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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, December 6, 2017

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

Prayers.

[Translation]

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of the victims of the tragedy which occurred at l'École Polytechnique de Montréal on December 6, 1989.

(Honourable senators then stood in silent tribute.)

SENATORS' STATEMENTS

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

VICTIMS OF TRAGEDY

Hon. Rosa Galvez: Honourable senators, on December 6, 1989, 14 young women lost their lives in a place that was meant to open doors for them. I am talking about the tragedy at l'École Polytechnique de Montréal.

These girls in their early twenties were aspiring science and engineering professionals. What a sad loss for Quebec and for Canada. The killer, another student, was armed with a Mini-14 rifle and a hunting knife, both of which should never be carried in public.

This event had a profound effect on me, because at the time, I was sitting in a classroom at another Quebec university some 10 kilometres away.

I have often wondered if this tragedy could have been avoided or would have been mitigated if the killer had not been able to obtain firearms. I am firmly against allowing civilians to carry weapons, and I abhor the killings that are accepted by our neighbour to the south, where two thirds of the population owns a firearm. It is an obsession. There is no other word for the free circulation of these weapons in spite of all these murders.

Since 1991, we have recognized December 6 as the National Day of Remembrance and Action on Violence Against Women. This day is an opportunity to continue our discussions and reflections in order to find ways to prevent this violence.

Dear colleagues, we must all take meaningful action to end this violence, and that starts by including women in professions. Even today, only 17 per cent of engineers are women. However, this percentage is increasing every year, and I would like to think that

it is in honour of the women of École Polytechnique. Being a woman should never be a barrier to pursuing education in a chosen field.

Today, we want to pay tribute to the memory of the victims of the École Polytechnique massacre in Montreal. Although this tragic event took place 28 years ago, we will always remember them.

Hon. Senators: Hear, hear!

Hon. Joan Fraser: It was a late winter's afternoon. There were snowbanks in Montreal's streets, and Christmas decorations had been put up in the cafeteria at the École Polytechnique. Then, tragedy struck.

• (1410)

[English]

And 20 minutes later, these women were dead.

Anne-Marie Lemay, a fourth-year mechanical engineering student.

Anne-Marie Edward, who loved outdoor sports and was studying chemical engineering.

Annie St-Arneault, a mechanical engineering student from La Tuque, Quebec, was killed as she sat listening to a presentation in her last class before graduation.

Annie Turcotte, a metallurgical engineering student in her first year, was gentle and athletic.

Barbara Daigneault was to graduate at the end of the year.

Barbara Klucznik Widajewicz, a first-year nursing student who had arrived in Montreal with her husband from Poland only two years earlier.

Geneviève Bergeron, a second-year scholarship student in mechanical engineering, who played the clarinet and sang in a professional choir.

Hélène Colgan, who was in her final year of mechanical engineering, wanted to do a master's degree.

Maryse Laganière worked in the budget department at Poly.

Maryse Leclair, a top student who was in fourth-year metallurgy. Her body was found by her father, Montreal police Lieutenant Pierre Leclair.

Maud Haviernick and Michèle Richard, both second-year students in metallurgical engineering, were presenting a paper, the two of them, when they were killed.

Nathalie Croteau, another graduating mechanical engineer who was planning a vacation to Mexico.

And Sonia Pelletier, the head of her class, and she was killed the day before she was to graduate with a degree in mechanical engineering.

As Senator Galvez said, think of what they would have done for their communities and our country had they lived.

Hon. Senators: Hear, hear.

HALIFAX EXPLOSION

ONE HUNDREDTH ANNIVERSARY

Hon. Jane Cordy: Honourable senators, I am pleased to rise before you today to commemorate and to reflect on the one hundredth anniversary of the Halifax Explosion. On this day in 1917, the SS *Imo*, a Norwegian relief vessel, collided with the French ship SS *Mont-Blanc* in Halifax Harbour. The *Mont-Blanc* became engulfed in flames. The ensuing fire detonated almost 6 million pounds of explosives held in the *Mont-Blanc's* cargo.

Over 2,000 people perished that day, 500 of whom were children, and 9,000 more were gravely injured. Halifax Harbour and the surrounding areas were almost completely destroyed. Entire communities lost their businesses, homes and families. One hundred years ago to the day, and the brave people of Nova Scotia are still feeling the repercussions of this disaster.

The devastation was felt as far away as Prince Edward Island and Cape Breton. Historic buildings and cultural symbols, like Dartmouth's Oland Brewery, were lost. The Nova Scotia Hospital in Dartmouth cared for many of the victims, and as Nova Scotians do, we came together to support one another and those who suffered.

As a Nova Scotian, I am proud and humbled to stand alongside them in remembrance and celebration. We lost so much, but we came back stronger than ever.

During the explosion, a cannon from the *Mont-Blanc* became detached from the ship and landed in the north end of Dartmouth, almost three kilometres away. The ship's anchor was propelled four kilometres away and landed on the Northwest Arm in Halifax. Today, each of these sites has become a piece of our shared history, reminding us of the sheer magnitude of the devastation and the sacrifice made by all those who lost, were lost and those who survived.

