SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 190

OFFICIAL REPORT
(HANSARD)

Tuesday, March 27, 2018

The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, March 27, 2018

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

Prayers.

SENATORS' STATEMENTS

CRIMINAL JUSTICE SYSTEM

Hon. Dan Christmas: Honourable senators, I rise today as a member of the Mi'kmaq Nation, encouraged by Canada's seemingly earnest desire to move forward in a spirit of reconciliation — but troubled by recent examples of the way in which true justice in our society seems to be, in so many instances, out of reach to Indigenous peoples.

We have seen the case of the murder of 15-year-old Tina Fontaine, a member of the Sagkeeng First Nation in Manitoba, and the acquittal of her accused murderer.

We have watched this verdict and its impacts begin to unfold only two weeks after Saskatchewan farmer Gerald Stanley was acquitted of murder for the shooting death of the 22-year-old Cree man Colten Boushie.

There is widespread debate about racism, about perceived interference by politicians in the administration of the judicial process and on how we should accept the will of the courts, expressed under observance of due process and through the hopefully blind eyes of justice. Indeed, there has been recent commentary of a similar sort here in this chamber; and that is good since, as lawmakers, it is our responsibility to strive to make the administration of justice, both in and out of the courtroom, truly oblivious to race, colour, creed or any other factor.

However, the bold reality is that we are not there yet. As a society, we need to acknowledge — and indeed confess — that we must do better in this regard and confront racism towards Indigenous peoples.

I would like to share an example of tragedy in the absence of justice from my home community of Membertou, Nova Scotia.

One night, a young man from Membertou wound up with two other teens and witnessed a murder in a local Sydney park. The perpetrator was a drunken 59-year-old man with a penchant for violence and unpredictability.

Five days later, a young man of 17 was arrested for murder. The sergeant of detectives developed a theory that the young man had stabbed the victim; he sought evidence to support his theory.

The trial was a slapdash affair, heard over just three days, in November of 1971. Tragically, the 17-year-old young man was convicted and sentenced to life in prison, where he remained for the next 11 years. He was able to get his case reopened when it was learned that the perpetrator had confessed to the killing.

This young man who saw 11 years of his life squandered as a consequence of this reckless miscarriage of justice was Donald Marshall, Jr.

The results of the royal commission concluded that Junior, as we called him, was the victim of racism and incompetence on the part of police, judges, lawyers and bureaucrats, stating that:

> The criminal justice system failed Donald Marshall Jr. at virtually every turn from his arrest and wrongful conviction for murder in 1971 up to and even beyond his acquittal by the Court of Appeal . . .

The memories of Tina Fontaine, Colten Boushie and Donald Marshall, Jr. are worthy of love and mercy — and as a society, we need to do everything we can to rid ourselves of the insidious scourge of racism that has robbed these victims and their families of justice, dignity and peaceful closure in the wake of its destructiveness.

In closing, let us embrace the words of Dr. Martin Luther King, Jr. and acknowledge the critical reality that "Injustice anywhere is a threat to justice everywhere."

Wela'lioq. Thank you.

Some Hon. Senators: Hear, hear.

CONGRATULATIONS TO KAETLYN OSMOND AND TEAM GUSHUE

Hon. Norman E. Doyle: Honourable colleagues, once again I wish to draw your attention to the recent gold-medal performance of Kaetlyn Osmond in figure skating and Team Gushue in curling, both from the small province of Newfoundland and Labrador.

First to Kaetlyn Osmond. The headline in the paper back home said it all: "Just about perfect: Kaetlyn Osmond is a world champion." In so doing, the 22-year-old from Marystown, Newfoundland became the first Canadian woman to win the World Figure Skating Championships in 45 years — the first since Karen Magnussen won gold in 1973.

Indeed, Ms. Osmond is only the fourth Canadian woman to have won the world figure skating top prize. Petra Burka won in 1965 and Barbara Ann Scott racked up consecutive wins in 1947 and 1948. Kaetlyn's victory in Italy last week was made all the sweeter by the fact that it was a come-from-behind win, given that she was in fourth place after the short program.

One has to ask: How does a young girl from a small town in a sparsely populated province become a young woman who is literally on top of the world? Obviously, innate talent, incredibly hard work and a supportive family are all factors in her success.

However, I feel it was her never-say-die attitude that put her over the top. Despite setbacks and injuries, she never stopped trying to improve her performance. She kept on keeping on — and today she is the toast of our province, our country and, indeed, the world.

And speaking of keeping on keeping on, what can I say about the other pride of our country, Brad Gushue and his team of elite curlers? These guys make winning look so easy, which I'm sure it's not. Team Gushue, as you know, won the 2018 Brier Canadian curling championship a few weeks ago, for the second year in a row.

In winning the Brier last year, Gushue had achieved an elusive career-long goal. Since winning the Canadian and World Junior Curling Championships in 2001, he has won all kinds of curling tournaments, including the Olympic gold medal in curling in 2006. However, the Brier trophy had always eluded him, so I can only imagine how it feels to win two consecutive Brier trophies.

Colleagues, it was obviously very difficult for Kaetlyn Osmond and Team Gushue to win such an honour in the Canadian athletic pool of 35 million. However, I cannot possibly imagine what it takes for such people to compete successfully on the world stage in talent pools that include 140 million Russians, 326 million Americans and 1.3 billion Chinese.

Yet we do, and we do it well. Our small province of Newfoundland and Labrador is honoured in having given birth to the world's top woman figure skater and the world's number-one-ranked curling team. Congratulations, Kaetlyn Osmond and Team Gushue.

Hon. Senators: Hear, hear.

• (1410)

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of new Poet Laureate, Ms. Georgette LeBlanc.

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

Hon. Senators: Hear, hear!

[*English*]

EXPRESSION OF THANKS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to give heartfelt thanks to the Honourable Speaker of the Senate, my fellow senators, and the Senate Security and Administration staff for your encouragement, cards and flowers. Your thoughtfulness has made me feel truly blessed to be working alongside such kind and caring people.

