



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Monday, June 20, 2016

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Monday, June 20, 2016

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

### THE SENATE

#### TRIBUTES TO DEPARTING PAGES

**The Hon. the Speaker:** Honourable senators, I would like to take a moment to pay tribute to two of our departing pages. First, Philippe Marceau-Loranger from Quebec. After four years of hard labour, Philippe just completed the Civil Law program at the University of Ottawa. Next year he'll be studying common law in a condensed year as part of the University of Ottawa's JD National Program in order to obtain a Juris Doctor degree. Subsequently, he plans on passing the Quebec bar. It has been a great honour for Philippe to serve the Senate over the past two years, which gave him the chance to have a better understanding of the crucial role it has to play in our parliamentary democracy.

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

**The Hon. the Speaker:** Honourable senators, Anne-Raijy Moreau is from Ontario. After completion of her undergraduate degree, Anne hopes to continue her studies and ultimately make history. She has many dreams and aspires to be a role model for all minority children. Whilst pursuing her law degree, she yearns to continue her professional growth on Parliament Hill. Anne will dearly miss the intricate beauties of the Senate and will miss every single senator as well.

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

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## SENATORS' STATEMENTS

### WORLD SICKLE CELL DAY

**Hon. Jane Cordy:** Honourable senators, yesterday, June 19, was World Sickle Cell Day. This day is recognized globally by many countries, as well as by the African Union, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the United Nations.

The aim of World Sickle Cell Day is to promote awareness about sickle cell disease and to increase knowledge and support for those living with the disease. Between 3,500 and 5,000 Canadians live with sickle cell disease.

Honourable senators, I would like to draw your attention specifically to the strides and efforts made by my home province of Nova Scotia regarding sickle cell. Nova Scotia has joined this year in declaring June 19 as World Sickle Cell Day. Nova Scotia's Minister of Health and Wellness, Leo Glavine, was on hand for an event on June 9 when the official certificate of proclamation was presented. I would like to thank Minister Glavine for his support and action on this initiative.

Also in recognition of World Sickle Cell Day, blood donation drives have been championed among ethnic groups across the country in order to increase the supply of rare types of blood. The transfusion of carefully matched red blood cells is an important treatment for this disease. Special blood drives have happened in Alberta and throughout Ontario and Saskatchewan.

Nova Scotia is also among the provinces to have in place a newborn screening program that allows for early diagnosis and immediate intervention and treatment of sickle cell disease. The Maritime Newborn Screening Program at the IWK hospital was announced on April 1, 2014. Newborn screening is important because of the relative rarity of and lack of awareness about the disease. Clinicians and medical staff sometimes have limited experience and expertise with sickle cell disease, and this can often lead to misdiagnosis. This simple test at birth would help to prevent misdiagnosis and would provide medical personnel with the information needed to properly treat a patient.

Honourable senators, I would like to congratulate the Sickle Cell Disease Association of Canada for all the wonderful work they continue to do in aid of those living with the disease. They regularly promote and recognize the need for a national strategy for treatment and detection of sickle cell. My congratulations to Ms. Lanre Tunji-Ajayi, President and Executive Director of the Sickle Cell Disease Association of Canada; and Rugi Jalloh of the Sickle Cell Association of Nova Scotia. Their optimism and tireless advocacy are making a huge difference for those with sickle cell. Thank you.

## ANQOTUM RESOURCE MANAGEMENT

JAMES WARD

**Hon. Percy Mockler:** Honourable senators, I would like to recognize the leadership of Jim Ward, who is manager of the Anqotum program as well as the North Shore Micmac District Council.

On April 29, I had the opportunity to visit and meet with his team at the Eel Ground First Nation on the mighty Miramichi. Needless to say, I was very impressed by the Anqotum program, which provides technical and environmental services to eight First Nations situated along the north and the east coast of New Brunswick.

Anqotum has delivered projects totalling more than \$15 million since 2007. What do they do? They take the knowledge of the Mi'kmaq traditional values and blend it with modern science. It's

a first. This provides for an exclusive and unique ecosystem approach to their work. They work with communities in conducting research on terrestrial and aquatic species at risk, such as Atlantic salmon and the sturgeon. Anqotum offers many services, such as biophysical surveys, ecological knowledge collection and environmental monitoring.

For the past four years, Anqotum has been involved in training Aboriginal youth in watershed management, species at risk and habitat conservation. They have also instituted an “adopt-a-brook” program in schools at four First Nations in New Brunswick. Honourable senators, unprecedented drones and underwater cameras were used for their research of the various aquatic species in their respective brooks. This is an opportunity to teach their young ones about four endangered species, including striped bass, wood turtle, Atlantic sturgeon and, yes, the Atlantic salmon.

This program is very valuable and, in my opinion, provides hope for the future of our endangered species in the Atlantic provinces.

• (1810)

Honourable senators, Anqotum also provides training to Aboriginal fishers and the aquaculture technicians in both shellfish and finfish species. Students become more employable, and a large percentage have found jobs in their trade.

Anqotum is working on two important proposals at present. The first aims to address the abundance of grey seals, and the second aims to introduce a limited First Nations commercial striped bass fishery on the Miramichi River. These two proposals are in sync, with recommendations made by the Minister’s Advisory Committee on Atlantic Salmon.

As I conclude, honourable senators, the Atlantic salmon is very important in the rivers in Atlantic Canada and eastern Quebec. Thank you.

[Translation]

#### COMMEMORATION OF THE BATTLE OF THE SOMME

**Hon. Serge Joyal:** Honourable senators, July 1 is the 100th anniversary of the beginning of the Battle of the Somme, the first great Anglo-French offensive of the First World War and a turning point in the course of the war.

[English]

On July 1, 1916, British and French troops launched a concerted attack along the 45-kilometre front, which halted the German advance in France’s Picardy region.

The carnage that day was the worst of the war: 58,000 British and 1,600 French casualties, including 20,000 dead in a single day of fighting. Entire regiments were decimated within a few short hours.

The 1st Newfoundland Regiment — Newfoundland at that time was an independent colony — was part of the 29th British Division. The 800 men of the Newfoundland Regiment launched an attack on open terrain in Beaumont-Hamel, resulting, within a mere 15 or 20 minutes of fighting, in a tragic 710 casualties — 324 dead, 386 wounded — almost wiping out the entire regiment on that very first day of the battle.

Our Newfoundlander fellow citizens still remain devastated by this painful memory, one among the many First World War atrocities. July 1 is Memorial Day in Newfoundland and Labrador before being Canada Day.

[Translation]

As the battle commenced, the soldiers were sent over the top, clambering over piles of rubble, only to be caught like flies in webs of barbed wire. German machine guns effortlessly mowed them down by the thousands, and the battlefield quickly became a bloodbath.

The Battle of the Somme lasted nearly five months, from July 1 to November 18, 1916. Without heavy artillery and shells to answer enemy fire, the British suffered devastating losses. The death toll after the long months of fighting at the Somme was over 600,000 for the Allies and 450,000 for the German soldiers.

[English]

Military censorship prevented the dissemination of images from that horrible slaughter. It was the tomb of an entire generation of young soldiers who went overseas to uphold rights and civilization.

Look at the large painting of the ruins of the Arras Cathedral here above this chamber, painted by James-Kerr Lawson and hung in our chamber in 1922. It is a continuous reminder of that tragedy, allowing us, even today, to bear witness.

[Translation]

When the Senate returns next fall, we will launch a book entitled *Canada and France in the Great War*, co-edited by military historian Serge Bernier and me and published following the symposium held in the Senate on November 11 and 12, 2014, and at the National Assembly in Paris on May 18, 2015. Honourable senators will have an opportunity to truly grasp the great and defining impact that the War of 1914-1918 had on Canada, its Parliament, its institutions, its people and its economy.

[English]

Let us not forget the sacrifices of those who, with so much conviction and generosity, gave their lives, thereby allowing us to live in a society of peace and freedom.

## WORLD REFUGEE DAY

**Hon. Thanh Hai Ngo:** Honourable senators, I rise today to mark the sixteenth anniversary of World Refugee Day.

World Refugee Day was first proclaimed on June 20, 2000, to recognize the struggles faced by displaced individuals. On this day I would like to take this opportunity to acknowledge international refugees and defectors who have taken the arduous departure from their homelands in hopes of finding freedom, security and democracy.

I would like also to commend Canada for its humanitarian efforts and to ask for the continuous support of Canadians in the wake of the incoming wave of refugees.

However, more needs to be done in order to meet the anticipated increases associated with the profusion of protracted crises and accelerated climate change. More must be done to recognize and strengthen support for local humanitarian action, to enable communities to find solutions to shared challenges, and to build effective, inclusive and accountable institutions.

The United Nations High Commission for Refugees reported 2015 was a record-breaking year. A total of more than 65 million people, or one person in 113, were displaced from their homes by conflict and persecution in 2015.

Forced displacement has doubled in 20 years. Every minute 24 people in the world are displaced, and 51 per cent of all refugees are children, 100,000 of whom were alone or separated from their families.

[*Translation*]

For most refugees, every day is with a struggle marked by uncertainty. These families that flee bombings or even torture quickly realize that their suffering is not over once they leave their home country.

Their journeys sometimes end in tragedy, with hundreds dying crossing the sea and others becoming victims of human trafficking. Hundreds more are prevented from achieving their objectives, while others are simply sent elsewhere.

Life as they knew it is no more, but thanks to your help and that of our many NGO partners and businesses, we can help them have new hopes and dreams.

That is why events such as World Refugee Day are essential to remind us of the difficulties that displaced persons face and to point us toward possible solutions.

Honourable senators, the purpose of World Refugee Day is to raise awareness and raise money that will help alleviate the

suffering of more than 60 million refugees in the world, half of whom are children.

It is our duty as parliamentarians to ensure that Canada continues to contribute to humanitarian assistance in order to find a lasting political solution to conflict and to promote human rights around the world.

[*English*]

Honourable senators, as we reach out to aid Syrian refugees, we must not overlook other persecuted communities, such as those in Africa and in Asia, who face a common struggle and yearn for a common dream.

I ask all Canadians to continue our strong tradition of being a humanitarian nation, a shelter from fear and a beacon of hope for everyone worldwide. Thank you.

## OVERSEAS FRIENDS OF INDIA

**Hon. Mobina S.B. Jaffer:** Honourable senators, on Saturday, June 11, 2016, I was honoured to speak with MPP Lisa MacLeod of Nepean, Ontario, at the Overseas Friends of India's inaugural fundraiser to support the victims of fires in Fort McMurray.

The Overseas Friends of India, as Chairperson Shiv Bhasker stated, is a local organization that brings together Indo-Canadians of all ages, ethnicities, faiths and political stripes in the Ottawa area in the spirit of multiculturalism and friendship, in order to celebrate their unique Indo-Canadian heritage.

The inaugural fundraiser was aimed at raising funds for the victims of the fires in Fort McMurray. It was well attended and supported by Indo-Canadian businesspersons, federal civil servants, civil society and students.

Honourable senators, MPP Lisa MacLeod stated that this was the third Indo-Canadian fundraising event in Ottawa for Fort McMurray that she had attended. Both of us came to the realization that Canadians have repeatedly come together to collectively express their support for our fellow Canadians in Fort McMurray, whose lives have been tragically affected by fires. The event represented another example of Canadian pluralism in action, with Canadians of all races, faiths, genders and political affiliations coming together to support their fellow Canadians facing challenges, regardless of the geographic or other factors that separate them.

• (1820)

Honourable senators, once again I came away from this event believing we truly live in the best country in the world. Why, you ask? Because of the people who make up Canada.

Thank you.

## WORLD REFUGEE DAY

**Hon. Don Meredith:** Honourable senators, today I rise on behalf of the more than 60 million people on our planet that have been forcibly displaced from their homes, 75 per cent consisting of women and children.

June 20 marks World Refugee Day, a time to acknowledge that 1 out of every 122 human beings across the world has fled their homes due to war and persecution, increasingly because of climate change.

It is also a day to recognize the important humanitarian role that Canada plays in cases of conflict and crisis. Honourable senators, for Canada to protect its legacy as a shelter for the tired, the poor and the displaced, we must change our preconceptions of refugees and find a way to better empower them to live fuller lives after tragedy.

Refugees are misunderstood, even when we hear about their struggles on a daily basis. Unfortunately, we have become familiarized with a classic image of refugees living in camps, fearful and hopeless. But the reality is that most refugees are not frightened and helpless. They're strong and intelligent, with dreams and aspirations for themselves, their families and their communities.

We must realize that a significant number of today's 60 million displaced people live side by side with their host communities, sometimes for more than 17 years. So we have to accept that refugee communities need our full support because they are our communities.

To ensure that refugees in Canada and abroad achieve social cohesion and stability in their host communities, we need to foster self-reliance and stability in refugee populations. We must ensure that our efforts to help refugees focus on providing them with the tools and skills to advance their lives, and to protect them from radical groups that prey on their vulnerable situations.

Our refugees, and all displaced people, face formidable and unique barriers to accessing basic services such as health care, education and work as they claim their space in the economic and public sphere.

Honourable senators, it is not our job alone, but Canadians must work to ensure refugees have access to academic training, job training and especially access to mental health services that help them to recover from trauma and teach them how to stay healthy and safe from exploitation and radicalization.

We must tear down these obstacles to ensure that refugees have access to basic services, especially education. Honourable senators, for refugees living in Canada, it means ensuring that we protect their human and civil rights, including the right to work, move, enjoy family life, as well as become naturalized citizens free from discrimination and exploitation.

If we fail to make refugee settlements more inclusive, safe, resilient, sustainable, then we risk continuing the negative social, political and economic outcomes facing many refugee communities.

Honourable senators, please join me today in marking World Refugee Day, giving voice to the over 60 million displaced people around the world.

Thank you.

## ROUTINE PROCEEDINGS

### PUBLIC SAFETY

#### ROYAL CANADIAN MOUNTED POLICE'S USE OF THE LAW ENFORCEMENT PROVISIONS— 2015 ANNUAL REPORT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2015 Annual Report on the Royal Canadian Mounted Police's Use of the Law Enforcement Provisions.

[Translation]

### AGRICULTURE AND FORESTRY

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

**Hon. Ghislain Maltais,** Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Monday, June 20, 2016

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

#### FOURTH REPORT

Your committee was authorized by the Senate on Thursday, January 28, 2016, to examine and report on international market access priorities for the Canadian agricultural and agri-food sector.

The committee budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* of March 24, 2016. On April 12, 2016, the Senate approved a partial release of \$100,188 to the committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

GHISLAIN MALTAIS

Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 691.)

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

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

[English]

### FISHERIES AND OCEANS

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

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

Monday, June 20, 2016

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

#### THIRD REPORT

Your committee, which was authorized by the Senate on Thursday, April 14, 2016, to examine and report on Maritime Search and Rescue activities, including current challenges and opportunities, respectfully requests funds for the fiscal year ending March 31, 2017, and requests, for the purpose of such study, that it be empowered to:

- (a) engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) adjourn from place to place within Canada; and
- (c) travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

FABIAN MANNING

*Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 693.)

[ Senator Maltais ]

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

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

### STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

#### FOURTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the fourth report, interim, of the Standing Senate Committee on Human Rights, entitled: *The Forgotten Many: Human Rights and North Korean Defectors*.

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

### BUDGET IMPLEMENTATION BILL, 2016, NO. 1

#### SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

**Hon. Larry W. Smith**, Chair of the Standing Senate Committee on National Finance, presented the following report:

Monday, June 20, 2016

The Standing Senate Committee on National Finance has the honour to present its

#### SEVENTH REPORT

Your committee, to which was referred Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures, has, in obedience to the order of reference of Thursday, June 16, 2016, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

LARRY SMITH

*Chair*

(For text of observations, see today's Journals of the Senate, Appendix C, p. 703.)

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

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



## THE SENATE

### NOTICE OF MOTION TO EXTEND WEDNESDAY'S SITTING

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the provisions of the order of February 4, 2016, respecting the time of adjournment, be suspended on Wednesday, June 22, 2016; and

That the provisions of rule 3-3(1) also be suspended on Wednesday, June 22, 2016.

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• (1830)

## QUESTION PERIOD

### HEALTH

#### SPECIAL STRATEGIES

**Hon. Elizabeth (Beth) Marshall:** My question is for the Leader of the Government in the Senate.

I'd like to know how many strategies are currently being developed by the government, and I'm not looking at departmental strategies but at special strategies.

