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(HANSARD)

Wednesday, June 10, 2015

The Honourable LEO HOUSAKOS
Speaker

CONTENTS

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

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THE SENATE

Wednesday, June 10, 2015

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

Prayers.

SENATORS' STATEMENTS

CANADIAN COAST GUARD

Hon. David M. Wells: Honourable senators, I'm proud to stand in the Senate today to recognize the outstanding work of the Canadian Coast Guard. From coast to coast to coast, 24 hours a day and 365 days a year, the brave men and women of the Canadian Coast Guard protect the mariners who use our waters.

In my province of Newfoundland and Labrador, we are proud to be the home of many Canadian Coast Guard vessels, including the *Louis S. St-Laurent* and the *Terry Fox*. I had the pleasure of touring both of these vessels while in port in my hometown of St. John's. Just last year, both of these vessels were collaboratively in the Arctic to map the seabed in order to support Canada's Arctic continental shelf submission to the United Nations.

The Canadian-built *Louis S. St-Laurent* is the largest icebreaker in the Canadian Coast Guard fleet. Her primary missions include escorting commercial shipping in ice-infested waters and supporting multi-disciplinary science expeditions in the High Arctic. She is fully equipped to deploy, tow and recover science equipment in icy waters to depths of 5,000 metres.

The *Terry Fox* was built in 1983 in Vancouver, British Columbia. She's a heavy icebreaker stationed at the CCGS's Southside Base in St. John's. "The Fox," as she is affectionately known, is deployed to break ice and assist shipping in the Gulf of St. Lawrence, from Cape Ray to Quebec City, including the Cabot Strait, Cape Breton Island, Prince Edward Island and New Brunswick.

While at sea, both of these vessels participate in the United Nations Convention on the Law of the Sea ice breaking, search and rescue, and environmental response programs.

I was fortunate enough to see the *Louis S. St-Laurent* off on its Arctic mapping mission last November, and I welcomed the *Terry Fox* and her crew back from its Arctic mapping mission. Hearing their stories first-hand was an incredible experience. I spoke with Commander Duane Barron, the commanding officer of the *Terry Fox*, at length about the various missions on which he has served. I would like to commend Commander Barron, as well as Anthony Potts and Marc Rothwell, commanding officers of the *Louis S. St-Laurent*, and all of their crew for their extraordinary work and dedication.

Our government is proud to support their important work. Through our National Shipbuilding Procurement Strategy, investments in the Canadian Coast Guard have and will

continue to support jobs and generate economic benefits across Canada. I'm proud to be part of a government that supports the Canadian Coast Guard's noble and important work. In recognition of their essential service, we will continue to invest in the Canadian Coast Guard to ensure they have the tools they need to do their jobs.

I encourage all members of the Senate to join me in thanking our Canadian Coast Guard.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Nicole and Jullian Paquin. They are the guests of the Honourable Senator Munson.

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

Hon. Senators: Hear, hear!

[*Translation*]

THE LATE MAXIME FOURNIER

Hon. Ghislain Maltais: Honourable senators, I would like to take this opportunity to mark the passing of Maxime Fournier. Who was Maxime Fournier? He was a young firefighter from Shawinigan, a man who was very involved in his community, with his colleagues and all of the charitable organizations in his region.

On Sunday, Maxime was participating in the Shawinigan firefighters' half-marathon for youth with disabilities. He was pushing Miguel Guardado-Richer's wheelchair along the 21.5 kilometre route. At the finish line, Maxime collapsed and died. He was just 21 years old.

All we can do is express our sympathy to Maxime's family and friends and to young Miguel. We cannot choose our time. Maxime contributed so much to an organization that brightens the lives of youth with disabilities who have not had the same opportunities as us.

Maxime Fournier was a model for young people. Often, as adults, we have a hard time understanding them. Maxime Fournier understood the importance of doing good work in his community. He wanted to share the gifts he received from God with others by showing courage and determination. Unfortunately, he lost his life. On behalf of the Senate of Canada, I want to pay tribute to him and express our condolences to his family, his friends and the people of Shawinigan, who are in mourning today. I am sure his passing will touch them all deeply.

Thank you, honourable senators.

[English]

• (1340)

DISCRIMINATION AGAINST ALBINO PEOPLE

Hon. Scott Tannas: Honourable senators, I rise today to be the first of a number of senators over the next few days to speak to a particularly heinous form of discrimination that is on the upswing in East Africa: discrimination against albino people.

There is a significant market for albino body parts in countries like Tanzania and Malawi. Such body parts are used by witch doctors in spells and charms that claim to bring luck and wealth.

The kidnapping and murders of albino people is a practice born of ignorance and motivated by profits. Witch doctors will pay as much as \$75,000 for a full set of albino body parts, according to a 2009 report by the International Federation of the Red Cross and Red Crescent Societies. It is often the family members of the albino individual who precipitate these crimes.

The government of Tanzania admitted on May 27 of this year that the increased attacks on albino people may be as a result of the upcoming general election in that country. Although the government of Tanzania has outlawed witch doctors to try to curb the albino attacks, this doesn't necessarily decrease the demand for albino parts, including from political elites.

Colleagues, we can all be part of the solution on this issue. We need to raise awareness for this issue and also condemn this heinous form of discrimination in the strongest terms. We in Canada have developed and earned a deep friendship with the countries in this region, and sometimes friendship demands frank discussions and strong messages. We need to reach out to our political counterparts in East Africa and make it clear to them that committing violence against their fellow countrymen will not help them win the election, that this behaviour is not that of a civilized people, and that it has no place in a modern democracy.

With continued education and political pressure, we can contribute to the end of discrimination against albino people.

ISMAILI MUSLIM REPRESENTATIVES FROM VANCOUVER

Hon. Mobina S.B. Jaffer: Honourable senators, today I want to welcome a number of people from British Columbia who have come to our capital of Ottawa. They are: Fidali Meghji, Noor Meghji, Shamshudin Manji, Zainub Manji, Amirali Paroo, Pervez Paroo, Badrudin Sunderji, Zebun Sunderji, Pyarali Dewji and Khatun Dewji. They belong to the Ismaili Muslim community in Vancouver and they have come far from B.C.

They arrived in Canada 40 years ago, mostly as refugees and people who had issues in East Africa. I can vouch that they have worked very hard to integrate and become prominent businesspeople, as well as active members in various non-profit organizations in my city of Vancouver.

First, I want to take this opportunity to welcome them to my place of work and to thank them for the 40 years they've invested in making my city of Vancouver vibrant. Thank you.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Leonard Kenny, Chief of Deline; Gina Dolphus, President of the Deline Land Corporation; and Danny Gaudet, Chief Negotiator. They are the guests of the Honourable Senator Sibbeston.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

MARINE MAMMAL REGULATIONS BILL

ELEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Wednesday, June 10, 2015

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill C-555, An Act respecting the Marine Mammal Regulations (seal fishery observation licence), has, in obedience to the order of reference of Thursday, April 23, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

FABIAN MANNING
Chair

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

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

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 15, 2015 at 6 p.m.; and

That rule 3-3(1) be suspended on that day.

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF THE PARLIAMENTARY AFFAIRS
COMMITTEE, APRIL 15-17, 2015—REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) respecting its participation at the meeting of the Parliamentary Affairs Committee of the APF, held in Antananarivo, Madagascar, on April 15 to 17, 2015.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

NORTHERN DIMENSION PARLIAMENTARY FORUM
AND MEETING OF THE STANDING COMMITTEE OF
PARLIAMENTARIANS OF THE ARCTIC REGION,
MAY 10-12, 2015—REPORT TABLED

Hon. Michel Rivard: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Fourth Northern Dimension Parliamentary Forum and the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Reykjavik, Iceland, on May 10 to 12, 2015.

[English]

CANADA-CHINA LEGISLATIVE ASSOCIATION

BILATERAL MEETING, NOVEMBER 9-17, 2013—
REPORT TABLED

Hon. Victor Oh: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-China Legislative Association respecting its participation at the Seventeenth Bilateral Meeting, held in Hong Kong, Beijing and Shanghai, People's Republic of China, from November 9 to 17, 2013.

