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(HANSARD)

Wednesday, October 5, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Wednesday, October 5, 2016

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

Prayers.

SENATORS' STATEMENTS

SUPERCOMPUTING

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I would like to invite you to attend our next kiosk event entitled "Supercomputing: Innovation's Infrastructure."

Canadian researchers drive new ideas forward and enable new ways to build our communities, our economy and our global competitiveness.

Supercomputers are essential infrastructure for our researchers and innovators. These high-performing computing platforms are being used strategically around the world to accelerate scientific discovery for national competitiveness and economic success. Access to this infrastructure is the key to developing a diverse and well-prepared 21st century workforce.

On Monday, October 17, meet world-class Canadian researchers and innovators who are using Canadian supercomputers and big data to reduce crime and catch criminals, predict election results and public opinion, and help Canadian companies innovate with 3D manufacturing.

These innovators are solving some of our grandest scientific challenges, such as mapping the human brain, curing disease — not calming noise but curing disease — and reducing greenhouse gas emissions from aircraft.

Compute Canada, with funding from the federal government, supports more than 10,000 researchers and faculty across Canada along with their industrial and international partners.

They want to share with parliamentarians how Canadians are benefiting from the power of supercomputing. They have assembled a unique group of world-leading Canadian experts to showcase advances in personalized medicine, big science, advanced and green materials, genomics, and big data.

You will learn how supercomputing is revolutionizing industry, innovation and discovery in Canada. The national advanced computing platform that they are building is as essential to our economy today as the building of the national railway was a century ago.

You will have the chance to learn about this technology from people carefully chosen for their ability to explain these advances in understandable language.

The event will be from 3 p.m. to 7 p.m. in room 256-S, Centre Block, on October 17. You can come any time during that period. Our kiosk events are interactive. Come and discover why supercomputing is essential infrastructure for innovation. Thank you.

[*Translation*]

ROLLING RAMPAGE ON THE HILL

Hon. Chantal Petitclerc: Honourable senators, it is with great pleasure that I rise today to remind you that tomorrow is the tenth annual Rolling Rampage, an initiative of our former colleague the Honourable Senator Vim Kochhar, who passed the torch to Senator Martin.

[*English*]

This exciting event will bring together some of the best wheelchair athletes in the world, including our own bronze medalist from Rio, Alexandre Dupont, for a 10-kilometre race on the Hill. While they will be fighting for victory at an average speed of over 30 kilometres per hour, a massive crowd of school kids will be cheering them on.

[*Translation*]

These thousands of school kids will also have the chance to take part in a relay on the Hill to raise public awareness about health and persons living with a disability. Beyond the physical activity, the purpose of this event is to promote understanding and help the students and parliamentary leaders open their minds to the idea that persons with disabilities have far more potential than limitations.

[*English*]

The third part of the Rolling Rampage will be of interest to you. It is a parliamentarian relay. It is a simple wheelchair relay for teams of four, but the stakes are high. It is not only your chance to win the trophy but, let's be honest, it's a once-in-a-lifetime opportunity to try and beat an Olympic and Paralympic medalist, as myself and Senator Raine will be fierce participants.

So I guess the only question, honourable senators, is are you up for the challenge? If you are, please contact my office or the office of Senator Martin. Who knows, you may even be able to negotiate a head start.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Reverend Maurice O'Quinn, retired parish priest from Stephenville,

Newfoundland and Labrador, as well as Mr. James Mercer, retired social worker, and his wife, Ms. Catherine Mercer, retired teachers both from Stephenville Crossing, Newfoundland and Labrador.

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

Hon. Senators: Hear, hear!

THE LATE SHIMON PERES

Hon. Linda Frum: Honourable senators, last week, along with all Canadians of goodwill, I was saddened to learn of the passing of former Israeli President and Prime Minister Shimon Peres. I'm enormously humbled and honoured to have been included in a delegation to Israel to witness his funeral.

His final resting place on Mount Herzl, near the burial places of Israel's founders, Theodore Herzl, Yitzchak Rabin and Golda Meir, is a testament to the role his life played in the formation of the State of Israel.

Over 70 heads of state and leaders from almost every major world country, including representatives from the Palestinian National Authority, came to pay their respects to this great man of peace. To see this with my own eyes gave me great hope for Israel and indeed for the entire world.

• (1410)

It is hard to imagine many other world leaders who would generate as much respect and genuine affection as this giant of a man. As President Obama said during his remarks on Friday, "the story of Shimon Peres is the story of Israel."

His long and distinguished career began with fighting for the very existence of the State of Israel alongside David Ben-Gurion. Shimon Peres led a life of public service that can be defined as someone who did what was necessary, not for the glory or the accolades but because it needed to be done. This was most clearly demonstrated when on two occasions he was asked to serve as interim prime minister during times of uncertainty.

Among his many appointments in cabinet, he notably served as Minister of Defence during Operation Thunderbolt, the daring rescue of 102 Israeli hostages from Entebbe, Uganda.

His patriotism and love for his country was an example of a true public servant — a man who put his country ahead of his own interests.

To quote Prime Minister Stephen Harper, a good friend of the late President Peres, "His was a life of sacrifice not only for his country and its citizens, but the very idea of Israel — the dream of a safe and prosperous Jewish state able to live in confident peace with its neighbours."

I was fortunate to have had the opportunity to meet Shimon Peres on a number of occasions. His calm demeanour and humble attitude were always impressive. For someone who held the most prestigious leadership positions in the State of Israel, he remained a remarkably modest, grounded and unpretentious statesman.

I wish his family comfort in their time of mourning. May his memory be a blessing.

BOYLE STREET COMMUNITY SERVICES

Hon. Grant Mitchell: Honourable senators, I want to tell you today about the remarkable work being done by Boyle Street Community Services, a non-profit agency in Edmonton. Founded in 1971, it is an inner-city agency that serves 12,000 individual clients and handles at least 150,000 visits per year. Eighty per cent of Boyle Street Community Services' clients are of Aboriginal descent, making it the largest indigenous-serving organization in Edmonton. The agency operates out of eight sites throughout the city, in addition to its street outreach program.

I had the opportunity to visit Boyle Street earlier this year. I learned that it provides 40 different programs to help address the complex needs of its clients, many of whom are faced with challenges like addiction, mental health issues, homelessness and intergenerational trauma. The centre offers health services, housing, employment services, indigenous cultural services and family services.

The work that Boyle Street Community Services undertakes is literally reconciliation in action, as most programs are direct attempts to support the healing of trauma, largely cultural trauma related to the Indian residential school experience. The centre's vision is to see that all people grow healthier through involvement in strong, accepting and respectful communities.

Boyle Street Community Services has had and continues to have a lasting and substantial impact on many lives. Eighty-five per cent of the previously homeless individuals housed in its housing program remain housed today. Eighty per cent of the children brought into its child welfare program are now living at home or in kinship care. There are still 20 per cent in group homes. Before the centre started its work, the statistics were exactly the opposite: 80 per cent of children served were in group homes and 20 per cent were in homes.

Due to year-on-year growth of demand for services at Boyle Street — exacerbated, unfortunately, by the economic downturn in Alberta — the centre has reached its physical and program capacity. As a result, Boyle Street is looking to redevelop its centre to create — with federal, provincial and municipal government partners and providers — a multi-service, multi-sector building with an indigenous design. The design is beautiful. This new building will allow Boyle Street to provide its existing services and add much-needed new ones for its clients, such as housing for over 100 people, significantly enhanced mental health and addiction services, 24-7 laundry, shower and bathroom facilities and day care services.

Thanks to its resilient, compassionate and family-oriented staff and volunteers, many of whom I met that day, Boyle Street Community Services is a vital service to the people of Edmonton. There is no question that it is a source of hope and opportunity for a better future for many.

WORLD TEACHERS' DAY

Hon. Thanh Hai Ngo: Honourable senators, I rise today on the occasion of World Teachers' Day, celebrated annually on October 5 by over 150 countries.

As a former teacher, just like many of our other honourable colleagues, I wish to proudly recognize the pivotal role that over 230,000 teachers play in all stages of our educational system from kindergarten to higher education. From coast to coast to coast, these qualified teachers are the front-line workers, charged with educating our newest generations about the values that are essential to peace, tolerance and understanding. I believe that education is a human right for all throughout life and that access must be matched by quality. After all, freedom comes with education, and teachers open the doors to a better world that we all depend upon.