Over the last number of weeks, various witnesses have alluded to different strategies that have been started by the government. Also, some of the ministers during Question Period have alluded to certain strategies. I heard another strategy mentioned on CBC radio over the weekend. I've been compiling my own list, and it would be items like a gender-based violence strategy, a palliative care strategy, a national housing strategy, an export investment strategy, an innovation strategy and a men's health strategy.

How many organizations and departments are developing strategies to advance the agenda of the government in specific areas? I realize you wouldn't have the list there now, but could we get the list for all government departments and agencies at some future date?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question and would be happy to respond. I note that on a number of occasions, this chamber and the other place have also recommended that the government initiate strategies for various health issues. So this is an area where we're drawing attention to particular issues that the senator is raising, and I would be happy to seek an answer to her question.

**Senator Marshall:** Would I also be able to get the timelines and the terms of reference for those strategies?

**Senator Harder:** I will make that request.

**Senator Marshall:** Thank you.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### SYRIAN REFUGEES

**Hon. Mobina S. B. Jaffer:** My question is also to the leader.

Leader, today is World Refugee Day in Canada, and I was wondering if you knew the status of private sponsorship of Syrian refugees.

**Hon. Peter Harder (Government Representative in the Senate):** I do not have the specific number for today, but along with many Canadians, I welcome what the government has done with respect to Syrian refugees.

I note that in many statements today, the refugee caregiving community, amongst others, congratulated Canadians for the work that they are doing in this area. I would be happy to make specific inquiries, as the honourable senator has asked.

**Senator Jaffer:** Thank you, leader. When you are making the inquiries, may I please also ask that you look into what is the holdup? I have had so many people from British Columbia, especially church groups, contacting me saying that they have applied to bring refugees, and they're still waiting, so if you can ask that.

What are future plans to bring further refugees from Syria?

**Senator Harder:** Thank you, senator. I will indeed add those questions to my inquiries.

**Senator Jaffer:** Thank you.

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[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that, as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-19, followed by second reading of Bill C-20, followed by third reading of

Bill C-11, followed by third reading of Bill C-7, followed by all remaining items in the order in which they appear on the Order Paper.

• (1840)

[English]

## APPROPRIATION BILL NO. 2, 2016-17

### SECOND READING

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

He said: Thank you. With the indulgence of the Senate, I will simply rise and provide brief comments on Bill C-19, the supply bill which authorizes the government to withdraw funds in relation to the Main Estimates.

The estimates, as all senators know, are part of the larger budgetary framework of the supply cycle and will ensure that the necessary funds are allotted to support programs and services provided by the government through formal parliamentary approval, as is standard practice.

I want to acknowledge briefly the thorough analysis provided by the Standing Senate Committee on National Finance through the reports adopted by this chamber last week. Their work has been critical in not only highlighting the vital importance that the estimates process is to the operational workings of government but also providing context as to how the supply bills are structured.

The government continues to analyze ways to ensure that the government budget and estimates processes are better in line so that parliamentarians can make more careful review of financial information going forward. Passage of this bill will ensure that the government has the necessary budgetary expenditures for effective implementation of key policy and departmental initiatives. I therefore commend this bill to the Senate for second reading.

**Hon. Larry W. Smith:** Honourable senators, as chair and on behalf of the members of the Standing Senate Committee on National Finance, I'll speak on Appropriation Bill No. 2, 2016-17, which provides for the release of full supply for the 2016-17 Main Estimates referred to the Senate on February 23, 2016.

The government submits estimates to Parliament in support of its request for authority to spend public funds. Main Estimates include information on both budgetary and non-budgetary spending authorities, and Parliament subsequently considers appropriation bills to authorize the spending.

[Translation]

We therefore tabled our second interim report on the Main Estimates 2016-17 on Wednesday, June 1.

[ Senator Bellemare ]

[English]

Honourable senators, our Finance Committee worked diligently to get as many major departments as possible before our committee so that we could scrutinize the spending and question the methods of evaluation used to measure the success of the various programs. Our goal is to provide our honourable colleagues and all Canadians with a measure of accountability and explanation for the departments reviewed as well as information to assist you in your review of this funding request.

Although we are asked to release the full supply of funds for the amounts outlined in the Main Estimates, the Standing Senate Committee on National Finance will continue to study Main Estimates throughout the year and again report back to this chamber prior to the end of the fiscal year, as well as report on any additional requests that we may see in Supplementary Estimates (B) or (C). We have noted in our examination of Bill C-15 that there are many items, such as palliative care, mentioned in the budget speech that have not had specific funds approved by Treasury Board nor had any estimates presented to date. We can therefore be assured that more funding requests will come before us.

[Translation]

In its first report, the committee expressed concern that the budgets of the 12 largest departments alone total \$206 billion, which is approximately 82 per cent of the \$250 billion in expenditures in the Main Estimates.

[English]

Our second interim report on Main Estimates 2016-17, which I moved the adoption of last week, focused on the departments and agencies which have the largest increases or decreases in spending. We have reviewed nine organizations whose total expenditures equal \$5.5 billion with the objective to understand the changes occurring as a result of the new programs plan.

[Translation]

These departments and agencies will be invited to appear before the Finance Committee at various times throughout the fiscal year, which will enable the committee to more carefully examine their expenditures.

[English]

I will provide a brief overview of a few departments that appeared before us. One is Transport Canada, estimated spending of \$1.2 billion, which is a decrease of 25 per cent over last year. We were surprised by a decrease, considering the major transportation needs across the country. We have seen \$125 million added through Supplementary Estimates (A) and learned that Transport Canada will take part in a pilot project by Treasury Board to manage grants and contributions under a new reporting mechanism that will align funds to specific programs. We look forward to analyzing the results and reporting back our findings.

Natural Resources Canada estimates spending \$1.6 billion, which is a decrease of 37 per cent, of which 18.5 per cent is

related to changing programs. The balance is related to the low oil prices that affect transfer programs.

• (1850)

Our committee asked the department to ensure that new programs are designed to meet the needs of Canada's various regions.

Statistics Canada estimated spending at \$751 million, which is an increase of 43 per cent over last year. This is a department that operates on a cyclical basis, and because of the long-form census is in the normal spending pattern of its cycle. The committee noted concerns in how the data will be handled, as this is the first time the department will rely on Shared Services for the 2016 Census.

Three other agencies had significantly larger increases due to new initiatives that are undertaken at Atomic Energy of Canada Limited, Canadian Environmental Assessment Agency and Canadian High Arctic Research Station. Our committee looks forward to analyzing the progress and reporting on these organizations.

Our report provides an executive summary of the key issues or concerns in each department.

Honourable senators, last year total spending was \$250.7 billion, and the previous year it was \$241.9 billion. I would remind you that the Main Estimates we reviewed are the basis for the funds you are being asked to vote on. Appropriation Act No. 2, 2016-17, Bill C-19, allows the release of the balance of funds that total \$250.1 billion and do not include the cost of measures announced in Budget 2016. Schedules 1 and 2 that are attached to Bill C-19 list the value and distribution of these funds.

At this stage, second reading, colleagues, I would be pleased to do my best to respond to any questions.

I would ask you, if you have a chance, please look at the executive summary, because that gives you the bullet points you need to be up to speed on what is taking place with the numbers in these departments.

**Hon. Joseph A. Day:** Honourable colleagues, I'd like to thank Senators Harder and Smith for giving you a good background on Bill C-19, which is the main supply. We voted on interim supply in March.

It may be helpful to know the total amount you will be asked to vote on, and that is \$63.449 billion. There are other statutory expenditures that you don't vote on, but they did appear in earlier documentation to show the total of both voted and statutory amounts.

The amount you will be asked to vote on is \$63 billion. That's broken down into \$59 billion for most of the departments over the first year, all shown in Schedule 1, which Senator Smith referred to, and another \$4 billion over two years where you're giving authority to certain departments. I will refer to Schedules 1 and 2 at third reading debate.

The only other point I wanted to make, honourable senators, is to remind you that because of the nature of this particular document, Senator Smith gave you background on the work that the committee has already done, similar to but not called a pre-study.

After second reading, this bill will go directly to third reading tomorrow is my understanding. Honourable senators, we can deal with it then.

**Hon. Grant Mitchell:** I'd like to address one issue briefly on this bill with respect to the potential for economic development. It's a very precise point with respect to the Copyright Modernization Act. That may sound esoteric, but it's essential to economic development in this country.

The Macdonald-Laurier Institute made some points recently in its magazine *Inside Policy*. There are three objectives: one, the question of strengthening Canadian culture; two, the promotion of economic growth; and three, boosting innovation. Each objective shares a need to protect intellectual property.

I want to make the point that that's emerging as a very central concern for the development of our economic growth and strengthening Canadian culture.

That is particularly relevant to the digital marketplace. We see more and more that we need to be protecting intellectual property in the digital marketplace, if that is to work effectively. We see the emergence of a variety of news websites, the major news transitioning to websites, and we see a threat to the ability of that to work on the one hand if we don't protect intellectual property protocols; on the other hand, we see a tremendous opportunity to diversify our media and for government to provide leadership in that area, particularly in the way it relates to digital websites and digital news and to be very careful in the way it protects paywall protocols and intellectual property.

I just raise that as a relevant issue to our economic development and budgetary process and something the Senate can consider over the next year as the government's review of the Copyright Modernization Act comes into force in 2017.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

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

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

**APPROPRIATION BILL NO. 3, 2016-17****SECOND READING**

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

He said: Honourable senators, I rise to provide brief comments on Bill C-20, which reflects the 2016-17 Supplementary Estimates (A). Supplementary Estimates (A) were tabled in the Senate on May 21 and referred to the Standing Senate Committee on National Finance, and as the Senate well knows, the committee report was adopted in this chamber last week. These are the first supplementary estimates for the fiscal year that ends March 31, 2017.

Again, I would like to acknowledge the work done by the Committee on National Finance. They have undertaken a thorough and constructive analysis in their sixth report as part of their broader study on the estimates process.

The \$7 billion in voted appropriations focus on a number of key budget areas, including infrastructure, climate change and air pollution, as well as First Nation communities. I would ask all senators to support this bill.

**Hon. Larry W. Smith:** Honourable senators, as chair and on behalf of the members of the Standing Senate Committee on National Finance, I'll speak on Appropriation Bill No. 3, 2016-17, which provides for the release of funds to cover the items outlined in Supplementary Estimates (A), 2016-17.

The government is requesting an overall increase of budgetary expenditures. The exact number is \$6.98 billion, but \$7 billion is a good round number. As previously stated, these are the largest supplementary estimates in a decade. Supplementary Estimates (A), 2016-17 contain \$3.9 billion that will be spent on infrastructure, which represents 56 per cent of the total request. The infrastructure will be spread throughout 27 different government organizations, with many under horizontal arrangements.

Horizontal arrangements are single initiatives that require the input of several departments. The government mandate letters show that the ministers of departments are required to work collaboratively. The issue with the horizontal items from a finance perspective is: Who is responsible for the end result? Who will do the follow-up?

We need to know that the funds have been well spent and that Canadians' hard-earned tax dollars have been effectively managed. This is a major concern we have with the current proposed spending, but we will be studying the infrastructure issue as we move forward during the calendar and fiscal year.

The Main Estimates 2016-17 forecasted expenditures at \$251.4 billion. Budget 2016, which came out four weeks later, forecasted, as Senator Day alluded to, spending at \$317.1 billion for the year. Treasury Board of Canada Secretariat included a reconciliation

table in Supplementary Estimates (A), 2016-17 that explains the \$65.7 billion difference of which \$60.7 billion in announced measures have not yet been included in the estimates.

• (1900)

We questioned representatives from 10 departments that will receive a total of 78 per cent of the funds you will see in the Supplementary Estimates (A), also listed in schedule 1 at the back of Bill C-20. I'll provide a quick brief overview of a few departments that came before us.

Shared Services, which has the largest challenge, will be required to invest to maintain old systems while shifting to more modern technology over 43 organizations. They have requested \$232.5 million in these supplementary estimates. We are pleased to learn that the President of the Treasury Board has requested a third-party comprehensive review of the transformation plan for Shared Services. This will allow a better review of the assumption, scope and timelines of the work required to modernize.

So that you understand, imagine going into 42 organizations and trying to consolidate your IT systems under one banner. Then imagine that you have, say, 7,500 employees and you let 1,500 employees go. You then bring in 1,500 consultants. Imagine the pressure working inside these organizations to adjust to a new culture. It's obvious that one of the issues that Shared Services faces is a major cultural change.

One of the opportunities that they may have in their transformational plan would be to identify a select number of organizations and departments, get those organizations to work properly and then enlarge their framework. That's just a thought that passed through the minds of the people in the Finance Committee.

The Canadian Air Transport Security Authority has \$142 million to fund enhanced non-passenger screening and pre-board screening as volumes of travellers in Canada rise. Obviously, it's important to try to increase the services because of any terrorist threats or security threats that exist and, therefore, the requirement for new enhanced services, technology, et cetera, for the transportation security authority.

Infrastructure Canada has requested \$1.39 billion to fund contributions that begin its phase 1 plan that is part of the \$120 billion plan over the next 10 years. In Supplementary Estimates (A) the major requests include \$844.4 million for public transit and \$496.7 million for clean water and waste water initiatives.

We know that Senator Eaton will speak later in terms of the influence on the indigenous folks and how they're looking at trying to use this money to create and move forward with some of their own initiatives, such as clean water and waste water initiatives.

Health Canada and Indigenous and Northern Affairs are requesting \$164 million and \$1.2 billion respectively in these estimates that will support health infrastructure and housing. The Finance Committee is concerned about the delivery of results in both these areas.

Honourable senators, last year our total spending was \$250.7 billion. The previous year it was \$241.9 billion. Appropriation Act No. 3, 2016-17, Bill C-20, allows the release of \$6.98 billion as we continue to spend towards the forecasted expenditure of \$317.1 billion. Schedule 1 is attached to Bill C-20 and lists the value and distribution of funds that you are asked to approve.

Colleagues, I would be pleased to do my best to try to respond to any questions. Again, this report contains the summary bullet points for your understanding so that you can be pretty well up to date as quickly as possible with this type of information to be able to understand where we're going.

The Treasury Board strategy of trying to get a budget out first and then having estimates come out later is ultimately the best way for us to be able to understand how the government functions. We have a cash side; we have an accrual side. We have a business right now — and we'll call it a business because it's the largest business in our country — that is very confusing. Before we can understand how to read the financial statements, we have to have these changes take place. The Treasury Board has taken the initiative to spearhead that program. Thank you.

**Hon. Daniel Lang:** Would the honourable senator take a question?

**Senator Smith:** Certainly.

**Senator Lang:** I want to ask a general question in respect to the budget as we move forward. It's in respect to the deficit that we are entering into, compared to the amount of money and revenue that we have accruing to the Government of Canada.

Perhaps the honourable senator could give us a broad overview in respect to the revenues expected this year vis-à-vis the commitments that we are making in the budget. I ask this because of the situation in Fort McMurray and, obviously, the major disaster that took place there, plus the implications to the revenues of Canada and the price of oil. Perhaps the honourable senator could make a comment on that.

**Senator Smith:** Senator Lang, that is an excellent question. That's probably a question that's been mulled over by the Minister of Finance with the new committee that he has set up. It is critical to note that, when the budget came out, there was some discussion about having an amount of dollars, which were forecast around \$6 billion, that could be considered not a slush fund but a buffer to help the government moving forward.

The second thing, of course, is the forecast on oil. Oil prices were forecasted in the range of \$27 to \$35 U.S. My understanding is, between the three types of oil that are sold, purchased and shipped, that those numbers are now running probably around \$45 to \$50 or \$52. It depends really on the supply and demand that the Middle East countries, working with North America, develop. There are a lot of issues that have to be worked out before you're going to know exactly where the revenues will come.

Fort McMurray is another potential hit that has to be managed. A lot of that will be managed with what happens to oil; what happens to our other non-resource sector exports; what happens with the U.S. with softwood lumber; what happens with the U.S. in terms of their election; what happens in terms of

getting protectionist governments; and what happens with the Brexit referendum, which I believe is on Thursday. There are a lot of economic applications that will affect the revenue base of our Canadian government.

What we're concerned about in the Finance Committee is when you're faced with the headwinds that we're faced with, what is the best thing to do in terms of how you manage yourself? We're trying to keep our eye on the various departments and promises that the government has made. As Canadians, we all want to make sure Canada succeeds, but our job in the opposition is to make sure that we hold the government accountable in a fair way, but we do our jobs.