[Translation]

OFFICIAL LANGUAGES

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

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

That the Standing Senate Committee on Official Languages have the power to sit at 5:00 p.m. on Monday, June 15, 2015, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

HUMAN RIGHTS

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

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights have the power to sit at 4:00 p.m. on Monday, June 15th, 2015, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO REMOVE
CERTAIN MEMBERS OF COMMITTEES

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That all Honourable senators whose names appear in the report of the Auditor General on expenditures of the Senate are forbidden to sit on the Standing Committee on Internal Economy, Budgets and Administration as well as the Standing Committee on Rules, Procedures and the Rights of Parliament until the arbitrator or any other legal proceeding has given them a final decision.

QUESTION PERIOD

INTERNATIONAL TRADE

FREE TRADE AGREEMENTS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government. Last week, I asked some questions about the numbers with respect to the Canada-Europe free trade agreement, in particular those pertaining to economic growth, exports and jobs. Considering that this Conservative government's economic policies focus on free trade agreements, I find it curious that this government is not inclined to divulge the details of these agreements. I imagine, Leader, that I am not the only one worried about this silence. In an article that appeared in the *Globe and Mail*, business correspondent Barrie McKenna criticized the Harper government's failure to explain the numbers it provided for the Canada-Europe agreement. He said:

[English]

Nor has it publicly updated its projections . . . from free-trade agreements with Europe and South Korea . . .

He also mentioned that:

Good policy depends on good data.

This is a statement that I agree with.

[*Translation*]

Are the incorrect numbers — I am talking about 2004 — and lack of transparency the reasons why your government is keeping Canadians confused about the benefits of this free trade agreement?

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator. I know that you pay close attention to numbers. I heard your interview this morning with Radio-Canada on the Auditor General's report, and you said that the Senate's budget was \$150 million. I would like to clarify that the Senate's budget is \$88 million.

That said, the benefits of the free trade agreement with Europe are huge for Canadians. Senator, we estimate that this agreement will add \$12 billion to our economy every year, which is the equivalent of 80,000 new jobs for Canadians and \$1,000 in additional annual income for each Canadian family.

Senator Hervieux-Payette: Leader, I'm still waiting for the document that will prove all this. The same *Globe and Mail* article, which discusses the lack of data on the Trans-Pacific Partnership free trade agreement, the other agreement under discussion, also mentions two independent studies, one conducted by an American group and another conducted by a group of former officials from the Department of Foreign Affairs, Trade and Development.

• (1350)

One study forecasts 2.5 per cent growth while the other forecasts a \$10 billion increase in the GDP. That is a fourfold difference. It is either 2.5 per cent or \$10 billion, depending on which group conducted the study.

Did your government conduct a preliminary study on the economic benefits of the trans-Pacific partnership, and if so, when do you plan to release that preliminary study and the basis on which you determined that this agreement would be good for Canada?

Senator Carignan: Senator, as you know, when we sign agreements, we ensure that they will be good for Canada. We have signed a number of agreements as part of our Economic Action Plan, particularly free trade agreements, and that is why we entered into negotiations for one of the biggest and most ambitious free trade agreements in history.

Senator, since 2006, Canada has signed free trade agreements with 38 countries, including historic agreements, like the one I mentioned, with the European Union. You will understand that, when we sign an agreement, we make sure that it will be good for Canadians. The studies and documentation used to determine whether such is the case are provided by credible people. In the case of the Canada-European Union free trade agreement, that

information was provided by some of the best economists in Canada and the European Union and not, with all due respect for the people who work in your office, researchers in a senator's office.

Senator Hervieux-Payette: We did not come up with any of that information. It came from your government's official websites. As you know, these free trade agreements deal less and less with tariffs and more and more with so-called non-tariff barriers.

I am talking about the rules governing our health system, our food safety standards, intellectual property and countless other matters or regulations that are part of Canadians' daily lives. The same goes for all 11 other countries involved in the Trans-Pacific Partnership. What is more, many people in the Pacific are so concerned about this agreement that Julian Assange, of WikiLeaks fame, offered a \$100,000 U.S. reward for anyone who could produce the full text of the agreement — which speaks to how deeply concealed it is.

The Conservative government is being inconsistent when it says that it must sign free trade agreements to keep Canada competitive, when it doesn't even give Canadians, let alone members of other parties, a chance to understand these agreements. How do you expect Canadians to be competitive internationally if they don't know what is in these agreements? I would remind you that out of the last eleven agreements, three are generating a surplus for us. Nine minus three means that six of these agreements are creating a deficit.

Will your government show some transparency? Will it allow all Canadians to read the free trade agreements and the economic agents to adjust to these new economic agreements?

Senator Carignan: Senator, I have a great deal of respect for you. I listened to your interview this morning and you did a fine job defending the institution of the Senate. However, when you provide figures, I start to have my doubts. I hear you, but I will defer to the top Canadian and European economists when it comes to the benefits of the Canada-Europe agreement and the Trans-Pacific Partnership.

I can assure you that our government will not sign any trade agreement that does not clearly benefit Canadian businesses, workers and families. We will continue to act in Canada's best interest when it comes to every agreement we sign.

Some Hon. Senators: Hear, hear.

THE SENATE

ANNUAL BUDGET

Hon. Céline Hervieux-Payette: Mr. Leader of the Government in the Senate, you will be pleased to know that we on this side can admit when we've made mistakes. I thought the figure I quoted

was for one year, but the figure closer to \$160,000 — not far from the \$150 million I quoted — was for 2011 and 2012. I apologize to all senators. I nevertheless believe, as I have said before, that our institution is not badly managed. Still, it is important for us to regain credibility in Canadians' eyes, and that is why I tabled a motion to that effect.

Hon. Claude Carignan (Leader of the Government): Senator, the figure you quoted this morning was \$150 million. The budgets for 2011 and 2012 were \$92 million and \$93 million, for a total of \$185 million, which is \$35 million more than the figure you quoted.

Senator Hervieux-Payette: I would like to point out that I quoted those figures from memory. I admit that I did not have the exact numbers in front of me. I don't think it was either necessary or tactful of you to point that out a second time, because if I had had the numbers in front of me, I would have quoted the correct figures. We need to put things in perspective, and I apologized for my mistake.

Senator Carignan: Senator, I've been here for a while, and I don't think I have any lessons to learn from you about tact.

[English]

NATIONAL DEFENCE

DIVERSITY TARGETS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian Armed Forces are at the core of who we are in our nation. These men and women serve and protect our nation and our values at home and around the world. They are the few who protect us all and we owe our safety to them. This is why I'm deeply troubled to hear that Minister Kenney and the military want to reduce the representation targets for women in the military from 25.1 per cent to 17.6 per cent.

Canadians want to serve in the military, take pride in this goal and they feel that they should be supported in this decision. A reduction in diversity targets will send the opposite message and marginalize women. Why are the targets being reduced?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, we will continue to encourage more Canadians to join the Canadian Armed Forces. I'm sure you have seen the advertising in that regard. I know that you do not like ads, but I have seen excellent National Defence ads that encourage the largest possible number of young Canadian men and women to join the Canadian Armed Forces. That is what we will continue to do.

[English]

Senator Jaffer: Thank you, leader. I saw the ads to which you refer. I was very pleased that there were ads to encourage women and visible minorities to join the military.

[Senator Hervieux-Payette]

Why on one hand are you setting out ads and on the other hand reducing targets?

[Translation]

Senator Carignan: We increased the Canadian Armed Forces budget by 27 per cent. Recruitment, training and member retention are key priorities for the Canadian army. Last year the regular forces recruited 4,500 members. We also worked on reducing DND's back-office expenses while improving front-line operational capacity, and that is what we will continue to do.

[English]

Senator Jaffer: I have a supplementary question. The Canadian Armed Forces is legally required by the Employment Equity Act, like all federal organizations, to work towards increasing the diversity of its workforce. How would reducing the targets be in compliance with this?

[Translation]

Senator Carignan: As I mentioned, Senator, we will continue to work on encouraging young Canadian men and women to join the Canadian Armed Forces. As I said, we increased the Canadian Armed Forces budget by 27 per cent to support recruitment and training efforts.

[English]

Senator Jaffer: I have another supplementary question. Retired Supreme Court Justice Marie Deschamps said last month that "increasing the number of women in uniform, particularly at the senior levels, is essential for addressing sexual misconduct in the ranks."

If we know these are the consequences, why are we considering reducing the targets?