[*Translation*]

Every day, members of the teaching profession in Canada touch the lives of millions of students from every linguistic, cultural and religious background. As gatekeepers of Canada's education system, teachers share their knowledge with young people, improve their lives, and teach them the skills they need to succeed in our society.

If we want to create a stable and democratic society, schools must serve as hubs where people can gather and learn to live together. After all, learning how to live side by side in harmony is one of the greatest challenges of this century.

On this World Teachers' Day, I want to thank Canadian teachers and give members of the profession around the world the credit they deserve. I encourage all Canadians to use this opportunity to thank their favourite teacher, past or present.

[*English*]

Honourable senators, on World Teachers' Day, please join me in thanking our teachers who are making a difference in classrooms across the country. Thank you.

ROUTINE PROCEEDINGS

COMMISSIONER OF OFFICIAL LANGUAGES

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2015-16 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2015-16 Annual Reports of the Commissioner of Official Languages, pursuant to section 72 of both the Access to Information Act and the Privacy Act.

STUDY ON MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS

EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bob Runciman: Honourable senators, I have the honour to inform the Senate that, pursuant to the order of reference adopted by the Senate on Thursday, January 28, 2016, and to the order adopted by the Senate on Tuesday, June 21, 2016, the Standing Senate Committee on Legal and Constitutional Affairs deposited with the Clerk of the Senate on Friday, August 12, 2016, its eighth report, entitled *Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada.*

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

SENATE MODERNIZATION

SIXTH REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Scott Tannas, Member of the Special Senate Committee on Senate Modernization, presented the following report:

Wednesday, October 5, 2016

The Special Senate Committee on Senate Modernization has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Friday, December 11, 2015, to consider methods to make the Senate more effective within the current constitutional framework, now reports as follows:

In its first report tabled on October 4, 2016, your committee examined the process of selection of the Speaker and the Speaker *pro tempore* and now recommends the following:

That the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to develop a process within the *Rules of the Senate* by which senators may express their preference for a Speaker by nominating up to five senators as nominees for consideration by the Prime Minister to recommend to the Governor General for appointment; and

That this process takes place at the beginning of each Parliament.

That the Senate direct the Committee on Rules, Procedures and the Rights of Parliament to recommend changes to the *Rules of the Senate* to permit the Speaker *pro tempore* to be elected by senators by secret ballot.

That the Speaker *pro tempore* be selected from a caucus or group that differs from that of the Speaker.

Respectfully submitted,

SCOTT TANNAS

• (1420)

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

(On motion of Senator Tannas, report placed on the Orders of the Day for consideration two days hence.)

[*Translation*]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 18, 2016

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, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 18, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

[*English*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE ACQUISITION OF FARMLAND IN CANADA AND ITS POTENTIAL IMPACT ON THE FARMING SECTOR

Hon. Terry M. Mercer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the acquisition of farmland in Canada and its potential impact on the farming sector, including:

(*a*) reasons behind the increasing value of Canadian farmland;

(*b*) concerns of agricultural stakeholders and the challenges they face in acquiring farmland;

(*c*) possible solutions to resolve issues resulting from the acquisition of farmland; and

That the committee submit its final report to the Senate no later than June 30, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*Translation*]

QUESTION PERIOD

INTERGOVERNMENTAL AFFAIRS

CONSULTATION WITH PROVINCES

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The Prime Minister's announcement on Monday regarding the imposition of a carbon tax on the provinces and territories took many Canadians by surprise, particularly the Canadian environment ministers, who were meeting in Montreal at the time. They mistakenly believed that they were full partners with the federal government in the fight against climate change.

The Prime Minister announced his unilateral plan to impose a carbon tax. The result, of course, was to be expected. Three provinces walked out of the talks, while many of their counterparts were upset and surprised by the Prime Minister's approach. The Liberal government has also shown an arrogant

attitude towards the provinces on the health care file on a number of occasions during Question Period. The Liberals often talk about collaboration and cooperation, but it is becoming increasingly clear that they will only work with others when it suits them.

My question is simple. Has the federal government given up on the idea of any collaboration with the provinces? Can the Leader of the Government in the Senate tell us which areas of provincial jurisdiction the Government of Canada will be interfering in next?

Hon. Peter Harder (Government Representative in the Senate): I thank the senator for his question.

[*English*]

If you want a quick answer, the answer is no, but I will elaborate to say that of course as part of the discussions between the Government of Canada and the provinces, the ministers of the environment, on the issue of carbon pollution pricing, the Government of Canada is in a dialogue. The Government of Canada has stated clearly its policy with respect to a floor in those negotiations.

As the senator will know, 80 per cent of Canadians are under jurisdictions in which there is already a carbon-pricing-for-pollution mechanism. The Government of Canada is assuring a broad floor of respect for this initiative and, of course, should that floor be invoked, the funding it would generate would go back to the province. We are in a period of negotiation; it would be my hope that we can reach a negotiated agreement among all of the parties, but it is important from the government's perspective that the provinces and Canadians know that the government is committed to a plan that will affect all jurisdictions.

[*Translation*]

ENVIRONMENT

CARBON TAX

Hon. Claude Carignan (Leader of the Opposition): Leader, the mandate letter of the Minister of Environment states, and I quote:

> In partnership with provinces and territories, establish national emissions-reduction targets, ensuring that the provinces and territories have targeted federal funding and the flexibility to design their own policies to meet these commitments, including their own carbon pricing policies.

This objective was one of the top priorities listed in the minister's mandate letter, but it seems that the Prime Minister has changed his mind. He is no longer honouring his government's promises.

Are there any other points from the minister's mandate letter that will be tossed out the window over the next few weeks?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Thank you for your question. I will not accept the premise of the question. The minister is fulfilling the obligations of the letter of mandate, which is to work collaboratively and to provide proposals that will lead to a carbon-pricing-on-pollution regime that will cover all of Canada.

The government has been very flexible in signalling to provinces that they are free to institute various mechanisms that suit their particular jurisdiction in respect of carbon pricing, but there ought to be and there will be a coast-to-coast respect for the commitments Canada is making with respect to carbon pricing pollution.

JUSTICE

APPOINTMENT PROCESS FOR SUPREME COURT JUSTICES

Hon. Jane Cordy: Honourable senators, my question is also for Senator Harder, the Government Representative in the Senate. Last week there were concerns raised in the chamber about the custom of having an Atlantic Canadian judge in the Supreme Court and that it might not be guaranteed by this government.

A motion in the other place to respect the custom of regional representation was passed unanimously, and I might say that the Prime Minister voted in favour of that motion. When I learned of the results, I believed — along with many others — the government would honour the spirit of this motion and appoint an Atlantic Canadian to the Supreme Court of Canada after the retirement of Justice Cromwell.

However, we learned later that day from the Minister of Justice that this would not be the case and that an Atlantic Canadian justice on the Supreme Court was indeed not a guarantee, despite the unanimous vote in favour of the motion in the house. The comments from the Minister of Justice and the Prime Minister's voting in favour of this motion to respect the custom seem to be a contradiction. I'm not quite sure where the government stands. Is there a seat on the Supreme Court guaranteed for Atlantic Canada, or is there not? I'm getting mixed messages.

• (1430)

Hon. Peter Harder (Government Representative in the Senate): Thank you for your question. In answering the question, I recognize there are a number of senators from the Atlantic region that have issued a joint letter to the Prime Minister indicating their views, which are shared broadly along the lines of the questioning.

I think it's fair to say that the other place has had a motion put with respect to this issue, and the other place has voted. I think the government remains of the view that the broadest possible application process should be engaged in. Of course, I obviously am not party or privy to the decision-making process, but I do believe that your question and the comments and letters that have been written in this regard and, indeed, the resolution in the other chamber are very important for the government to take into consideration as they look at the applications before them.

Senator Cordy: I certainly believe that the government should be taking this into consideration. This has been the custom since the creation of the Supreme Court in 1875. However, I read in the

newspaper that a spokesman for Justice Minister Jody Wilson-Raybould said that the vote — meaning the vote in favour of the motion — ". . . means only that the government has committed to include candidates from Atlantic Canada on the shortlist for the position."

How does including Atlantic Canadians on a list of potential candidates fulfill the promise of regional representation if ultimately they are not selected to fill the vacancy? It's like when you apply for a job and you find out you have made the short list: It still does not pay your rent. Saying that Atlantic Canadians are on the short list doesn't fulfill the commitment or the custom of an Atlantic Canadian holding a position on the Supreme Court of Canada.