The Halifax Explosion was devastating, but it also offered Nova Scotians, and indeed all Canadians, a glimmer of hope for our future. The City of Boston also stepped up in our time of need, donating supplies and aid when even we had lost hope. To this day, Nova Scotia offers the City of Boston a Christmas tree as an expression of our deepest and sincerest gratitude. As Senator Mercer mentioned in his statement, this year's tree came from Inverness County in Cape Breton.

Today, we are presented with opportunity for remembrance and an opportunity to be hopeful for our future. This explosion should serve as a reminder that even in times of grief, we are able to work together and overcome adversity. Nova Scotia has rebuilt

and grown because of the strength of its survivors, our neighbours in the Atlantic, in Canada and in Boston. We did so quickly because of the fighting spirit of the Nova Scotian people.

Today, that spirit is alive and well. It embodies our past, is thankful for our present and is hopeful and eager for our future.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Christine Lafrance, Céline Lavergne, Nancy Huppé, Nancy Martin and Hélène Messier. They are the guests of the Honourable Senator Boisvenu.

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

Hon. Senators: Hear, hear!

DAYS OF ACTION AGAINST VIOLENCE AGAINST WOMEN

Hon. Pierre-Hugues Boisvenu: Honourable senators, December 6 is a very emotional day for women in Quebec and across Canada. This day commemorates the innocent women whose lives were taken at the École Polytechnique de Montréal in 1989. This important date is part of the 16 days of action on violence against women.

In Quebec alone, more than 1,000 women and children were murdered between 1989 and 2009, most often in domestic violence situations. That figure has only gone up since then.

[English]

This violence against women takes on many different forms. It ruins the lives of countless victims of domestic and conjugal abuse who are too often left without recourse in our justice system.

[Translation]

In addition to enduring long delays in our justice system, these women are also victimized by the fact that our laws are too weak to protect them properly. The Regroupement des maisons pour femmes victimes de violence conjugale estimates that in cases of sexual violence, only 5 per cent of assaults are reported to police. According to the federal Department of Justice, the reporting rate for domestic violence hovers at about 20 per cent. Barely 60 per cent of assailants are convicted. Just one third of domestic abusers are sentenced to jail. About half of all abusers get probation, which is the most common sentence. Much of the time, the conditions of probation are simply ignored by the abusers.

There is also a glaring lack of resources, which results in excessive workloads for justice and social workers. I have met with many representatives of shelters that help abused women, and they have confirmed this problem.

[English]

It should be admitted as well that men are often left to the side, without any help and the psychological support needed to resolve and prevent their violent behaviour.

[Translation]

I created a task force composed of women who have experienced these kinds of violence, including attempted murder, sexual assault, and so on. These are strong, extremely resilient and humble women who are supporting each other in their healing process. They had the strength and courage to share their experiences so they could pass the torch of change on to other victims. They have the same objective as I do: to review legislation in order to give women who are victims of domestic violence more recourse and more support, and to ensure that, ultimately, they are at the centre of the judicial process.

On this National Day of Remembrance and Action on Violence Against Women, we must take action. Honourable senators, these abused women hope to have your support when the time comes to vote on these new legislative measures that we are working on. These women are here with us today, and I sincerely thank them for sharing their experiences with me and helping me gain a better understanding of the realities faced by abused women.

[English]

PARLIAMENTARY POET LAUREATE

GEORGE ELLIOTT CLARKE

Hon. Wanda Thomas Bernard: Honourable senators, I rise today to pay tribute to our current Parliamentary Poet Laureate, George Elliott Clarke.

Dr. Clarke is the first Black Parliamentary Poet Laureate and Canada's seventh Parliamentary Poet Laureate. I have known him since he was a university student and have had the distinct privilege of watching his stellar career develop since he began to write and express himself. We share a special bond due to our shared history as African Nova Scotians, researchers and social activists.

Dr. Clarke brings a special energy to any room he occupies. His bright character lights up each interaction. It is truly a pleasure to call him a friend and my Africadian brother.

• (1420)

Mr. Clarke has poured immeasurable amounts of energy into creating a body of thoughtful work throughout his career. His work brings to light many stories of African Canadians, including Viola Desmond. Most recently, he wrote a poem for the Young Women of Excellence, the group of 14 young women from East Preston who visited Parliament Hill last month. Dr. Clarke brings to light so many experiences with his written word. I appreciate how he expresses his pride for his African heritage, and I support his call for reparations at the National Black Canadians Summit, which aims to tackle anti-Black racism.

I would like to take a moment to thank Dr. Clarke for his work, for his pride, for his dedication and for his kind spirit. I appreciate the work he has done thus far on Parliament Hill and for the advancement of African Nova Scotians. On behalf of all Canadians, I thank him for his exceptional service and look forward to our continued comradeship. Thank you.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2017-18

SUPPLEMENTARY ESTIMATES (B)—TWENTY-SECOND REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Percy Mockler: Dear colleagues, I am upset and sad today because I just found out about the health challenges facing our Minister of Fisheries and Oceans, Dominic LeBlanc. The news is distressing, but my thoughts and prayers are with him.

Honourable senators, I have the honour to table, in both official languages, the twenty-second report of the Standing Senate Committee on National Finance entitled *Final Report on the Supplementary Estimates (B), 2017-18*.