• (1400)

[Translation]

Senator Carignan: Senator, as I said, we will continue to encourage young Canadian men and women to join the Canadian Armed Forces.

[English]

INFRASTRUCTURE

POWER CABLE PROJECT FOR PRINCE EDWARD ISLAND

Hon. Elizabeth Hubley: My question is for the Leader of the Government in the Senate. Honourable senators, 10 years ago an agreement for a new cable line between Prince Edward Island and New Brunswick was signed by the Liberal government and then was quickly scrapped when your government came to power. This cable is essential for our Island. The two existing underwater cables were installed almost 40 years ago and are beyond the design of their operating life, meaning they are no longer able to meet the Island's energy needs.

On March 20 this year, with great fanfare, Minister Shea announced government support for this project. However, the government came up short. The original deal was for \$77 million from the federal government, which would be 50 per cent of the cost. But what was announced in March was \$50 million, or one third of the cable cost, which is \$20 million less than what P.E.I. was expecting. This is a crucial setback for the construction of this much-needed cable.

When will your government finally commit to fully cost share this valuable project?

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, I will present a full response on the development and support plan that was developed for this project.

[*English*]

ORDERS OF THE DAY

PIPELINE SAFETY BILL

BILL TO AMEND—THIRD READING

Hon. Michael L. MacDonald moved third reading of Bill C-46, An Act to amend the National Energy Board Act and the Canada Oil and Gas Operations Act.

He said: Honourable senators, as part of the government's plan for responsible resource development, the government has pledged that Canada's natural resources will only be developed if a project is proven to be safe — safe for Canadians and safe for the environment. The proposed pipeline safety act is an important part of that commitment to ensuring world-class safety standards as we transport the energy we need to power our everyday lives. To do so, it is based on three key pillars: incident prevention, preparedness and response, and liability and compensation. This bill complements this work and will provide a world-class regulatory regime for Canada's pipeline sector — a regime that strengthens protection for Canadians and the environment.

Today, I would like to focus on the third component, liability and compensation — the role and responsibilities of the National Energy Board and how the pipeline safety bill will increase its powers. I believe it is important to understand how this bill would strengthen measures to compensate for damages to the environment in keeping with the polluter-pays principle. Under Bill C-46, our government will deliver on its promise to enshrine that principle in law, making it an important foundation of the pipeline safety regime. The polluter-pays principle assigns

responsibility to the polluter for paying for damage to the environment, as well as the associated clean-up cost. This will create a strong incentive for industry to make environmental protection the focus of their operations.

Colleagues, between 2008 and 2013, 99.99 per cent of the oil and petroleum products transported through federally regulated pipelines in Canada arrived safely and without incident. This achievement reflects very well on the National Energy Board and Canada's pipeline operators, but there is always room for improvement.

In the case of energy transportation infrastructure, the government's goal is zero incidents. That's why, as part of our plan for responsible resource development, we have already strengthened the National Energy Board, enabling it to increase annual oil and gas pipeline inspections by 50 per cent and doubling the number of annual comprehensive audits. These inspections and audits are critical because they identify potential issues and prevent incidents before they occur.

We have also provided the National Energy Board with new powers to improve prevention by imposing tough monetary penalties against pipeline operators that don't comply with the regulations. The pipeline safety bill moves these yardsticks even further. Indeed, we are setting a new standard for pipeline safety to ensure that we have world-class protection, a system that prevents incidents from occurring and improves our ability to prepare and respond to such events, and to ensure that polluters pay through a tougher liability and compensation regime.

In terms of prevention, this bill strengthens the National Energy Board's damage prevention regime so that we can ensure continued safety of and around pipelines. We are also clarifying the audit and inspection powers of the NEB, as well as the obligations of the pipeline companies to respond.

Complementary to the bill, we have sought out the NEB's expertise and guidance on the best available technologies for constructing and operating pipelines. As new technologies are developed, we want to make sure they are put into practice and that our safety systems remain at the forefront.

On preparedness and response, we are amending the National Energy Board Act to require the operators of major oil pipelines to have a minimum of \$1 billion in financial resources, a portion of which must be readily available to respond quickly to any incident. In an exceptional circumstance, where a company is unable or unwilling to respond immediately, the NEB will be given the authority and the resources, first, to take over response operations and, second, to recover the costs of those operations from the industry.

Bill C-46 will also strengthen our system of liability and compensation. Not only will pipeline operators face unlimited liability when they are found at fault, but they will also be automatically responsible for damages up to a set amount. This is called "absolute liability." It doesn't matter who or what causes the incident, the company will be responsible regardless. In the case of companies operating major oil pipelines, this liability will be \$1 billion.

In addition, the bill will empower the National Energy Board to order reimbursement of cleanup costs incurred by other governments or individuals, and to recover its own costs for stepping in to coordinate a response. With this bill, we will create one of the strongest and most comprehensive no-fault liability regimes in the world. This includes recognizing all types of damages to the environment in addition to actual losses through three broad categories. I will go through them on the basis of descending order of those who will be able to claim damages.

The first category relates to claims for loss or damage incurred by any person as a result of a spill. The scope here is quite broad and covers all actual loss or damage, including loss of income and future income. With respect to Aboriginal peoples, for example, it includes the loss of hunting, fishing and gathering opportunities. This includes the loss of what falls under the term “use value,” which encompasses claims for damages to what are commonly referred to as ecosystem services. I will return to the concept of use value in a moment.

The second category covers the federal government, provincial government or any person who incurs costs responding to or mitigating the damage from an oil spill.

The third category covers claims related to the loss of what is referred to as the “non-use value” in terms of a public resource that is damaged by a spill. This typically applies to the federal government or a provincial government.

Colleagues, Bill C-46 sets out a regime that will enshrine the polluter-pays principle. What I have found most revealing and reassuring is the industry’s reaction to these tougher rules and penalties. Like all Canadians, pipeline operators welcome a stronger National Energy Board with the financial resources to enforce its powers. This bill, backed by our funding commitment in Budget 2015, means that we will deliver both. It is the right bill at the right time, addressing the right issues. I ask you to support it.

• (1410)

Hon. Paul J. Massicotte: Honourable senators, I begin today by emphasizing the importance of our environment and our natural resources. They are, after all, our most precious resource, and we must as a country, as a Senate and as individuals, ensure every reasonable measure is taken to ensure and preserve their safety so that we may profit and enjoy them responsibly for many decades to come.

Furthermore, our natural resources have a pivotal role in creating jobs, producing energy and substantially contributing to the economic growth of our country.

[*Translation*]

I am honoured to speak today as the sponsor of Bill C-46, the Pipeline Safety Act, which will amend the National Energy Board Act and the Canada Oil and Gas Operations Act.

I support this bill for the following reasons. As we heard at second reading and as my counterpart, Senator MacDonald, mentioned, Bill C-46 is the result of a series of legislative measures

[Senator MacDonald]

adopted by the government to strengthen the liability regime in the oil and gas industry, in order to improve the system for prevention, clean-up and compensation in the case of damage.

A series of measures in this bill, which deals specifically with pipelines, emphasizes the importance of protecting Canadians and ensuring a healthy environment for everyone and for future generations.

Bill C-46 focuses on federally regulated pipelines in particular, which are those that cross provincial and international boundaries. This covers 73,000 of the 825,000 kilometres of pipeline that cross our country. They are subject to impressively high safety standards, since these pipelines have a safety record of 99.999 per cent in transporting 1.3 billion barrels of oil a year.

[*English*]

The pipeline industry employs 25,000 Canadians across the country and last year transported \$100 billion worth of resources, according to the Canadian Energy Pipeline Association, contributing greatly to our economy and well-being. However, it is not only through the economic growth lens that we must see this bill, but on the merits of its environmental protection and public safety measures. In fact, the added powers given to the National Energy Board, the governing body of federally regulated pipelines, and the \$1 billion absolute liability clause imposed on large pipeline companies will ensure that prevention measures are put into place early on, and that pipeline companies are able to respond quickly and effectively to mitigate environmental damages.

Furthermore, Canada will become a world-class leader in pipeline safety by enshrining into law an absolute liability for large pipeline companies and by including the polluter-pays principle, a long-overdue principle, in this legislation. These two provisions alone will permit greater clarity of roles and responsibilities and greater certainty that oil spills will be dealt with immediately by pipeline companies regardless of fault, with the necessary resources available to allow proper and comprehensive cleanup.