This, in fact, has been the custom, as I said earlier, since the creation of the Supreme Court in 1875. One would think that it would continue in 2016.

Senator Harder: Again, I thank the honourable senator for her question and, indeed, for the consideration that is broadly shared, at least amongst Atlantic Canadians that I witnessed applaud. Very good; I just wanted to make sure that everybody gets to participate on this question.

Let me make two points. One is that the Government of Canada has put in place a broad process of nominations and review for candidacies for the Supreme Court. This is an unprecedented, open process, and I believe the minister should be congratulated for that. At the end of the day, we'll see how the decisions are made. I'm sure that questions like yours, senator, motions such as that in the other chamber and, indeed, applause from other participants in this discussion are all points to be considered as the candidate decision making takes place.

SENATE MODERNIZATION

DEADLINE OF REPORT—PARTICIPATION OF INDEPENDENT SENATORS IN CONSULTATION

Hon. Pamela Wallin: Thank you, Your Honour. This is a question for Senator McInnis.

The interim report released this week by the Special Senate Committee on Senate Modernization asks the Rules Committee to report back to the Senate by November 30 on amendments relating to redefining the term "caucus" and replacement of the term "leader of a recognized party." Could you share with us what mechanism is in place to ensure the November 30 deadline is real and met and that the independent senators group will be able to fully participate individually and as a group and be considered equal to all other senators?

Hon. Tom McInnis: Yes, thank you. Well, they will be recognized if the recommendation is passed.

November 30 is the date that was put in the recommendation because we believe it's important. So that obviously will be the request.

I believe it is always dangerous to say that you speak for the committee in its entirety, but to be candid with you, I see some urgency to this, and I'm hoping that it will be expedited as quickly as possible after due debate here on the floor. November 30 is ambitious when you look at the period of time, but if some priority can be given, I would like to think that November 30 date could be held up.

Senator Wallin: Perhaps I will put my supplementary, then, to Senator White in the absence of the chair, Senator Fraser. Could you comment for us on that requirement to meet —

The Hon. the Speaker: Excuse me, Senator Wallin. Unfortunately, questions can only be put to chairs of committees, and not deputy chairs. If you wish to redirect your supplementary to Senator McInnis, please continue.

Senator Wallin: I'll just go back to my question. I appreciate your words, and it is our hope and expectation that they will agree to the deadline. Is there a mechanism or a response that you have in your tool kit if that deadline is not met?

Senator McInnis: I think that what we should do is wait for that particular recommendation to be presented — it has been presented — and for it to be debated. I think that may shed some light on your question.

I appreciate the question, I understand what you're getting at, and I think some import should be given to it. But that will be the direction of the Senate as a whole.

EMPLOYMENT AND SOCIAL DEVELOPMENT

EMPLOYMENT INSURANCE BENEFITS

Hon. Rose-May Poirier: My question is for the government leader or the Government Representative in the Senate. On April 21, I asked you a question on the Trudeau government proposal to shorten the waiting period for EI to one week instead of two, which will come into effect next January. I was hoping for a delayed answer last week but did not receive one.

Leader, Canadians deserve an answer. Because of this change, will they lose a week of EI benefits at the end of claim period, or not?

Hon. Peter Harder (Government Representative in the Senate): Thank you for your question. I will endeavour to get a specific answer to your question and get it back to you as quickly as possible in the coming days.

Senator Poirier: Thank you. I appreciate that because we've been waiting close to six months.

People were happy to see that it was going to go down from two weeks to one, so I'm not criticizing that. The concerns people had were whether this was an extension of one week of their EI benefit claims or whether it was actually the same number of weeks, but instead of losing two at the beginning they will lose a week at the end. If that's what is going to happen, they have concerns about

that. During the time they are on EI, their income level is lower than when they are working, and often when they are finished working, they receive their last paycheques. Their financial burden is sometimes more at the end of their EI claim than at the beginning, specifically if their next job is not starting right away. We are looking for guidance on that and would appreciate an answer. Thank you.

Senator Harder: I will ensure that the concerns that you have raised are brought to the attention of the appropriate people in seeking an answer.

JUSTICE

APPOINTMENT PROCESS FOR SUPREME COURT JUSTICES

Hon. Norman E. Doyle: Honourable senators, my question is for the Leader of the Government in the Senate. It's a follow-up to the questions I asked last week, as a matter of fact, regarding the Prime Minister's new Supreme Court selection process. I want to ask the questions today, as well, to reinforce the point that was made today in Question Period by Senator Cordy on this very important issue. I would also like to make the point that after this motion was voted on in the House of Commons, *The Globe and Mail* reported that a spokeswoman for Justice Minister Jody Wilson-Raybould said — and I want to reinforce what Senator Cordy said — ". . . the vote means only that the government has committed to include candidates from Atlantic Canada on the shortlist . . . ."

So, my question for the Leader of the Government in the Senate is this: Why has the government seemingly flip-flopped on this very important issue in record time? Does the government intend to replace Justice Cromwell with a jurist from Atlantic Canada or not?

• (1440)

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I believe I answered that question in response to Senator Cordy, but let me, in response to your question, reassure this chamber that the concerns that are raised by the senator and by other senators and, indeed, by motions in the other place are all part of what the government will have to take into consideration as it has before it a choice to make. And I'm sure that the sentiments that are expressed by the honourable senator and others will be appropriately part of that decision-making process.

Senator Doyle: Maybe the leader could also comment on the haphazard way in which all of this has been handled. The *Toronto Star* recently reported that Mr. Darrell Samson, a Liberal MP from Nova Scotia recently revealed, at a public meeting, that the short list of candidates includes five names, two of which are from Atlantic Canada. Two of which are from Atlantic Canada. Could the government leader confirm this information, and, if the information is correct, then how did the MP become privy to it? Matters involving appointments to the Supreme Court, to the bench generally, are kept very confidential. Is it fair to say that the two applicants from Atlantic Canada will be given special consideration, given that there is a well-established convention of having an Atlantic Canadian on the Supreme Court of Canada?

Senator Harder: I thank the honourable senator for his supplementary question. I can't confirm or deny the utility of a reporter in the *Toronto Star* reporting on the views of an Atlantic Canadian member of the other place.

But let me reassure the honourable senator, as I have sought to reassure all honourable senators in answers to these questions, that the issue of the next member of the Supreme Court, the decisions around that, are very much being framed in the context of the voices that have been expressed in this chamber and in the other place as the minister and the Prime Minister consider the candidates from, again, the broadest source of vetting and nominations available for the best appointment to the Supreme Court.

Hon. David Tkachuk: So, outside of Quebec, which has a guarantee, will this same policy apply to the rest of Canada?

Senator Harder: Senator Tkachuk, I believe that the minister has made clear that the process of opening up candidacy for would-be or prospective members of the Supreme Court, when and if vacancies occur, is one that this government will be pursuing. In that context, the broad, open approach to the nominating process is welcomed and a refreshing innovation with respect to the regional representation that, of course, will be reflected in the decisions made should vacancies occur.

Hon. Jim Munson: On a point of clarification. By custom, Ontario has three Supreme Court justices. Can somebody from British Columbia and others apply for these positions now? Is this open to others to apply for the by-custom three Supreme Court judges that now exist? Is it wide open to anybody?

Senator Harder: As much as it would be desirable for your honourable servant to run this process, it is a process managed by the Minister of Justice and the Attorney General of Canada, and the reforms to the process of candidate nomination and selection have been appropriately announced by the Attorney General, with respect to this appointment and future prospective appointments. I would refer all honourable senators to that process and to the respect shown for the historic representation from regions across Canada.

[*Translation*]

Hon. Claude Carignan (Leader of the Opposition): I have a supplementary question. I believe that the next judge should be from the Atlantic provinces. The Prime Minister also said that Supreme Court justices should be bilingual. Will this criterion of bilingualism also apply to the pool of lawyers from the Maritime provinces likely to be nominated?

Senator Harder: The government's position is clear. The government indicated that the candidate will have to be proficient in both official languages to fully carry out his duties as judge before the court.

[*English*]

HEALTH

HEALTH CARE TRANSFERS

Hon. André Pratte: Honourable senators, my question is for the Government Representative in the Senate. The Government of Canada is proposing that the Canada Health Transfer be increased annually by the equivalent of the GDP, with a floor of 3 per cent. That would mean about 4 per cent, which, according to the Parliamentary Budget Officer, among others, would not be enough to cover the basic cost increases plus the cost of population aging, let alone additional money for mental health and home care services.