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

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

PRECLEARANCE BILL, 2016

FOURTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Hon. Jean-Guy Dagenais, Deputy Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, December 6, 2017

The Standing Senate Committee on National Security and Defence has the honour to present its

FOURTEENTH REPORT

Your committee, to which was referred Bill C-23, An Act respecting the preclearance of persons and goods in Canada and the United States, has, in obedience to the order of reference of November 9, 2017, examined the said bill and now reports the same without amendment.

Respectfully submitted,

JEAN-GUY DAGENAIS
Deputy Chair

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

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

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO ITS MANDATE

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

That, notwithstanding the order of the Senate adopted on Thursday, January 28, 2016, the date for the final report of the Standing Senate Committee on Energy, the Environment and Natural Resources in relation to its study on emerging issues related to its mandate be extended from December 31, 2017 to December 31, 2018.

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO RESTORE MEMBERSHIP AS AT OCTOBER 31, 2017

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the provisions of the order of December 7, 2016, respecting the membership of committees, be extended to the end of the current session insofar as they relate to the membership of the Standing Committee on Ethics and Conflict of Interest for Senators; and

That the membership of the committee be composed of the members of the committee as of October 31, 2017.

QUESTION PERIOD

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I think a good question for Senator Harder is regarding the fighter procurement program, because it's something that we've been talking about for some years.

On May 29, the Minister of National Defence said in the other place:

... we do not want to buy used equipment; we want to invest in new planes.

Could the leader please tell us, in brief, what is the position of the Government of Canada today? We've been paying fees on the previous program — and I'm not sure if it's still in place — for the F-35s, where we paid an amount of money each year to be part of a conglomerate that was looking at the acquisition. I'm not sure where that sits right now, but it would appear we need to have some clarity in terms of direction. Maybe you could help us with answering that question.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question, which is, I'm sure, motivated by some press stories respecting speculative announcements. Let me simply reassure this chamber and all Canadians that the Government of Canada continues to be committed to ensuring that the equipment for the Canadian Armed Forces is entirely appropriate for the men and women who are risking their lives in service. As the senator will know, the government is investing about \$64.4 billion over the next 20 years in the Royal Canadian Air Force. As he also knows, this includes the procurement of advanced fighter aircraft.

The senator will also know that the Government of Canada has made comments with respect to the prospect of purchasing equipment from a company that is less than hospitable to Canada's interests in regards to the Canadian aerospace sector. The minister has, as a result of those events, been exploring other options, and those explorations of other options continue today.

Senator Smith: That leads me to my supplementary. Yesterday, Reuters reported that the Government of Canada is cancelling its plan to buy 18 new Super Hornet fighter jets amid a deepening dispute with Boeing, as you mentioned. Instead, the Liberal government will announce a potential plan to buy a fleet of old, used Australian F-18 jets.

Knowing that those jets may be around the same age as our F-18s, Senator Harder, could you please make some inquiries? Can you let us know how much the purchase of the new F-18s will cost and when they will be delivered? How much will it cost us to extend the use of our own fleet that will go on past 2025?

• (1430)

Senator Harder: Again, I think that the questions are premature, pending a decision by the Government of Canada and an appropriate announcement, and I'm sure the issues that the honourable senator raises will be very much part of the announcement by the Government of Canada.

[Translation]

Hon. Jean-Guy Dagenais: I have a similar question for the Leader of the Government in the Senate. Senator Harder may recall that, about two and a half months ago, I asked him whether the Liberal government would keep the promise it made to Canadians in its election platform to hold an open and transparent competition in procuring fighter jets for the Canadian

Armed Forces. Honourable senators will recall that the Standing Senate Committee on National Security and Defence made the same recommendation in a report it released earlier this year.

If the government had paid attention to our committee at that time, perhaps the competition would be well under way by now. However, the Liberals threw a wrench in the procurement process, which means that taxpayers will be forced to pay billions of dollars and the jets will not be delivered on time.

Senator Harder, when will this competition begin? When will it end? When will the new jets be delivered?

[English]

Senator Harder: I thank the honourable senator for his question. He will know from the work that he has done, along with the committee, that the Government of Canada put in place an open and transparent process for the procurement of aircraft. That process has unfolded in the manner in which I just described.

The minister continues to be engaged in looking at all of the options ahead, and an announcement will be made at the appropriate time by the ministers concerned.

[Translation]

Senator Dagenais: Does the Leader of the Government in the Senate not find it ironic that the Government of Canada is buying used F-18s when those jets are in the process of being replaced by F-35s, an aircraft that Prime Minister Trudeau said is a long way from ever working?

[English]

Senator Harder: What is ironic is that the predecessor governments let the infrastructure necessary for equipping our Armed Forces deteriorate to the point where this government has been able to re-equip and make commitments, over a multi-year process, to ensure our men and women have the best equipment available as they protect Canadians and move forward with the new policy respecting defence of Canada.

Hon. Pamela Wallin: My question is on the same topic. It's on everyone's mind today, and I want to echo some of the comments. Replacing 30-year-old F-18s with 30-year-old F-18s doesn't seem like a good plan.

Is it confirmed that the announcement will come next week or before the Christmas break? Do you know whether the government is prepared to reconsider the F-18, into which we have poured a lot of money and from which this country benefits in terms of industrial development and intellectual property? The price per copy has come down significantly in the last five years.

Senator Harder: I thank the honourable senator for her questions. They are entirely appropriate but premature.

The government will be making an announcement when ministers are ready to make that announcement, and I'm sure all the questions that the honourable senator has asked, along with those of the honourable Leader of the Opposition and Senator Dagenais, will be answered.