**Senator Lang:** If I could pursue this questioning, could you perhaps give us an indication — with the identified end results for the budget, that is, if it's to stay constant — of what the projected deficit will be at the end of the year?

**Senator Smith:** I would be remiss if I said I knew what it would be because I'm not within the inner workings of the government, Senator Lang. In terms of our job as the Finance Committee in the Senate, it's important to try to keep our eyes on the ball and make sure that the promises that the government wants to implement are properly executed to the best of our knowledge. Focus on things such as infrastructure and the indigenous people, to ensure that they have their plans and priorities and can get some of the promised initiatives executed, such as clean water, housing, education, and making sure that the 600 nations, as an example, are able to come up with some sort of coherent plan. You can't do everything for everybody. The issue is: Who ranks first on the priority list and where does that money go? It's going to be interesting to see.

All those things will affect the outcome of how the government executes its mandate, the international factors, the North American factors with oil and the rest of our exports. Softwood lumber and all the issues that I mentioned earlier to you will determine the outcome. There is pressure on us to perform, and we're going to have to see how it goes. There are a lot of moving targets out there, and it's going to take a lot of hard work to make sure they fall into line.

**Hon. Percy E. Downe:** Will you take another question, Senator Smith?

**Senator Smith:** Yes.

**Senator Downe:** Thank you. You mentioned infrastructure in your remarks. You know the Government of Canada announced a major change in funding for infrastructure, and that's the user pay policy for the new Champlain Bridge in Montreal.

In your documents or in your research at Finance Committee, did you see any offset for any other projects, like the new bridge in Windsor or the Confederation Bridge connecting Prince Edward Island to the mainland? Was there any relief for the funding for the tolls in those provinces?

**Senator Carignan:** An old bridge or a new bridge?

**Senator Smith:** Senator Downe, you ask a very loaded question, but I was waiting for you to ask about the bridge down near P.E.I. and what was going to happen to that situation.

• (1910)

Regarding the forecast and opportunities for new bridge development, first of all, the projects have to be completed. There has to be an assessment of the number of jobs created.

The terms “economic indicator” and “multiplier effect” were used in the budget. One of the things we’ve learned — we’re doing an infrastructure study right now; we’re just into it — is that it’s very difficult to understand what the actual returns and multipliers are. It’s hard to judge those.

The other thing that makes it hard to judge multipliers with infrastructure is that there’s a variance between social housing as one of the areas, the environmental multipliers and the hard construction — airports, bridges, major construction that is taking place.

When we look at the situation, our committee will probably come up with things, such as we need to make sure that national priorities, provincial priorities, regional priorities and municipal priorities are in line.

It’s a huge project: 27 organizations that we know are involved in these areas. Given the number of people involved and the number of projects and priorities, it’s going to take a lot of planning and care to make sure that these things are done in the best, most effective manner.

As to your situation with the bridge on the East Coast, I recognize the sensitivity that you and many Islanders have concerning the fact that you have to pay a toll and people on the Champlain Bridge do not, but let’s see how it unfolds in terms of the outcome of having a bridge constructed and what benefit it brings to the province or town or the country.

**Senator Downe:** There’s no question a new bridge is required. A replacement bridge is in the best interest of not only Quebec but Canada.

The problem, as you’ve correctly identified, is that the government has indicated the bridge will cost up to \$5 billion. The bridge connecting Prince Edward Island to New Brunswick cost a little over \$1 billion.

The Champlain Bridge, as you know, had tolls until 1990. They were then removed. Confederation Bridge currently has a toll of \$46. It’s the most expensive driving experience in Canada. It’s a hindrance to trade, to economic development and to transport in our province.

I’m wondering if, in your committee, you have heard any indication that the Building Canada Fund or Infrastructure Canada would look at an offset for other equally beneficial infrastructure projects, some of which are already constructed, like Confederation Bridge, but they were constructed under the rules of the day, which included user pay.

In 1993, as you are no doubt aware, Prince Edward Island agreed to a constitutional amendment to allow tolls on the Confederation Bridge. When Prince Edward Island joined

Canada, Canada made a commitment for continuous communication with the mainland, which was interpreted by the courts years later, from a summer steamship to ice boats in the winter to year-round ferry service and, as technology improved, to the permanent bridge we enjoy today.

We gave up that right that was negotiated at the time to allow tolls so that we could get the bridge. Now we find other Canadians are being treated very differently. They did not have a constitutional requirement to meet.

It was a promise the Government of Canada made to the citizens of Prince Edward Island: continuous communications. We said, “Okay. We don’t want a free bridge. We want equal treatment.”

I hope the Finance Committee can probe that at your meetings over the next few months.

**Senator Smith:** Thank you, Senator Downe. I would never try to gesture or speak on behalf of the government in power.

I would assume that people in P.E.I. will do their best to lobby and speak to the government about their particular situation and try to find some relief. It would not be up to me to be able to share any of those ideas with you.

As we go forward with the infrastructure study, I’m sure we’ll come upon many issues dealing with the construction of major projects. We’re very conscious of your situation, but we’ll make sure that we note those factors and talk to the government about it. However, I suppose you folks will do most of the lobbying on that particular job.

**Hon. Joseph A. Day:** I would like to thank the Finance Committee and Senator Smith for the work they have been doing with respect to these estimates. Bill C-20 is based on the report on Supplementary Estimates (A) that Senator Smith referred to.

This report was adopted last week. I referred to it as it was up for. I won’t say anything further with respect to the items in there, other than to reiterate a point I made last week that Shared Services Canada — this is the new entity that was created to handle all information technology in the main departments — is just not able to handle the workload, and a lot of delays are taking place.

They are saying they are not able to introduce shared services. They’re saying to their departments, “We’re not able to introduce new information technology because we are spending all our time just maintaining the legacy, the existing information technology.”

One of the results of the information technology not being handled well is the fact that quite a few public servants have not been paid for the last several months. That’s an area that needs to be rectified.

Part of the problem, in my view, is that that information technology group used to be within the department and reported up through the department. The deputy minister kept an eye on it. Now they’re spun off; they’re still located there, but they report

[ Senator Smith ]

off to somewhere else, not offshore but certainly away from that particular department. That, I believe, is a management problem that has to be looked at fairly quickly.

Honourable senators, you've seen the report, and then we have the bill that flows from that. The bill is supply for Supplementary Estimates (A). As Senator Smith pointed out, Schedule 1 does call for \$7.9 billion.

There is, Senator Smith, a Schedule 2 that we wouldn't want to forget, because several departments are covered by that schedule, which is for \$107 million.

The total amount of this particular supply bill is for \$7.014 billion, which you'll be asked to vote on tomorrow. This does not, honourable senators, go to committee because the committee work has already been done.

**Hon. Nicole Eaton:** Honourable senators, I rise today to speak in respect of Bill C-20, Appropriation Act No. 3, in its capacity as the means of funding the measures laid out in the Supplementary Estimates (A).

Today, I'd like to briefly focus upon First Nations housing specifically. As we learned through study of these estimates in your Standing Senate Committee on National Finance, the supplementary estimates are primarily assessing the first year of investments announced in Budget 2016, totalling \$8.4 billion over five years, to support indigenous communities and the aspirations of indigenous people.

Of the 10 organizations which appeared before your committee in its study of Supplementary Estimates (A), two of them are involved in First Nations housing: Indigenous and Northern Affairs Canada and Canada Mortgage and Housing Corporation, both on the theme of on-reserve First Nations housing.

Supplementary Estimates (A) includes a net increase of \$1.2 billion for initiatives, which will bring total investment for the Department of Indigenous and Northern Affairs Canada to about \$8.8 billion for this fiscal year to address the needs of indigenous people and northerners. Of this, funding for affordable housing and social infrastructure projects totals \$241 million.

With regard to overhead objectives, those for Indigenous and Northern Affairs Canada aim to improve well-being and economic prosperity; develop healthier, more sustainable communities; and participate more fully in Canada's political, social and economic development.

• (1920)

The department provides funding to First Nations communities to support on-reserve housing. It is critical to note that through its study of the Supplementary Estimates (A) and on reflection of its continued oversight of the department's finances, your committee has determined that it's unclear what the department has achieved with the funding it receives for on-reserve housing.

While it is encouraging to see tangible demonstrations of commitments aimed at achieving progress in the resetting of the relationship with Canada's First Peoples, it is incumbent upon us to help ensure that this is done sustainably.

What's more, we must make every effort to ensure that such efforts, and the significant expenditures planned in aid of them, are carried out strategically in a coordinated fashion and with clear means of assessing the degrees of our success or failure in these endeavours.

We made the observation that Indigenous and Northern Affairs Canada should embark upon the development of a First Nations housing strategy. Such a strategic endeavour would outline the current extent of the need for housing on-reserve; specify annual objectives to address housing needs; provide means of reporting on progress achieved on meeting housing needs; ensure that housing is constructed in accordance with the appropriate building code, and bearing in mind the need or desire of a community to accommodate local climatic and topographical conditions; and, importantly, clarify the specific roles and responsibilities of the federal organizations engaged in First Nations housing.

Honourable senators, quite frankly, I find myself somewhat baffled that we find ourselves having to make such observations. Given the magnitude and persistence of the problem, and its absolute fundamental nature, given the importance of ensuring adequate shelter, why do we not have a First Nations housing strategy? After all, it's 2016.

Does it not follow, then, that a First Nations housing strategy should complement and reflect the overarching tenets and principles of a national housing strategy, under the purview of Canada's national housing agency, Canada Mortgage and Housing Corporation? One might reasonably think so, yet this is not the case.

Your committee observed during its study of Supplementary Estimates (A) that Canada Mortgage and Housing Corporation is spending considerable funds prior to developing a national housing strategy this year. This is, thankfully, planned — hopefully — for the near future.

In its *2016-2020 Summary of the Corporate Plan*, CMHC has committed to improving housing in First Nations communities by addressing urgent housing needs on-reserve through funding of \$137.7 million over two years, mostly to support the renovation and retrofit of existing housing on-reserve; and, second, by working with First Nations communities over the coming year to develop an effective long-term approach to supporting the construction and maintenance of an adequate supply of housing on-reserve as part of a broader national housing framework.

Colleagues, it is clear that efforts must be improved to coordinate the construction, code compliancy, maintenance and renovation of First Nations housing.

It is equally clear that the pursuit of the inherent right to self-government by First Nations communities must continue to be respected by the federal government. That is to say, there are elements of oversight and accountability that are to be the purview of First Nations band councils. But such pursuits must be matched with a commitment to ensuring that any undertaking funded by Canadian taxpayers is subject to sufficient standards and degrees of oversight and accountability.

Honourable senators, observance of process must not become the inhibitor of innovation. Whether by the Government of Canada or by a band council, there must be adequate follow-up

to determine that money reaches those for whom it was intended and has achieved the prescribed result. This is especially true in other areas of programs and expenditures for indigenous communities.

Reporting and analysis of horizontal undertakings in which myriad departments, agencies and Crown corporations are involved must improve, and I suggest that your Standing Senate Committee on National Finance might be a most effective lever towards helping ensure that they do.

We must review those horizontal matrices to ensure their overall coordination across the federal domain; to determine that measurable progress is being made such that methods of identifying areas requiring correction are in place and that such adjustments to course are made; and lastly, that unless and until a regimen of report cards is in place, Parliament receives regular indications of the degree of return on investment for these funds. We spend the money, but we don't know if it achieves anything.

Honourable senators, in April of this year, at an address to the Yukon Chamber of Commerce, CMHC President Evan Siddall said:

. . . it is in places like . . . First Nations reserves, where our housing system is severely put to the test.

And where in too many instances, in too many communities, and for too many families, it falls far short of delivering the types of housing outcomes that people deserve.

We owe it to the peoples in First Nations communities to provide clearer and more insightful reporting and analyses of results achieved. First Nations families deserve better housing programs guided by an overhead strategy and sustainably funded on a basis of ongoing program review and effective oversight. The observations I have shed light upon today are but a first step in a larger undertaking to which we should commit: to examine these expenditures with greater rigour to both determine and ensure that real progress is being made.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

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

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

## COPYRIGHT ACT

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

**Hon. Peter Harder (Government Representative in the Senate)** moved third reading of Bill C-11, An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities).

He said: Honourable senators, it's my pleasure to rise again and provide very brief remarks with respect to Bill C-11.

Through the implementation of this bill, the Marrakesh Treaty aims to bring the global community together to better address the challenge of ensuring timely access to, and wider availability of, print material for persons with print disabilities. Canada has an opportunity now to play a leadership role internationally by helping to bring the treaty into force.

As the minister stated during committee, the government is seeking to establish a balance between the interests of copyright owners and users, while ensuring that not-for-profit organizations can utilize and access resources through a new global network.

The treaty, as I indicated when we discussed this on second reading, will only enter into force once 20 countries have ratified or acceded to it. To date, the treaty has been ratified or acceded to by 17 countries.

Although Canada did not sign the treaty before the deadline for signatures in June 2014, both the present government and the previous government have openly expressed Canada's support for the treaty. By becoming one of the first 20 countries to join, Canada could demonstrate its support in real terms by playing a critical role in bringing this treaty into force.

To this end, the parliamentary process for Bill C-11 which would implement the treaty has been proceeded with on an expedited basis and had unanimous consent in the other chamber and open support by many of you in this chamber and during committee consideration. I'm confident that we will have further opportunity to discuss the provisions of the copyright bill more broadly, but for today I would ask senators to adopt Bill C-11.

(On motion of Senator Enverga, debate adjourned.)

• (1930)

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

### THIRD READING—DEBATE ADJOURNED

**Hon. Larry W. Campbell** moved third reading of Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures, as amended.



He said: Honourable senators, I rise today at the third reading of Bill C-7 to voice my support for this bill, as amended. I realize that I've put myself in an awkward position by supporting the bill while advocating amendments. I will address that later in my speech.

It would simply be wrong to not try to make a bill more democratic and constitutional. This is a historic bill that will change the face of federal, provincial and municipal policing by the Royal Canadian Mounted Police.

I must stress that I am not in favour of handcuffing management. At the same time, I'm also not in favour of starting out the bargaining process with the table tilted one way or the other. I believe the committee struck a balance that will ensure that both sides of the table will be able to negotiate in good faith without handicap.

What we are trying to do is ensure that members of the Royal Canadian Mounted Police have the same bargaining rights as other police forces in Canada, be they provincial or municipal. I attended all of the committee's hearings on C-7, and witnesses made it clear that the sections on exemptions were unconstitutional. The government does not agree, but I think that we need to err on the side of caution and accept the possibility.

The defining testimony for removing the exemptions came from the Commissioner of the Royal Canadian Mounted Police. He stated:

Here is the thing. These exclusions, enumerated as they are in Bill C-7, did not need to be listed in this fashion. That was our advice to list them. Why? Because we thought that in this very acrimonious season of an RCMP union drive, there would be criticism that we were trying to pull a fast one.

I commend the commissioner for trying to be transparent.

The Defence Committee, therefore, struck the section on exemptions and replaced it with amendments recognizing management rights. These are the same rights that the management of the majority of police forces have in Canada. In essence, the management rights clause recognizes that notwithstanding any other clause in this bill, management has the right to the final decision. This of course can be grieved in due course, but the right exists.

The time frame to actually having a bargaining agent in place is really unknown — I've heard as much as up to three years. In the interim, members of the force have no real mechanism to engage with management. This is of concern to not only me but also other senators and the rank and file of the force.

The RCMP is in crisis. They're being asked to do more with less. This theme was repeatedly stressed in emails to us. Management has not been able to move into the new world but instead continues with the top-down paramilitary management structure that, quite frankly, is preventing the force from moving forward. I truly believe that this bill is the start of a process that will be ongoing in allowing all members of the Royal Canadian

Mounted Police to participate in making the changes necessary. This bill is not about limiting management rights, but rather allowing real collective bargaining to begin.

With regard to introducing this bill, I know that other independent senators have been asked and in some cases accepted the invitation to introduce a bill from the Government Representative, Senator Harder. I absolutely and completely support this bill.

That being said, support for a bill does not preclude a supporter from attempting to make the bill better. In this bill, there are 74 clauses. I and other senators on the committee agreed that by changing two of them with consequential amendments, the bill would withstand the constitutionality question without changing the actual intent of the bill. With the shifting tides in the Senate, I believe that this situation will continue to evolve.