Why doesn't the government adjust the health transfer rate of growth to the real costs of health care, instead of leaving the provinces with insufficient funds to cover the urgent needs of Canadians?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for his ongoing interest in this subject, as there were questions related to this earlier this week.

It is the Government of Canada's view that some degree of predictability in increases is desirable, and the honourable senator, in his question, indicates the decision with respect to the floor of 3 per cent of GDP growth. I am informed that overall health spending has declined by an average of 0.6 per cent by 2011, while the transfer has increased by 6 per cent. The desire of the government, of course, is to have a predictable level of growth within the context of delivering services while also promoting a degree of innovation and better practices in the delivery of health care so that it's not just a conversation around growth of transfer payments.

With respect to the supplementary question or the second reference in the statement with regard to demography, I'd simply repeat the line I used the other day with respect to the $3 billion commitment to home care, which is very much designed to enhance the capacity of at-home care, often health related, to the age cohort that you refer to.

[*Translation*]

Senator Pratte: Minister Philpott's idea of a $3-billion payment is the targeted funding approach that the federal government has already tried in the past. We saw the perverse effects of that approach. When the funds are no longer disbursed, after two or three years, the provinces are left with the problems. Instead of using an approach that has not worked in the past, why doesn't the government increase the health transfers so as to cover the predictable increase to the costs of the health care system and the new needs for the next ten years?

[*English*]

Senator Harder: I thank the honourable senator for his question, and, again, I think it is the view of the minister responsible and the Government of Canada that the Government of Canada's involvement in the health care policy framework for Canada is more than simply being a transfer agent of the tax dollars. It is also an important partner in innovation and ensuring that the modernization of health care delivery across the country, while also respecting jurisdiction, can take place at a quicker rate than previously. Also, certain priorities in the health care delivery, particularly the challenges of the demographic cohort, as was referenced, are ones that are addressed at the federal-provincial table in a more direct and deliberate fashion.

• (1450)

TRANSPORT

TRANSPORTATION OF GRAIN

Hon. Donald Neil Plett: My question is also for the Leader of the Government in the Senate.

Leader, the Canadian Federation of Agriculture has indicated to the government and specifically to the Minister of Transport repeatedly that another bumper crop is on its way — and we are happy about that. Farmers are rightly concerned, however, about the repeat of a rail bottleneck that occurred in 2013-14 that cost the economy billions of dollars.

The federation has been asking for a meeting with the Minister of Transport since April. That meeting would include farm leaders from Manitoba, Saskatchewan and Alberta, but the minister is refusing to meet with them.

Leader, how can the Minister of Transport refuse to meet with farm industry leaders on an issue as important to the economy as the transportation of grain?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and ongoing interest in the continued success of the agriculture sector.

This is an issue that, as the senator references, has been upon us as a consequence of good production. It is one of the issues that this house dealt with in extending certain provisions of the Canada Grain Act and one that is addressed in Mr. Emerson's excellent report on the Canada Transportation Act Review.

The government is broadly consulting, and the minister has been in the West — and, indeed, in Manitoba — to consult with stakeholders with respect to the transport reform and the act's review.

With respect to the particular question of whether the group you referenced was part of that stakeholder meeting, I will seek to determine. I do know that the minister is spending a fair amount of time in the West because of the concerns — rightly so — expressed in the stakeholder group.

Senator Plett: Since you referenced the Air Canada Public Participation Act, we thank you for the work you did on that file. When the Minister of Transport was giving Manitoba the Trudeau salute, we worked hard at getting something better for Manitoba.

The farmers simply want to weigh in on the minister's review, as you said, of a report that calls for major changes to grain rail transportation. The minister has met with the railways, but every time the Canadian Federation of Agriculture has approached the minister's office for a meeting, the response is simply, "He is not available."

So, leader, will you take it upon yourself to ask the Minister of Transport not just to take the word of wealthy railway companies but to do the right thing and meet with the fine farmers of Western Canada that so many of us support and depend upon?

Senator Harder: Of course I will, senator, but I would also like to reassure you that the minister has not just met with the railway industry. He has met with a broad representation of stakeholders, including the provinces, the business sectors, the agricultural community and the indigenous peoples who have a stakeholder voice in this transportation review.

As he has encouraged me to, I will see clarification with respect to the specific community he references.

ORDERS OF THE DAY

STRENGTHENING MOTOR VEHICLE SAFETY FOR CANADIANS BILL

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Peter Harder (Government Representative in the Senate) moved second reading of Bill S-2, An Act to amend the Motor Vehicle Safety Act and to make a consequential amendment to another Act.

He said: Honourable senators, I rise today to speak to Bill S-2. The purpose of bill is to enhance consumer protection and motor vehicle safety in Canada. The legislation seeks to achieve through this a regulatory model that would, in comparison to current law, be more efficient and responsive to evolving motor vehicle technologies and safety issues.

I would like to begin by noting that last year the previous government introduced a similar piece of legislation in Bill C-62. I will explain how the two bills differ. However, I would like to acknowledge and thank the previous government for its policy work in this area and note the continuity of governmental support for enhancing consumer protection and safety in the automobile sector on behalf of Canadians.

[*Translation*]

The death and injury toll on Canada's roads has been progressively declining. This is good news, and it is also despite the fact that more Canadians are driving.

The government believes that the Motor Vehicle Safety Act, with its associated regulations and standards, has strongly contributed to the strengthening of motor vehicle safety in Canada.

However, in this continuously evolving environment, we need to ensure that the oversight regime for vehicles and federally regulated parts maintains high levels of safety.

In addition, with the increasingly rapid advent of innovative vehicle technologies, the legislative framework needs to be adaptable to this new reality.

Canadian motor vehicle safety regulations apply to vehicles designed to operate on all roads. The federal government uses the Motor Vehicle Safety Act to provide specific direction to vehicle and equipment manufacturers and importers, by clearly outlining its expectations. This legal expression of the federal government's positions helps to instill confidence in other stakeholders, including the provinces, territories, interested organizations and, especially, the Canadian public.

[*English*]

In June 2015, Bill C-62 was introduced in the other place, proposing changes to the Motor Vehicle Safety Act. Bill C-62 focused on adding new defect and recall powers, inspection powers and the addition of an administrative monetary penalty framework. With some modifications, these changes to the act are again being proposed in Bill S-2. This legislation also adds new proposals to address the fast-paced world of changing technology and adds consent agreements to bring about more effective safety improvements in non-compliant companies.

As with Bill C-62, the most significant changes in Bill S-2 deal with motor vehicle and equipment recalls. There may be situations where Transport Canada believes that a potential safety defect or instance of non-compliance exists and the manufacturer does not share this opinion.

To address the situation, Bill S-2 would authorize the Minister of Transport to order a company to correct a defect or non-compliance in a vehicle or equipment if the minister considers it to be in the interests of public safety. Bill S-2 also proposes that the minister be authorized to order these vehicles not to be sold to a retail purchaser until the repair is completed.

These order powers complement the existing power to order a company to issue a notice of defection or non-compliance and address a key gap in the motor vehicle safety regime. This proposed power will help keep Canadians informed of safety issues with their vehicles while ensuring that those issues are corrected.

Vehicles on Canada's roads are incredibly sophisticated machines, as honourable senators well know. Their complexity continues to increase, and much of the technology is proprietary. This situation makes it more challenging to collect the necessary information related to defects or non-compliances. As such, the Minister of Transport will have the authority to order companies to conduct tests, analyses or studies on vehicles or equipment that the minister considers necessary. These powers supporting the

collection of information will help ensure that the motor vehicle inspectors have the information they need to help ensure the companies comply with the Motor Vehicle Safety Act. Most important, these powers will help ensure that Canadian vehicles are driven safely.

• (1500)

While these requirements and operational tools will help to ensure the continued safety of Canadians, there remains a gap in terms of enforcing the Motor Vehicle Safety Act and its regulations. Currently, the act has limited enforcement tools to encourage compliance from companies. If a violation is suspected, Transport Canada notifies the company and later follows up to monitor whether corrective action has been taken. If corrective action has not been taken, the only option currently available to the department is criminal prosecution. This legal avenue is time consuming and costly for industry, government and, indeed, consumers and, in some instances, may not be appropriate for the given violation.