[*Translation*]

As some of you know, I was away last fall for a hip replacement operation. I had been suffering from hip problems for several years, but I feel much better since the operation. I would like to take this opportunity to thank my doctors, Dr. Jetha, Dr. Garbuz, Dr. Reid, and Dr. Chapman, for the care they gave me. I would also like to thank my therapist, Farah Valimohamed Webber, and my physiotherapist, Jason Luce.

[*English*]

We all have families. In the Senate, my family is the independent Senate Liberals, who have always been very supportive of my work here and throughout my sickness and recovery. To my leaders, Senators Day, Mercer and Downe, thank you for your ongoing support. Every time I contacted Senator Downe to inform him of my return, he reminded me to take care of my health. I thought, senators, that a whip's job is to have me sitting in the chamber. Instead, he was encouraging me to stay home and get better. Thank you, Senator Downe.

We all have great staff, but I believe I have the very best. Gavin Jeffray, who is my anchor, has worked hard to keep me connected to the Senate virtually. Seema Rampersad and Melina Bouchard have tirelessly supported Gavin and me. I could not do the work here without their help. Thank you.

My work here would not be possible without the support of my patient and selfless husband, Nuralla Jeraj. I am lucky to have an amazing partner. My siblings, their partners and their children have been my cheerleaders. My sister Nimet never missed a day to send me a nutritious meal at the hospital and at home.

Today, I am recovering well thanks to my amazing children, Azool, Shaleena, Farzana and Craig. They nursed me day and night. My precious Farzana stayed by my side for many nights.

Honourable senators, I ask you to find balance in life, as there is nothing more precious than your family. During difficult recovery moments, both my grandchildren, Ayaan and Almeera, cuddled me. I will always treasure what my four-year-old Almeera said as she combed my hair: "Dadima (grandmother), do not worry. I am protecting you."

Honourable senators, I ask you to look after your health and spend time with your family. Thank you for the warm welcome I have received. I am truly happy to be back in this chamber.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members and Grand Council of the Crees (Eeyou Istchee). They are the guests of the Honourable Senator Dyck.

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

Hon. Senators: Hear, hear!

SASKATCHEWAN

Hon. Pamela Wallin: Earlier this month, the Saskatchewan Association of Rural Municipalities, SARM, held their annual convention in Regina to discuss the real issues facing rural areas. Premier Scott Moe attended the convention and heard the top-of-mind issues, including the grain transportation backlog that farmers are experiencing and rural policing issues — in other words, two issues where the federal government's actions, or inaction, are hurting rural Saskatchewan.

The members explained again how they can't get their grain to market because the government decided to include this issue in an omnibus-type bill, and it now refuses to consider other remedies like an order-in-council to facilitate more timely movement of product. Farmers can't make their mortgage, land, loan and input payments as it is. They pump billions of dollars into the Canadian economy every year, and they deserve better.

On rural policing, people are waiting too long for police to show up, if they even do. It is such a problem that the province has a plan to arm a number of conservation officers to help support the RCMP. This is not an answer.

The federal government is leaving police services like the RCMP desperately under-resourced and rural residents underserved and unprotected. The government's rush to legalize cannabis is creating real challenges for police services as well, and even anticipating the change is sucking up massive resources, both human and financial. It's a strain the police chiefs say they cannot shoulder.

People in rural Saskatchewan feel the federal government is on a full-scale attack on them right now, and rightly so, on many of these fronts, not to mention the gun bill.

Cities are feeling the pinch too. Evraz, an environmentally conscious steel producer and the primary pipe producer for Trans Mountain, fears they might have to lay off steel workers if the project is halted. The federal government is stalling, asking B.C. and Alberta to sort it out for themselves when Ottawa should step in now to move this forward. It's their jurisdiction.

My thanks go to SARM and its members for their passion. I encourage their members and all people in Saskatchewan to keep bringing their concerns to their MPs and senators. Email us, call us and keep asking that the federal government do better for you. Thank you.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Roy and Yvonne Careen. They are the guests of the Honourable Senator Manning.

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

Hon. Senators: Hear, hear!

[*Translation*]

PARLIAMENTARY POET LAUREATE

GEORGETTE LEBLANC

Hon. René Cormier: Honourable senators, this being World Theatre Day, I would like to salute the women and men of the theatre whose art and unique perspectives transform our day-to-day lives. I am also very proud to rise today to salute our new Parliamentary Poet Laureate, Acadian artist Georgette LeBlanc.

Born in Saint-Jean-sur-Richelieu, Quebec, she grew up in Baie Sainte-Marie, Nova Scotia, an Acadian region mapped by Samuel de Champlain in 1604. She holds a doctorate in francophone studies from the University of Louisiana at Lafayette. Georgette LeBlanc made a name for herself as a poet with *Alma* and *Amédé*, poetry collections that garnered the Félix-Leclerc prize, the Antonine-Maillet-Acadie-Vie prize, the Émile-Ollivier literary prize, and the Lieutenant Governor of Nova Scotia Masterworks Arts Award.

In 2013, Georgette LeBlanc published *Prudent*, which was a finalist for the Governor General's Literary Award for poetry. It transports the reader into a tumultuous world that extends from Louisiana to Texas, where music touches both body and soul.

More recently, she published a brilliant verse novel entitled *Le Grand Feu*, which tells the story of Baie Sainte-Marie's great fire of 1820.

One of the major figures of contemporary Acadian and Canadian poetry, Georgette LeBlanc has collaborated on and contributed to theatrical, televisual and musical projects, including the screenplay for the television drama series *Belle-Baie*, produced by Renée Blanchar, as well as the albums of many artists from her region such as *Havre de Grâce* by Radio Radio, *Deuxième nation* by Cy, and *¾* by Arthur Comeau.

Georgette LeBlanc's poetry shines a deeply sensual and alluring light over Baie Sainte-Marie and the entire world. The close connection she has with her characters almost makes readers wish they could be part of the story. Her poetry inspires readers to look within themselves and discover their highest aspirations. In a rich, colourful language that was invented and inspired by her homeland, Georgette LeBlanc's work lifts readers' souls and helps them connect with the best in themselves.