IMMIGRATION, REFUGEES AND CITIZENSHIP

CITIZENSHIP GUIDE

Honourable Salma Ataullahjan: Senator Harder, in 2011, the revised Canadian citizenship guide clearly stated that female genital mutilation, or FGM, is not tolerated in our country. It was reported in the media earlier this year that the new version of the citizenship guide will remove this reference to FGM.

Could the government leader confirm that the government will reverse its decision and ensure that this information remains in Canada's citizenship guide?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I will make inquiries with respect to the news story that the senator is reporting and determine from the minister what the position of the government is.

Senator Ataullahjan: On November 29, the UN Women organization stated in a tweet:

FGM is a human rights violation. We must end cutting now for a better future for young girls.

Senator Harder, will the government help support brighter futures for girls by ensuring that FGM remains listed as a harmful practice in Canada's citizenship guide?

Senator Harder: Again, I want to ensure the honourable senator that the Government of Canada's position with regard to FGM is, as we would expect, that all Canadians would be repelled by this. As to how the expression of that policy is reflected in documentation, I will have to make inquiries.

INFRASTRUCTURE AND COMMUNITIES

FLOOD PREVENTION

Hon. Carolyn Stewart Olsen: My question is to the Leader of the Government in the Senate.

An alarm is currently being raised in the Tantramar area by the mayors of Sackville and Amherst. Our historic 17th century Acadian dikes are deteriorating, placing them in imminent danger of being breached by the seasonal flooding. These dikes are preserving the only land link between New Brunswick and Nova Scotia.

In 2016, a Natural Resources Canada study estimated that a large flood would cause over \$50 million per day in lost commerce. It's not a question of if the flood will breach the dikes; it is a question now of when. In rural areas like ours, the impact will be devastating.

Nova Scotia and New Brunswick are working together to get the federal government to conduct a comprehensive engineering and feasibility study as soon as possible. Can you please tell me whether the Trudeau government will act on the recommendations from these mayors and begin this study immediately?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I am not aware of the circumstance that the senator has raised but would be happy to make inquiries and report back.

Senator Stewart Olsen: Thank you, senator. I have to reiterate that the Liberal government has boasted how they would spend billions and billions in new infrastructure, and here we have a clear case for urgent action to be taken. We have the mayors of all the towns in southeastern New Brunswick. Will the government wait to act until the isthmus is washed out and Nova Scotia becomes an island?

Senator Harder: I thank the honourable senator for her supplementary question. Let me say that by her own questions, this has been a long-standing issue, perhaps even dating beyond two years ago. I would suggest that we all take a non-partisan approach to the infrastructure needs of our communities.

I'm happy to raise this with the honourable ministers concerned and to advocate on behalf of the honourable senator.

[Translation]

THE SENATE

OFFICE OF THE GOVERNMENT REPRESENTATIVE

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. At 11:31 a.m., we received documentation from Senator Black, who is sponsoring Bill C-23. That documentation was in English only. There is a note on the documentation indicating that a translation will soon follow, but I still have not received it. What I take from that is that perhaps there are two classes of senators: those who speak English and those who speak French.

When I was the leader of the opposition, the Leader of the Government asked for specific budgets to hire staff to provide support to members of his caucus and sponsors of bills. It seems that he is not receiving translation services even though I believe he is getting nearly \$1 million, if not more.

Can the Leader of the Government assure me that he will provide support to bill sponsors to ensure continued respect for both official languages?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I do indeed give that my full support. I saw the email, and your email, for the first time and I made sure that translation would be forthcoming.

• (1440)

I frankly do not know, at this point, what happened, but I want to assure all senators of the commitment of my office and of all sponsoring senators of government legislation to the language policy that we have all committed ourselves to.

[Translation]

CANADIAN HERITAGE

CULTURE POLICY—TAX EXEMPTIONS

Hon. Claude Carignan: My question is again for the Leader of the Government in the Senate and this time it has to do with the agreement with Netflix. This morning, a group of stakeholders from Quebec's cultural sector took out an ad to condemn Minister Joly's new cultural policy, more specifically the unfair decision not to apply tax laws to American giants such as Netflix. This movement includes artists, unions, and broadcasters such as TVA, Bell Media, V, Télé-Québec and Cogeco.

Leader of the Government in the Senate, can you tell us whether Minister Joly realizes that her policy is unfair toward francophones in Canada?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for his advocacy on these issues. The minister has made it clear that the Netflix announcement she made does not, by any means, absolve the company concerning its obligations with the tax regimes of Canada.

The minister has responded and, indeed, met with concerned stakeholders and will continue to do so. I have not seen the report to which the honourable senator refers, but I will ensure that the minister is aware of that. I would assume that she already is aware, but I want to make sure that the concerns the senator has raised are brought to the attention of the minister.

DELAYED ANSWER TO ORAL QUESTION

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the response to the oral question of November 1, 2017, by the Honourable Senator Tkachuk, concerning foreign affairs and the special envoy to Myanmar.