As such, the proposed changes introduce an administrative penalty regime that will help to encourage compliance from companies by employing an efficient, effective and less costly alternative to criminal prosecution. Companies will have the ability to appeal for an administrative monetary penalty to the Transportation Appeal Tribunal of Canada. The review process will examine if the company or person has committed a violation under the act and, if so, whether the penalty assessed was appropriate. In some cases, actions other than payment of a fine may be more appropriate or have greater safety benefit for Canadians. These possible actions include the introduction of a safety promotion campaign or changes to a company's safety culture. Under this bill, a new tool — and this is one where the proposal was not in Bill C-62 — is what is called a "consent agreement." This mechanism will allow the minister to negotiate a mutually acceptable agreement to all parties that will result in enhanced motor vehicle safety. These signed agreements would be registered in Federal Court and the resulting order would be posted on Transport Canada's website to ensure transparency.

In addition to the changes to support the defect and compliance investigations and enforcement, changes are also being made to address the ever-increasing pace of changes to vehicle technologies. As these new technologies emerge, there may be benefit in terms of safety, innovation and environmental impacts of vehicles. However, existing regulations may not be sufficiently flexible to address these changes. Therefore, new provisions are being proposed to modify the current interim order and exemption provisions in the Motor Vehicle Safety Act to help ensure it has the flexibility to support these innovations and Canadian industry while maintaining safety standards for all Canadians.

Specifically, Bill S-2 would amend the interim order authority, which suspends or modifies an existing regulation, to extend the period of such an order from one year to three years. This will allow sufficient time to complete the formal regulations and allow the early adoption of new technologies that could benefit Canadians.

In addition, and again this was not in Bill C-62, the bill proposes to make the current exemption process for specific models of vehicles more efficient. This will support the adoption of new technologies for vehicles. The proposed powers will authorize the minister to grant an exemption from current standards in instances where it will support new safety features or innovative technologies but not compromise safety.

These measures will help to ensure the Motor Vehicle Safety Act continues to protect Canadians while facilitating innovation and technologies that can also benefit Canada.

These changes are intended to increase safety standards by providing the Minister of Transport and department officials with the tools necessary to help ensure that companies are compliant with Canada's legislative and regulatory safety requirements.

In addition, this bill provides the means to help address new technologies in Canada as well as automobile manufacturers.

Automated and connected vehicles as well as new environmental technologies are emerging and we need the ability to properly assess the safety aspects of these technologies while encouraging their development.

To conclude, the combination of the provisions of Bill S-2, as outlined, strengthen the Motor Vehicle Safety Act for all Canadians and will lead to stronger consumer confidence and enhanced motor vehicle safety. I commend this bill for your consideration.

Hon. A. Raynell Andreychuk: Will you take a question, Senator Harder?

Senator Harder: Certainly.

Senator Andreychuk: In listening to your response, it's to ensure the safety of Canadians, and I think we're all in favour of that. What I'm not clear on, and perhaps we'll get into the committee structure, is whether we are really expanding through regulation what might be served better through further amendments to the act. One of the values of having it through an act is the public becoming aware of it. Regulations become very routine. How will provinces and law enforcement people be assured that they get the resources to continually change by virtue of regulations? How will the public know when they are safe? What is the mechanism to assure them when it's done in regulations?

In this chamber, Senator Baker has been one of the people here who have commented on moving too much into regulations and not maintaining those provisions in an act. Perhaps you could comment on that, Senator Harder.

Senator Harder: I thank the honourable senator for her question and recognize that when bills are presented, such as this one, that anticipate regulatory frameworks, we need to discuss that balance between what the regulations ought to include to have a degree of flexibility and what the bill itself ought to frame.

I believe that this bill provides an appropriate framework for that. In some respects, I referenced how transparency is enhanced by various procedures that are part of the legislation, including utilization of the Federal Court order, and indeed, ordering

companies to have a publicity campaign to make the consumer aware of certain deficiencies, which the minister cannot do at present.

One of the challenges is ensuring that as the technology evolves we can respond quickly. As the senator would well know, regulatory capacity within a prescribed legal framework is a much quicker mechanism for responding to changing technologies and changing circumstances.

What we want to balance in this bill is the assurance to all Canadians that vehicle safety is of the highest order, but also to provide manufacturers with appropriate boundaries of innovation and utilization of new technologies so the Canadian automobile sector and the Canadian auto parts sector can be locations of choice in the innovations taking place in the automobile sector.

The Hon. the Speaker: Senator Lankin, question?

Hon. Frances Lankin: Yes, will you take another question, senator? Thank you very much. I'm interested in this bill. I have long held a view that our government has not taken the kind of manufacturing defects or faults or safety concerns that are raised seriously enough and is slow to move, to the detriment of the safety of Canadians, so I see an effort in this bill to increase the activity of appropriate government action with respect to these matters.

You mentioned particularly an option to the criminal charge framework, and that would allow for quicker resolution in some cases. I think we're all aware of something like the Volkswagen situation, and something of that nature would probably draw a criminal charge.

But I'm wondering, have there been instances in the past where there has been a decision not to pursue criminal charges because of the nature and have Canadians been left without some kind of assertive action on their behalf as a result of that?

Senator Harder: I think it's fair to say, Senator Lankin, that the impetus for this legislation is many-faceted. One area specifically was the comparative advantage American consumers face with the regime that does allow and provide for consent agreements so that there is earlier investigation, compliance and change brought forward. Having only the hammer of the Criminal Code has not provided the degree of flexibility and responsiveness that both Bill C-62 was attempting to address and that this bill seeks to advance even further in this regard with respect to compliance agreements.

While, of course, there are always exceptions to where compliance agreements would not be appropriate, and you referenced one, surely the objective of good, public policy is to have early detection, broad consumer awareness and an appropriate recognition of monetary or other compliance requirements on the part of the manufacturer.

Senator Lankin: Thank you very much. I appreciate that. It sounds promising.

I have a question with respect to the industry reaction to this and the safety community's reaction to this.

• (1510)

As I understand it, Bill C-62 only got first reading. I don't think it went beyond that, so there wasn't an opportunity for full discussion and debate and for some of the opposing or supporting views to be brought forward. I know that if this bill proceeds to committee, there will be an opportunity for that.

But could you enlighten us, to the best of your knowledge, about the automotive manufacturing production industry's response, their union's response and the safety industry's response on this?

Senator Harder: Thank you very much. As the senator will well know, this bill was tabled in this chamber before we rose for the summer. I am informed that there have been some stakeholder discussions.

Frankly — I suppose it's a signal of the right balance — it hasn't attracted a lot of harsh criticism or overwhelming endorsement but is viewed as a prudent step forward. I would hope that in the context of our hearings — because the bill is being considered in this chamber first — we would be able to hear from stakeholders to assure ourselves, before we finally vote on this bill, that the right balance has indeed been established and that the concerns of stakeholders, if they emerge, are appropriately reflected in our deliberations. So I welcome your question and believe it is one that we can best answer in hearing from stakeholders directly.

(On motion of Senator White, debate adjourned.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Nancy Greene Raine moved second reading of Bill S-228, An Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children).

She said: Honourable senators, Canada is facing a crisis with the rising rates of obesity that are impacting the lives of our children. Today in Canada, over 30 per cent of school-aged children are overweight, including 13 per cent who are obese. Since 1980, the percentage of obese children in Canada has actually tripled. Even preschoolers are at risk. Last week there was a report in the media on research showing problems as early as six months.

The evidence is clear that overweight and obese children are at risk for premature onset of chronic diseases such as type 2 diabetes, heart disease, strokes, some cancers and joint problems.

We know that obesity is difficult to reverse and that overweight or obese children are more likely to continue to struggle with weight issues all their lives. We also know that being overweight or obese impacts the mental health and the self-esteem of children. That is why I have introduced this legislation and given it the short name the "Child Health Protection Act."

Overweight and obesity is not caused by any one thing. It is a combination of poor nutrition, a lack of exercise and likely too much screen time. While there can be some genetic causes, it usually boils down to the simple formula of calories in versus calories out. If you continue to take in more calories than you use, over time the body will store the excess in the form of fat stored in special fat cells.