Honourable colleagues, the presence of this artist in this place and in the Parliament of Canada will certainly be an inspiration to us all. I am sure that Georgette LeBlanc's poetry will help us to maintain the compassion and sensitivity that are so necessary to our work. I encourage you to read her books, which were published by Éditions Perce-Neige.

Welcome to the Parliament of Canada, dear Georgette LeBlanc.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Olivia Monton, founder of Live for the Cause and recipient of a Senate of Canada 150th Anniversary Medal. She is the guest of the Honourable Senator Seidman.

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

Hon. Senators: Hear, hear!

• (1420)

[*Translation*]

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS COMMISSION

2017 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Human Rights Commission for the year 2017, pursuant to the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6, sbs. 61(4), and the *Employment Equity Act*, S.C. 1995, c. 44, s. 32.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-SEVENTH REPORT OF COMMITTEE TABLED

Hon. Larry W. Campbell: Honourable senators, I have the honour to table, in both official languages, the twenty-seventh report (interim) of the Standing Committee on Internal Economy, Budgets and Administration entitled *Parliamentary Translation Services*.

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

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

CREE NATION OF EEYOU ISTCHEE GOVERNANCE AGREEMENT BILL

TENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Lillian Eva Dyck,Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, March 27, 2018

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

TENTH REPORT

Your committee, to which was referred Bill C-70, An Act to give effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, to amend the Cree-Naskapi (of Quebec) Act and to make related and consequential amendments to other Acts, has, in obedience to the order of reference of March 1, 2018, examined the said bill and now reports the same without amendment.

Respectfully submitted,

LILLIAN EVA DYCK
Chair

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

Senator Dyck: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be placed on the Orders of the Day for third reading later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Dyck, bill placed on the Orders of the Day for third reading later this day.)

[*Translation*]

APPROPRIATION BILL NO. 5, 2017-18

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-72, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2018.

(Bill read first time.)

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

(Bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

APPROPRIATION BILL NO. 1, 2018-19

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-73, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019.

(Bill read first time.)

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

(Bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

> That the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than April 6, 2018, an interim report relating to its study on the transition to a low carbon economy, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES

Hon. Jean-Guy Dagenais: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding the orders of the Senate adopted on Tuesday, March 7, 2017, Tuesday, June 20, 2017 and Thursday, October 26, 2017, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study of issues related to creating a defined, professional and consistent system for veterans as they leave the Canadian Armed Forces be extended from March 31, 2018 to June 30, 2018.

[*English*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, March 27, 2018, at 6 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Accordingly, it is moved by the Honourable Senator Griffin, seconded by the Honourable Senator Dupuis, that the Standing Senate Committee on Agriculture and Forestry — may I dispense?

Hon. Senators: Agreed.

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

Hon. Yonah Martin (Deputy Leader of the Opposition): We didn't hear about this today in caucus. I am curious if it is something that has been discussed with your deputy chair.

Senator Griffin: Yes, it has, not so much in terms of moving the motion itself but having the meeting for today certainly has. This has nothing to do with Bill C-45, but it has to do with marijuana and the cannabis residues, the compostable biological residues, so we have a number of special speakers attending.

We're meeting at 6 p.m. instead of 5 p.m., so we're hoping the Senate will be finished. We're trying not to inconvenience these guest speakers but minimize the disruption here.

• (1430)

Initially, the motion came out of your caucus to study this issue, and I think it's a very important environmental issue but nothing to do with Bill C-45. It has to do with an agricultural residue.

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

Hon. Senators: Agreed.

(Motion agreed to.)

SEASONAL WORKERS IN NEW BRUNSWICK

ONGOING CHALLENGES—NOTICE OF INQUIRY

Hon. Rose-May Poirier: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the ongoing challenges faced by seasonal workers in New Brunswick.

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the motion adopted Thursday, March 22, 2018, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

CREE NATION OF EEYOU ISTCHEE GOVERNANCE AGREEMENT BILL

BILL TO AMEND—THIRD READING

Hon. Peter Harder (Government Representative in the Senate) moved third reading of Bill C-70, An Act to give effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, to amend the Cree-Naskapi (of Quebec) Act and to make related and consequential amendments to other Acts.

He said: I want to begin by thanking all senators for allowing us to move today on this important matter, and I particularly want to thank Senator Dyck and her committee who, earlier today, held what was reported as an excellent meeting with the purpose of reviewing this act.

I rise in lieu of the sponsor of the bill, Senator Pate, who is travelling with the Standing Senate Committee on Human Rights. She is otherwise occupied, but I do want to thank Senator Pate also for her sponsorship of this bill.

With Bill C-70, the Cree and Naskapi nations will be in a much stronger position to ensure the well-being of their communities by better responding to their distinct needs. It is a delight that we have representatives of the community here in the chamber to observe this important debate, and welcome. The legislation is supported by both the Cree Nation of Eeyou Istchee and the Naskapi Nation of Kawawachikamach.

It represents a realization of the Government of Canada's commitment to renew a nation-to-nation relationship with our Indigenous peoples founded on the recognition of rights, respect, collaboration and partnership. The Minister of Crown-Indigenous Relations and Northern Affairs worked with these First Nations, and together they agreed to several important changes related to the Cree and Naskapi governance.

The Cree Nation Governance Agreement was co-signed on July 18, 2017, by former Grand Chief of the Grand Council of the Crees, Dr. Matthew Coon Come, and the Minister of Crown-Indigenous Relations and Northern Affairs.

The chiefs of the Crees of Eeyou Istchee also concurred with the governance agreement. The Cree Nation is composed of over 18,000 residents who live primarily in nine communities. There were extensive consultations with these communities before the agreement was signed. All nine Cree First Nations and the Cree Nation government formally approved, by band council resolutions, the governance agreement and a new Cree constitution last spring.