FOREIGN AFFAIRS

SPECIAL ENVOY TO MYANMAR

(Response to question raised by the Honourable David Tkachuk on November 1, 2017)

Bob Rae was selected on the basis of his vast experience and in-depth knowledge as a lawyer, advisor, negotiator, arbitrator and long-time public servant. This experience and knowledge will help the Special Envoy support Canada's work with Myanmar, Bangladesh and other international partners to chart a path to lasting peace and reconciliation that will benefit all people in the region. Importantly, Mr. Rae is also familiar with the context in Myanmar. He has provided training on Canadian federalism to stakeholders in Myanmar.

The Special Envoy's travel expenses will be reimbursed by the Government of Canada. The Special Envoy will also be given an honorarium of less than \$5,000 covering the full period of his assignment.

ORDERS OF THE DAY

COMMISSIONER OF OFFICIAL LANGUAGES

DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, Senator Massicotte has made a written declaration of private interest regarding government motion No. 145, relating to the appointment of the Commissioner of Official Languages. In accordance with rule 15-7, the declaration shall be reported in the *Journals of the Senate*.

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Omidvar, for the second reading of Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act.

Hon. Dennis Glen Patterson: I rise today to speak to Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act, also known as YESAA.

Last week, Senator Campbell eloquently explained the history behind this bill. While I agree that Canada must move forward in good faith with First Nations, I do hold some reservations about his statement that it would:

... restore legal certainty for responsible resource management, paving the way for increased investment, development and jobs.

In fact, I would argue that the removal of legislative timelines and the exemption of projects with minor changes from reassessment proposed in this bill would bring a chill to investment in the region until replacement language can be drafted and approved.

Honourable senators, it was mining that gave birth to the creation of the Yukon Territory with the discovery of gold in 1896, and mining is still the life blood of the Yukon economy. It is critical to employment and the generation of revenues which support important government programs.

Yukon First Nations, with their settled land claims and their access to benefits and business opportunities, also have a significant stake in the orderly development of Yukon's abundant natural resources.

All this, of course, must be done with great respect to protect and preserve the natural environment from adverse impacts of development.

Investment capital for mining is not easy to attract to remote regions where transportation and other infrastructure are often still undeveloped. The primary object of any changes to the regulatory regime as proposed in this bill should be to ensure that, when all is said and done, Yukon remains a stable and attractive investment opportunity for investment capital, remembering that mining investors have many opportunities all over the world, and many jurisdictions are offering efficient regulatory processes and welcoming tax regimes.

So how does this bill impact the investment climate in Yukon? Well, let's recognize two major thrusts of this bill: It removes timelines for regulatory approval, and it removes a provision in the existing law which says that once a project is approved, minor changes in the project may be exempted from full environmental review.

In his speech, Senator Campbell quoted a March 13, 2017, letter from the Council of Yukon First Nations, the Yukon government and the Yukon Chamber of Mines to the Government of Canada urging parliamentarians to pass Bill C-17 "without change, as soon as possible."

However, when Yukon Chamber of Mines President Michael Burke appeared before the committee studying this bill in the other place, he clarified that this support was:

... predicated on addressing industry concerns, namely reassessments and timelines, through a collaborative framework with Yukon first nations, the Yukon government and the Government of Canada ...

Senator Campbell also told this chamber that:

The Government of Canada has been in ongoing discussions with the Yukon Chamber of Mines, and the chamber stands by their support for passing this bill on an expedited basis with the understanding that these issues will be dealt with through other policy mechanisms shortly thereafter.

Yet Chamber of Mines president Mr. Burke closed his remarks in the other place by stating that:

We support the passage of Bill C-17 in order to reconcile with Yukon first nations. We urge the federal government to immediately engage with first nations governments and the Yukon government to find short-term administrative or long-term legislative solutions to the impact of the removal of the reassessments and timelines contained in Bill C-17. ... The Yukon Chamber of Mines urges that this work be undertaken to implement solutions to these issues in advance of the passage of Bill C-17 to ensure continuity for all parties involved.

I agree with Mr. Burke. I believe that without replacement language, the removal of timelines and reassessments for minor changes will bring uncertainty to the mining industry in Yukon, negatively impacting investment, jobs, benefits and opportunities for all Yukoners until new regulations are negotiated and put in place.

Colleagues, with regard to timelines, I think it is significant to note that since the passage of Bill S-6 — the predecessor to Bill C-17 — in 2015, over 100 projects have gone through the YESAA process. This brings to mind the old colloquialism, “if it ain’t broke, why fix it?”

Now, on the other main issue of reassessing projects for minor changes, the Yukon Minerals Advisory Board’s 2016 annual report, tabled in the Yukon Legislative Assembly on June 7, 2017, says that:

... speaks volumes for the critical need of a practical regulatory tool that can manage determinations of non-significance when appropriate.

I translate that language to mean that a practical approach is needed to deal with minor changes to ongoing projects.

I think it’s a great story that 100 approvals have been dealt with since the current legislation was passed in 2015, seemingly without any hiccups. Many of these projects involved minor changes — just the situation that the current bill addressed.

Once there has been full and rigorous environmental review of all aspects of a major development project, the same process should not have to be undertaken when the project is changed in non-significant ways.

Mr. Jonas Smith, who represents the Yukon Producers Group and is a member of Prosperity Yukon and the Klondike Placer Miners’ Association, told the committee in the other place that 60 per cent of companies who submitted a proposal for minor changes to an existing project were granted an exemption from reassessment.