Nutrition is a complex subject. In my lifetime, I have seen it go from family cooking with minimally processed ingredients to where we have an abundance of convenience foods and fast-food restaurants. We used to cook things from scratch and use food in season often from our own garden or a farmer's market. Where we used to do home preserving and eat canned or frozen food, there is now an abundance of fresh food available out of season, shipped from all over the world.

Quality nutritious food can be more expensive, but I would argue that it doesn't need to be. We need to relearn how to cook from scratch and use ingredients such as seasonal vegetables, lentils, beans and whole grains and use your own spices and not store-bought sauces, plus we need to understand that your health depends on what you eat. If you eat mostly unhealthy, processed foods, sooner or later you will develop health problems.

I have also seen the start of calorie counting, perhaps as labour-saving devices resulted in us burning fewer calories as we went about our daily routine. We have seen a swing in how promotion has gone from "fat is bad" to now where we are hearing more often that sugar is bad. I find it interesting that the rise in overweight and obesity rates coincided with the promotion of low-fat diets, perhaps because manufacturers had to add sugar to their products to make them tastier.

Taking the fat out of products also seemed to increase the amount of cheese available, which is not only high in fat but also high in salt and is being added to many things, especially snacks. Cheese sauce is being added to all kinds of things these days.

In 2004, the World Health Organization recommended that only 5 per cent of total calories should be from sugar, down from 10 per cent allowed earlier. This includes all forms of sugar, both naturally occurring and sugar added to processed foods. It's not very much sugar. For those of us in this chamber leading a relatively sedentary lifestyle, we should consume on average about 2,000 calories per day. Five per cent of that is only 100 calories allowed for sugar. One can of pop, 310 millilitres, contains approximately 120 calories. So one can of pop puts us over the limit for our recommended amount of sugar per day. Even an eight-ounce glass of orange juice, with 110 calories, will put you over the limit.

Some people switch to diet soft drinks, but there is growing evidence that diet soft drinks make you crave sugar, and these days sugar is hidden everywhere. Read the labels; there is sugar in almost all processed foods. So you can see how hard it is to cut back on sugar, not to mention fat and salt. Water is still the best choice.

Honourable senators, it's clear to see that if a child develops the taste for soft drinks and other sugar-sweetened products, it is very easy for them to be overweight or obese. So again my aim with Bill S-228 is to prevent children from getting hooked on products that make them want the kind of foods and drinks that are bad for them.

Honourable senators, let me digress a moment and mention two other causes of childhood obesity: the lack of exercise and too much screen time. The combination of these is also a significant issue, one that also needs action. Every time I bring up childhood obesity, someone says that we need to get good physical education back in the schools. Actually, I'm not sure it was ever in all elementary schools, but we ran around like crazy at recess and lunch hour. For sure in the olden days, kids were booted outdoors to play, where they became very creative at entertaining themselves.

Some families today are afraid to let their children have unstructured outdoor playtime and are too busy to take them to the neighbourhood park, so either television or some kind of device becomes what kids do to play. We need to bring back healthy, active play, preferably outdoors. Our kids need it now more than ever.

• (1520)

I want parents to understand that excess screen time is harmful to their child's health. Experts say there is no safe amount of screen time for infants under age 2 and that preschool children should be limited to a maximum of one hour per day. This should not include rapidly moving cartoons. For school-aged children, warnings come that limiting screen time is also very important and that for a child to develop their social and creative abilities, they must engage in physical activities, including those that use the small motor skills.

Pecking letters on a keyboard instead of learning to print and write is becoming recognized as harmful to a child's development. New research is showing that when parents use their devices, their children want to copy them. If the family is not very careful, this can result in detachment disorder, which has mental health consequences. Kindergarten and elementary school teachers today have to deal with behaviour issues that used to be rare.

But enough of my digression. I just wanted to assure you that I know that the marketing of food and beverages to young children is not the only reason for the rising rates of obesity, but I am convinced that prohibiting it will help. Families today are finding their young children are being bombarded with advertising and promotion for food and beverages at an age when they are particularly vulnerable to this messaging.

Honourable senators, I ask you, why is industry targeting children with their marketing? Did you know that in the United States, food and beverage advertisers are spending between $10 billion and $15 billion annually for marketing that is directed at children? Unfortunately, figures for Canada are not available, but it's likely at least $1 billion.

Advertising influences children's food preferences. For every hour of TV they watch, their consumption of calories goes up, and not just because they are eating snacks; it's because they are seeing the messaging. A preschooler's risk for obesity increases by 6 per cent for every hour of television watched daily. One 30-second commercial can influence the brand preferences of children as young as age 2. There is no doubt that marketing to kids is working, and also that children are strong influences in the choices made by parents. And the consequence for children of being exposed to such advertising includes developing unhealthy eating habits.

As a Conservative, I believe that government shouldn't unnecessarily interfere with our lives. It is up to parents to do the parenting, but we need to support busy parents in doing the right thing. Food and beverage companies will still be able to market their products. This legislation will simply prohibit them from bypassing parents and marketing directly to vulnerable children. It must be very difficult to be a parent today, when children are so influenced by the marketing that is everywhere. It's hard for parents to drown out the multi-million-dollar industry that is targeting their children.

Last year, two teenage girls in Saskatchewan did a school project where they observed families shopping. Their research showed it took kids between six and seven nags to get what they wanted in a grocery store. They pointed out that the packaging and even the shelf placement was designed to attract kids' attention.

Bill S-228 will bring relief to besieged parents and let them make the choices. The industry will need to redirect their messaging away from licensed cartoon characters and appeal to more rationale ways of making food choices.

In summary, most children do not acquire an understanding of the true nature of advertising before early adolescence — that is towards age 12. Before then, children are vulnerable in the face of different marketing strategies that are used to reach them because their intellectual development does not allow them to discern the persuasive intentions of advertisers and to exercise critical judgment.

Honourable senators, given the many financial benefits for industries that target children, it is very important that children be protected and that marketing directed at them be regulated. This is a choice that the Province of Quebec has already made. In fact, they prohibited commercial advertising of all products to children in 1980. The results have been measurable. Quebec children eat more fruits and vegetables, and francophone children have healthier weights than do anglophone children, likely because of marketing coming from English channels in Ontario and the U.S.

Quebec's law was enacted under the Consumer Protection Act and was challenged in court, and in 1989 the Supreme Court of Canada upheld the law and ruled that advertisers should not be able to capitalize on children's credulity and that advertising directed at young children is per se manipulative.

Bill S-228 works well in conjunction with Quebec's legislation, which covers only one form of marketing — advertising. There are many other ways to market, and Bill S-228 seeks to capture them all. Whatever form it takes, any marketing that is directed at children is simply wrong.

Honourable senators, this is not the first time that legislation on this issue has come before the Canadian Parliament. In 1974, Newfoundland MP James McGrath introduced Bill C-21 to amend the Broadcasting Act to prohibit advertising to children. Mr. McGrath was a Conservative who later became Speaker and then served as Lieutenant Governor of Newfoundland. He is alive today, and I think he'll be happy with this bill.

Unfortunately, his bill died on the Order Paper. On February 25, 2009, NDP Member of Parliament Peter Julian introduced Bill C-324, formerly Bill C-414 in the House of Commons. Unfortunately, it also died on the Order Paper. It is my hope and belief that this non-partisan Senate bill will get the support it needs to pass.

I would like to explain what Bill S-228 will do. This bill will amend Canada's Food and Drugs Act to prohibit any marketing of food and beverages directed at persons under age 13. The FDA regulates food, drugs and cosmetics and therapeutic devices in Canada. Part I deals with various products, and Part II deals with administration and enforcement.

Clause 2 of my bill adds a new defined term to section 2 of the Food and Drugs Act: ". . . children means persons who are under 13 years of age." The FDA already contains definitions for the following terms, which are used in Bill S-228: advertisement, food, package and sell.

Under the FDA, food includes beverages, and the definition of "advertisement" is very broad and includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of the products controlled by the legislation.

The definition of advertisement is medium-neutral and worded in such a way that it would continue to catch emerging technologies and evolving marketing methods.

Clause 4 of Bill S-228 adds a new subheading to the Food and Drugs Acts entitled "Labelling, Packaging and Advertising Directed at Children." It is here that new provisions will define the marketing that will not be allowed, for instance, with regard to sponsorship of events or activities primarily for children, or the sponsorship of places such as a school or day care.

Another provision prohibits the use of testimonials and endorsements, including a real or fictitious person, character or animal. Provisions also prohibit gifts intended primarily for children to persuade them to purchase a food, when the thing that you get for buying a certain food is intended primarily for children.