During the study of Bill C-46, the Energy, Environment and Natural Resources Committee was fortunate to hear from many stakeholders affected by this legislation. Overall support for the added provisions was heard by the Canadian Energy Pipeline Association, Canada’s Building Trades Unions, l’Union des producteurs agricoles, Professor Martin Olszynski of the University of Calgary, and Chief Cameron Alexis of Assembly of First Nations.

[*Translation*]

Nevertheless, it is important to note that some concerns and fears have been expressed. These have been noted by the Department of Natural Resources. We believe that the department and the National Energy Board will assess the comments submitted and will ensure that appropriate and necessary measures are taken in response to these concerns.

Furthermore, I believe that the National Energy Board will be able to address the stakeholders’ concerns with the help of the new provisions in Bill C-46, as well as the \$80 million over the

next five years allocated in the federal budget for safety and environmental protection and for better communication with Canadians.

Dear colleagues, I hope I was able to provide you with an informed overview of this bill that I am asking you to support. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Percy Mockler: Honourable senators, will my two colleagues take a question?

Senator Massicotte: Absolutely.

Senator Mockler: Senator, I listened carefully to my colleague to my left, Senator MacDonald, and I paid even closer attention to what you just said. This is certainly a step in the right direction. The roadmap that you are proposing is important for Canadians, particularly those who live near pipelines.

The largest oil refinery in Canada, Irving Oil, is located in the eastern part of the country in Saint John, New Brunswick, and the pipeline servicing eastern Canada, the Energy East Pipeline, has to cross Ontario and Quebec to get to New Brunswick. In light of these facts, will this bill guarantee Canadians better environmental protection, regardless of where they live?

Senator Massicotte: The answer is yes, because pipeline operators will have more responsibilities and those responsibilities will be more clearly defined. If a spill occurs, pipeline operators will be responsible for the site and for cleaning it up. Major operators will also have to have a minimum of \$1 billion in reserve in order to show that they have the means to take action.

The Canadian economy depends on various agreements and the means to build new pipelines that could reach our oceans. I would like to remind honourable senators that the minister said that he was optimistic about these agreements and that he was convinced that we will be able to build the necessary pipelines within our country.

[*English*]

Senator Mockler: Honourable senator, could you restate for all Canadians the figures that you shared with us regarding the environmental safety of pipelines compared to other modes of transportation so that we can put it in Hansard?

Senator Massicotte: In fact, there's another study we had done at the Standing Senate Committee on Energy, the Environment and Natural Resources, but effectively our studies would show that 99.99 per cent of all oil that is shipped through a pipeline gets to its destination. If you want to look at it another way, if you take Vancouver to, say, your province and you transport a barrel of oil, there's only one teaspoon missing from that barrel of oil if you average out all the spills we've had.

It is very safe. The studies would indicate it is the safest and most economical way to ship energy resources, safer than trucking, safer than ships. It's one we highly recommend for Canadians to consider.

Senator Mockler: Mr. Speaker, you can rest assured with that type of information for all Canadians, I will support it.

[*Translation*]

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

Hon. Senators: Yes.

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

Hon. Senators: Agreed.

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

• (1420)

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to redraw your attention to the presence in the gallery of Leonard Kenny, Chief of Deline; Gina Dolphus, President of the Deline Land Corporation; and Danny Gaudet, Chief Negotiator. They are the guests of the Honourable Senator Sibbeston.

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

Hon. Senators: Hear, hear!

DELINE FINAL SELF-GOVERNMENT AGREEMENT BILL

BILL TO AMEND—SECOND READING

Hon. Scott Tannas moved second reading of Bill C-63, An Act to give effect to the Deline Final Self-Government Agreement and to make consequential and related amendments to other Acts.

He said: Honourable senators, distinguished guests, the time has come for us to show our support for a First Nation determined to take control of its destiny and realize its full potential. We can do so by endorsing Bill C-63, the proposed Deline final self-government agreement act.

This bill proposes to endorse the historic agreement among the Deline First Nation band, the Deline Land Corporation, the Government of the Northwest Territories and the Government of Canada. The Deline Final Self-Government Agreement is the product of focused and comprehensive negotiations.

The foundation of the Deline Final Self-Government Agreement lies in the Sahtu Dene and Metis Comprehensive Land Claim Agreement, an agreement signed in 1993 which settled issues related to Aboriginal rights and title, as well as committed parties to negotiating Aboriginal self-government.

The beneficiaries of this land claim decided to divide the settlement area into three districts, one of which is the Deline district. Negotiations began in January of 1997 and an agreement in principle was signed in 2003.

The agreement before us today has gone through a long and rigorous ratification process. It is rooted in the desire of the Dene elders to improve local governance. Many elders played an active role in both the negotiations and in the ratification process that led to Bill C-63. They did so because they believed that too many organizations were responsible for governing their community: a First Nation authorized by the Indian Act; the land corporation, created under the land claim agreement; and a charter community created by the Government of the Northwest Territories.

The Deline Final Self-Government Agreement enjoys strong support from the community. The outcome of last year's ratification vote stands as that evidence. About 65 per cent of all eligible voters cast ballots; 85 per cent of them voted in favour of this agreement in a vote in March 2014.

Neighbouring Aboriginal groups in the Northwest Territories have also endorsed this agreement. Last June, a resolution on the matter earned unanimous support at the Dene National Assembly. Additionally, the Sahtu Secretariat Incorporated — the land claim body responsible for the Sahtu Dene and Metis as a whole — has also endorsed the Deline Final Self-Government Agreement. This agreement also enjoys the support of the Government of the Northwest Territories and was passed with unanimous consent on March 5, 2015.

The agreement combines Aboriginal and public elements of governance with appropriate safeguards for treaty rights, public representation and the ability to stand for office. The agreement is consistent with other self-government agreements, both in the Northwest Territories and elsewhere in Canada. It will provide residents with the tools and authorities they need to strengthen governance, to foster their language and culture, and to generate and take full advantage of economic opportunities.

Self-government agreements are especially powerful because they address the specific concerns of a particular community. They are not a one-size-fits-all type of solution. This agreement has been designed to meet the needs of the Deline residents.

According to studies commissioned by Aboriginal Affairs and Northern Development Canada, after a community signs a self-governing agreement, their employment levels increase by an average of more than 13 per cent.

The Deline community is determined to play a larger role in Canadian society and recognizes that self-government will help them achieve this goal. Through self-government, they can establish community goals and design and implement the plans needed to achieve these goals. This is precisely why Deline representatives initiated negotiations with the Government of Canada. Now, nearly 20 years later, it is our job to consider the fruit of these negotiations: a final self-government agreement negotiated by four parties.

Honourable senators, Bill C-63 represents much more than the hopeful quest of a single Aboriginal community. The proposed legislation also lays out a progressive and optimistic vision for Canada, where First Nations can control their own destiny rather than being controlled by the federal government.

I encourage all senators to join me in supporting Bill C-63 and help make this vision, the leaders' vision, a reality.

Hon. Nick G. Sibbeston: I am honoured today, honourable senators, to speak to this bill with some of the leaders who have been involved in this legislation here in the audience. They have come a long way — way up in the Northwest Territories, approximately in the middle of the Northwest Territories.

Deline is a small community in the Sahtu region of the Northwest Territories, located on the banks of the Sahtu or Great Bear Lake. There's no road access most of the year, though in winter there is a 300-kilometre ice road that connects the community to the rest of the highway network in the North.

Over the years, I've had many opportunities to visit Deline, and it has often struck me as one of the strongest and healthiest communities in the North. The people live like kings and queens. They have abundant fish in Great Bear Lake, and every winter herds of caribou go by the community in the thousands. As you can appreciate, when you have fish and caribou and fresh air, you have everything needed for a good life. They're nodding their heads, right?

As I said, the people are very strong and the Dene culture is very strong. Their language is in good use. They have a unique way of life. They're living off the land to a certain extent and working in the community whenever there are jobs to be done.

There are noteworthy and world-famous fishing lodges in the Northwest Territories. If you ever want to catch a fish, you need to go up to their country, where there are lots of big fish. Fish this big, they just throw away. They catch bigger ones.