I don't think that anyone here believes that the old "whip" the vote and vote according to party lines is as relevant any more. That is a good thing. We are seeing governance and discussions in this place that quite frankly I've not seen in 11 years. This is a good thing. We're fulfilling our real constitutional role, not as gatekeepers but as a chamber of sober second thought, and that is a good thing. Now, if only the other place would be able to understand that.

In closing, I have to recognize the members of the Senate Security and Defence Committee. This committee has a full plate and took the time to address this bill. On a number of occasions while sitting on committees, we've asked for more witnesses and it hasn't been allowed for whatever reason. In this case, Senator Lang heard all of the opinions and did not put any constraints on the testimony.

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

**Senator Campbell:** This committee had all of the tools for a thorough examination of this bill: witnesses from legal minds to police union background to senior management, two ministers and the Commissioner of the Royal Canadian Mounted Police — they were all there.

I urge all senators to vote for this bill with amendments so that the RCMP can get on with moving forward towards modernizing their organization.

I'll take questions. Thank you.

**Hon. Mobina S. B. Jaffer:** Senator Campbell, as you know, the committee held six hours of hearings and then heard from the commissioner. When Minister Goodale came to committee, he explained why exemptions were put in this bill. Can you tell us why exactly he said the exemptions were needed?

**Senator Campbell:** In a short answer, my understanding is these exemptions were needed because the Mounties were going into the public service, and because of that the public service has those exemptions built in there. Therefore they believe that the RCMP should have them built in.

The argument is, of course, that being a member of a police force is different from being a member of the public service. I don't believe it was necessary for all of the exemptions to be taken out. I just wanted it to be up to the government to decide. Harassment — how can we possibly argue that this shouldn't be part of a negotiation where the workplace can help the management understand it?

Other issues probably aren't as important. My argument is you cannot take a square and put it into a round hole, and that's exactly what they were trying to do.

**Hon. Percy E. Downe:** Senator Campbell, the House of Commons may not reconvene until the fall. How would that affect the members of the forces if this bill is not passed when President Obama, for example, speaks on June 29? The House of Commons, I assume, could reconvene that day to pass the bill.

**Senator Campbell:** Well, I've been getting emails from at least one of the groups that wishes to represent the RCMP. They see urgency to this. I don't see that urgency. In fact, I believe that allowing the government the summer to take a look at this may allow them to understand why these exemptions should not be there and why, for instance, we decided that there should be a secret ballot.

The process to getting certification is very complicated. You need 40 per cent. There are over 700 detachments spread across this country, not counting headquarters staff here. At least two groups are trying for it. It's going to be a long and involved process. If they want to pass it when the President is here, that is fine with me, but I'm not lighting my hair on fire if it isn't.

[Translation]

**Hon. Ghislain Maltais:** Senator Campbell, would you take another question?

**Senator Campbell:** Certainly.

**Senator Maltais:** Will the certification vote for the RCMP be a secret ballot or show of hands?

[English]

**Senator Campbell:** If we pass this bill as amended, it will be a secret ballot.

**Hon. Joseph A. Day:** Will the senator take one more question?

**Senator Campbell:** Absolutely.

**Senator Day:** Flowing from your last comment, I'm looking at Bill C-7, subclause 64, which states:

• (1940)

If the Board is satisfied on the basis of the results of a secret ballot representation vote —

[ Senator Campbell ]

— of the majority, then they'll recognize that particular group.

You indicate that we need the amendments to Bill C-7 in order to have a secret ballot vote. What does this section mean?

**Senator Campbell:** It was our understanding from the study that within the agreement there was no allowance for a secret ballot. I think that is for the certification, I believe. Is that correct?

**Senator Day:** Certifying, yes.

**Senator Campbell:** I'm sorry, I misspoke. That's in there, but this will be for other votes that take place as they go forward. Quite frankly, I have no idea how you would not have a secret ballot. I don't know how you would get a ballot from Grise Fiord to wherever they were being counted without it being secret.

**Senator Day:** Thank you.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Colleagues, I would like to continue the third reading debate of Bill C-7, a bill that is important to all Canadians, and especially to the members of the RCMP.

Bill C-7 has to do with labour relations within an institution that really makes a difference in the lives of Canadians.

This bill, as amended, aims to give members of the RCMP the ability to negotiate the most basic issues, such as workplace health and safety, equipment and conduct-related matters, particularly harassment. An amended Bill C-7 contains new essential elements meant to avoid another legal saga like the one that began, incidentally, in 1986 with Gaétan Delisle, involving over 30 years of claims for fair treatment and respect when it comes to RCMP members' bargaining rights.

RCMP members protect our streets, our communities, our lives and our families. However, we also need to think about the sacrifices they make and the duty we have to do everything we can to protect them in return. A number of witnesses reminded us of the shooting that took place in Moncton on June 14, 2014. They pointed out that legal proceedings have been initiated against the RCMP for its failure to comply with health and safety rules under the Canada Labour Code.

[English]

As lawyer and labour law expert Paul Champ has said, "Some of the concerns RCMP members had at the time about the lack of adequate equipment and lack of adequate training were an issue there and they could have been subject to negotiation and adjudication. . . . that's an important issue to members and should not be excluded from this bill."

[Translation]

It became readily apparent during witness testimony that issues as crucial as harassment also need to be the subject of negotiations. Just last month the media reported the troubling

case of three female RCMP psychologists who were victims of bullying and harassment. The individual in charge of their unit made degrading remarks towards them. That supervisor created an abusive and toxic work environment. These troubling cases of harassment, which have often been denounced in this chamber, particularly by Senator Mitchell, justify returning an amended version of this bill to the House of Commons.

Allow me to quote Paul Dupuis, who said this:

Harassment is a long-standing problem in the RCMP and continues to be alive and well. Transfers, promotions, evaluations, assignments, probation, discharges, demotions, and conduct are used as tools for committing harassment.

An institution like the RCMP that claims to be diverse and open to women cannot prevent the issue of harassment from being part of the bargaining and arbitration process. Again, let us leave it up to the parties to determine what they want to negotiate. In fact, that is what the Supreme Court is calling for. In *Mounted Police Association of Ontario v. Canada (Attorney General)*, it said:

... a process of collective bargaining will not be meaningful if it denies employees the power to pursue their goals.

There is no nobler goal for RCMP members than to try to resolve the thorny issue of harassment.

I would like to draw your attention to another passage from the same Supreme Court ruling, which says:

It follows that the right to a meaningful process of collective bargaining will not be satisfied by a legislative scheme that strips employees of adequate protections in their interactions with management so as to substantially interfere with their ability to meaningfully engage in collective negotiations.

Honourable senators, we felt it was important to amend this bill, as the Standing Senate Committee on National Security and Defence did, so as to meet our constitutional obligations.

[English]

With regard to a secret vote, in the words of lawyer Paul Champ, who represented RCMP officers for many years:

The RCMP is also rife with favouritism, grudges, vindictiveness . . . .

And he spoke about the “arbitrary and unfettered power that is given to the RCMP commissioner and senior managers.”

[Translation]

That is what led to the bill being amended specifically to protect the secret ballot. On June 13, we also heard from lawyer A. Edward Aust, who said:

In many cases, unions do not want secret ballots because they want to be certified solely on the basis of the signed cards in the possession of the council responsible for certification. We need to consider the RCMP as it is right now. Maybe a secret ballot is necessary.

Commissioner Paulson is in favour of the secret ballot system. On June 13, he said:

There would be a card system for qualifying to seek a vote, and then it would be a secret ballot in a vote. That seems like a perfectly lawful exercise.

In a democratic organization, the certification process or the selection of a bargaining agent must result in a secret ballot so that all members can freely express their opinion on accreditation without being subjected to any pressure or intimidation from other members or management.

With respect to the importance of labour relations, I want to emphasize that, when it comes to hiring in particular, the RCMP competes with other police forces. We want the RCMP to recruit the best officers. That makes sound human resource management based on collaborative labour-management relations vital. That enables the federal government to better serve and protect the public interest.

The RCMP Pay Council carried out a study in 2015 and produced a report. To the question, “Would you recommend that a family member join the RCMP?” 53 per cent of RCMP officers said no.

When RCMP officers were asked, “How often do you feel like leaving the RCMP?” nine percent said that they always consider leaving and 29 per cent said that they often consider leaving.

[English]

Bill C-7 was supposed to be a revolution. The President of the Treasury Board even said that this bill “marks an historic milestone for the RCMP and Canadian labour relations.”

It’s obvious that what this bill is proposing is a step backwards. Almost all the members of the committee expressed solid reservations on the original bill, and they support our amendments.

They were all preoccupied with serious questions, such as the culture of harassment within the RCMP and how to effectively put an end to it. Now we have the opportunity to do so.

• (1950)

[Translation]

Honourable senators, the adoption of these amendments will have a legitimate and fair impact on the collective bargaining rights of RCMP members and reservists. It is important to point out that RCMP officers will not have the right to strike. Important issues such as the use of bulletproof vests and patrolling alone can be discussed with the employer. We can be proud of the work that was done during this study, because we made fair changes for the good of those who put their lives on the line to protect our communities. For that reason, I will support these amendments, and I invite you, colleagues, to do the same and vote in favour of this bill as amended.

I am confident that the work we have done and the fact that we are sending a revised version of Bill C-7 back to the House of Commons will give the government the opportunity to re-examine its priorities and that it will accept our amendments. Minister Goodale and Minister Brison more or less admitted that the bill was flawed when they proposed that a panel of experts review it over the coming months. However, we all know that this type of process would not bring about the same results as our proposed changes to the bill. The issue of labour relations in the RCMP is on the table, so why not act now? RCMP officers, the men and women who risk their lives for their fellow citizens, are entitled to more consideration than what the government is giving them in the original version of Bill C-7. We must do our job. The government and MPs will continue to improve all bills.

Our late colleague, Senator Nolin, asked us to vote for better labour relations at the RCMP when Bill S-23 was being studied. He said:

... the members of the RCMP deserve that we should look into these serious problems that might, by the way, work against the primary objective of our national police force, which is to protect Canadians.

His message is well worth repeating in this chamber.

Therefore, honourable senators, I invite you to vote in favour of Bill C-7 as amended and to return it to the House of Commons.

**Senator Jaffer:** Senator Carignan, I would like to ask you some questions. When he appeared before the committee, the commissioner said that there would have to be some exclusions. Did his arguments convince you? If not, can you tell us why?

**Senator Carignan:** In committee, the commissioner said that the exclusions, in his opinion, were not necessary because management rights are already recognized and some rights are acknowledged in other laws. For that reason, in the amendments to the bill, we specifically recognized management rights, which are essential and the purview of all employers. However, we withdrew the exclusions that could create difficulties in terms of interpretation and application between the employer and the unions. Thus, we withdrew the exclusions that were included in the original bill and that could not be part of collective bargaining.

[ Senator Carignan ]

Now, all the main issues that are part of working conditions, like those affecting most Canadian police services, will be subject to collective agreement negotiations and it will be up to the parties to determine the extent of the management rights to be given to the employer.

**Senator Jaffer:** Senator Carignan, I know that before becoming a senator, you were a lawyer who specialized in labour law. In your opinion, what will be the impact of the decision to leave these exemptions in the bill?

**Senator Carignan:** Obviously, they had to be removed. As we saw in the Supreme Court ruling, obstacles and barriers to negotiation can constitute a violation of guaranteed rights, including the right to association, particularly when it comes to collective goals. When barriers of that kind are increased and the number of things that can be negotiated is limited, I see that as a violation of paragraph 2(d) of the Canadian Charter of Rights and Freedoms.

I simply don't see how that can be justified in a free and democratic society. Basically, about the only things left to negotiate were salary and some leave. Everything else was excluded from the bargaining process, which is quite unusual. In all the testimony we heard, no one could explain to us how the RCMP's situation was any different than that of the Sûreté du Québec, for instance, or the Ontario Provincial Police, which also have to cover vast territories and negotiate contracts to serve municipalities.

We need to bear in mind that the RCMP has contracts with municipalities and contracts to serve some provinces. In fact, three-quarters of RCMP members do municipal or provincial police work, just as members of the Sûreté du Québec and Ontario Provincial Police do, for example.

**Hon. Percy Mockler:** Senator Carignan, as a former solicitor general of New Brunswick and minister responsible for public safety, I have always believed in transparency and accountability.

Can you elaborate on the objectives you would like to achieve with the secret ballot voting in the new organization?

**Senator Carignan:** Thank you for your question, Senator Mockler.

As you know, originally, the goal of a secret ballot was to prevent competing associations or unions from intimidating workers or forcing them to sign cards during a certification campaign.

What we heard at the hearings was that in many cases, RCMP officers indicated that they had been threatened or intimidated, not by competing associations, but by RCMP management, which is rather odd. We think that the secret ballot is particularly important to ensure that RCMP members are able to exercise their constitutional rights to join a union and bargain collectively without pressure, intimidation or threats and that they can do so freely and voluntarily, without fear of having their working conditions change if they decide to actively support unionization.

**Senator Mockler:** You said that the two ministers believed that the bill was flawed and that some sections were still quite vague.

That said, can you tell us more about management rights in this new agreement? What does that mean? How will that improve employee-employer relations?

**Senator Carignan:** Normally, as part of the bargaining process, the employer has management rights or powers with respect to human resources. When unionization happens or a collective agreement is negotiated, the employer can invoke its management powers in certain matters, or else there will be a negotiation to determine that, in a given situation, the employer will have to exercise its power in a certain way. If it does not, the members will have the right to file a grievance to challenge the employer's decision before an arbitrator — an impartial third party.

• (2000)

The original bill showed a very clear willingness to keep these management rights intact. Apart from the right to set salaries, everything else was covered by management rights, which further increased RCMP officers' level of dissatisfaction. All the RCMP officers that we spoke with were very unhappy with the wording of the bill because it gave them hardly any bargaining power.

I would like to remind you that, in the case of disputes, RCMP officers do not have the right to strike. They have to resolve their differences through arbitration. They have almost no bargaining power because the collective agreement contains too many exclusions.

Finally, we gave the administration management rights with regard to human resources, as is the case for every employer, and we gave RCMP officers the power to negotiate any aspects of the collective agreement related to working conditions. These amendments had just one objective: to rebuild a competitive police force.

Nine per cent of RCMP officers are always thinking about leaving the organization. I repeat: nine per cent of RCMP officers are always thinking of leaving their job. What is more, 29 per cent of them often consider leaving. What does that mean? The answer to that question is found within the organization. The fact that the lifeblood of the organization is always thinking about leaving is an extremely serious problem. Moreover, another study showed that, on average, RCMP officers earn approximately 10 per cent less than members of other Canadian police forces do.

In summary, because of problems of intimidation, the poor quality of labour relations and unsatisfactory salaries, the officers lose motivation and hand in their resignation. If we want to have a solid, competitive organization with the best officers around, we must ensure that they have fair working conditions, that the employer's management rights are limited and that the negotiations for a collective agreement address the essential aspects of the work that a police force does.

[English]

**Hon. Jane Cordy:** Honourable senators, I rise today to speak in support of Bill C-7 as amended by the National Security and Defence Committee. I would like to begin by acknowledging the

work of the members of the committee as well as the sponsor of the bill and former RCMP member, Senator Campbell, and the critic of the bill, Senator Carignan, a labour relations lawyer.

Your attention to the issues around this bill and its shortcomings has resulted in the amended Bill C-7 we are debating here today.

The Supreme Court of Canada's decision in the *Mounted Police Association of Ontario v. Canada (Attorney General)* determined that the RCMP's labour regulations were fundamentally unconstitutional. This amended bill takes steps to ensure that the rank and file in the RCMP are provided the same labour rights as other major police forces in our country.

In its original iteration passed by the other side, I believe Bill C-7 stopped well short of the intent of the Supreme Court of Canada's ruling for fulsome and fair negotiations. The original bill severely limited what could be included in collective bargaining.

The sponsor of the bill pointed out in his speech at second reading that Bill C-7 would have excluded the following from collective bargaining: law enforcement techniques; transfers and appointments; appraisals, probation, demotions or discharges; conduct, including harassment; the basic requirements for carrying out the duties of an RCMP member or reservist; and uniform, order of dress, equipment or medals of the Royal Canadian Mounted Police.

I am therefore pleased that the National Security and Defence Committee agreed to amend the bill to strike these exclusions from the bill, which I believe is now more in line with the intent of the Supreme Court of Canada's ruling.