• (1450)

In its 2015 annual report, referring to the period prior to the passage of Bill S-6, YMAB stated:

Mining projects that have triggered a reassessment under YESAA require the entire project be reassessed rather than only the new or altered project component(s), which triggered the reassessment in the first place.

This can be a real nightmare for a mining company that is trying to invest money and create jobs in the local economy, yet faces hurdle after regulatory hurdle. Once they have gone through a very rigorous environmental review process, which is costly and time consuming, companies put a lot of effort into developing the so-called EIS, the environmental impact statement. Then to threaten them with the possibility of having to go through the entire process again due to making a minor change in their project will be a cause for concern for shareholders, company directors and stock market analysts.

To understand the significance of this reassessment issue, I’d like to share a story that was told to the other place by Mr. Brad Thrall, President of ALEXCO Resource Corporation, a silver-mining company, which currently employs 80 people and up to 200 people in full production, with an annual payroll of \$35 million. His company has gone through the YESAA process 11 times in the past 10 years, and he has the benefit of being able to contrast his experience before and after Bill S-6 provisions were enacted. In his recounting, Mr. Thrall explains:

While in production between 2011 and 2013 under the former legislation, Alexco proposed to add to our mine production stream two new deposits adjacent to our existing operations. No significant changes were contemplated. Regardless, permitting required a new project-wide reassessment, which occupied 221 days of YESAB’s time and jeopardized the sustainability of our district. Under the existing legislation, small changes to operations could be dealt with as simple licence amendments and could subsequently help ensure sustainable jobs and a sustainable business.

Similarly, in 2014, Alexco was again fully reassessed for production from a third new deposit, and this reassessment included a duplicative assessment of our already licensed and operating mill which took another 298 days of YESAB’s time and resources. . . .

Over the eight years before YESAA was amended and over the course of 10 assessments, some of which were duplicative, the time period required to deem our project proposals adequate has increased more than fivefold. In contrast, our 11th assessment in 2017, under the amended legislation, took less than 20 days for adequacy. . . .

In my view, the reassessment provision has served exactly the purpose for which it was designed. It has increased efficiency at all levels of government. It has substantially reduced or eliminated duplicative assessments. It has reduced cost to the taxpayer while placing Yukon on a competitive footing with other provinces and territories — and globally, I might add.

I say again, honourable senators, if it ain't broke, why fix it?

This is an important issue we must examine carefully while the bill is before our Standing Senate Committee on Energy, the Environment and Natural Resources. This bill is in response to litigation from Yukon First Nations, and I say again that it is in the interests of Yukon First Nations to have a welcoming, stable investment climate and an efficient regulatory process because they, too, have many opportunities to benefit from orderly, balanced development of Yukon's rich natural resources.

Honourable senators, coming from Nunavut, I understand the importance of having these types of regulatory approvals in place far in advance in order to plan for the following season. Delays in assessments or unnecessary reassessments can be devastating to a company's development plan, and a missed season in the North means no work for community members, making for a difficult winter.

Bill S-6 and the Nunavut Project Planning and Assessment Act, NuPPAA, were both introduced in 2015 in order to have regulatory consistency across the three territories, which occupy 40 per cent of Canada's land mass. I believe that it is not good government policy to have inconsistent and competing rules in Northern Canada. Here is what the NuPPAA legislation says about project reassessment, and I'm going to read section 145, with your forbearance:

If the carrying out of a work or activity is a project within the meaning of subsection 2(1) and modifies a project that has been approved under this Part, that work or activity is, despite paragraphs 74(a) and (b), not subject to an assessment under this Part unless that work or activity is a significant modification to the original project.

A similar provision exists in Yukon's neighbouring territory, the Northwest Territories, under the Mackenzie Valley Resource Management Act.

So both N.W.T. and Nunavut have provisions that exempt projects from reassessment for minor changes, and both N.W.T. and Nunavut have clear legislative timelines. That's why the timely development of replacement language for Yukon through regulations is crucial. History tells us that the five-year review of YESAA took eight years to complete, which resulted in Bill S-6. There is currently no set timeline for the development of these new regulations, and that is something mining companies are very worried about.

I would like to make it clear, again, that I support reconciliation with First Nations. I believe the First Nations of Yukon should be full and active partners in the assessment process and management of lands and resources. Co-management and indigenous involvement at every level of project planning and assessment are already a reality in Nunavut, and we have a good history of making co-management work in Nunavut.

However, I would urge caution in not having important replacement language in place prior to the coming-into-force of this bill. Continuity and regulatory certainty are important for continued investment and growth in any jurisdiction, and I'll be looking very closely at these issues during study at committee. At committee, I will ask Minister Bennett, who I expect will appear,

to confirm her commitment to involve all stakeholders in developing the all-important regulatory regime, which will determine the answers to the major issues underlying this bill, including whether minor project changes will require full, costly and time-consuming reassessment. I will want to see a commitment that industry will be one of the stakeholders that is fully consulted in the development of the regulations, and I will advocate for the expeditious development of replacement language so as to restore regulatory certainty in Yukon.

Hon. Serge Joyal: Will the honourable senator accept a question?

Senator Patterson: Gladly.

Senator Joyal: Is the honourable senator aware of whether the Inuit were consulted prior to the drafting or tabling of this bill in the chamber?