Whenever I go to Deline, I have friends there and I'm always treated very well. I've come to realize that it's not just me; the people are friendly to everyone who goes there. It's a very good community.

Their strength is also reflected in the way the community is maintained and run. They have strong leaders and strong spiritual leaders who combine Catholic beliefs mixed in with their Dene spirituality. That makes for a strong religion and spirituality for the people. Some of their elders, unfortunately, are not here, but some of them will be in committee and, hopefully, in the chamber tomorrow to see the third reading of this bill. You may meet some of them. They're very good people.

Years ago, Deline realized that in order to save their culture and identity, they all needed to work together. They needed to bring all the instruments of government under one roof. It wasn't easy. There was the First Nation, the band council's government under the Indian Act. There was also a municipality that was promoted

by the territorial government. Then there was a land corporation, which was set up as part of the Sahtu land claims agreement. That was a lot of levels of government for a community of only about 500 people then.

• (1430)

In an effort to work together, they became a charter community under GNWT legislation. That allowed for some administrative efficiencies and united the offices of the chief and the mayor, but maintained the independence of governing councils. At the same time, many of the programs — education, health and so on — remained out of their control.

So, 19 years ago, the community committed to pursuing self-government. With the support of elders and of successive chiefs and land corporation presidents, they have worked hard to achieve what is before us today.

One of the amazing things about the process is that they have the same team of leaders working on the issue, under the leadership of Danny Gaudet. Mr. Gaudet was recently granted an honorary doctorate of laws by the University of Alberta, so he is now Dr. Gaudet. It's hard to refer to him in that fashion. In the community, he is still Dan-Dan, as he was raised in the community.

Your Honour, I'd like to say just a few words in their Dene language so that they know that we, here in the Senate, respect them and that their language can be heard in this important chamber.

[Editor's Note: Senator Sibbeston spoke in North Slavey.]

I just said I'm very happy that they are here and that the thing they have worked so hard for is going to come about. We, in the Senate, can play a small part, play our part, in realizing their self-government goals.

Hon. Senators: Hear, hear!

Senator Sibbeston: Unfortunately, not all of the elders who have been involved in this process are here. I'd just like to mention two: John Tetso and Paul Baton, who have passed away and are not here with us today.

The Deline Final Self-Government Agreement will finally give the people of Deline, who voted 85 per cent in favour of the agreement in a ratification vote, self-government. So the community understands and is very well supported in their endeavours. By uniting in a single government, they will ensure that duplication is eliminated and efficiency is achieved, freeing up money to deliver the services that people need and want.

While initially the focus will be on consolidating their efforts, the self-government agreement also empowers a community over time, as it develops the capacity, to take control of such vital programs as education, health, social services and economic development. This act creates an Aboriginal public government, ensuring that the rights of all residents are respected.

We in the North don't have reserves like in the South. I think this has helped us. We don't have the categorization of people. Even in small communities, Native and non-Native people live together and learn from each other, put up with each other and help each other. That is the situation with the Deline. This self-government doesn't cut out, doesn't eliminate the possibility that non-Native people can be involved. In this way, it's a public government and very good.

The agreement provides the right to vote and run for office in the newly created government, to receive all government services on an equal basis. It will also ensure that Deline Got'ine have all the means to preserve their culture, language and identity for future generations. This aspect, if you read the agreement, is very strong and will ensure that the language and culture of the Dene people in Deline will live forever.

I had a chance last winter to go into the school in Deline and was so impressed with the teachers and the school. Many of the first grades are taught in the Dene language, and there's a real presence and pride of the people and the students in the school that the language is so strong. So I really harken to and urge everybody here to support the agreement. It's a good agreement. It will pave the way for a very good future for the Deline people, so I encourage everybody to support the bill.

Hon. Senators: Hear, hear!

Hon. Lillian Eva Dyck: I'd like to just say a few words on Bill C-63, the Deline Final Self-Government Agreement. I've been inspired by my colleagues. I think the way we are working in the Senate Chamber today illustrates what a great job the Senate can do.

We have been working very well with both sides. The bill just arrived this week, and we've worked together collaboratively so that we could do second reading today. The bill will be referred to our committee tonight for third reading, and we will go through it. We agreed to meet informally with the chiefs, the council and the elders yesterday morning. Most of our committee members met with them. We heard from them about their bill, and they give us the information. We had an opportunity to listen to them and ask a few questions. Tonight, we'll be able to go through it in greater depth.

That's an example of the good work that the Senate does do. As the other senators have said, the Deline people have been working on this for 19 years. They know exactly what they want to do, and they've reached that stage where, really, what they want is that final agreement. Nothing we can do will improve it because they know exactly what they want. It's basically a formality. That's what self-government is all about.

Interestingly, we started off the meeting with one of the elders — I think his name was Leon Modeste — who gave a prayer to open the meeting. That was very meaningful. He and some of the other elders have been in the process since the process for self-government began 19 years ago. They've been working steadily with great optimism. It was nice to hear from Senator Sibbeston that he's visited that community — that's where he's from — and that he's had an opportunity to visit the schools.

One of the things I heard from the meeting yesterday was that this will allow them much greater control. This is kind of their first step because they will be gaining control over their finances. Prior to that, they were getting money that was given to them on an annual basis, sometimes well past the April 30 start date. Now they will be able to control of their finances so that they can do long-term planning, instead of being anxious from year to year: “Are we going to get the money? Is it going to arrive on time?” Now they can take control of their financial future and do some real planning so that their community will prosper even more.

For example, in education, the chief was explaining how education doesn’t just involve a department of education. It involves people that are involved in health. It involves early childhood education. It involves the people that build the school. You need the input from the elders for the curriculum. You need the input for the language.

The way we operate government is fractured, but the way they will take control will suit their needs, and it will be more holistic and much better coordinated.

I certainly wish them the greatest, and I’d love to come out and fish. I’m not much of a fisherwoman. I have only gone fishing once or twice in my life, and I’d actually like to catch a fish this big, as Nick was saying. Anytime you wish to invite me, I guess we’ll have to go on my own expenses, given what’s in the news these days. However, I’d love to be able to tell a good fish story.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

(On motion of Senator Tannas, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

• (1440)

NATIONAL SEAL AND SEAFOOD PRODUCTS DAY BILL

TENTH REPORT OF FISHERIES AND OCEANS COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Fisheries and Oceans (Bill S-224, An Act respecting National Seal and Seafood Products Day, with amendments), presented in the Senate on June 3, 2015.

Hon. Fabian Manning moved the adoption of the report.

[Senator Dyck]

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

HISPANIC HERITAGE MONTH BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tobias C. Enverga, Jr. moved second reading of Bill S-228, An Act respecting Hispanic Heritage Month.

He said: Honourable senators, I rise today to speak to my private member’s bill, Bill S-228, An Act respecting Hispanic Heritage Month, and to urge senators to support it.

I wish to begin by thanking Mr. Mark Adler, in the other place, for starting this initiative by introducing a similar bill that is currently at first reading stage.

As you are all well aware, I am an immigrant to Canada. I am of the opinion that there are few countries in the world that are as open and accepting to people who come from other countries, to settle and make a good life for themselves, as our country. The Canadian policy of multiculturalism is a great success when it comes to lobbying for and celebrating the various cultural backgrounds and languages that we have.

The month of May, just past, was a celebration of Asian Heritage Month after our chamber adopted a motion for the government to declare it so. During Asian Heritage Month, many non-Asian Canadians learn about the many different cultural heritages from the Asian continent, often taking place around food and entertainment. Black History Month, held in February, is a similar occasion where all Canadians have a significant platform around which they can celebrate, commemorate and remember achievements by Black Canadians.

Honourable senators, Bill S-228 will establish the month of October as Hispanic Heritage Month in Canada. On May 5, 2015, Her Honour, the Honourable Elizabeth Dowdeswell, Lieutenant Governor of Ontario, assented to Bill 28, An Act to proclaim the month of October as Hispanic Heritage Month.

In the 2011 National Household Survey, Ontario was identified as home to almost half of the nearly 900,000 individuals who identify Spanish as the non-official language spoken at home. The City of Toronto made a similar declaration in February 2014. In that declaration, the City of Toronto formally requested that the Government of Canada declare October to be Hispanic Heritage Month for the whole country. It is in this spirit, honourable senators, that I propose this legislation.