I believe the amended legislation is now more robust and more in sync with what is typically the norm in today's labour relations environment for police organizations. As Senator Carignan pointed out in his speech at second reading, and I quote,

... the new collective bargaining regime proposed by the RCMP and the President of the Treasury Board is extremely limited in scope and application. It is a far cry from the parameters and structures around labour relations today.

I believe the amendments proposed by the committee correct this labour imbalance.

Honourable senators, the right to negotiate collectively for the purpose of pursuing collective workplace goals does not start and stop with the members' pay. We have all received emails and letters from members of our RCMP from across Canada who wrote to voice their concerns and objections to the restrictions Bill C-7 placed on collective bargaining. What I found interesting, and certainly helpful for me, was that every email I received and every letter I received was different. Every writer told their story of why Bill C-7 needed to be more inclusive. I think it's important to consider what these RCMP officers have to say. I also believe it is important to include all aspects of their job and not just pay and compensation in order to ensure meaningful collective bargaining.

As we know, there are serious issues related to officer safety, harassment, staffing and equipment, which encompass the overall well-being of the front-line RCMP officers. These issues can be addressed, I believe, through a more fulsome, collaborative, collective bargaining process.

Constable MacLean wrote to me:

I listened with great interest as representatives spoke on our behalf about the removal of exclusions from this bill. I can speak first hand when I say that issues of equipment, harassment and staffing levels are as important, if not more so, than pay and benefits.

He went on to say:

We are willing to work hard. We are not afraid of the work, we just want the proper tools and backup to do it as safely as we possibly can.

Mark Brown of Burlington, Ontario, wrote:

I have been a member of the RCMP for the past 24 years. I am very happy with the Supreme Court of Canada's decision with regards to having the ability to collectively bargain with our employer.

I believe that Bill C-7 restricts this ability and I do not feel that the bill reflects the full intent of the Supreme Court of Canada's decision.

Member Patricia Yendrys wrote:

The leadership of the RCMP are suffering from a system that places the entire weight of decision making on their shoulders, with no real mechanism for them to partner with the thousands of RCMP members who place their lives in harm's way for the benefit of all Canadians.

Constable Robert Ennis of Fort Nelson, British Columbia, wrote:

We are overworked and understaffed compared to any other police force. Our equipment is unreliable and old compared to any other police force. Our duty uniforms are so multicoloured that we are a target every time we put them on, putting us at risk.

Honourable senators, this is just a small sample of the emails and letters that I have received. It is remarkable that RCMP members are openly expressing their concerns in such a manner. An organization like the RCMP does not usually look kindly on criticism from within. I admire the sense of duty to their fellow members that these members have displayed by writing to us with their concerns. I believe their openness reflects a frustration with the challenges these RCMP officers often face in doing their job to protect Canadians.

These members have clearly addressed the shortcomings of the original bill, which excluded almost all aspects of a member's workplace well-being from collective bargaining.

Over the past several years, the RCMP has faced serious issues of harassment within its ranks. It has faced serious concerns from members regarding safety on the job. Members have also expressed their concerns about falling behind the standards of other major police forces across the country. If the emails I have received are any indication of the frustrations of the officers within the RCMP, it appears that the rank and file are losing confidence in those charged with managing the force to address these issues in a meaningful way.

• (2010)

The future of the RCMP will require the input and efforts of its members, and this will not happen unless they are full partners at the bargaining table. This collaborative approach will make the RCMP better equipped to deal with the challenges they face every day.

Honourable senators, I would like to commend the members of the National Security and Defence Committee: the chair, Senator Lang; the deputy chair, Senator Jaffer; and Senators Carignan, Day, Beyak, White, Dagenais and Kenny; as well as the sponsor of the bill, Senator Campbell. Their expertise on the matters of labour relations and policing issues resulted in the amended bill before us today, which I believe is a better bill and a stronger bill because of their efforts.

The amended Bill C-7 is now more aligned with the spirit of the Supreme Court of Canada's ruling. I believe this amended bill will go a long way to help modernize the RCMP labour relations regime and better serve and protect the needs of its members.

Honourable senators, I have the utmost respect and admiration for the brave men and women who wear the RCMP uniform. Every day they put their lives on the line to keep us safe. To paraphrase Senator White's comments during the committee hearings, these men and women are the ones who run toward danger as we run away.

The men and women of the RCMP deserve our support, and I believe the amendments adopted by the National Security and Defence Committee have produced a piece of legislation which does just that.

Honourable senators, for these reasons I will be supporting the amended Bill C-7.

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I rise to speak on Bill C-7. First I want to express my gratitude to Senator Campbell for sponsoring this legislation.

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

**Senator Harder:** In particular, for supporting the bill's intention and respecting the RCMP members' constitutionally protected freedom of association.

I also want to thank all senators, particularly those on the Standing Senate Committee on National Security and Defence, for their efforts to improve Bill C-7. I am sure and want to

confirm that the government will carefully consider this chamber's advice. I was going to say they will appreciate the Senate performing this function, but that might be overstating it.

**An Hon. Senator:** No, no, no.

**Senator Harder:** But I do think it's my responsibility as the Government Representative in the Senate to raise some of the ongoing concerns and amendments that are at this point difficult for the government and will require a period of reflection.

With respect to secret ballots, the government has reservations that the bill as amended would mandate a secret ballot regime. As you know, the previous Parliament confronted the issue of secret ballots with Bill C-525. Many senators opposed that legislation with concerns about its effects on collective bargaining processes.

The government intends to repeal Bill C-525 with Bill C-4; however, it is not that the government is completely against secret ballots. Bill C-4 will give the labour board discretion over the certification method. They would decide whether a secret ballot or a card check would be used for certification and make sure that members' interests are reflected in that choice.

As the minister said in committee, Bill C-7 was intentionally silent on this issue. In the government's view, there is no reason for the RCMP to be treated separately in regard to secret ballots, and a consistent approach is desirable from the government's perspective for all federal employee associations.

However, it is the proper role for the Senate to raise such concerns where the senators may find them. And, again, I thank the senators for your amendments in that sense.

I would like to have a word on exclusions. The government has reservations about amendments with respect to exclusions. Given that the RCMP members are both police officers and public servants, the government has concerns about what impact that amendment would have on the overall federal public service labour relations regime.

Within that framework, matters of broad cross-sectional interests, such as staffing, pensions, organization of work and assignment of duties, are excluded from bargaining. Such matters are dealt with under other legislation to ensure the public interest is properly taken into account.

Staffing issues, for example, are excluded from bargaining to ensure appointments rely on a merit-based approach and support a non-partisan public service. They were dealt with under the Public Service Employment Act.

Pensions are dealt with under the Public Service Superannuation Act. Pensions require a high degree of stability to assure pension plan members that their benefits are secure and will be delivered as expected.

The very nature of the collective bargaining process may be perceived as a threat to this level of security and stability in the federal regime. However, the federal government has traditionally

consulted with employee representatives on pension issues and is committed to continuing this practice.

For example, each of the major federal pension plans has a pension advisory committee, consisting of representatives from management, plan members, retirees who provide advice to the Treasury Board on matters related to the administration plan design and funding.

While I appreciate the work of many senators in examining subjects excluded from the bargaining table, the government takes the view that these subjects are properly dealt with elsewhere within the federal public service relations regime.

In particular, there is concern that with Bill C-7, if subjects originally excluded in this bill are brought within the bargaining process, the precedent would be set and might impact the wider public service, and this could have significant cost implications for the government.

In the RCMP context, cost implications could be downloaded to other orders of government that contract RCMP services at fixed percentages. The government also has a concern that removal of these exclusions could adversely impact the commissioner's authority under the Royal Canadian Mounted Police Act.

And as ministers mentioned in committee, other avenues exist outside the collective bargaining process to ensure the voices of the RCMP members and other public servants can be heard. For example, various committees are established in the Royal Canadian Mounted Police Superannuation Act, the Canada Labour Code and the Public Service Labour Relations Act. This last act requires that departments establish labour management relations committees to deal with workplace issues such as harassment and the disclosure of wrongdoing.

As you know, the elimination of harassment is a salient matter in the entire debate in committee, and it is one that the government shares in principle, although it has a different approach than the one that is recommended in the amendments before us.

Finally, I'd like to speak about amendments that relate to the grievance process. One amendment deals with the process under the Public Service Labour Relations Act, while others deal with processes under the Royal Canadian Mounted Police Act.

In Bill C-7, the grievance process set out in the Public Service Labour Relations Act would apply solely to grievances of matters arising from the interpretation and application of the collective agreement. All other grievances would be referred to internal recourse processes under the Royal Canadian Mounted Police Act and regulations.

The amendments in question provide that any grievance relating to a term and condition of employment, whether it is determined by collective agreement, directive, regulation or statute, must be presented under the Public Service Labour Relations Act. As a result, a member who is dissatisfied with the assignment of shifts or transfer to another division, for example,

must proceed through the Public Service Labour Relations Act, even if a specialized internal process already exists within the RCMP for that purpose.

By shifting all grievance processes to terms and conditions of employment from the RCMP grievance process to the PSLRA, this amendment would constitute a major policy shift. Because the range of issues that can constitute a term or condition of employment is so broad, there is a risk that internal administrative processes of the RCMP would unduly be weakened.

However, while these are the government concerns, I would like to reiterate my gratitude to Senator Campbell for shepherding this legislation and to all senators who have been active on the committee, in particular Senator White, with whom I have had the pleasure of having some important conversations.

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

**Senator Harder:** I will be voting for Bill C-7.

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

**Senator Harder:** Because I believe it is important for the Government Representative in the Senate to ensure that the legislative process proceeds appropriately. We are collectively — and I am reflecting that in my vote — referencing back the views of this Senate to the other chamber.

• (2020)

Honourable senators, it is also important, as you see me vote yes, to understand that, as the Government Representative in the Senate, I want to make sure that all senators know where the government stands with respect to these amendments. I hope that in the coming days and weeks we can find ways of seeking a resolution between the Senate Chamber and the government, and obviously, ultimately, the other chamber and back here. This will require some period of reflection and some conversations, both formal and informal, which I take upon myself as having an obligation to participate in on your behalf.

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

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator Harder take a question?

**Senator Harder:** Of course.

**Senator Fraser:** First, thank you very much for that extremely interesting conclusion to your speech. No, truly. That's sincere thanks.

I have two quick questions. The first is: Are there any amendments in the committee report that the government thinks might have merit?

**Senator Harder:** I would begin my response by thanking the honourable senator for her comments.

[ Senator Harder ]

We are an evolving institution. I would suggest that as we move forward there will be occasions, such as this, where this chamber has a different view from the other. As I said in my maiden speech — and as I repeated again last week — I do believe that my role is to be both representative of the government in this chamber and, ultimately, at the appropriate time, representative to the other chamber.

Indeed, as Senator Martin was coming across the aisle just before we started consideration of this bill, she told me there was a tornado warning. I thought perhaps she was introducing the bill herself!

With respect to the specific question, at this time I would not want to specifically state which amendments or which exclusions the government might be prepared to accept, but I can assure all honourable senators that that is a conversation that the government is open to, and I expect and intend to pursue that.

**Senator Fraser:** On my second question, I'm going to count on you to correct, if necessary, my memory. It is my recollection that last year the party that eventually won the election campaigned on an explicit promise to revoke Bill C-525 and Bill C-377. Is my recollection accurate?

**Senator Harder:** That is correct, and that's why I referenced it in my comments and put in context the government policy framework for Bill C-7 as it arrived here.

In my comments, I simply want to reiterate to this chamber the views of the government with respect to the provisions that have now been recommended and amended in committee so that the full chamber is aware of the policy reference to Bill C-4.

[Translation]

**Senator Carignan:** Senator Harder, you talked about the policy change in the bill. It's 2016, as everyone seems to be saying now. Is it normal in 2016 that when the decision to dismiss a person under the RCMP Act is appealed, the last person to rule on the appeal is the same person who did the dismissing in the first place?

Is it normal that the person who decides to transfer an employee, uproot him from St. John's, Newfoundland, and send him and his family to Yellowknife, is the same person who makes the final decision on the subsequent grievance?

In my opinion, the most powerful person in Canada is the Commissioner of the RCMP because he can dismiss 21,000 people and it is up to him to rule on the appeal for dismissing those 21,000 people.

Is it normal in 2016 to have such a system? That is what we are trying to avoid with the amended bill.

[English]

**Senator Harder:** Honourable senators, I'm not sure it will be particularly helpful for us to engage in a conversation about the amendments that are before us.

**Senator Carignan:** That's the essence of the debate.



**Senator Harder:** I will answer your question, because I do feel it's important for the government to be seized of these amendments and have a process of reflection.

What I can convey to the honourable senator is that he has raised, in his question and indeed in the amendments, a significant and important point of view that the government is going to have to reflect on. My role at this point is to simply assure honourable senators that that reflection will take place. It would be presumptive of me at this point to respond either hostilely to your question —

**Senator Carignan:** No, not hostile; friendly.

**Senator Harder:** — or favourably to your question, because it is not my role to accept on behalf of the government, on the eve of the amendments being voted on, the position that the government might at some point take.

I would like, though, to underscore — and here I think we can all agree — that Bill C-7 is a broader discussion of the RCMP, its style of management, its role in our society and its own evolution with respect to getting into 2016 and 2017. These matters are worthy of a broader context than simply the amendments before us. I think the Senate has done us a service, frankly, in ensuring those questions are now not only in the consciousness of the government but in the broader public in its debate.

**Senator Jaffer:** Senator Harder, I appreciated your comments. I also appreciated what you said to Senator Carignan. I'm not asking you to comment on each exemption, but I'm asking of you, when you are speaking to the government, to especially look at the harassment exemption. As you know, Senator Mitchell led the fight here in the Senate and the National Security and Defence Committee tabled a report in 2013 on the issue of harassment in the RCMP. I respectfully ask you, in your negotiations, to please, at least on my behalf, convey that. That's something I'd have difficulty with if they didn't look at it carefully.

**Senator Harder:** I want to assure the honourable senator and indeed all senators that I am very cognizant of the issues around harassment, and in my comments I specifically referenced the need to deal with harassment in the RCMP. I have benefited greatly, frankly, in the last number of weeks from conversations off-line with Senators White and Campbell, who have a greater knowledge of the RCMP from personal experience than certainly I do and perhaps even a number of other senators.

**Hon. Serge Joyal:** Would the honourable leader entertain another question?

**Senator Harder:** Certainly.

**Senator Joyal:** I was listening carefully when you presented the position of the government. My interest was piqued when you mentioned that we have to reflect on a process through which we would resolve the position taken by the Senate in relation to some bills and the way that they are received in the other place.

Last week we had such an experience; now we have another one. The *Rules of the Senate*, at Chapter 16, propose some avenue to try to resolve differences. I am concerned that we have entered

into a way of addressing the solution to that dilemma such that the Senate proposes the amendments and then the government reacts like father knows best. It seems to me that there should be a more consensual procedure to arrive at a way to resolve those different points of view. The way, in my opinion, to resolve those different points of view would be to develop the procedure of conference that is included at section 16-3(5) of the rules.

• (2030)

Would the Leader of the Government agree that this house appoint a small task force to reflect upon that and come back this fall with some proposals or options that could be freely debated in the chamber? We would then have a better process to resolve those issues and avoid the frustration that I think some senators will certainly be sent to face, as I said, the call of government authority, especially when there are principles at stake, as Senator White, Senator Campbell and Senator Carignan have been extensively exposing to us, on such a principle you can't be judge and party at the same time.

Those are the points that concern me. If we are to, as you stated quite properly, evolve as a chamber, we have to find a way, through the joint effort of senators on all sides of the chamber, to come to a reasonable approach to solve those issues.

**Senator Harder:** I thank the honourable senator for his comment and suggestion. Tonight would not be the occasion for me to make such a commitment, but I note the comments made, and I will reflect upon that.

I do hope that as we work forward, we will find ways of dealing with situations like the ones we face and will do so in a spirit of civil engagement and broad examination of how best to proceed.

**Hon. Daniel Lang:** Honourable senators, I rise to urge the adoption of Bill C-7, as amended. This bill is important. The importance of this bill to the 25,000 members and employees of the RCMP is overdue, and it has to be dealt with.

Many of you will recall that over the years there has been a public debate about whether our national police force should be allowed to have a union. Colleagues, that decision was taken by the Supreme Court 17 months ago in a landmark decision recognizing the rights of members of the Royal Canadian Mounted Police to meaningful collective bargaining.