Senator Patterson: Thank you for the question. The bill is for Yukon, where there are mostly First Nations residents, and I do know that the First Nations have been fully consulted. I do understand that the Yukon First Nations have been fully consulted in the development of the bill. But I think the honourable senator asked an important question because, as I said in my speech, this regime in Yukon, if we pass the bill, will lead to a checkerboard of inconsistent provisions across the three territories, and I fear that it could lead to competition between jurisdictions, which I don't think is good public policy in Canada. There should be a consistent regulatory regime across Canada, which was the purpose of the amendments introduced by the previous government in Bill S-6 and in the NuPPAA. So it's a good question because I do believe that the changes in this bill do impact the neighbouring territories. But the short answer to the question is I don't believe the Inuit have been consulted, but I'm not sure of that fact.

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

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: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Campbell, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

• (1500)

[Translation]

COMMISSIONER OF OFFICIAL LANGUAGES

MOTION TO APPROVE APPOINTMENT ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of November 30, 2017, moved:

That, in accordance with section 49 of the *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.), the Senate approve the appointment of Raymond Thériault as Commissioner of Official Languages.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

FRAMEWORK ON PALLIATIVE CARE IN CANADA BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Seidman, for the third reading of Bill C-277, An Act providing for the development of a framework on palliative care in Canada.

Hon. Jane Cordy: Honourable senators, it is my pleasure to rise today on debate of third reading of Bill C-277, an act providing for the development of a framework on palliative care in Canada.

Palliative care has long been an issue championed by senators from every political stripe. In fact, in the last 22 years, there have been six substantive reports brought to this chamber which have made unanimous recommendations on palliative care. Some of those recommendations directly led to the establishment of the Secretariat on Palliative and End-of-Life Care within Health Canada, in 2001, and the appointment of one of our former colleagues Senator Sharon Carstairs as Canada's first and only Minister with Special Responsibility for Palliative Care from 2001 to 2003.

The secretariat played an important role in improving care for dying Canadians, and I would urge the Government of Canada to heed the Social Affairs, Science and Technology Committee's call to re-establish this secretariat.

In fact, I would suggest that if the secretariat had not been dismantled in 2007 by the Harper government, there would probably be a framework on palliative care already in place.

How we die may not be an issue many Canadians are comfortable talking about, but for those who are dying, and their families, access to integrated palliative care is vitally important. This is why I would echo the Social Affairs Committee's observations that patients and patient groups should be invited to participate in the development of the palliative care framework. I would also echo the Social Affairs Committee's call for additional funding for the provision of in-home palliative care services in rural, remote and indigenous communities.

Honourable colleagues, having been a member of several committees that have studied palliative care, I have risen on a number of occasions to voice my strong support of palliative care and of the efforts of those who work to help dying Canadians live life well until the very end. I remain committed to improving palliative care for all Canadians, and this bill could be a step to achieving that goal.

However, I am disappointed to see that legitimate and well-reasoned attempts to improve this legislation have been met with surprising opposition.

I fully supported the amendment put forward by the critic of the bill. I will not repeat my remarks that I made when I spoke in support of adding a public education element to the bill, but I will say this: Palliative care has always, and continues to have, a problem with public recognition and awareness. Practitioners in the field understand palliative care. Those of us in the public realm who have worked in this area understand what palliative care is. But there is still a problem with awareness and understanding in the general public about what palliative care does for those who are dying.

In Canada, we are a death-denying society, and it is very difficult for many Canadians to discuss or even listen to discussions around our mortality. Understanding goals of care is critical to providing appropriate care. Yet in our death-denying society, those conversations are often not happening as they should.

I truly believe that it is essential that any national palliative care strategy includes public outreach and education, and without specifically addressing that directly in the bill, I fear that it will not be included in any national strategy developed as a result of this legislation.

Another aspect of the bill that I have concerns with, and that was addressed by several witnesses when they appeared before the Social Affairs Committee during our study of the bill, is that the minister, in consultation with stakeholders, works to define palliative care.

Honourable senators, we have a definition of palliative care. In committee, we heard from Sharon Baxter, the Executive Director of the Canadian Hospice Palliative Care Association, who testified that The Way Forward initiative has already defined terms such as "hospice palliative care," a "palliative approach to care" and "advanced care planning."

The Way Forward was a recent initiative funded by the federal government, a \$3 million investment from 2012-15. This work was led by the Quality End-of-Life Care Coalition of Canada. The Way Forward developed first steps for a national framework that guides health care professionals, health systems leaders, program planners and others as they adopt an integrated palliative approach to care. The Way Forward initiative included a simple definition of hospice palliative care as “Care that aims to relieve suffering and improve the quality of life.”

The document goes on to expound on this simple definition and states that palliative care provides relief from pain and other distressing symptoms throughout the duration of an illness; affirms life and regards dying as a normal process; neither hastens nor prolongs death; integrates the psychological and spiritual aspects of patient care; offers a support system to help patients live as actively as possible until death; offers a support system to help the family cope during the patient’s illness and throughout their own bereavement; uses a team approach to address the needs of patients and their families, including bereavement counselling; will enhance quality of life and may also positively influence the course of illness; is applicable early in the course of the illness, in conjunction with other therapies that are intended to prolong life, and includes those investigations needed to better understand and manage distressing clinical complications.