“Hispanic” is a term used for those who have origins in Spain or a Spanish-speaking country, mainly in Latin America. As a group, Hispanic Canadians are of diverse cultural and national backgrounds, but united by one language. This is, to a large extent, due to a shared colonial history stemming from the time

when Spain was a world power and one of the first European nations to expand its rule. When gaining independence, many former colonies, particularly those in Latin America, maintained the Spanish language, albeit with local variations. The language now spreads from Cape Horn in the south to Baja, California in the north, and not to mention the large Hispanic population in the United States of America, where it is the largest non-official language.

In Canada, the Hispanic community is large, vibrant and growing rapidly. Canadians of Latin American and Spanish heritage contribute to their communities and to the economy in a positive way from coast to coast to coast. A sign of the rapidly growing Hispanic Canadian community is that there are civic and cultural organizations spanning all professions and fields, which claim and celebrate the common Hispanic heritage and unite around this commonality to improve their ability to succeed.

Some may see this as an attempt to create barriers between groups and a way of fragmenting our society. However, as an immigrant, I see it as the opposite. By maintaining a strong sense of belonging to our origins, while sharing it with our neighbours, we enrich the multicultural mosaic that Canada has become.

A national Hispanic heritage month would be a vehicle that could be used to strengthen the efforts of the Hispanic Canadian community, to enlighten all Canadians about contributions to and achievements in Canada of Hispanic Canadians. It is a platform from which stereotypes can be broken down by showing the positive aspects of the various cultures and fighting ignorance that often causes prejudice.

Honourable senators may know that October is a significant month in many Hispanic countries. October 12 marks the national day, or *Día de la Hispanidad* in Spain. The day is known as *Día de las Culturas* in Costa Rica; *Día de la Resistencia Indígena* in Venezuela; *Día del Respeto a la Diversidad Cultural* in Argentina; and *Día de las Américas* in Uruguay, to mention a few.

October also marks the end of a season that celebrates several Latin American independence days. Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Mexico, Puerto Rico and Chile all celebrate their independence days in the last half of September. The month of October ends with the start of the three-day celebration of the Day of the Dead, or *Día de Muertos*, predominantly in Mexico, but with variations celebrated in many Hispanic countries. In the Philippines, we observe All Saints' Day and the Day of the Dead at the start of November, one of the many cultural heritages my country has received from Spain and maintained in observance of our own traditions.

• (1450)

Honourable senators, in an article of *The Globe and Mail* written some years ago, the headline described the Hispanic community as invisible. This was based on little targeted research into the group. What struck me most about this article were the numbers from the 2011 Statistics Canada National Household Survey, which claimed nearly 50 per cent of Hispanic Canadians have a bachelor's degree and another 12 per cent have a non-university diploma. I think we can all agree that education is key to success and those who are successful have the ability to contribute in a positive way to our society and our economy.

In addition, tens of thousands of temporary foreign workers from many Hispanic countries come every year to work here for a limited time in places and sectors that cannot manage to find Canadian labour. This is especially true in the agricultural sector, where labour shortages are a huge challenge. The Seasonal Agricultural Worker Program for citizens of Mexico and some Caribbean countries ensures that the workers receive fair wages and work in a protected and regulated work environment.

Honourable senators, the highly skilled Hispanic immigrants now entering Canada to live here permanently are evidence of a new wave. Until a few decades ago, many Hispanic immigrants fled political turmoil and persecution in their homelands. These immigrants had a strong sense of civic involvement and public service for the betterment of all. Their voices contributed to Canadians' understanding and knowledge of conditions that led to their flight. They came to Canada to live in a country where the rights and freedoms that they were denied are entrenched.

Honourable senators, our former colleague, the Honourable Vivienne Poy, put it well when she spoke to her motion to declare May as Asian Heritage Month in 2001. She said:

Canada is benefiting from the diversity of these new voices. Nationally, our culture is maturing as we recognize and integrate new visions of our past, present and future into our collective story.

Declaring the month of October to be Hispanic Heritage Month will be a wonderful opportunity for us to contribute to our collective story — a uniquely Canadian story that is increasingly filled with symbols of multiculturalism, a shared history that has led us to the society in which we now live, where our rights and freedoms are protected under the principles of peace, order and good government.

I urge honourable senators to participate in the debate on the bill and support this legislative initiative.

Muchas gracias.

(On motion of Senator Fraser, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE TEMPORARY FOREIGN WORKERS PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Jaffer:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to:

Review the temporary foreign workers program and the possible abuse of the system through the hiring of foreign workers to replace qualified and available Canadian workers;

Review the criteria and procedure to application assessment and approval;

Review the criteria and procedure for compiling a labour market opinion;

Review the criteria and procedure for assessing qualifications of foreign workers;

Review interdepartmental procedures and responsibilities regarding foreign workers in Canada;

Provide recommendations to ensure that the program cannot be abused in any way that negatively affects Canadian workers; and

That the Committee submit its final report no later than March 31, 2015, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Elizabeth Hubley: Honourable senators, this motion presently stands in Senator Fraser's name. I wonder if I might, with her permission, take the adjournment to stand in my name for the remainder of my time.

Senator Fraser: Absolutely.

Senator Hubley: Thank you.

(On motion of Senator Hubley, debate adjourned.)

THE SENATE

ROLE IN PARLIAMENTARY DIPLOMACY— INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its role in parliamentary diplomacy.

Hon. Joseph A. Day: Honourable senators know that this inquiry, along with six other inquiries, was initiated by Senator Nolin as one of his first acts as our Speaker. This inquiry is a most important one, given the long and outstanding record of interchanges between members of this chamber and our counterparts around the planet. Senator Nolin himself made substantial, ongoing contributions to parliamentary diplomacy, and it would be a fitting tribute to Senator Nolin's memory to continue this inquiry during the coming weeks, along with those other inquiries.

Diplomacy is the fine-tuned mix of relationships. In fact, it is a cocktail of both art and science. The principal historical role of diplomacy — and honourable senators will know that I'm discussing Senator Nolin's inquiry on parliamentary diplomacy. However, it's important for us to have an understanding of the

role of diplomacy. The principal historic role of diplomacy has been either the prevention of war or the incitement to go to war. The diplomat has never been blamed for the role he or she is mandated to pursue, whether it be war or peace. He is only blamed for failure to perform, whatever the task.

• (1500)

In democracies, parliamentarians now often act in diplomatic ways. More and more, they do not have specific instructions to follow, particularly because parliamentary teams consist of players from two or more political parties at home, while internationally, at the same time, they're batting for the same team — their country.

One wonders if there would have been a great world conflict in 1914 had there been an integrated system of parliamentary exchanges among legislatures of the protagonist nations at that time.

Parliamentary diplomacy branched out — over a long evolutionary period of several centuries — into the art and science of legislative bodies engaging in international relationships, the purposes of which were less and less controlled by the head of state, particularly as legislatures took on independent roles from the executive branch of government and were less subject to partisan political discipline.

The foremost examples of this parliamentary diplomatic engagement have now developed into structured relationships, which Senator Nolin characterized as unique in the history of diplomacy. Today, these inter-legislative relationships are both bilateral and multilateral, involving parliamentarians around the planet. I'm proud to say that the Canadian Senate does not take a back seat to anyone or any country in the pursuit and importance of interparliamentary exchanges.

I am concerned, however, honourable senators, that the role of the Senate as a source of parliamentary diplomacy and the recognition of the importance and value of inter-legislative relationships has been either ignored or downplayed in recent years.

A case in point is the absence of members of this chamber in the Netherlands during the recent commemoration ceremonies to mark the liberation of that country 70 years ago. None of us was asked to participate with the executive representation — none of us, that is, in this chamber. This is indeed regrettable, given our long and successful preoccupation with Veterans Affairs and Canada-Europe relations.

At the Joint Interparliamentary Council, referred to as JIC, the committee controls the delegate selection list by reducing the activity and availability of funds for representation at such events, leading to the exclusion of senators from their very effective and long-term contribution to Canadian parliamentary diplomacy.

Most interparliamentary associations are made up of representatives from both chambers, but they are made up of representation in proportion to the number of members in each chamber. Honourable senators will know that the Senate — when

at full strength — has 105 members, versus 338 in the House of Commons. When all decisions are made on majority rule, honourable senators will know what is happening to the role of senators in these interparliamentary committees.