In a separate process, the Naskapi Nation of Kawawachikamach and Canada have negotiated to improve the internal governance of the Naskapi Nation under the Cree Naskapi (of Quebec) Act, which is renamed the "Naskapi and Cree-Naskapi Commission Act."

This bill is a milestone in Canada's journey of reconciliation with the Cree and Naskapi nations — a journey that will modernize governance within these northern Quebec First Nations and support self-determination for their citizens. This agreement represents a true nation-to-nation effort founded on partnership, respect for the traditional Cree way of life and sustainable development. Self-determination creates the foundation for a renewed relationship between Canada and Indigenous peoples, and improves the quality of life for residents of Indigenous communities.

This bill brings into force the Cree Nation Governance Agreement. It also amends the Cree Nation (of Quebec) Act to modernize the governance regime in the Naskapi First Nation of northern Quebec. The governance agreement provides the Cree First Nation and the Cree Nation government the power to make laws, instead of bylaws, within Cree communities. These laws will reflect the Cree culture, priorities and aspirations.

Under the governance agreement, the Cree First Nations and the Cree Nation government will be fully responsible for their self-governance. Equally important, the governance agreement requires the development and adoption of a Cree constitution by the Cree. This bill amends the Cree-Naskapi (of Quebec) Act to render it no longer applicable to the Cree and to give greater authority to the Naskapi. The amendments will facilitate political administrative decisions and processes for the Naskapi. As well, the amendments will respond to an outstanding commitment made in the Modernization of Benefits and Obligations Act, passed in June 2000. This commitment is to fix some provisions of the Cree-Naskapi (of Quebec) Act to ensure compliance with the Canadian Charter of Rights and Freedoms.

As noted at second reading, the Crees of Eeyou Istchee would like the Senate to pass this bill expeditiously, and I am grateful to the Senate for following through on this as we proceed today. The agreement and subsequent legislation has gone through a rigorous consultation process.

As I stated, at the request of the Crees, ratification was obtained by band council resolutions from the nine affected communities along with Grand Council of the Crees and the Cree Nation government.

Information sessions were held in each community, at which time copies of the governance agreement and the Cree constitution were made available to community members.

Residents had the opportunity to express their concerns and obtain information regarding the content and approval process of the Cree Nation Governance Agreement. Cree leaders of all nine communities were duly mandated to approve the Cree Nation Governance Agreement and the Cree constitution on behalf of their members, which led to today's legislation.

I commend this bill for your consideration, and again I am grateful to the Senate for allowing this bill to proceed in this unusual fashion.

Hon. Lillian Eva Dyck: Honourable senators, I would like to say a few words about this bill. I want to thank the Senate for passing the motion to allow us to deal with it today, because it is a very important bill, and as Senator Harder has stated, it's something that we must deal with before the end of the month.

This morning, the Aboriginal Peoples Committee held full hearings on the bill. We heard witnesses from the Department of Crown-Indigenous Relations and Northern Affairs Canada. We heard from Mr. Perry Billingsley, Associate Assistant Deputy Minister, Treaties and Aboriginal Government; and Sylvain Ouellet, Director General, Treaties and Aboriginal Government. From the Department of Justice Canada, we also had Geneviève Thériault, Senior Counsel. That was our panel that gave us the government side of the story.

On the second panel, from the Grand Council of the Crees (Eeyou Istchee), we had Grand Chief Abel Bosum; Deputy Grand Chief Mandy Gull; former Grand Chief Matthew Coon Come; executive director Bill Namagoose; lawyer Paul John Murdoch; and Youth Grand Chief Kaitlyn Hester-Moses. As well, we had John Hurley, a partner from Gowling WLG (Canada).

I must say the senators asked compelling questions. The witnesses answered thoroughly and completely. I want to say a few things about the agreement itself, and I'm using mostly the notes that we got from the grand chief this morning.

As Senator Harder said, the Cree Nation of Eeyou Istchee has more than 18,000 Eeyou or Cree occupying their traditional territory of Eeyou Istchee, which covers about 400,000 square kilometres located mainly to the east and south of James Bay and Hudson Bay.

This agreement has been in the works for some time, and as the grand chief stated to us this morning, to fully appreciate the significance of this, they had to say a few words about their treaty, the James Bay and Northern Quebec Agreement, which they fought tooth and nail for and which they signed in 1975. And our former colleague, Senator Watt, was one of the signatories to that agreement.

• (1440)

Although I'm happy that he's now the president of Makivik, it's a bit sad that he wasn't here today to see the signing of this particular bill.

So that was signed in 1975, and though they saw it as a partnership in governance and development between Canada and Quebec, some difficulties and disputes arose. There was the beginning of litigation, but the impasse was solved when, probably in 2008, the bureaucrats finally said, "Treaty trumps policy." From that point on, 2008 to 2018, negotiations were ongoing, and we have before us today the outcome of those negotiations.

Congratulations to the Cree who have fought long and hard and involved their community members at every step of the way.

Bill C-70 provides the enactment of the Cree Nation of Eeyou Istchee governance agreement act, and this new act will give effect and force of law to the Cree Nation governance agreement and the Cree constitution.

Now, as an aside, when our committee was travelling last week on a nation-to-nation relationship, we did hear from several communities how important it is for each nation to have their own constitution, and clearly the Cree have set that model. They are setting a model which other nations may wish to follow.

We were told today that almost half of their elected chiefs are women — and we saw two of the women chiefs, the deputy grand chief as well as the youth grand chief — so they have definitely developed gender balance within their development as they go forward. I congratulate them on that. I was very happy to see that.

I think that is all I wish to say other than to congratulate them. I'm happy that they're able to be here today to witness third reading and to know that Royal Assent is coming within days and that their hard work has paid off very well. Thank you.

Hon. Carolyn Stewart Olsen: Would you take a question, senator?

Senator Dyck: Yes.

Senator Stewart Olsen: This has been a long journey for the Cree, and I remember — and this dates me a lot — when Matthew Coon Come first came to the public's attention. I so respect that man, I can't tell you.

