has been raised.

Senator Dupuis.

[*Translation*]

Hon. Renée Dupuis: Thank you, Mr. Speaker. Dear colleagues, I would like to come back to the text of the letter that was distributed by the Clerk and that raises the question of privilege before us this evening. There are two things in that letter that lead me to rise on a point of order pursuant to rule 6-13(1) of the *Rules of the Senate*, which states:

All personal, sharp or taxing speeches are unparliamentary and are out of order.

I repeat:

• (2050)

[*English*]

All personal, sharp or taxing speeches are unparliamentary and out of order.

[*Translation*]

Apart from the fact that I do not think that the four criteria required for a question of privilege have been met, I find it troubling that the letter raising the question of privilege states the following, and I quote:

I've been led to believe that it was Senator Woo who distributed the agreement and, in doing so, breached both confidentiality and violated the privilege of myself . . .

What is even more troubling is that a connection is being made between that sentence and another in the next paragraph, which states, and I quote:

This intentional breach of confidentiality compromises future negotiations and therefore directly interferes with the work of this institution.

I do not think that the work of senators in the Senate of Canada is to use a question of privilege in this manner. Questions of privilege are used to defend oneself as a senator, not to attack, and certainly not to attack another senator on the basis of I don't know what insinuations, because insinuations are all we have before us. What is more, when the letter states:

[*English*]

I've been led to believe it was Senator Woo who distributed . . .

[*Translation*]

This is a breach of his privilege, a direct attack on his character and legitimacy. I find this unacceptable — and this is what I'll ask you to consider — because if we accept questions of privilege on the basis of insinuations, without any evidence, that could undermine my privilege, your privilege, and the privilege of all senators and the entire Senate. Thank you.

[*English*]

Senator Plett: I'll have a few very brief comments. I need to address a few things.

I find it rather rich of senators opposite who are constantly telling us that we are making accusations, and we are besmirching their reputation. Then they stand and do the very thing they are accusing us of doing. But, as I said in my speech, this chamber has digressed into something that it shouldn't be. Whether it's the fault of the ISG, the fault of the Conservatives or the fault of the few Liberals left in this chamber.

Colleagues, Senator Pratte got up and said that somehow what I said wasn't legitimate because I said "I have reason to believe." The reason "I have reason to believe" is because I don't break confidentiality. I know. I don't have reason to believe; I know. But because I don't stand here and say how I know — that's a confidentiality that I won't break. Because I don't break confidentiality agreements, as has been done here today or yesterday.

Senator Ringuette says I have accused all senators. No, I didn't. I didn't accuse all senators. I said Senator Woo had, in my opinion, broken an agreement. He gave a document to 58 people, who might have decided to share it with 58 more. I don't know. But as I said, I don't think the journalist did anything wrong. He went and put out what he got. If Senator Woo didn't tell the 58 senators that he gave the document to, "You can't give this to anybody else," then I'm sure you have done nothing wrong by sharing it. And if he told all of you not to share it, and one of you shared it with Dale Smith instead of Senator Woo, then you have done something wrong.

I don't know. All I know is we had an agreement — an understanding — among five people that the document was not to be shared with others.

What the process was — whether Senator Woo got his document five minutes later than we got ours is absolutely irrelevant. He then shared it with people he shouldn't have shared it with. That did not prevent Senator Woo from saying, "We have an agreement, and here are some of the guidelines." But he shared a signed document, Senator Pratte. He shared a signed document. That's the document that was out there. He was not to do that; none of us did it, because we understood. Four out of five people understood exactly what the agreement was.

It is not about whether that's a confidential, secret document. We understand it's going to be shared here in the chamber over a period of time. We wanted a document to be kept among five people, because we did not want the Conservatives to be patting themselves on the back, saying, "We are the good guys. We made the deal." We didn't want Senator Harder to say, "I brought in this motion, and now I've got you all." We didn't want Senator Woo to say, "Finally, they allowed me into the room, and now we've got a deal," which was clearly insinuated by one of the tweets from the one of the ISG members.