The government of the day was given one year and then an additional four months to bring forward legislation: Bill C-7 as presented to the House of Commons. That extension expired on May 16.

I want to express a very deep concern that the House of Commons rose without dealing with Bill C-7, as amended, which it could have done if we had dealt with it last Thursday night and sent it over to the other place. Unfortunately, that did not occur, and we will have to wait until the fall of 2016 to try to resolve this outstanding issue that affects so many Canadians, not just members of the Royal Canadian Mounted Police and their families but society as a whole as they try to find their way through these uncharted waters.

Colleagues, at its core, Bill C-7 seeks to determine the terms and conditions to collective bargaining between the RCMP and,

basically, two employers: Treasury Board Secretariat and the RCMP management represented by the commissioner.

Colleagues, your committee reviewed the bill and, as was stated earlier, returned it unanimously, as amended.

I also want to remind you that your Standing Senate Committee on National Security and Defence, in 2013, studied harassment in the RCMP and brought forward a report with recommendations that were unanimously adopted in the Senate. The report in 2013 was supported by Senator Dallaire, Senator Nolin, Senator Mitchell, Senator Day, Senator Wallin, Senator Plett and me.

During our current study on Bill C-7, we heard from 25 witnesses whose comments guided us through our review and brought us to this place for debate as far as amendments are concerned. The time spent on study of this bill was twice the length of time as opposed to in the other place.

I want to take a moment to commend Senator Jaffer, who took over the responsibilities of the deputy chair and brought forward her point of view over the course of the debate on this particular important piece of legislation. I appreciate her help as part of the steering committee, along with Senator Dagenais.

I want to acknowledge Senator Colin Kenny, the dean of our committee, whose strong arguments in support of amending the bill brought us to a consensus opinion.

I want to recognize Senator Beyak, who also worked long hours to bring forward this bill.

I can't speak highly enough about Senator Campbell and Senator White, whose experience with the RCMP proved to be invaluable during review of the bill at all stages.

And, of course, the Leader of the Opposition, Senator Claude Carignan, who brought forward special expertise in the area of labour law.

Before I get into the bill itself, I want to thank the senior staff and our committee clerk who worked very long hours over a short period of time to be able to facilitate the timing of our witnesses, as well as coming to completion in a timely manner.

During our hearings, colleagues, it became clear that the bill was weighted in favour of the government and management and ignored what the Supreme Court had recommended, which was a meaningful collective bargaining process for members of the RCMP.

The bill, approved in the other place, explicitly removed the right of RCMP members and employees to have meaningful collective bargaining on issues relating to techniques, and we heard a lot about harassment, transfers and equipment, to name a few. Witness after witness indicated that it was unfair and out of step with what is known today as meaningful collective bargaining.

The minister responsible for the bill and RCMP officials indicated these exclusions, as they were termed, were needed for Canada's national police force. However, when compared with

other police forces and services across Canada, including those with large geographic regions, your committee found that these exclusions were not present in any of the other existing collective bargaining agreements.

Further, when pressed on this matter, the RCMP Commissioner told the committee:

Now here is the thing, these exclusions, enumerated as they are in C-7 did not need to be listed in this fashion. That was our advice to list them.

Colleagues, according to the Commissioner of the RCMP, the six sections that were removed by the committee were deemed non-essential, as they were covered elsewhere in the legislation, namely the Public Service Employment Act.

At the same time, however, in order to recognize the balance between the needs of management to manage and members of the RCMP to have a fair and meaningful collective bargaining process, your committee removed all the exclusions in section 238.19 and replaced them with a new amendment which affirmed the authority of the commissioner under the RCMP Act to manage the RCMP.

Colleagues, your committee also took note of the significant challenges within the RCMP when it comes to collective bargaining and the importance to ensure a secret ballot. We therefore included an amendment for a secret ballot because we wanted to ensure that members of the RCMP, at all stages, have a fair vote, free from harassment, free from bullying, and they can make their own decision.

I did take note of the Leader of the Government's response, and I appreciate his candour with respect to his speech at third reading on this bill, but I cannot emphasize enough the importance of a secret ballot for the members of the RCMP and the other members of the public service who would be part of going towards this collective agreement. Witness after witness told us during the course of our hearings how important this particular provision was, and that's why it's included in the bill.

In addition to the amendments mentioned, your committee expanded the rights of the RCMP members to bring forward grievances before the Public Service Labour Relations Board in keeping with meaningful collective bargaining rights and the rights as enjoyed by all members of the public service. The other amendments were consequential, as mentioned by Senator Campbell.

• (2040)

Colleagues, Bill C-7, as amended, is in keeping with the principle of fairness and allows RCMP members to engage in meaningful collective bargaining, which would now include issues relating to occupational health and safety, as well as other workplace issues such as transfers, promotions, demotions and probations.

Some may say the Senate committee is only to review bills, bring forward no amendments and bow to the elected house. I would note that the Prime Minister and the Government House Leader have both strongly urged senators to responsibly do our

jobs in scrutinizing legislation. Colleagues, that's exactly what we did, in a non-partisan manner, which is why your committee was unanimous in recommending a report to this chamber.

I would conclude by asking for your support to pass the amended bill so that the 25,000 members and employees of the RCMP will have the protection they need during collective bargaining, and management, at the same time, will have the roles that they are required to maintain.

**Hon. Vernon White:** Honourable senators, I stand today to offer my support for Bill C-7 as amended in committee. This is a bill that now respects the rights of the dedicated women and men serving in the RCMP by providing a new labour relations framework for RCMP members and reservists.

This legislation came to us as a result of a Supreme Court of Canada decision, as a result of a challenge brought forward by a small group representing a number of RCMP members, in fact. In essence, the Supreme Court of Canada identified that the regime that had been present in the force, the Staff Relations Representative Program, did not meet the test, stating that:

The relevant inquiry is directed at whether RCMP members can genuinely advance their own interests through the SRRP, without interference by RCMP management. On the record here, they cannot. Simply put, the SRRP is not an association in any meaningful sense, nor a form of exercise of the right to freedom of association. It is simply an internal human relations scheme imposed on RCMP members by management. The element of employee choice is almost entirely missing and the structure has no independence from management.

So this bill is designed and meant to move the RCMP forward into a regime where members can exercise their right of association and gain the labour rights they deserve. To be clear, this bill is not about unionization; rather, it is about the right to choose to associate through a regime of member representation for members and reservists of the RCMP, and in the manner that the members of the police force decide. It would allow the members, in essence, to select a representative and engage in meaningful negotiation with their employer, should they choose to.

The bill is a significant step forward in the history of the RCMP and its labour rights. It would enable RCMP members and reservists to engage in meaningful collective bargaining, something they have never done.

Despite its long historical contribution to the history of Canada, its members did not have the full freedom of association with respect to collective bargaining. With Bill C-7, as amended, this will change. The Supreme Court of Canada has removed the barriers RCMP members faced in exercising this right as guaranteed to all Canadians by the Canadian Charter.

I have mentioned a number of times that I support this bill as amended, as I could not do so prior. To explain, I will quote the

Parliamentary Secretary to the President of the Treasury Board in the other place, who stated:

The bill provides the appropriate framework for the labour legislation that will govern the RCMP. It gives RCMP members and reservists the same access to a collective bargaining process that other police forces in Canada have.

To be fair, prior to the amendments, that wasn't true. You see, the Commissioner of the RCMP asked for and received, as he told us in committee, a number of exclusions from bargaining, including law enforcement techniques, which could include minimum competency levels, staffing, backup plans, response to dangerous calls, transfers from one position to another, appraisals, probation — and I could go on. I could touch on each, and I am certain that others will do so, but I want to make certain that I express here that police services across Canada have and do exercise the right to negotiate most or all of these through their bargaining representative today.

So when the bill was introduced, a flawed process of bargaining came with it — one where the commissioner would maintain, under the force's direction, control not only over the operationalization of these excluded areas, but absent them from an opportunity for joint development and negotiation by member representation through a fair process, as noted by the Supreme Court of Canada.

The commissioner acknowledged that he didn't really need the exclusions but, rather, wanted them included to give clarity around management rights. He as well stated clearly that these management rights are acknowledged in law. In fact, in every collective agreement I have reviewed between a police agency and the bargaining agent for the employees, I have seen a clear statement regarding maintenance of management rights. Ultimately, this bill was to amend the Public Service Labour Relations Act and the RCMP Act to create a new labour relations regime for members and reservists.

To be clear, it is meant to give RCMP members and reservists the right to choose — the right to choose whether they wish to be represented by an employee organization during collective agreement negotiations with the employer, the Treasury Board of Canada, something that was not in place prior to the Supreme Court decision. RCMP members could not organize and could not participate in collective bargaining.

The problem with the previous regime, as identified by the Supreme Court, is that regardless of decisions being made and engagement being held with member representatives, the final word at all times remained with management. While management maintains their right to manage, the need for real bargaining and negotiation was identified by the Supreme Court to be an essential ingredient to the rights of members, as noted in the freedom of association found in section 2(d) of the Charter.

Many changes were subsequently made to this labour relations regime, which increased the independence of the Staff Relations Representative Program, but the Supreme Court still said it did

not pass muster. The Supreme Court clearly identified that the labour relations regime previously held in the RCMP was unconstitutional, and in fact stated that there must be a meaningful process of collective bargaining, and that bargaining would include a degree of choice and independence, resulting in their ability to pursue their collective interests.

The government bill, Bill C-7, as amended, now addresses the issues identified by the Supreme Court, in my opinion. I believe and hope that it will provide members and reservists of the RCMP with the necessary choice and independence from management, while recognizing the reality of policing.

As amended, I believe Bill C-7 provides a right to members of the RCMP that has long been exercised by all other police officers in Canada: the right to bargain in good faith. With this bill as amended, collective bargaining will be entrenched in law. This bill, as amended, will lay out the rules of good-faith bargaining and give members of the RCMP the right they have long been refused.

I want to congratulate the Government of Canada on bringing this bill forward. I must reiterate that without the amendment, I believe it would have been problematic and that the commissioner would have had powers that were not intended.

To be fair, and as a note on transparency, I did want to mention that I served for almost 25 years in the RCMP — Stephenville, Nain, Newfoundland and Labrador; Halifax; Ottawa; Inuvik; Aklavik; a couple times in Yellowknife; Whitehorse; Iqaluit; Kimmirut — the 11 top spots in this country. I served proudly in one of Canada's icons, one of the greatest police organizations in the world. But to have a strong organization, the members must have a strong voice.

I want to pass along special thanks to Senator Campbell, probably the best sponsor of a piece of legislation that I've ever seen, and to the committee. For me, it was an important aspect of making this successful. Of course, I thank the Leader of the Government in the Senate, for I do believe he seized the issues that most of us seek.

The bill, as now amended, will provide members of the RCMP with a proper, fair and constitutional labour relations regime, if they choose one. We have RCMP members serving in over 800 communities across this great nation, and serving in more countries than I have time to explain — standing up for many who cannot stand up for themselves. This is an opportunity for us to do our bit and stand up for them.

I would ask each of you to consider what we ask of our RCMP members, criss-crossing this nation, taking on every task as asked. I ask you to support this bill as amended. Let's send it back to the House of Commons with a strong agreement that the RCMP members in this country deserve our support.

**Hon. Frances Lankin:** Would the honourable senator accept a question?

**Senator White:** Always.

**Senator Lankin:** Thank you very much. I want to indicate to you that I support the amendments that the committee has passed and will be supporting the bill. I am a bit reluctant on one amendment, namely, enshrining management rights within legislation, and I'm curious as to your reason for supporting that. I virtually all the public sector agreements that I had the opportunity to negotiate as a public sector union negotiator, that was an item up for negotiation, as was the grievance procedure. Those two items are usually the first two things you agree to in a collective agreement, and they are the balance of rights between the collective bargaining membership group and management.

• (2050)

In this case, in the future, should times evolve and changes are required within the collective agreement to the balance between those areas, the union is unable to address what is in the management rights list because it's enshrined in legislation. Even in the first round of bargaining, should they choose to unionize and move forward, there will be the critical lack of trade-offs in the natural sense of things between those two clauses.

I will support the bill and vote in favour of it, but I'm curious as to your reasons for supporting the insertion of management rights within legislation.

**Senator White:** Thank you very much for the question, senator. Every single police collective agreement that I've seen has enshrined in the very beginning the words "management rights." With a police organization of 25,000, give or take, that has responsibilities both under contract and directly across the country, there does need to be the right to manage from the leadership. More importantly, the only complaint we heard from the leadership of the RCMP, the only reason they demanded all of these exclusions, the only reason they want it to mean absolute control over every single movement of every employee was management rights. Management rights are inherent in law when it comes to rights to manage, so I felt if we could actually put it in there we would be clear that we weren't trying to step on their rights as management.

**Senator Jaffer:** Honourable senators, I want to thank the sponsor of the bill, Senator Campbell, and the critic of the bill, Senator Carignan.

Honourable senators, today I rise to speak to the amendments on Bill C-7, which will grant the RCMP members a union and the right to organize that had been denied for many years. Before I begin, I would like to read a letter from an RCMP member who reached out to me:

I simply wanted to take the time to thank you personally for the support you've shown to the members of the RCMP.

When I became a member almost 19 years ago I never envisioned the RCMP becoming what it has. I did my best to turn away from the politics and continue to do my job never thinking things would become as bad as they have.

The RCMP core values are integrity, honesty, professionalism, compassion, respect and accountability. I can say without a doubt that the majority of members on the

front lines embody these values but have learned that our management do not. To deny us the basic rights to bargain on issues that every other police agency in Canada have the right to address simply was the last straw.

Thank you for being able to see beyond the lies.

Honourable senators, I rise today because I've heard from many voices of the RCMP members who need a good bargaining process. Until recently, RCMP members have not been permitted to unionize or engage in collective bargaining. They have been shut out of the labour relations regime governing the federal public service, and their own regulations render them unable to conduct effective collective bargaining.

In 2006, members of the RCMP representing its associations in Ontario and my province of British Columbia decided that this exclusion could not go on any longer. To them, the system was unfair. The RCMP rank and file believed that they too should have access to what is a right for all other Canadians — the freedom of association in the form of a meaningful collective bargaining process.

RCMP members went to court, and the Supreme Court of Canada agreed with the RCMP members that the RCMP had been denied the right to any meaningful process of collective bargaining, which is protected under section 2 of the Charter, the guarantee of the freedom of association.

The case should have been a huge victory for RCMP members. They had won their bargaining case, giving Parliament the mandate of creating the union that had been denied to the RCMP for so long. However, despite this mandate, the government has decided to table this bill, C-7, with several exemptions, which represents a step backwards in the process of giving RCMP members the “meaningful process of collective bargaining” that they deserve.

Honourable senators, RCMP members won a court battle, and then Parliament wants to deny them some of their hard-earned rights by introducing exemptions. Bill C-7 forbids RCMP members from bargaining many areas that are central to their work; these areas are law enforcement techniques; transfers from one position to another; appointments; appraisal; probation; discharges and demotions; conduct, including harassment; the basic requirements for carrying out the duties of an RCMP member or a reservist; and the uniform, order of dress, equipment or medals of the RCMP.

With the limited time I have, I wish to discuss some of the restrictions that I find particularly concerning. The first of these is the exclusion of transfers. Transfers affect the living conditions and the family lives of many RCMP members. I have been told that some senior officers abuse transfers, using them as a way to punish members who go against their will. While this may not be the case, I cannot in good conscience leave the ability to discuss transfers out of the bargaining process by the members.

Honourable senators, transfers should be part of bargaining rights of the RCMP members.

Another exclusion that worries me is the ability to discuss “the uniform, order of dress, equipment or medals of the RCMP.” Many of you likely remember the Moncton shootings from two years ago, where three RCMP officers were killed and two more were injured in a string of attacks. An internal review found that the officers' deaths were preventable and that they had been given improper equipment. These officers lost their lives because they were left without the tools that they needed to properly do their jobs.

Worse yet, this tragedy was not an isolated incident. Rae Banwarie, President of the Mounted Police Professional Association of Canada, stated before the committee that there were many other cases just like the Moncton shootings. There were Mayerthorpe, Spiritwood, St. Albert and Fort McMurray. In each of those places, RCMP officers faced similar life-threatening danger that could easily have been prevented if they had been better equipped. Mr. Banwarie said that even today, RCMP officers often find themselves at risk because they are often forced to go into the field without proper equipment.