Anyway, just because I'm woefully ignorant of a lot of this, what happens with the law-and-order provision? Who is responsible for law and order in the nation, and how does that follow along with the Canadian laws, with what's happening in the rest of the country?

Senator Dyck: Thank you. I don't claim to be an expert. I'm not a lawyer. But as I understand it, they have incorporated their own laws, so those laws would apply on their own lands.

Hon. Dennis Glen Patterson: Honourable senators, I rise to speak to this bill on third reading as the critic for the official opposition on the bill. I want to say at the outset that I will speak in support of passage of the bill, but before doing so, I would just like to explain why I'm not fully prepared to speak to this bill this afternoon.

I was keenly aware that the bill, which honours an agreement made in 2008, includes a payment of $200 million upon finalization of the legislation, and it appears that the payment will be expedited from current year funds available before March 31, 2018. So having reviewed the bill and having indeed no concerns about the bill and in fact wanting to give it my full support and the full support of the official opposition in the Senate, I would, of course, not want in any way to stand in the way of passage of the bill before March 31.

However, it was agreed that today the bill would be reported by our scroll process and referred to the next sitting of the Senate for third reading. Unfortunately, the sponsor of the bill is not able to be here today, and as critic of the bill I was preparing my notes to speak tomorrow.

But I am delighted to see the representatives of the Cree invited to this chamber this afternoon, and they were in full attendance at our committee this morning. I know they were promised the bill would be read on third reading all in one day. So out of respect for them, I am prepared to speak to the bill and recommend passage this afternoon.

This act gives effect to the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada and amends the Cree-Naskapi (of Quebec) Act, it makes related and consequential amendments to other acts.

You know, it's been my great privilege as a senator over these past years, and particularly as a member of the Standing Senate Committee on Aboriginal Peoples, to participate in moments of historic significance. So I have previously been able to stand in this chamber and publicly support the creation of self-governing First Nations. I've participated in debates that have expanded the list of rights of Indigenous persons recognized by Canadian law and have stood with my fellow colleagues as we restored the Indigenous rights and privileges that were stripped away by past racist and paternalistic laws.

Today, colleagues, is no exception. After a long, hard-fought battle with the Crown stemming back to the days preceding the James Bay and Northern Quebec Agreement and then following, unfortunately, litigation that the Cree Nation felt required to initiate in order to have that agreement respected, today they stand on the doorstep of a new era of self-governance, and this is an occasion to indeed celebrate.

With the passage of Bill C-70, we will be removing the final remaining oversight of the Minister of Crown-Indigenous Relations from certain aspects of bylaw and financial administration of the Cree First Nations. It creates a stable long-term funding arrangement with Canada that is integral to ensure that valuable time and resources are spent on project implementation and program delivery as opposed to funding applications and reports.

The passage of this bill, as I mentioned, will see the final $200 million set aside after the signing in 2008 of the Agreement Concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee finally delivered directly to the Cree Nations.

I do believe it is also important to note that this bill serves as the example of a collaborative approach to legislating with an Indigenous partner. In achieving this agreement, which took 10 long years, the Cree had to overcome an impasse that lasted for years when there was an attempt to insert government policy on self-government in place of the solemn agreement that was committed to in the Cree agreement.

• (1450)

We encountered the same issue in working on the creation of Nunavut, when self-government policy, we were told by federal officials, would prevent the Inuit from discussing the creation of a new government in conjunction with the settlement of the Nunavut land claim.

So I sympathize with the Cree and commend them for having persisted and waited to have a true self-government agreement that gives them the authority and the integrity and the independence that they've shown they've deserved.

I want to mention that I was very impressed, in looking at this bill and in hearing from the Cree in committee this morning, that the level of consultation and communication throughout this process has been impressive. It is important that we continue to involve Indigenous people in the act of drafting legislation as opposed to speaking to them after the fact. This will ensure that their concerns and voices are heard and included in the development of legislation right from the start. It shows that governments cannot continue to impose legislation on Indigenous peoples, while at the same time claiming we want to move forward in a renewed relationship with them.

I want to warmly congratulate the Cree. They are a model of inspiration, I believe, to the Aboriginal peoples of Canada, being the first to have developed a comprehensive agreement, pioneers in comprehensive land claims agreements in the country, along with the Inuit of Nunavik. They have developed economic opportunities from that land claim agreement, while at the same time preserving and enhancing their language, their traditional and spiritual practices, and their close connection with the land and the renewable-resource economy.

They have shown that economic development is a route to strengthening language and culture and self-reliance. In that respect, I once again congratulate them and hope that they will continue to inspire other Aboriginal peoples in Canada to find that balance between economic development and the preservation of their language and culture. The two can work together. They need not be in conflict.

Honourable senators, I would urge you all to support Bill C-70, and I leave you with one final thought. Today, in committee, Grand Chief Dr. Abel Bosum stated:

> This year marks the 350th anniversary of the arrival of Europeans in Eeyou Istchee. But, by the time they arrived, we had already been there, as self-governing Indigenous nations, for thousands of years.

> So Cree self-government is not starting today with the Cree Nation Governance Agreement, its companion, the Cree Constitution and Bill C-70, their implementing legislation, important though they are.
>
> Then what is their significance for us today? They are of critical importance, for two reasons. First, they build on the James Bay and Northern Quebec Agreement by bringing Cree Nation governance home to us, the Cree, where it belongs. Second, in doing so, they advance reconciliation between the Cree Nation and the Government of Canada.

So I commend this to you for passage. Thank you; *meegwetch*.

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

Hon. Senators: Agreed.

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

CRIMINAL CODE
DEPARTMENT OF JUSTICE ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Mitchell, for the second reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

Hon. Lillian Eva Dyck: Honourable senators, I rise today at second reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act. This bill contains a number of amendments to the Criminal Code related to sexual assault and other amendments to repeal provisions that are obsolete, outdated, unconstitutional or contrary to the Charter of Rights and Freedoms. Senator Sinclair, the sponsor, outlined in detail the provisions of Bill C-51 in his speech.