Honourable senators, the National Framework in The Way Forward also defined an integrated palliative approach to care as:

An integrated palliative approach to care focuses on meeting a person’s and family’s full range of needs – physical, psychosocial and spiritual – at all stages of frailty or chronic illness, not just at the end of life. It reinforces the person’s autonomy and right to be actively involved in his or her own care – and strives to give individuals and families a greater sense of control.

It sees hospice palliative care as less of a discrete service offered to dying persons when treatment is no longer effective and more of a simultaneous or integrated approach to care that can enhance their quality of life throughout the course of their illness or the process of aging.

Honourable senators, as I have mentioned, the federal government has very recently supported The Way Forward initiative with funding of \$3 million. The definition established by The Way Forward is universally accepted by palliative care experts nationwide.

• (1510)

Honourable colleagues, we have no need to reinvent the wheel, and we certainly have no need to legislate that the wheel be reinvented. The problem is not in knowing what palliative care is; it is in the many issues around accessibility and awareness that the framework will help address.

I share the concerns of our witnesses that redefining palliative care has the potential to take away resources from more important tasks. As stated by Sharon Baxter, Executive Director of the Canadian Hospice Palliative Care Association:

... we need to make sure we don’t spend a lot of effort and time in developing something that is already done.

I would like to hope that when this bill is being implemented, that the Way Forward definition will simply be accepted and the important work will begin immediately. But why even open up the possibility that we could end up with a different definition? Canada’s medical and practice palliative care experts have already agreed on a definition. Why open a risk that we will have different definitions — a definition that may be used to suit the government’s needs more than the realities of on-the-ground palliative care providers and patients?

It is for this reason that I considered moving an amendment to remove the stipulation from the bill for the minister to develop the definition of “palliative care.” However, in light of the perception that improving the legislation is akin to killing the bill, I will have to hope that my comments today will persuade the Minister of Health to adopt the definition of “palliative care” from the Way Forward initiative.

Honourable senators, it is unfortunate that this bill is even necessary. If the Harper government had not cut Health Canada’s Secretariat on Palliative and End-of-Life Care in 2007, work on a national framework and implementation of a national palliative care strategy would have been ongoing over the last 10 years.

It has now been over two years since the election of the current government, and it doesn’t appear that palliative care is a priority for this government either. It was nice to see unanimous support for Bill C-277 in the other place, and words of support are fine, but what we need, honourable senators, is action.

Great centres of palliative care are found around the country. Last week, I had the privilege of presenting a Canada 150 medal to Dr. Anne Frances D’Intino for her dedication to palliative care in Cape Breton and all of Nova Scotia. All Canadians should have equal access to palliative care services, no matter where you live in Canada.

In conclusion, palliative care is about providing the right care, in the right place and at the right time. This requires an interdisciplinary team of both formal and informal care providers who provide care in all settings — hospitals, hospices, long-term care and home — to individuals and their families, regardless of age. This framework is a good next step to the Way Forward initiative and to ensuring appropriate care and access to care for all Canadians at the end of their lives.

I look forward to a year from now when the Minister of Health must table before Parliament the report setting out the framework on palliative care.

Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

• (1520)

(On motion of Senator Omidvar, debate adjourned.)

[*Translation*]

NATIONAL MATERNITY ASSISTANCE PROGRAM STRATEGY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Marie-Françoise Mégie moved second reading of Bill C-243, An Act respecting the development of a national maternity assistance program strategy.

(On motion of Senator Mégie, debate adjourned.)

[*English*]

COMMITTEE OF SELECTION

SIXTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Committee of Selection, entitled *Nomination of senators to serve on committees*, presented in the Senate on December 5, 2017.

Hon. Ratna Omidvar moved the adoption of the report.

She said: Honourable senators, before we move to the adoption of this report, I would ask for leave to amend the report to make a correction under the membership proposed for the Special Senate Committee on the Arctic. For the independent Liberals, there are two names in the report. This was a mistake due to a misunderstanding of the final total of senators to sit on that committee. I am assured that the independent Liberals are in agreement with removing one name in order to make the final number of senators on this committee nine: four ISG members, four Conservative members and one Liberal member.

Therefore, I ask for leave for the report be amended by removing the Honourable Senator Dyck from the list of members of the Special Senate Committee on the Arctic.

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

Hon. Percy E. Downe (Acting Leader of the Senate Liberals): Senator Day is unfortunately away today for medical reasons. I'm not aware of this change; I was not advised of it, having checked with some of my colleagues. I wish to adjourn the debate.

(On motion of Senator Downe, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF ISSUES RELATING TO THE FEDERAL
GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK
FOR MANAGING FISHERIES AND OCEANS

Hon. Fabian Manning, pursuant to notice of November 28, 2017, moved:

That, notwithstanding the order of the Senate adopted on Tuesday, February 16, 2016, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study of issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans be extended from December 31, 2017 to December 31, 2018.

The Hon. the Speaker: Anything on debate, Senator Manning?

Senator Manning: No.

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

Hon. Senators: Agreed.

(Motion agreed to.)

HALIFAX EXPLOSION

COMMEMORATION OF TRAGEDY—SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we adjourn for the day, as you know today marks the one hundredth anniversary of the Halifax explosion, I would ask senators to rise and observe one minute of silence in memory of the tragedy.

(*Honourable senators then stood in silent tribute.*)

(*At 3:23 p.m., the Senate was continued until tomorrow at 1:30 p.m.*)