Honourable senators, uniform and medals should be part of the bargaining of RCMP members. With those mentioned, the one exclusion that worries me most of all is the fact that an RCMP union will not be able to discuss any form of conduct at all, including harassment and sexual harassment.

In 2013, our National Security and Defense Committee tabled a report stating that the RCMP's culture allowed for harassment to run rampant. Between 2005 and 2011, 718 complaints were filed by employees, with well over 45 per cent being from women, which spoke of sexual harassment, bullying and abuse.

Some of the stories that I have found were stories of women who would receive disgusting sexual comments and contact from their employers — women who were coerced into sexual relationships if they wished to keep their career afloat.

One of the RCMP's highest-profile female members, Corporal Catherine Galliford, faced years of sexual harassment during her tenure, despite her very good position.

To say the least, this kind of conduct is unacceptable. However, despite that fact, RCMP investigations found that insufficient action had been taken to address the issue, and that the RCMP had even tried to fire two women who sued over this abuse. What is in place now is simply not good enough. Any RCMP union should have the ability to work together with management to try and find appropriate solutions that will end this culture of harassment.

Honourable senators, conduct and harassment should be part of the bargaining rights of RCMP members. Realizing challenges with bargaining rights that these exclusions could pose, the committee called upon RCMP Commissioner Bob Paulson to appear and to provide his rationale for these exclusions. When a member of the committee asked Commissioner Paulson if the removal of these exclusions would have any kind of significant impact, he simply replied “no.” When asked to elaborate on how this could be the case, he simply said that even if we remove the sections where the exclusions appear, other laws will serve the same function.

If that is the case, then there should be no problem with removing the exclusions from this bill. When it comes to matters that so closely touch the lives of RCMP members, we cannot afford to take risks by including exemptions that are, by the commissioner's own admission, unnecessary.

• (2100)

Honourable senators, when we are given a mandate from the Supreme Court to provide RCMP members with legislation that will allow them to unionize, the least we can do as legislators is to provide them with the bargaining rights they deserve.

I know all of you respect the hard work done by RCMP officers, often risking life and limb to protect Canadians from those who would harm us. I believe it is our responsibility to give the RCMP members the bargaining powers that these members deserve.

I would like to conclude with the words of Shelley Wynn, whose testimony at the Legal Committee on another bill shows how much these brave members sacrifice for us Canadians and how we, therefore, have the responsibility to ensure that RCMP members also have a say in their working conditions.

Honourable senators, I want you to know that last week, when Constable Wynn's widow spoke at the Legal Committee, there wasn't one dry eye in the committee. She said the following:

. . . I want you to think of the one person in your life that you spend every day with; the person you see before you go to sleep; the last person you see at night; the first person you see every morning when you wake up; the person that you do everything with during the day; . . . and the person that you planned to spend the rest of your life with, making new memories and following your dreams.

She went on to tell the committee members to close their eyes and to take four seconds, and this is how she continued:

That's exactly how long it took for Shawn Rehn to take away my husband: four seconds. That's exactly how long it took for him to take away the last person that I saw at night, the first person that I see in the morning. That's how long it took for him to take away the father of three sons.

I want you to take a moment and think about what it would be like to lose that person in four seconds. Just gone — everything gone. . . .

Dave was so proud of being a Mountie, and he was honestly the true meaning of a Mountie. He loved his job. That was probably one of the proudest moments of his life, on that day, and probably the proudest moment for his family, as well.

I think that he showed that he loved his job in everything that he did every day to protect the community of St. Albert. I think you can ask anyone in St. Albert, and they would agree with that. . . .

He was an extraordinary man, and I got to share my life with that extraordinary man.

In those four seconds, a constable was taken away from his community, a husband was taken away from his wife, a father was taken away from his three sons, and a son and a brother was taken away from his mother and sisters — in four seconds.

Every day I wake up wishing that I could take those four seconds back, but I can't. There is nothing I can do to change that.

Every day I have to live my life alone, not have Dave by my side enjoying the moments we were supposed to have together as a family and as husband and wife.

Every day his children have to experience new things and new milestones without their dad. This Sunday is Father's Day. They don't have a father to spend that with. They don't have any more chances to make new memories.

Honourable senators, the men and women we are speaking about are men and women who sacrifice their lives every day for us. I ask you to support the amendments that have been put in front of you because it is for the men and women who keep us safe, the men and women who put their lives at risk so that we are safe.

[*Translation*]

**Hon. Pierrette Ringuette:** I would like to respond to Senator Lang's statement to the effect that the bill did not pass second and third reading in the Senate before the House of Commons rose for the summer.

Senator Lang, in the end, it will be good for RCMP officers to have three extra months to express their support for the proposed amendments to the bill, which, I believe, will be adopted this evening.

However, there is one amendment that I have a bit of a problem with. It has to do with secret ballot voting. I can appreciate the fact that, in the context of the RCMP, where the labour force is so spread out because Canada is such a vast country, it may not be adequate to have RCMP officers simply sign union cards.

I would also like to draw your attention to another aspect that affects collective bargaining. From the outset, we have been hearing about how this bill is modelled after the federal public service.

All collective bargaining is based on the art of striking a balance between union and management rights. In the beginning, Bill C-7 originally proposed something vastly different from what the rest of the public service has.

Public service employees have the fundamental right to strike, which gives them bargaining power with the employer. Although they have to provide essential services, they still have some bargaining power with their employer. That is not the case for RCMP officers in Bill C-7.

It is important that we recognize that, in Bill C-7, RCMP officers do not have the right to strike like other federal public servants do, and rightly so, for reasons of public security.

However, this lack of bargaining power must be counterbalanced by other factors that may not be included in federal public service bargaining.

Despite my concerns, in light of Canada's geography and the distribution of the labour force, a secret ballot could be a positive in negotiations. I will therefore not let this minor element cause me to vote against the amendments that the committee, under Senator Lang, proposed. You did excellent work, and I congratulate you and Senator Campbell too. I know it was not an easy task.

• (2110)

Before I conclude, I will say that I hope Senator Harder takes this into consideration when he presents the Senate's arguments on Bill C-7. The fact is that the RCMP does not have the right to strike. That is crucial to the employer-employee balance of power. There has to be some way to compensate for that in order to level the playing field between the two.

(On motion of Senator Fraser, for Senator Kenny, debate adjourned.)

[English]

## CRIMINAL CODE

### BILL TO AMEND—SEVENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-217, An Act to amend the Criminal Code (detention in custody), with an amendment and observations), presented in the Senate on June 16, 2016.

**Hon. George Baker** moved the adoption of the report.

He said: Honourable senators, this will only take a couple of minutes.

The reason why I'm moving it is because I listened to Senator Jaffer talk about the testimony of the widow of an RCMP officer before the Legal and Constitutional Affairs Committee just last week, and it was very powerful testimony in support of Senator Runciman's bill. I'm just making some brief comments to recommend that we move this bill on to third reading.

The Clerk's table tells me that because this was amended in committee I've got to give the reason for it.

Just to show that there's no great problem with this bill, the first two clauses do things that already take place. It changes the word "may" to "shall."

**An Hon. Senator:** What about "must"?

**Senator Baker:** Not "must."

Let me just tell you what happened. I think I'm getting the correct facts; Senator Runciman can correct me tomorrow or the next day.

Two RCMP officers were in a parking lot of a casino not too long ago. They were looking at vehicles, comparing the licence plates to the vehicle on a complaint, and the licence plate didn't match the vehicle. They went into the establishment to confront this individual, and the individual drew a gun, shot one police officer in the head and killed him instantly, and shot the other police officer in several different places.

It was discovered that this particular individual had a long criminal record, there were warrants out for his arrest in several jurisdictions, and he was out on bail.

Senator Runciman got a copy of the transcript of when he was released on bail and circulated it to our committee. Under normal circumstances when somebody is released on bail — judicial interim release — their criminal record is presented to the court. I mean, it's in the Criminal Code with the word "may." Their previous record of violations of conditions is also explained to the court, and the court comes to a conclusion as to whether or not to release this person. Well, this person was being sought after on several warrants for his arrest and had a long record of violence, and the very charge for which he received bail was a violent charge. Senator Runciman discovered that at no point in that bail proceeding was the person's criminal record or anything about that person that could be on CPIC released to the court, none of that information.

What Senator Runciman is doing with this bill, and we had several experts before the committee, is changing "may" to "shall." The prosecutor, in addition to any other relevant evidence, must lead evidence to prove the fact the accused has previously been convicted of a criminal offence, and so on. That's what's presently there, but he's changing it to "shall."

That's basically what this is about. It's an unusual case.

I read a lot of case law, and I've never seen a case where a person's criminal record and the person's previous violations of conditions have not been brought up, because it's in the code. I've never seen a case where it's not been brought up in judging whether to release somebody. Well, in this case, none of it was brought up, and we discovered in evidence before the committee that perhaps this is not unusual, that CPIC is not what it's cooked up to be and that electronic communication is wanting in our system and in our courts.

That is why Senator Runciman is bringing forward this bill, to prevent another incident like that tragic incident that happened with those two police officers from ever happening again. It will, senators, force the police and our justice system to bring the system of communications up to date so that you know who you've got before you in court. That is basically it. We have an observation from the committee to the Department of Justice to try to get the electronic systems that police officers have, to bring it up to date so that it can be brought together in a court proceeding.

• (2120)

The clerk tells me I must explain why we took out one clause in the bill. One clause was taken out because Senator Runciman didn't want to muddy the waters in the bill. I'll tell you what happened. It's interesting.

In 2009 our committee, the Legal Affairs Committee, passed a bill called Truth in Sentencing. Remember that bill?

**An Hon. Senator:** Yes.

**Senator Baker:** Somebody's pointing a finger.

When we held the hearing, we heard from the Minister of Justice and officials, and a senator who's in this place right now, sitting here, put his finger like this, and he said, "This will be judged unconstitutional, a certain section of the law." For the fifth time, two months ago, the Supreme Court of Canada struck it down as being unconstitutional. It's just a portion of a sentence. I went back in the record, and of course it's Senator Joyal I'm talking about.

**An Hon. Senator:** No!

**An Hon. Senator:** Not again!

**Senator Baker:** I think he's batting four for four, but I'm hoping for the day when the law of averages will prove him wrong for once, but it doesn't look likely.

**An Hon. Senator:** What about last week?

**An Hon. Senator:** Last week he was wrong.

**Senator Baker:** Section 719(3.1) is where the government changed the system. There was some wisdom in the government doing it. It was one for one. In other words, when you were in jail prior to trial, you received a credit. If you were found guilty and sentencing took place, you sometimes got two for one. In other words, you were sitting in a corner jail with no facilities or anything for up to a year, and you would receive credit for two years, some of them three years. The government brought in a bill that changed that to one for one. In extreme cases, one and a half times for one.

We approved it. We said that anybody who is held in custody because of a criminal record, which is 515(9.1) of the Criminal Code, that in those cases where a person's criminal record was the reason for the person being detained in jail prior to trial, then that person could not take advantage of the one to one provision. So the Supreme Court of Canada struck that down, saying it was unconstitutional.

Now I asked Senator Runciman why he was withdrawing this. It's the same clause. He said, no, it's going to muddy the waters. The Supreme Court of Canada said a portion of this paragraph was ruled unconstitutional, so he agreed to take it out. So that's it. You're changing "may" to "shall" and you're trying to prevent this tragedy.

[ Senator Baker ]

If you were at the committee, as Senator Jaffer stated, the widow talked about her children and the effect of that extraordinary mistake that was made. Senator Runciman is pursuing this and trying to correct it with that one simple change. So I would strongly suggest that we pursue it at third reading.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Our critic on this bill is out of the country on parliamentary business. I haven't had a chance to consult him about his views on this report. I shall do that overnight, if I can. Until then, I move the adjournment of the debate.

**Hon. A. Raynell Andreychuk:** I have a question for Senator Baker. Thirty years ago we were talking about CPIC and its shortcomings. We're still talking about that issue. I understand the committee dealt with the fact that at least the police will have to bring forward what they have. However, the problem is, whatever you input is the only thing which can be output. We needed then and we need to look at CPIC now to see if it's operational, interprovincially operational, and can withstand the test. We can do a better job with a "shall" in a province, but across Canada the inputting is very different. It's one of the things that the police struggle with. It's a question of time, resources, et cetera.

So did the committee deal with that? Or are we still going to have to look at that in some other form?

**Senator Baker:** The senator is absolutely correct. As a former judge, she's very knowledgeable in this area.

A criminal record comes from the court. There will be a printout with the person's name and then there will be a note at the bottom. That is the records held in this court's jurisdiction. A record in another court jurisdiction is another matter.

With the advances in electronic communication, one would expect CPIC to be up to date. We have heard evidence that it's not up to date. Now what is wrong in our society today that we can't have some uniformity? That's why the committee made its observation. There must be some way to find out who you've got before you in court, and whether you're releasing a violent offender with guns, as this fellow was. We should at least have a system in place to vet that person's record and whether or not there were outstanding warrants involving violence. You're absolutely correct.

By using the word "shall" it's a whole new dimension. Perhaps it's an onus. If we had put in "must" it would have been worse, but "shall" will require the Crown prosecutor to at least have that record, or produce it, and investigate whether or not it exists.

In the case Senator Runciman brought before committee, the court transcript showed not one single bit of evidence was there. The justice who was giving the permission for the release, there was no comment. This change will force the authorities to at least come up with something to protect Canadians.

(On motion of Senator Fraser, debate adjourned.)



• (2130)

## LATIN AMERICAN HERITAGE MONTH BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Enverga, seconded by the Honourable Senator Stewart Olsen, for the second reading of Bill S-218, An Act respecting Latin American Heritage Month.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Honourable senators, my notes are not yet complete. I move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRD REPORT OF COMMITTEE—MOTION IN AMENDMENT—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Maltais, for the adoption of the third report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2016-2017), presented in the Senate on February 25, 2016.

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

That the Senate postpone debate on the third report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2016-17) until the full itemized budget has been tabled and distributed to Senators, as well as the detailed Senate expenses for 2015-16, and, five sitting days after it has been distributed, the Senate sit as Committee of the Whole for questions and that the Committee of the Whole sit until all questions by Senators have been answered.

**Hon. Pierrette Ringuette:** Honourable senators, since I sense that a summer break is upon us, and that the Senate budget is still not adopted, and that over two months ago I requested full disclosure of the Senate budget, I'm wondering if the deputy chair of Internal Economy could advise this chamber when the full Senate budget will be tabled for senators to view.

**Hon. Jane Cordy:** Thank you very much for the question. I would have to speak to the chair and get back to you tomorrow, if that would be fine.

(Order stands.)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Budget—study on the effects of transitioning to a low carbon economy—power to hire staff and to travel), presented in the Senate on June 16, 2016.

**Hon. Richard Neufeld** moved the adoption of the report.

He said: Honourable senators, this item gives the authority to the Standing Senate Committee on Energy, the Environment and Natural Resources to travel across Canada. The initiative has been approved by Internal Economy, at least a portion of it. The total budget would be \$153,983. What has been approved so far is \$119,143.

That will allow us to visit Western Canada, Vancouver, for issues around carbon taxes. We'll travel to Kitimat, where the aluminum smelter there has undergone an upgrade. We'll go to the university in Prince George to see biomass heat. We'll go to Calgary because they've just introduced a climate leadership plan, and we'll see how that will affect large emitters. We'll go to Estevan to have a look at the power plant where we will see carbon capture and storage. We will travel to Sarnia, Ontario, which some may not know, but Sarnia is home to the largest petrochemical plant in Canada and uses natural gas for all of it. We'll also go to Hamilton, Ontario, to McMaster University. We will also go to Montreal to the Trotter Institute. That will use the \$154,000.

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

**Hon. Senators:** Question.

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

(Motion agreed to and report adopted.)

## NATIONAL SECURITY AND DEFENCE

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATED TO THE GOVERNMENT'S CURRENT DEFENCE POLICY REVIEW—FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Security and Defence (Budget—study on issues related to the Defence Policy Review presently being undertaken by the government—power to hire staff and to travel), presented in the Senate on June 16, 2016.