Honourable senators, a superficial reaction that I'm getting to the bill is that it is spoiling the fun of Happy Meals for children, but this misses the point. Where this kind of promotion was once a treat, now it is everywhere, and it is harmful. When children's movies are released, their characters are licensed immediately and used in marketing to kids.

Throughout the new provisions, the phrase "in a manner that is directed primarily at children" is used. This will be defined under regulations which will be part of the bill. This means that in the future, as marketing methods evolve, the regulations can be adapted without having to further amend the legislation.

The Food and Drugs Act has clear and substantial penalties for offences which are large enough to act as a real deterrent should the bill become law.

Currently Advertising Standards Canada is the national independent advertising industry's self-regulatory body. Their members, including advertisers, advertising agencies, media organizations and suppliers, are committed to responsible and effective self-regulation. Since 2007, they have administered the Canadian Children's Food and Beverage Advertising Initiative, whose participants have dealt with advertising directed to children under age 12.

• (1530)

While this attempt at self-regulation is admirable, and many of the participants show good compliance, not all manufacturers or advertisers are members. The self-regulation by industry requires participants to meet company-developed standards for healthier dietary choices.

I believe all food and beverage products should be covered and we should not get sidetracked into which products are healthy enough. Marketing to kids is the issue. I'm hoping that industry stakeholders will welcome a level playing field where the rules are clear and where their advertising can be directed to consumers who are old enough to make decisions for themselves.

Honourable senators, the Canadian Food Inspection Agency, the CFIA, will be responsible for enforcing the legislation, and it publishes prosecution bulletins on its website. There is also a tip line for the public to report a concern. It will be up to the CFIA to determine how it will implement and enforce Bill S-228 once it becomes law, but presumably, it could update the tip line to include a link for the reporting of concerns over the marketing of food and beverages to children.

My bill does allow public health messaging and creates an exception for public health authorities, or a person acting in collaboration with a public health authority for educational purposes, to promote healthy foods or beverages. Imagine the power of an Olympic athlete giving these public health messages.

Bill S-228 also has exemption for sports equipment or other durable goods or materials supplied by a sponsor in support of an event or activity. I know some children's sports programs could be impacted by the bill, but we need to look at why some companies are so keen to sponsor kids' programs. Why do they offer the kids a coupon for a free drink at their fast food restaurant? I'm certain that there are community-minded businesses across Canada who are not marketing food and beverages and who would be willing to sponsor kids programs. Do we really want young children to be targeted with advertising for products that we know are doing harm?

Honourable senators, I'm convinced that this legislation is not only needed for child health protection, but also that its time has come. In January 2016 — just this past January — the World Health Organization declared that there is unequivocal evidence that the marketing of unhealthy food and sugar-sweetened beverages has a negative impact on childhood obesity. They recommended that any attempt to tackle childhood obesity should include a reduction in the exposure of children to the marketing. The Senate committee recommended in its report in March 2016, entitled *Obesity in Canada: A Whole-of-Society Approach for a Healthier Canada*, that the federal government implement a prohibition on the advertising of food and beverages to children. The government has agreed in principle with the committee's recommendations, and the mandate letter of the Minister of Health includes the issue of marketing to children.

It's also, I think, fortunate that our Prime Minister has young children, so there is no doubt he is aware of the issue. It is time to act. We do not need to do more studies. Either we take action now, or taxpayers will need to pay increased health costs in the future. We all need to take responsibility for our families' health. Protecting children from food and beverage marketing at an age when they are particularly vulnerable to its persuasive influence over food preferences and consumption is an important first step. It is by no means the only step, but it is an important first step.

Honourable senators, I look forward to your comments during debate and to hearing testimony when this measure goes to committee. I am counting on you to pass this bill.

Thank you.

Hon. Frances Lankin: I certainly commend the senator on this initiative; I think it's important and timely. In listening to you, I hearkened back to when we heard that ending sponsorship by tobacco companies would cause various initiatives in our communities to lose money. We have survived and moved beyond, and we will survive beyond this as well.

Particularly, I want to ask you about your assurance that the definition of advertising would be medium-neutral, and would be able to take into account developments, technological or otherwise, in advertising messages being delivered.

I had the opportunity to meet with representatives from the Canadian Coalition for Tobacco Control recently, who showed me the advances that have gone on with packaging where advertising has been banned in the tobacco industry. You now find when you open packages of cigarettes, there is complicated packaging with things inside like tins to keep your cigarettes in, all filled inside with advertising. It is not visible to the public and it is something you have purchased and received with your purchase.

Have you considered something like that — in terms of when you do get a bag of chips and you open it up, what the promotions are inside there — and whether or not your bill will contemplate that kind of advertising in the future?

Senator Raine: Thank you very much. I have been assured that the bill is medium-neutral and so there is an opportunity through regulations to capture evolving methods.

I also know that technology is not all evil. Technology does include the way to block ads, for instance, on the Internet. More and more parents are using ad blocking devices and controlling their children's use of the Internet. So technologies can be useful as well.

Google, for instance, has a thing — I'm not exactly sure how it works; I don't have young children — where you have to sign up to get access to certain items on the Internet, you have to have the parents sign that they approve of this, and they do not give access to children under the age of 12. Of course, I say to myself, "Well, maybe you can lie about your age," but to me the incessant marketing of all forms to children is something that we need to target, and we need to do everything we can to ratchet it back and control it. Thank you.

Senator Lankin: Will you take another question? I also wanted to ask you about the events that we have seen in various school boards across the country, where they are wrestling with these issues, for example, with the placement of soda machines of various brand names within school properties for access by the children. This is at both the elementary and secondary levels, and many school boards have taken steps along the line to remove them, and have taken steps along the line of creating salad bars in their lunch programs. They are trying to do the right thing, but many boards have not yet taken those steps. Would the ban on advertising that you're proposing actually reach into situations, where if, in fact, there is a soda machine, it needs to be plain-wrapped so that there is not brand recognition and promotion? I don't know if you have thought of that yet, but it is an interesting jurisdictional issue, and these matters are being debated by school boards and parent councils across the country.

Senator Raine: That's a very good question. I know that this legislation will support school boards in doing the right thing. We are targeting children under the age of 13, so it's not going to be law for middle and high schools, but certainly it's a start.

We should be asking ourselves, when we look at those older groups, what we're going to do to control some of the products that are target-marketed to teenagers and older students, including highly caffeinated energy drinks. And what will happen with marijuana? We need to really become aware of the danger. But for sure, school budgets are tight everywhere and I often get people commenting, "Yeah, it was a shame when they added the computer classes, they took out home economics and physical education," or they cut back.

I know school districts are wrestling with this across the country, and there are some very good programs out there and there are ways to deal with it. I know that at schools in British Columbia, for instance, on the first day of school the children get a water bottle with their name engraved on it. This is organized through the parents' action committees, and they fill it up with water. They don't bring bottled water: the vending of water and all of those things is not allowed in most schools. B.C. has a healthy schools program which is quite good. I'm sure that, for all of the provinces, I don't know all the programs, but there is a rising awareness. Out there in the public, there is a "Help," and that's our role as federal parliamentarians to do something about it.

(On motion of Senator Eggleton, debate adjourned.)

• (1540)

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

Hon. Yonah Martin (Deputy Leader of the Opposition) moved second reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time).

REFERRED TO COMMITTEE

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

(On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

ABORIGINAL LANGUAGES OF CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-212, An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights.

Hon. Murray Sinclair: Honourable senators, I've not yet completed preparing my speaking notes with regard to this matter. Therefore, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

(On motion of Senator Sinclair, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator McIntyre is our critic for this bill, so I move the adjournment of the debate in the name of Senator McIntyre.

(On motion of Senator Martin, for Senator McIntyre, debate adjourned.)

THE SENATE

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

On the Order:

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

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

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

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

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

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

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

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

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

Hon. Jim Munson: This motion stands in the name of Senator Cools, Your Honour, and it's our understanding that an agreement has been reached that it will revert to her name once I finish speaking.

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

Hon. Senators: Agreed.

Senator Munson: Thank you, honourable senators.

This is a motion that urges the government to take steps necessary to deescalate tensions and restore peace and stability in the South China Sea, and, honourable senators, I'm grateful to our colleague Senator Ngo for his motion to launch an inquiry on the worrisome events taking place right now in the South China Sea. I was prepared to speak to this in June, but, because of scheduling, my speech was delayed until today.