Let's reverse this pattern of decline of our legislative role in parliamentary diplomacy. Let's tell Canadians about our role as senators. I'm very pleased that Senator Fraser highlighted this point in her contribution on this inquiry. It is clear that there is a useful exchange of ideas that regularly takes place due to our participation in, for example, the NATO Parliamentary Assembly, the Canada-U.S. legislative exchanges, the Canada-China Legislative Association, the annual conference of the worldwide Inter-Parliamentary Union, and, of course, L'Assemblée Parlementaire de la Francophonie, and our European and intra-America outreach, to mention only a few.

Senator Nolin mentioned a current figure of 60 per cent Senate participation in parliamentary diplomacy. Already in this inquiry a number of former senators have been mentioned for their remarkable contribution as parliamentary diplomats. Let me mention some as well, including Senators Milne, Oliver, Neiman, Finestone, Austin, Kinsella and, of course, Senator Nolin himself, as well as many honourable senators still serving in this chamber today.

The role of diplomacy has changed considerably since the early 20th century. Diplomacy had primarily been a process of negotiations cloaked in secrecy. With the development of democracies came the international parliamentary exchanges that have been so ably pursued by Canadian senators. This paralleled the development of state-to-state negotiations taking place under more and more intense media glare. Many areas of recent diplomatic negotiations have almost seemed to have been done in public.

"Open" diplomacy was a term coined with the establishment of the League of Nations in 1919. As democracies matured and the number of democracies increased, the widespread assumption that wars were the product of secret intrigues among groupings of nations was challenged by the development of more and more open internationalism. Canadian parliamentarians proved eager to grab the opportunity of awareness, inclusion, détente and collegiality that participation in interparliamentary associations offered.

At the conference establishing the League of Nations, United States President Woodrow Wilson unveiled his famous Fourteen Points, which included the declaration that diplomacy must henceforth be conducted "frankly and in the public view." This was the real innovation of the League of Nations and it is the path that our parliamentary diplomats and parliamentarians follow today.

As Senator Fraser has said in this inquiry, we have not focused on informing Canadians about the parameters and depth of the Senate's role that has been playing out for over 150 years in relation to parliamentary diplomacy. I believe that collectively we should be pursuing a communication strategy that includes our pursuit of parliamentary diplomacy and the contribution we are making.

Senator Fraser referred to the common and deplorable misconception that international engagement in parliamentary diplomacy was deemed by many to be in the category of junkets, which are sometimes characterized as pleasure outings of officials at public expense. Nothing could be further from the truth.

The use of the term "junket" must have been an invention of someone in the news media with little to write about on a slow news day, or it was a declaration of a political operative to downgrade or castigate a political opponent who was enjoying a warm climate for a couple of days in the middle of winter while representing Canada abroad. At both the ambassador and parliamentary diplomacy level, representatives of one's country abroad function in one of two kinds of traditional stereotypical diplomatic activities — namely they are either "cookie pushers" or "double dealers."

• (1510)

"Cookie pushers" is not a derogatory term; "double dealers" certainly is. "Cookie pushers" are the parliamentary representatives skilled in the art and science of balancing teacups or cocktail glasses in the process of gathering information that will be useful to the Canadian decision makers, while attempting at the same time to get others to accept the Canadian point of view. The purpose of "double-dealer" representatives, however, is to say anything but the truth. Skeptics have been known to assert that the typical ambassador is an honest person sent abroad to lie on behalf of his country. This is certainly not the purpose and practice of Canadian parliamentary diplomats. This view, of course, presupposes that Canadian citizens as parliamentary diplomats are following instructions from the government-of-the-day when they are engaged in parliamentary diplomacy. In fact, they are acting with a certain degree of self-determination on the basis that, at home, they have plenty of freedom to express their own views and to comment on the great issues of the day.

This point uncovers the great advantage of parliamentary diplomacy. It is usually conducted without instruction. I believe that Canada's senators over the years have excelled in this role. We do have, of course, the responsibility not to embarrass our country, and we take that responsibility seriously as well. The other great advantage of parliamentary diplomacy is the opportunity to learn from parliamentarians in other countries, which often changes Canadians' attitudes, resulting in revisions of our foreign policy.

Senators have a huge role to inform Canadian public opinion, to advise and warn the executive branch, to challenge the too-often lack of innovative thinking of our bureaucrats, to enlighten Canadian non-government organizations, to challenge our universities and research communities and to stimulate the local news media. So, the senators' role in parliamentary diplomacy is a real one, a multi-faceted one and a very useful one. Of course, to pursue effective parliamentary diplomacy, one needs to do research before going abroad, and such research is equally important when foreign legislators visit our country.

Finally, I would be remiss in not adding a few words about etiquette, protocol and customs. When one reads about diplomatic interchanges in previous centuries, one realizes that

courtesies and respect for protocol along with the opportunities for informal social dialogue remain paramount prerequisites for successful parliamentary diplomacy. This is an extensive topic in itself. Today, parliamentary diplomats at international meetings find that the logistics of coming and going have been greatly modified. But consider this: Even today when the Queen hosts noon-hour lunches for important visitors to Buckingham Palace, the eight or ten guests are seated at a round table, thus agreeably avoiding any strictness of diplomacy or protocol.

Hon. Ghislain Maltais (Acting Speaker): Excuse me, Senator Day. Do you need a few more minutes?

Senator Day: I wonder if I might have five minutes to finish my presentation, honourable senators.

Hon. Senators: Agreed.

Senator Day: Many parliamentary diplomats will relate that they often glean the most important information from the wide variety of social functions wherever they are and whenever they are. At these gatherings, they need to be able to speak informatively about a wide range of subjects; and, of course, it helps to have more than passing knowledge of other languages. What group is better suited to meet these requirements than honourable senators of this chamber?

Internal Canadian protocol is governed by our own Table of Precedence, which states that senators take precedence over members of the House of Commons. This is a requirement that we seem to have let lapse in Parliament in Canada to a certain degree. But when we parliamentarians visit other countries, one must exercise caution. In the U.K. and other countries, the House of Lords takes precedence over members of the House of Commons. This kind of protocol precision plays out over and over again around the planet in different countries. It could be regarded as a major, unforgivable diplomatic gaffe on the part of a Canadian senator to ignore this protocol. Our key responsibility as parliamentary diplomats is to create favour for our country. We seek to continue the dialogues we instigate. We want to be invited to return to our guests' turf, and we want to enthusiastically invite our guests to return to our country.

When there is a visible diplomatic faux pas, such an incident is bound to get more media coverage than the purpose of the legislative interchange. Spontaneous gestures by those involved in diplomacy might seem at the moment to be brilliant tactics designed to extend the hand of friendship, but too often they turn an interlude of useful diplomacy into a sour experience. There is a lasting image from the Pierre Trudeau period when the Prime Minister executed a pirouette behind the Queen on the way into Buckingham Palace. Senator Munson was there. This incident, fortunately, turned out to be more positive as the years have gone by. The photo of the pirouette has been reproduced thousands of times since then, but other incidents have not survived the same test of time.

When Queen Elizabeth, the Queen Mother, was greeting Jimmy Carter before dinner at Buckingham Palace, the President of the United States decided to kiss the Queen Mother on her cheek. One doesn't know whether or not the President was actually invited to do that. However, it was a

real faux pas leading to Her Majesty's comment that no one had kissed her since her husband, King George VI, had done so prior to his death some 30 years previous. Some would say it was about time, but from a diplomatic point of view, honourable senators, it probably would have been better to avoid that. Unfortunately, one might imagine how often these stories are repeated.

Parliamentary diplomats need to understand and follow the basic rules of etiquette and protocol when abroad, particularly when these rules might be quite different from our acceptable patterns at home. This is important business and should be taken as such. I know many honourable senators do take parliamentary diplomacy as important. Local customs are to be respected. It is well known in some cultures that it is totally inappropriate to shake hands with the left hand, or to approach a woman who is not a relative, or to shake hands instead of bowing. Parliamentary diplomacy will excel only when all the t's are crossed and all the i's are dotted in the protocol basket.