**Hon. Daniel Lang** moved the adoption of the report.

He said: Honourable senators, this is a request for a maximum of \$50,000 to finance a fact-finding mission to New York to visit the United Nations. The trip will take approximately two days. Our intentions are to travel in either late September or early October. It will facilitate the finalization of a report that has been requested of us by the Minister of Defence in the review of the defence policy, in particular the question of Canada's involvement in peacekeeping in the future plans of the Government of Canada.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## THE SENATE

### MOTION TO ENCOURAGE THE GOVERNMENT TO MAKE PROVISION IN THE BUDGET FOR THE CREATION OF THE CANADIAN INFRASTRUCTURE OVERSIGHT AND BEST PRACTICES COUNCIL—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Enverga:

That the Senate — in order to ensure transparency in the awarding of public funds and foster efficiency in infrastructure projects in the larger context of economic diversification and movement toward a greener economy, all while avoiding undue intervention in the federal-provincial division of powers — encourage the government to make provision in the budget for the creation of the Canadian Infrastructure Oversight and Best Practices Council, made up of experts in infrastructure projects from the provinces and territories, whose principal roles would be to:

1. collect information on federally funded infrastructure projects;
2. study the costs and benefits of federally funded infrastructure projects;
3. identify procurements best practices and of risk sharing;
4. promote these best practices among governments; and
5. promote project managers skills development; and

That a message be sent to the House of Commons to acquaint that House with the above

**Hon. Michael L. MacDonald:** I move the adjournment of the debate in my name for the remainder of my time.

(On motion of Senator MacDonald, debate adjourned.)

## FISHERIES AND OCEANS

### COMMITTEE AUTHORIZED TO STUDY THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY AND REFER PAPERS AND EVIDENCE FROM FIRST SESSION OF THE FORTY-FIRST PARLIAMENT TO CURRENT SESSION

**Hon. Fabian Manning,** pursuant to notice of May 18, 2016, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on the regulation of aquaculture, current challenges and future prospects for the industry in Canada;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First Session of the Forty-first Parliament be referred to the committee; and

That the committee report from time to time to the Senate, but no later than June 30, 2016, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

He said: Honourable senators, the Standing Senate Committee on Fisheries and Oceans, which I chair, published a comprehensive report on aquaculture in July 2015, after hearing from 138 witnesses and visiting several aquaculture sites and regulators both within and outside of Canada.

Aquaculture, as we all know, is an increasingly important industry across our country and is playing a larger role in the world's food supply. Our report, which is composed of three distinct volumes, provides an extensive review of the regulatory and management regime for sustainable aquaculture across Canada.

It also carefully examines many of the challenges facing the aquaculture industry today, everything from legislative and regulatory frameworks to fish health to productive ecosystems to research and development to licensing and reporting.

The report was not, however, tabled in this chamber. Rather, it was tabled with the Clerk of the Senate because Parliament had already adjourned for the summer. Accordingly, it was not possible for the committee to request a formal government response to our report.

Moreover, an election was called a few days after the report was published and this limited the media coverage to the committee's

findings and recommendations on aquaculture that it would have otherwise received.

Despite this, we have received congratulations for our report including its thoroughness, timeliness and usefulness, from a variety of industry representatives, researchers and other stakeholders, as well as from the Minister of Fisheries, Oceans and the Canadian Coast Guard.

As you may remember, the minister appeared before the Senate during Question Period on February 3, 2016. He said:

The committee's two-year study —

— on aquaculture —

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

Honourable senators, this is precisely the goal of the Order of Reference that I'm presenting to you on behalf of all members of the Standing Senate Committee on Fisheries and Oceans. The order of reference would allow us to table in this chamber in the coming days the July 2015 report on aquaculture in its entirety. Furthermore, it will allow us to request a formal government response to the 10 recommendations contained in the report. We also intend to make sure that our aquaculture report gets the public attention and media coverage that it deserves.

• (2140)

Let me reassure you that the report — its findings and its recommendations — are still very current. Volume 1 explains how diverse the aquaculture industry is across Canada and how complex its governance is due to a set of about 70 intertwined federal and provincial pieces of legislation.

Volume 2 examines the aquaculture industry in Norway and Scotland, both in terms of its structure and how it's regulated. It highlights the extent to which these two countries have succeeded in streamlining the framework governing aquaculture and how their respective governments strongly support the growth of the industry while addressing environmental challenges. It shows that Canada can draw some lessons from both Norway and Scotland.

Volume 3 takes stock of the knowledge the committee acquired during the study and suggests how the aquaculture governance framework in our country can be streamlined, particularly at the federal level, to support the sustainable growth of the industry.

As I mentioned earlier, the report proposes a set of recommendations articulated around five main themes: legislative and regulatory framework; healthy aquaculture fish; healthy and productive ecosystems; research and development; and social licence and public reporting. One of the key recommendations calls on the federal government to introduce national legislation governing aquaculture. We believe that a new piece of legislation is necessary to improve the governance of the industry across the country and to stimulate investment.

Another important recommendation calls on the Department of Fisheries and Oceans to perform an assessment of current research to identify gaps, and another calls for the development of a formal mechanism for DFO to collaborate with the provinces, the research community and the industry to foster research. We also recommend the establishment of a national central database accessible to the public that contains information pertaining to the licence and compliance of each aquaculture operator. Canadians seeking information on aquaculture operations will be able to find it in a single convenient place. In our view, disclosing information about the industry and data on its environmental performance will improve public trust.

Honourable senators, the Canadian aquaculture industry generates \$1 billion worth of positive benefits annually and helps revitalize remote, rural and coastal communities across the country, where other economic opportunities tend to be limited. The Senate Fisheries Committee supports the sustainable development of this industry. Thank you very much for your attention.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## TRANSPORT AND COMMUNICATIONS

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA

**Hon. Michael L. MacDonald,** pursuant to notice of June 7, 2016, moved:

That, notwithstanding the order of the Senate adopted on Wednesday, March 9, 2016, the date for the final report of the Standing Senate Committee on Transport and Communications in relation to its study on the development of a strategy to facilitate the transport of crude oil to eastern Canadian refineries and to ports on the East and West coasts of Canada be extended from June 30, 2016 to November 17, 2016.

He said: Honourable senators, I would like to take a few moments to provide you with some information on this motion.

[Translation]

Last March, the committee undertook a study on the transport of crude oil in Canada. This study seeks to give the federal government tools to develop a national strategy to facilitate the transport of our oil for the benefit of all Canadians.

[English]

The committee had planned to table its report later this month, following public hearings in Eastern and Western Canada. Due to recent events in the Senate, our travel has been postponed to September, and the committee now requires an extension of its order of reference to complete its work.

After our hearings outside of Ottawa, and while we are drafting our report, the committee will then begin its study of automated and self-driving vehicles during the fall and winter sittings.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### BANKING, TRADE AND COMMERCE

##### MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF ISSUES PERTAINING TO INTERNAL BARRIERS TO TRADE WITH CLERK DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On Motion No. 100 by the Honourable Joseph A. Day:

That the Standing Senate Committee on Banking, Trade and Commerce be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the issues pertaining to internal barriers to trade, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

**Hon. Joseph A. Day:** Honourable senators, time has passed by this particular matter. It's no longer necessary, and I wonder if we could have the consent of the chamber to have it removed.

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

**Hon. Senators:** Agreed.

(Motion withdrawn.)

#### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

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

**Hon. Jane Cordy, for Senator Housakos,** pursuant to notice of June 13, 2016, moved:

That, pursuant to rule 12-18(2)(b)(i), for the remainder of the current session the Standing Committee on Internal Economy, Budgets and Administration be authorized to

meet, even if the Senate may then be adjourned for a period exceeding one week.

She said: Honourable senators, I think the motion is pretty self-explanatory. We're just asking that Internal Economy and subcommittees of Internal Economy be able to sit during the summer months.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

#### TRANS CANADA TRAIL

##### HISTORY, BENEFITS AND CHALLENGES— INQUIRY—DEBATE ADJOURNED

**Hon. Claudette Tardif** rose pursuant to notice of May 10, 2016:

That she will call the attention of the Senate to the Trans Canada Trail — its history, benefits and the challenges it is faced with as it approaches its 25th anniversary.

She said: Honourable senators, like all Canadians, I realize that we live in a very large country, which I am reminded of every week when I travel back and forth between Edmonton and Ottawa.

A country like Canada would be much less economically, socially and politically cohesive without its vast, accessible and effective transportation and communication networks, which bring us closer together and promote exchanges. This has been clear to generations upon generations of Canadians, and I think that this is now an integral part of our history and national identity.

[English]

In the 19th and 20th centuries, Canadian ingenuity gave us the Rideau Canal, the Pacific railway, the St. Lawrence Seaway, the Trans-Canada Highway and a vast network of airports, telephone lines and other telecommunication infrastructure that we would be hard-pressed to live without today.

We can be proud of our success in linking Canada's diverse regions together, despite the many challenges that may at times have seemed insurmountable. Building a vast and sparsely populated nation such as ours is an ongoing affair, a process that begins in the 21st century.

Today I would like to address another challenge, namely that of completing the Trans Canada Trail. The construction of a national trail system can cultivate our sense of collective imagination and national pride, much like the building of the Pacific railway in the 19th century or the Trans-Canada Highway in the 20th century.

[ Senator MacDonald ]

Despite 24 years of passionate and sustained efforts from the proponent, the Trans Canada Trail is not yet complete. The idea of a national trail system first originated in the 1980s in the mind of Mr. Bill Pratt, an Alberta resident who was at the time the President of the Calgary Olympics organizing committee, after he witnessed a horrific accident near Calgary that left many young cyclists dead.

From that moment, Mr. Pratt dreamed of a trail that would link communities from coast to coast to coast, a green trail that would be safe and readily accessible to all Canadians.

A few years later, in conjunction with Canada's one hundred and twenty-fifth anniversary, the Trans Canada Trail was officially born, and a foundation and a board of directors were put in place to facilitate the coordination, development and promotion of the trail across the country. Since the project's inception, various levels of government — local, provincial and federal — have taken interest in the trail, committing funding and going so far as to pass legislation when required.

However, the trail has fundamentally remained a community-based project. The Trans Canada Trail is now made up of nearly 500 individual trails and is already one of the world's biggest networks of multi-use recreational trails.

As stated on the foundation's website, once fully connected, the Trans Canada Trail will stretch nearly 24,000 kilometres from the Atlantic to the Pacific to the Arctic Ocean, through every province and territory, linking Canadians in nearly 1,000 communities. In fact, four in five Canadians already live within 30 minutes of a completed section of the trail.

[Translation]

These early visionaries had a number of goals in mind, aside from accessibility and safety, when they decided to build such a trail from coast to coast. They wanted to encourage physical activity, showcase our history, preserve Canada's cultural and natural heritages, promote tourism and stimulate regional economies.

Funding for the trail comes from various private sources, in addition to public sources, which means that this initiative is developed and supported by a large number of local, regional, provincial and national volunteers, businesses and charities. In other words, the Trans Canada Trail is both a community initiative and a Canada-wide initiative.

• (2150)

First, there is an obvious lack of national coherence in the construction standards and access conditions for the Trans Canada Trail. According to many people, including my former colleague, Professor Edmund Auger, a passionate cyclist, this is delaying the development of the trail and reducing safety for users and could make the trail less attractive to some. Essentially, this problem stems from the fact that the organization does not own the trail and is not responsible for any section of the trail.

In fact, the Trans Canada Trail is represented by provincial and territorial organizations that are responsible for promoting the trail and building it in accordance with the needs and aspirations

of the communities. These provincial organizations and the local trail builders are then entrusted with its development and management.

This structure is key to the success of the Trans Canada Trail, but is also its Achilles heel, which has had certain consequences over the years, including trails and signage of varying quality, out-of-date access maps to trails, and occasional misunderstandings between the users about portions that allow the use of motorized recreational vehicles. However, I believe that the most serious consequence of this lack of standardization is the reduced safety of users.

I am thinking in particular of the accident that took the life of Mr. Auger's wife a few years ago when they were using the Trans Canada Trail on Prince Edward Island while on vacation.

Elizabeth Sovis was on a road without shoulders that linked two portions of the trail. She was hit head-on by a drunk driver. Just like those who started the Trans Canada Trail project, Mr. Auger and his wife dreamed of a green, safe, national trail. That was why they decided to travel the trail section by section so that they could promote it.

Unfortunately, that tragic accident illustrates the quality- and safety-related challenges facing the development of the trail. According to Mr. Auger, and I quote:

[English]

... many sections of the trail are almost impassable, especially in rural areas.

"I've had to make long detours, the dirt roads are so muddy, after the rain you can't pedal in them . . . You can imagine in deep gravel, loose gravel and in mud how difficult it is to pedal the bike," . . .

"I've spent days where I've spent more time pushing my bike, walking my bike, than I have actually riding it."

... too much of the trail is on roads and highways.

"I know personally, having cycled a large distance and talked to many, many trail builders and people on the provincial associations, that there are a lot of people who are very angry about that, who have spent their lives trying to build a safe trail," . . .

According to Mr. Auger, the Trans Canada Trail is making a large-scale transition to roadways, with horrific accidents as a result. These highways will now be part of the Trans Canada Trail.

In early 2015, the Trans Canada Trail Foundation advised provincial associations to route the Trans Canada Trail along highway shoulders, where possible, to close the remaining gaps. The foundation is now saying that the trail will be connected. That's not the same as being completed, honourable senators.

Dozens of other examples have been brought to the public's attention in recent years, including some that were highlighted in

an in-depth *Toronto Star* article published earlier this month. Here are a few from that article:

Until about three years ago, an unused CN Rail track along the north shore of Lake Superior was to have been a showcase section of the Trans Canada Trail, a national dream aimed at connecting nature enthusiasts across the country. . . .

But those plans changed in an instant when Trans Canada Trail organizers decided around March 2013 that the route would instead go through the waters of Lake Superior. Instead of a land trail, there would be a launching point for kayaks and canoes — a quick, uncomplicated, less-expensive way to complete more than 1,000 kilometres of trail. . . .

In Nipigon, Mayor Harvey also said the trail along Lake Superior's north shore is potentially treacherous for amateurs due to the cold water and the sudden weather changes.

"The Trans Canada Trail across Lake Superior is only for highly trained people. . . ."

The mayor believes that unless people have a lot of training and a lot of experience, they shouldn't be out there.

[Translation]

Like Mr. Aunger and many other Trans Canada Trail users, I believe that the federal government has a role to play in making this trail a world-class network. It could set minimum standards for quality, including building, safety and access standards for the entire trail, by using every tool at its disposal to ensure consistency. In other words, funding attached to certain obligations probably remains the best way to ensure that minimum standards are met.

The second challenge facing the Trans Canada Trail is just that, funding. With just a bit of imagination or political will, especially as we are gearing up for the celebrations to commemorate Canada's 150th birthday, we could not only complete the trail in the next few years, but we could also enhance its quality, appeal and sustainability by developing national directives modeled on large-scale trans-Canada projects from the past, like the transcontinental railway or the Trans-Canada Highway.

Based on my research, the Government of Canada has already allocated over \$35 million to the Trans Canada Trail over the years, including \$15 million from Canadian Heritage towards

construction activities and another \$10 million from Parks Canada several years ago now.

In addition, the Government of Canada is currently running a campaign to give 50 cents for every dollar donated to the Trans Canada Trail towards its completion. Could the government be doing more? Of course, I think so. For instance, British Columbia spent \$44 million in the 1990s to purchase an old rail line between the Okanagan Valley and Vancouver in order to convert it into a section of the trail, before spending millions more to complete other sections of the trail. Other provinces have also followed suit and made contributions that have been proportionally larger than what the federal government has contributed so far.

The federal government could certainly double its contribution per dollar donated. It could match private donations until the trail is complete and beyond that, because there will always be a need to pay for maintenance. Together with Canadian Heritage, the Government of Canada could also invest more resources in a joint fundraising campaign by promoting this initiative in national advertising campaigns.

The federal government could also encourage the provinces to contribute more to the project by creating agreements similar to federal-provincial agreements for other infrastructure projects. Funding could come from the new infrastructure money over the coming years, particularly for sections of the trail that cost more to build. I think that investing more resources in this project would be a fast, targeted, constructive and relatively inexpensive way for the Government of Canada to invest in our infrastructure at a time when our economy really needs it, particularly in regions where sections of the trail have yet to be built or need rehabilitating.

The trail could be part of the government's green agenda if construction standards are enforced and sensible access conditions restricting or even prohibiting motorized vehicles on sections funded by the federal government are in place.

• (2200)

I sincerely hope that we are prepared to put in the necessary effort because the Trans Canada Trail is an important part of our national heritage, and I believe that all Canadians have the right to a safe, high-quality trail.

(On motion of Senator Mitchell, debate adjourned.)

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

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