There have been changes since then, and I'd like to talk about that and a wee bit more. I have made some updates on the tensions that are there and that have continued to mount throughout the summer.

Part of the Pacific Ocean, the South China Sea encompasses close to 3.5 million square kilometres. It is made up of hundreds of small, mostly uninhabited islands, including the Paracel and Spratly Islands. One third of all maritime traffic in the world, carrying an estimated $5 trillion worth of oil and goods, is transported through this corridor every year.

The area has significant oil and natural gas reserves. A 2013 report by the U.S. Energy Information Administration estimated that there were 11 billion barrels of oil in those reserves. Estimates for natural gas are in the range of 190 trillion cubic feet. There is a lot at stake.

The South China Sea holds one third of the world's marine biodiversity. It is also a major fishing ground, yielding 10 per cent of the world's total catch. States and territories bordering this body of water include the People's Republic of China, the Philippines, Malaysia, Brunei, Indonesia, Singapore, Vietnam and Taiwan. For hundreds of years and for obvious reasons, they have been engaged in a series of overlapping claims of islands and portions of the South China Sea. Twenty-five years ago, while I was reporting for CTV News and living in China, I covered events arising from competing interests among the countries bordering

the South China Sea. China was aggressive then. It used its economic power and its bully pulpit to intimidate smaller countries in the region. China is more aggressive today.

One of Senator Ngo's goals in launching this inquiry is to open our eyes to the fact that what seems like a distant, ongoing problem is very much in our interest and is becoming a crisis. For more than 30 years, China's actions to establish its sovereignty have become increasingly ambitious and aggressive. By way of what is widely known as "the nine-dash line," the country has drawn out the parameters of a zone over which it claims to have historical rights. This line covers almost 90 per cent of the South China Sea and its islands. It stretches, tauntingly, to within 50 nautical miles of the Philippines exclusive economic zone, a zone defined by the United Nations Convention on the Law of the Sea, and it also cuts into the EEZs of Brunei, Malaysia, Indonesia and Vietnam, violating their rights to develop maritime resources.

China, like the Philippines and other countries bordering the South China Sea, is a signatory to the UN convention. In ratifying the convention, China has agreed to resolve all maritime disputes in a peaceful manner. China certainly isn't acting that way. The Philippines formally challenged China's claims at the Permanent Court of Arbitration at The Hague. China, however, refused to participate and insisted it would defy the ruling. This summer, as things changed and evolved, The Hague issued that ruling. The court rejected China's claims that it had historic rights to control most of the region. The court also harshly rebuked China for its antagonistic conduct, including the construction of military facilities in the Spratly Islands.

• (1550)

China's actions demonstrate a drive for power above all else, including international law. Over the past few years, China has been constructing — you may have seen it on various newscasts — artificial islands, equipping them with infrastructure such as runways, warplane hangars, buildings, loading piers, and possibly radar and surveillance structures. According to coverage published in the *New York Times*, throughout August and September, satellite images and other surveillance technology have been gathering evidence that China is continuing construction of a vast military base.

The words of the President of China, Xi Jinping, leave no room for peaceful resolution: "We are strongly committed to safeguarding the country's sovereignty and security, and defending our territorial integrity."

Those are menacing words.

The Council on Foreign Relations has said:

> China's land development has profound security implications. Beijing has reclaimed more than 2,900 acres, since December 2013, more land than all other claimants combined in the past forty years. The potential to deploy aircraft, missiles, and missile defense systems to any of its constructed islands vastly boosts China's power projection, extending its operational range south and east by as much as 1,000 kilometers.

Malaysia, the Philippines, Vietnam, Brunei and Taiwan have claims on the Spratly Islands, where a considerable amount of this construction is going on. In the face of China's aggression and disregard for legal and other established methods of dispute resolution, they are at a loss as to how to respond effectively. The words of former Philippines President Aquino, expressing the futility of dealing with China on his own, posed this rhetorical question: "To be realistic about it, how does one push around a superpower?"

The Philippines has been working in partnership with Japan to upgrade its defence and surveillance capacities. In accordance with the UN convention, Vietnam is emphasizing the importance of building trust, encouraging productive discussion and cooperation, and respecting compliance with international law. Vietnamese Prime Minister Nguyen Tan Dung has said that Vietnam will do what it can do to join other regional countries in consolidating peace and stability in the region.

The United States and other ally countries are watching events in the South China Sea closely. Although unwilling to get involved in territorial disputes, President Obama has made it clear that his country has interest in security, prosperity and dignity in the Asia-Pacific region. The U.S. has sent warships to defend the freedom of the area's strategic waterways and has urged China, the Philippines, Vietnam and other countries to work out a peaceful solution to the conflicting claims.

In the spring, iPolitics reported that ". . . the time when China would shrink and retreat at the first sight of a U.S. aircraft carrier battle group looming on the horizon is long gone." Chances are, pushback from the U.S. could cause China to retaliate, which in turn could lead to a clash of violence.

The tensions in the South China Sea matter to this country — to all of us. We all have a stake in the goods and oil being carried through the passage, as well as the reserves of oil and gas, particularly as they impact the global economy. Also at risk are the fish supply and the quality of land and sea in this area. If the territories and states bordering the South China Sea could work together, they would be better positioned to collaborate on efforts to improve and prevent the destruction of the natural environment.

As it stands, there is widespread overfishing and little attention paid to laws and established practices to stop pollution and other damage. China is so aggressively bent on its land grab and building its powers that it is prompting counterproductive responses throughout the Asia-Pacific region. Tension is so tight at this point that a conflict could quite easily erupt as a result of any action that seems retaliatory.

The risk of conflict is yet another reason we should care about what is taking place in the South China Sea. Canada's Minister of Foreign Affairs, the Honourable Stéphane Dion, issued a statement in July emphasizing the need for compliance with international law. These are the closing words of that statement: "Canada therefore stands ready to contribute to initiatives that build confidence and help restore trust in the region."

During his visit to China last month, Prime Minister Trudeau said nothing about any such initiatives, focusing instead on Canada's openness to China's business. That has to change.

What is opening in the South China Sea is clearly a situation of bullying — an unfair, destructive and illegal pursuit of power. The danger is escalating, and the time has come for Canada to take a stand and collaborate with allies on resolving issues at the centre of this rising storm to diffuse the tension.

In her contribution to the inquiry, Senator Martin provided an outline not only of the variables and risks to be considered but also of what Canada's role should be, beginning with our country's proud history of being a fair and non-colonial diplomatic broker. Canada must use diplomatic and other non-military means to persuade those states and territories involved in the situation to accept and abide by the ruling from the International Court in the Hague.

In the event that China or other parties refuse to respect the decision rendered through this official, most reliable source, Canada should collaborate with allies in efforts to negotiate a peaceful and workable outcome. To repeat the word of Senator Martin, "Honourable senators, stakes are too high and the potential consequence is too great for the world to leave the South China Sea dispute unchecked."

Again, I would like to thank Senator Ngo for launching this inquiry. I have a personal interest in this; I worked in that part of the world. The only distance between us and that part of the world is a body of water. We are all neighbours. We have so many people from that part of the world who live in this country, and it makes this country a great one.

But I would like to thank Senator Ngo for launching this inquiry to raise awareness of China's conduct in the South China Sea and Canada's responsibility to address it. I fully agree with his goals, and I'm grateful to have had this opportunity to support them.

I will let you know that this motion has been adjourned in the name of Senator Cools.

Thank you, honourable senators.

(On motion of Senator Munson, for Senator Cools, debate adjourned.)

MOTION TO HAVE ALL DOCUMENTATION PROVIDED TO THE AUDITOR GENERAL BY EACH SENATOR WHO WAS SUBJECT TO THE COMPREHENSIVE AUDIT RETURNED TO EACH SENATOR RESPECTIVELY—ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Hubley:
>
> That all documents, information, papers and reports provided to the Auditor General of Canada by each Senator who was subject to the comprehensive audit by the Auditor General pursuant to the motion adopted by the Senate of Canada on June 6, 2013, be returned intact and complete, including any copies thereof, to each Senator, respectively, within thirty (30) days of the adoption of this motion.

Hon. Yonah Martin (Deputy Leader of the Opposition): Question.

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

Some Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Thursday, October 6, 2016, at 1:30 p.m.)

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