My experience representing Canada abroad has greatly enhanced my time here as a senator. I encourage all honourable senators to hone their diplomatic skills as parliamentary diplomats and to take advantage of opportunities as they present themselves. Parliamentary diplomacy is a very important contribution to Canada that all of us can make as senators.

• (1520)

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak on this item, it will be considered debated.

(Debate concluded.)

[Translation]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, earlier today we adopted the tenth report of the Standing Senate Committee on Fisheries and Oceans, which deals with Bill S-224 and proposes an amendment. Of course, the bill, as amended, will be placed on the Orders of the Day for third reading at the next sitting of the Senate.

[English]

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF CHALLENGES AND POTENTIAL SOLUTIONS RELATING TO FIRST NATIONS INFRASTRUCTURE ON RESERVES WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Dennis Glen Patterson, pursuant to notice of June 2, 2015, moved:

That the Standing Senate Committee on Aboriginal Peoples be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report for its study on

[Senator Day]

challenges relating to First Nations infrastructure on reserves, between June 22 and July 15, 2015, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to rule 7-7(1), the sitting is suspended. The bells will begin ringing at 5:15 p.m. to call in the senators for the deferred vote at 5:30 p.m.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Fortin-Duplessis, for the third reading of Bill C-2, An Act to amend the Controlled Drugs and Substances Act.

On the motion in amendment of the Honourable Senator Campbell, seconded by the Honourable Senator Fraser, that the bill be not now read a third time, but that it be amended in clause 5,

(a) on page 8, by replacing lines 14 to 45 with the following:

“to take place at a supervised consumption site, and consideration of the application for the exemption must include the following:

(a) evidence, if any, on the impact of the site on crime rates;

(b) the local conditions indicating a need for the site;

(c) the regulatory structure in place to support the site;

(d) the resources available to support the maintenance of the site; and

(e) expressions of community support for or opposition to the site.”;

(b) on page 9, by deleting lines 1 to 42;

(c) on page 10, by deleting lines 1 to 44;

(d) on page 11, by deleting lines 1 to 45;

(e) on page 12, by deleting lines 1 to 41;

(f) on page 13, by deleting lines 1 to 38; and

(g) on page 14, by replacing line 1 with the following:

“(4) The Minister may give notice of any”.

The Hon. the Speaker: Honourable senators, the question is on the motion in amendment moved by the Honourable Senator Campbell. Is it your pleasure, honourable senators, to adopt the motion in amendment? Motion in amendment negatived on the following division:

YEAS

THE HONOURABLE SENATORS

Baker
Campbell
Cools
Cordy
Cowan
Dawson
Day
Downe
Dyck
Eggleton
Fraser
Furey
Hervieux-Payette

Hubley
Jaffer
Joyal
Lovelace Nicholas
Massicotte
Mitchell
Munson
Nancy Ruth
Ringuette
Sibbeston
Smith (*Cobourg*)
Tardif
Watt—26

NAYS

THE HONOURABLE SENATORS

Ataullahjan
Batters
Beyak
Carignan
Dagenais
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin
McInnis
McIntyre

Meredith
Mockler
Neufeld
Ngo
Ogilvie
Oh
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wallace
Wells
White—42

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Resuming debate on the motion for third reading of the bill.

On debate?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Dagenais, seconded by the Honourable Senator Fortin-Duplessis, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: Adopted. On division?

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have an agreement on the bells?

Some Hon. Senators: Now.

Senator Munson: Carry on with the vote now, Mr. Speaker. Sometimes you have to usurp your own authority with the leadership. Thank you.

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

YEAS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Beyak

Meredith
Mockler
Neufeld

Carignan
Dagenais
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin
McInnis
McIntyre

Ngo
Ogilvie
Oh
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Seidman
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wallace
Wells
White—42

NAYS
THE HONOURABLE SENATORS

Baker
Campbell
Cools
Cordy
Cowan
Dawson
Day
Downe
Dyck
Eggleton
Fraser
Furey
Hervieux-Payette

Hubley
Jaffer
Joyal
Lovelace Nicholas
Massicotte
Mitchell
Munson
Nancy Ruth
Ringuette
Sibbeston
Smith (*Cobourg*)
Tardif
Watt—26

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

(The Senate adjourned until Thursday, June 11, 2015, at 1:30 p.m.)

CONTENTS

Wednesday, June 10, 2015

	PAGE	PAGE
SENATORS' STATEMENTS		
Canadian Coast Guard		
Hon. David M. Wells	3612	
Visitors in the Gallery		
The Hon. the Speaker	3612	
The Late Maxime Fournier		
Hon. Ghislain Maltais	3612	
Discrimination Against Albino People		
Hon. Scott Tannas	3613	
Ismaili Muslim Representatives from Vancouver		
Hon. Mobina S. B. Jaffer	3613	
Visitors in the Gallery		
The Hon. the Speaker	3613	
<hr/>		
ROUTINE PROCEEDINGS		
Marine Mammal Regulations Bill (Bill C-555)		
Eleventh Report of Fisheries and Oceans Committee Presented.		
Hon. Fabian Manning	3613	
Adjournment		
Notice of Motion.		
Hon. Yonah Martin	3613	
L'Assemblée parlementaire de la Francophonie		
Meeting of the Parliamentary Affairs Committee, April 15-17, 2015—Report Tabled.		
Hon. Paul E. McIntyre	3614	
Canada-Europe Parliamentary Association		
Northern Dimension Parliamentary Forum and Meeting of the Standing Committee of Parliamentarians of the Arctic Region, May 10-12, 2015—Report Tabled.		
Hon. Michel Rivard	3614	
Canada-China Legislative Association		
Bilateral Meeting, November 9-17, 2013—Report Tabled.		
Hon. Victor Oh	3614	
Official Languages		
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.		
Hon. Claudette Tardif	3614	
Human Rights		
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.		
Hon. Mobina S. B. Jaffer	3614	
Internal Economy, Budgets and Administration		
Rules, Procedures and the Rights of Parliament		
Notice of Motion to Remove Certain Members of Committees.		
Hon. Céline Hervieux-Payette	3614	
<hr/>		
QUESTION PERIOD		
International Trade		
Free Trade Agreements.		
Hon. Céline Hervieux-Payette	3614	
Hon. Claude Carignan	3615	
The Senate		
Annual Budget.		
Hon. Céline Hervieux-Payette	3615	
Hon. Claude Carignan	3616	
National Defence		
Diversity Targets.		
Hon. Mobina S. B. Jaffer	3616	
Hon. Claude Carignan	3616	
Infrastructure		
Power Cable Project for Prince Edward Island.		
Hon. Elizabeth Hubley	3616	
Hon. Claude Carignan	3617	
<hr/>		
ORDERS OF THE DAY		
Pipeline Safety Bill (Bill C-46)		
Bill to Amend—Third Reading.		
Hon. Michael L. MacDonald	3617	
Hon. Paul J. Massicotte	3618	
Hon. Percy Mockler	3619	
Visitors in the Gallery		
The Hon. the Speaker	3619	
Deline Final Self-Government Agreement Bill (Bill C-63)		
Bill to Amend—Second Reading.		
Hon. Scott Tannas	3619	
Hon. Nick G. Sibbeston	3620	
Hon. Lillian Eva Dyck	3621	
Referred to Committee	3622	
National Seal and Seafood Products Day Bill (Bill S-224)		
Tenth Report of Fisheries and Oceans Committee Adopted.		
Hon. Fabian Manning	3622	
Hispanic Heritage Month Bill (Bill S-228)		
Second Reading—Debate Adjourned.		
Hon. Tobias C. Enverga, Jr.	3622	
Social Affairs, Science and Technology		
Motion to Authorize Committee to Study the Temporary Foreign Workers Program—Debate Continued.		
Hon. Elizabeth Hubley	3624	
The Senate		
Role in Parliamentary Diplomacy—Inquiry— Debate Concluded.		
Hon. Joseph A. Day	3624	
Business of the Senate	3626	
Aboriginal Peoples		
Committee Authorized to Deposit Report on Study of Challenges and Potential Solutions Relating to First Nations Infrastructure on Reserves with Clerk During Adjournment of the Senate.		
Hon. Dennis Glen Patterson	3626	
Business of the Senate	3627	
Controlled Drugs and Substances Act (Bill C-2)		
Bill to Amend—Third Reading—Motion in Amendment Negatived	3627	

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