At the beginning of his speech, he also said:

> I will tell you, quite frankly, that I was contemplating introducing an amendment to this bill in order to remove the provision in the Criminal Code relating to peremptory challenges as a result of the recent debate going on in society. But in view of the Prime Minister's announcement yesterday and my discussions with the minister, who, I am told, is contemplating making such a change in time to come, I will hold back to see what the government does.
>
> However, I do want to make it clear that the issue of jury selection and the provisions of the Criminal Code continue to remain a huge issue for me, and one that calls for action.

I share this concern, and the remainder of my remarks will be to urge the Legal and Constitutional Affairs Committee to examine peremptory challenges when it studies Bill C-51. There are compelling reasons to consider such an amendment now, rather than wait a year or longer for the minister to do so.

It has long been known that peremptory challenges can be misused, and the recent concerns over the Gerald Stanley trial in Saskatchewan have highlighted this. During the jury selection process, potential jurors who were visibly Aboriginal were excluded by peremptory challenge by Stanley's lawyer. As a result, the jury was visibly all white, while the victim was Aboriginal.

Many people raised concerns about this. The not-guilty verdict and the lack of an appeal by the Crown has created controversy and polarized Canadians on the fairness of the justice system for Aboriginals.

Colleagues, it has been known for decades that peremptory challenges can be used to unfairly skew the makeup of a jury. About 30 years ago, in the mid-1980s, both the United States of America and the United Kingdom eliminated the use of peremptory challenges.

In the 1991 Supreme Court of Canada decision *R. v. Sherratt*, Madam Justice L'Heureux-Dubé wrote:

> The modern jury was not meant to be a tool in the hands of either the Crown or the accused and indoctrinated as such through the challenge procedure, but rather was envisioned as a representative cross-section of society, honestly and fairly chosen.

Also in 1991, in the report on the Manitoba justice inquiry, our colleague Senator Sinclair and Associate Chief Justice Alvin Hamilton recommended that:

> The Criminal Code of Canada be amended so that only challenges for prospective jurors be challenges for cause, and that stand asides and peremptory challenges be eliminated.

Twelve years later, in 2013, Justice Frank Iacobucci recommended amending the Criminal Code to prevent the use of peremptory challenges to discriminate against First Nations people serving on juries.

Just last month, after the not-guilty verdict in the Gerald Stanley trial, the Minister of Indigenous Relations of Alberta, Richard Feehan, wrote to Justice Minister Jody Wilson-Raybould asking her to act swiftly to reform the peremptory challenge system.

Colleagues, the Senate has an opportunity with Bill C-51 to act expeditiously. We can act now by including peremptory challenges in committee study of the bill.

• (1500)

I believe that it is important for the Senate to do something now rather than wait for the minister to address the problems with the current use of peremptory challenges.

There are compelling reasons to consider eliminating peremptory challenges now rather than wait, especially for people in Saskatchewan. Numerous polls and statistical data from Statistics Canada paints a picture of Saskatchewan which is dismal for Aboriginals when it comes to justice issues. In Saskatchewan, compared to the rest of Canada overall, Aboriginals are more likely to face racism, be murdered, be accused of murder, be imprisoned and serve longer sentences compared to those who are not Aboriginal.

Over the last 30 years, according to Statistics Canada, the national homicide rate has declined, but the rates in the Prairie provinces, especially in Saskatchewan and Manitoba, have increased. In other words, there is a long history, a long-standing problem of high homicide rates in Saskatchewan and also in Manitoba.

Using the data from Statistics Canada, I calculated the homicide rate over a 10-year period, 2005 to 2014. Homicide rates are the number of homicides per 100,000 of a particular population. The homicide rate in Saskatchewan was double that of the national rate. The homicide rate nationally was 2.07, and in Saskatchewan, it was 4.09.

Regina, Saskatoon, Edmonton and Winnipeg have been at the top of the list for homicide rates for many years, and it should be noted that Stats Canada reported that 62 per cent of Aboriginal homicides occurred outside such census metropolitan areas.

Colleagues, in the last three years, Stats Canada has reported on the Aboriginal identity of victims and persons accused of homicide. I was shocked at the greater negative effect of Aboriginal identity in Saskatchewan compared to Canada as a whole.

Compared to the national picture, Aboriginals in Saskatchewan were not only accused of homicide more often, they were also victims of homicide at a much higher rate than those who are not Aboriginal. In Canada, Aboriginals were victims of homicide at 6 times the rate of non-Aboriginals and were accused at 10 times the rate. However, the situation was even worse in Saskatchewan, where Aboriginals were victims of homicide at 8 times the rate of non-Aboriginals and were the persons accused at 16 times the rate of those who were not Aboriginal.

Furthermore, to compound matters even further, the sentencing of Aboriginals has been shown to be harsher. The sentencing in Saskatchewan of Aboriginals compared to others who weren't Aboriginal was examined over a 16-year period, 1996 to 2014, by James Scott, a defence lawyer from Saskatchewan. On average, he found that Aboriginals were sentenced to over twice as much jail time per person compared to those who were not Aboriginal.

Colleagues, this data suggests a systemic bias against Aboriginals in the justice system, or put another way, the justice system appears to be more lenient towards those who are not Aboriginal.

The over-incarceration of Aboriginals is also well known and well documented. In 2016, for example, in Saskatchewan, about 15 per cent of the population was Aboriginal, yet 80 per cent of the prison population was Aboriginal. About 4 to 5 per cent of the Canadian population is Aboriginal, yet 25 per cent of the Canadian prison population is Aboriginal.

As Senator Christmas noted earlier, on our committee trip to Western Canada we saw that when we visited the Prince Alberta penitentiary, 80 to 90 per cent of the prisoners were Aboriginal.

Colleagues, in addition to social determinants like poverty and addictions, racism plays a role in the over-representation of Aboriginals as victims and offenders in the criminal justice system. Various polls over the years have shown that racism against Aboriginals is the highest in Saskatchewan and Manitoba compared to the rest of the country.