There was a reason why we wanted a confidential document. It's not that it was a highly secret document. That was irrelevant to us.

But colleagues, I think somebody said that the media article was not related to the Senate. How is that article not related to the Senate? The only thing that article was about was the Senate and this agreement.

Senator Lankin didn't say it, but I got the feeling at the end that she was somehow saying, "Well, somebody was threatening to renege on a deal." That's the first I have heard of it; that's the first I have heard of it. If you have an accusation to make, make the accusation.

Senator Lankin: In the past, senator. In the past, senator.

[Senator Plett]

Senator Plett: Stand up and raise that question of privilege. Nobody is reneging on the deal, because we don't renege on deals.

Your Honour, whether you rule in my favour or not, my life's going to go on. Tomorrow, hopefully, Lord willing, I will roll out of bed again, and I will be in here tomorrow as calm as I am today, because I'm wearing my bracelet. I'll put a little more of that juice on there, and maybe that will help a little more.

But colleagues, we have digressed into something we shouldn't have. This is one of the reasons: There is no trust. The way we have trust is if we all keep our word. Let me commit myself to trying to be the first one to do that. But I have heard nothing over there. I have just heard "I did nothing wrong." Yes, you did something wrong, Senator Woo. You did something wrong when you shared a document with at least 58 people you weren't supposed to share the document with.

The Hon. the Speaker: I'm going to hear from Senator Woo. After that, I may have heard enough.

Senator Woo: Frankly, Your Honour, I have as well. I feel a certain obligation to just make a few closing comments in response to Senator Plett. I want to start by picking up on the most positive of his comments, which is that we need to rebuild trust. I said in my rebuttal that such is my intention, despite this question of privilege. I know my colleagues in the ISG want us to work together with all groups in this chamber, and to continue to have a consensus arrangement on programming and other issues. That is the mandate I've been given by my group. I intend to continue with that.

The crux of the matter, Your Honour, as I mentioned previously, is the allegation that I leaked this document to the media. The theory of the case that has been put forward is that while I did not leak it directly, one of my ISG colleagues — one of the 57 other than me — shared it — this is the theory of the case — with Mr. Smith so that he was able to post this document on his Twitter account. I have already expressed how this is an impossibility, because Mr. Smith tweeted at 2 p.m. and the ISG did not get it until 4 p.m. Furthermore, if there is any question as to where it came from, one has to wonder about the retweet that took place just three minutes after Mr. Smith's tweet at 2 p.m.

• (2100)

So the fundamental allegation that I leaked it to the media has not been proven. I am saying categorically to all of you, colleagues, that I did not do it. If you want to call me a liar, say that, but I am categorically saying: I did not leak this document to the media. I have been upfront that I shared it with my colleagues for good reasons.

Senator Plett: That was wrong.

Senator Woo: We can differ on that.

As it stands, Your Honour, this question of privilege rests on the allegation that I leaked the document. I am stating very clearly that I did not. There is no evidence presented to suggest that I did. In fact, I put forward that it is an open question as to

who provided this document to the said journalist, and there should be no presumption that it came from the ISG. On that basis alone, there can be no case of privilege. Thank you.

The Hon. the Speaker: Honourable senators, I thank Senator Plett for raising this issue and I thank all senators who have participated in the debate. I will take the matter under advisement.

Resuming debate on the motion of Senator Sinclair for second reading of Bill C-262.

ADJOURNMENT

MOTION ADOPTED

Hon. Yuen Pau Woo: Your Honour, I move the adjournment of the Senate.

The Hon. the Speaker: It is moved by Senator Woo, seconded by the Honourable Senator Gold, that the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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 to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I do not see two senators rising, and I feel the "yeas" have it, so the Senate does now stand adjourned.

(At 9:02 p.m., the Senate was continued until tomorrow at 2 p.m.)

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