In 2007, in a survey done by the Saskatchewan Anti-Racism Network, Aboriginals were twice as likely to face racism compared to other ethnic minorities, such as Chinese or East Asians.

In 2010, the Urban Aboriginal Peoples Study reported:

> If there is a single urban Aboriginal experience, it is the shared perception among First Nations Peoples, Métis and Inuit, across cities, that they are stereotyped negatively.

Ninety per cent of those surveyed believe that they were consistently viewed in negative ways by non-Aboriginal people. This perception was especially strong in Saskatoon. In addition, 70 per cent reported that they had been treated unfairly because of their race.

In 2014, a CBC Environics poll found that prairie people were less tolerant of Aboriginals than other Canadians. In 2016, the NRG Research Group found that 46 per cent of those surveyed in Saskatchewan thought racism was a big problem. In fact, in 2016, the online comments after the shooting of Colten Boushie were so hate-filled and racist that former Premier Brad Wall intervened and asked people to stop. Such comments were posted again this year during and after the Stanley trial.

It is interesting to note that according to a Global News poll last month, while 32 per cent of Canadians viewed the Stanley verdict as flawed and wrong, in Saskatchewan only half as many, 17 per cent, held that view. Compared to the national average and to Eastern Canada, people in Saskatchewan were far less likely to view the verdict as wrong. This anomaly is congruent with the higher levels of racism against Aboriginals in Saskatchewan.

Colleagues, as I noted a few minutes ago, all of the above paint a picture of Saskatchewan which is dismal for Aboriginals. In Saskatchewan, compared to the rest of Canada overall, Aboriginals are more likely to face racism, be murdered, be accused of murder, be imprisoned or face longer sentences compared to those who are not Aboriginal.

With such long-standing over-representation of Aboriginals as victims or persons accused of homicide in Canada, especially in Saskatchewan, it is critical that potential Aboriginal jurors not be eliminated by the continued use of peremptory challenges.

The Stanley trial was only one homicide case in which the victim was Aboriginal. According to data from Statistics Canada, from 2014 to 2016, there were 407 Aboriginal homicide victims across Canada; 77 of these were in Saskatchewan. There were 479 Aboriginals accused of homicide across Canada; 97 of these were in Saskatchewan.

Hundreds of Aboriginals continue to be accused of or are victims of homicide annually. These numbers justify acting now rather than waiting for another year to eliminate peremptory challenges. The potential for unfairness is real and significantly large.

Colleagues, the statistical data showing the high levels of racism towards Aboriginals, combined with the gross over-representation of Aboriginals as offenders, victims and prisoners, should compel us to act now rather than wait for the minister to continue to study the issue of jury selection overall. Surely the Senate ought to act now and focus exclusively on the use of peremptory challenges. It has been known to be problematic since 1991.

Twenty-seven years to rectify this problem is already way too long to wait. We must act now. By acting now, rather than waiting another year or more for additional research by the Department of Justice, we can prevent any possibility that an all-White jury might purposefully be selected in order to tip the scales of justice in favour of non-Aboriginals over Aboriginals.

• (1510)

By eliminating peremptory challenges, there is a greater chance for a fair trial not just for Aboriginals but for all Canadians. Eliminating peremptory challenges would increase public confidence in the justice system and increase faith in a jury verdict.

Colleagues, I presented these statistics and numbers to you to substantiate the pressing need for change and show you the opportunity that the Senate has to start right now to amend Bill C-51 to include the elimination of peremptory challenges from the Criminal Code.

The Senate can show responsiveness and leadership on this important and topical issue by including a study of peremptory challenges during its study of Bill C-51.

I urge the Legal and Constitutional Affairs Committee to include the use of peremptory challenges in their study of Bill C-51 to determine whether they should be eliminated, as has been done in the U.S. and the U.K. and as has been recommended a number of times since 1991.

The Hon. the Speaker: I'm sorry, senator, but your time has expired. Are you asking for five more minutes?

Hon. Senators: Agreed.

Senator Dyck: Thank you, senators. Conducting such a study would be consistent with the bill's aim to rid the Criminal Code of provisions which are outdated, obsolete, unconstitutional or contrary to the Charter of Rights and Freedoms.

Thank you very much.

Hon. Senators: Hear, hear!

Hon. Donald Neil Plett: Since we just granted Senator Dyck five more minutes, would she entertain a question?

Senator Dyck: Yes.

Senator Plett: I wasn't in the courtroom in Saskatchewan during the Stanley trial. I suspect no one in this chamber was, I suspect the Minister of Justice wasn't, and I suspect the Prime Minister wasn't.

Of course, everyone had an opinion that justice was not served in that trial. Senator Dyck, do you know the makeup of the jury in that trial? And do you know whether there were challenges, whether any Aboriginals were excused because of the challenges, and, if so, how many?

Senator Dyck: Five potential jurors who were visibly Aboriginal were eliminated. The jury, as it was composed, was visibly all White. There were five jurors who were Aboriginal that could have served on that jury, but they were eliminated by Stanley's lawyer.

(On motion of Senator Omidvar, for Senator Pate, debate adjourned.)

EXPUNGEMENT OF HISTORICALLY UNJUST CONVICTIONS BILL

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Petitclerc, for the second reading of Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Cormier, bill referred to the Standing Senate Committee on Human Rights.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ron Phillips, Dave Phillips, Marcel Carrière and Desiree Streit. They are the guests of the Honourable Senator McCallum.

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

Hon. Senators: Hear, hear!

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:
>
> That the following Address be presented to His Excellency the Governor General of Canada:
>
> To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mary Jane McCallum: Honourable senators, I am humbled to rise in this chamber for the first time to share with you a story that contains an important and valuable lesson. The following is taken from *Quite an Undertaking: The Story of Violet Guymer, Canada's First Female Licensed Funeral Director*:

> The young woman was carried into the morgue and placed on the slab. She had died while in labour at the hospital only a short time ago, and with no family to claim the body, she was immediately brought to the funeral home for a pauper's burial. Violet pulled on a gown and began assembling the embalming equipment. She was never prepared for the deaths of those who were so young. But this one tore at her heart: the woman was still carrying the unborn infant.
>
> With sadness in her eyes, Violet turned to begin the procedure, placing her hand on the dead woman's swollen abdomen. What was that? She felt something — a small kick! She moved her hand around the surface of the distended stomach. Yes, she was certain — the baby was still alive! Although she had lost a lot of blood and was unconscious, this mother was probably still living! The doctor had better get there quickly to save her and the baby.
>
> Running to the phone, she lifted the handset and frantically turned the crank to get the operator's attention.
>
> Millie came on the line and in a bored voice, intoned, "Number, please."
>
> "Millie, get me the coroner! It's Vi. Hurry!
>
> These were the kinds of calls Millie lived for. She rang the hospital and passed the message on, staying on the line to hear what was going on over at the Funeral Home. This sounded interesting.
>
> The coroner answered brusquely, "Yes?"
>
> "It's Vi — you have to get over here right now. This woman is still alive — I think the baby is alive too!"
>
> Hanging up, she stood looking at the pretty young face of the mother, touching the mound of her stomach and praying he would get there before it was too late. The baby was full term and had an excellent chance of survival.
>
> When the doctor arrived, he felt her carotid artery, frowned, and then pulled a stethoscope out of his medical bag. Placing the bell first over her heart then on the woman's uterus, he listened intently for the sound of a heartbeat. Nodding gravely, he said, "We can take care of this." Violet relaxed; he had made it on time.
>
> The coroner reached into his bag, then turned back to the woman stretched out on the slab. Violet's eyes widened in horror, for instead of a scalpel to do the caesarean, he had a hypodermic needle in his hand. Plunging the needle into her uterus, he injected the contents and slowly withdrew the needle, smiling with satisfaction. He waited a moment, listened again and confirmed it. There was no heartbeat, no sign of movement. Both mother and child were dead.
>
> Vi had her hand over her mouth to suppress a scream. That was what she wanted to do. She wanted to scream, and cry and pound him with her fists. How could he be so cold, so uncaring, so cruel? She remembered the death of her own baby not long ago. He had not survived his birth four months early. She remembered the labor and delivery that was worse than the other five babies all put together. She remembered and mourned all over again. She felt a wave of nausea and willed herself not to vomit. This was not a time to show weakness.
>
> She was able to compose herself, yet shock and anger clouded her face as she faced him. He was oblivious to her presence, packing up his medical bag and preparing to leave when he finally looked at her and noticed her reaction.

• (1520)

In his mind, "the problem" had been a slight inconvenience, which he had dispatched quickly and efficiently, momentarily forgetting he had an audience and not thinking the audience would care anyway. "After all," he reasoned, "It was just an Indian."

He walked over to Violet. He towered over her slight frame and looked directly into her grey eyes with a condescending look.

"What's the matter, Vi? You look like you've seen a ghost. . . I'd have thought you'd be used to that by now."

She bit her lip and with a quavering voice said, "I thought . . . I thought you'd try to save the baby, not. . ." she paused and took a deep breath "not. . .do what you did!" She looked away as the tears formed in her eyes.

He sighed. "For heavens sake! Are you going to make an issue out of this? I did what anyone would have done. It's all over. Besides, they didn't have a chance. Vi, look at me."

In a measured tone he said it aloud, "She was just an Indian. Forget it."

He walked over to her and with a patronizing pat on her shoulder he said, "I didn't think you would be able to handle this job. This is a man's job, Vi. You shouldn't be here. Go home and look after your children." Then he smirked and said, "Or come home with me."

He winked and pinched her cheek.

Forcefully she pushed him away. Eyes blazing, she said, "Don't you ever touch me again! Get out of here!"

He shrugged, picked up his bag and said over his shoulder as he left, "By the way, I wouldn't be talking about what just happened if you know what's good for you. If you say anything, you will be out of business, Vi Guymer. Don't ever forget that."

Perhaps the (dead) woman knew the truth, and Violet knew the truth. But Violet also knew the doctor was right: no one would believe it; there was no one she could go to with a story of what had just happened. Even if there was someone who would believe it, nothing would be done about it. He was right again. She was "*just an Indian*".

It was 1920 and the coroner himself had too much authority and power in town. She was saddled with the knowledge of something criminal and knew there would be no penalty for the perpetrator.

I reiterate this true story from *Quite an Undertaking: The Story of Violet Guymer* written by Elizabeth Lycar. The story played out in The Pas, Manitoba.

Honourable senator, my world, a world shaped by others through governmental policies and without true consent of Indigenous citizens, was predetermined before I was even born.

In 1952 I was born in The Pas, the same town that was the setting for this horrific and true story. In 1957, at the tender age of five, I entered Guy Hill Residential School also in The Pas. I didn't realize that "she's just an Indian" would be my determining fate for many years.

Today, that phrase continues to influence the actions of some of the people whom I meet. When you are born an Indian in Canada, you develop special feelers for racism — for others to give themselves liberty to make you feel less than — for others to say what they want, whenever they want — for others to continue to take your life without penalty, for others to act how they want, all without penalty, and sometimes under the rubric of the right to freedom of speech.

Racism exists in Canada, that's true. And the racism directed at First Nations is unique.

Honourable senators, it is inherently difficult to be a witness to your own life, to continue to learn the subtle ways in which a First Nation's life has, and continues to be, guided and hindered by racism. Even today, when I feel an experience of oppression, it evokes a strong emotional response in me, a response that ranges from guilt and shame to anger and despair. The way I address these emotions is the determinant for either fostering or thwarting the passage from denial and resistance to anger, to affirmation and change.

While I was rereading the Final Report of the Truth and Reconciliation Commission of Canada in preparation for a conference I attended in Thompson last week, I felt stirrings of rage and unhealthy anger for the first time in 50 years. That was scary for me. This unhealthy anger was fuelled by the letters posted on a senator's website.

Colleagues, I felt fear and shame as I read them. These letters have been posted and available for public consumption for over a year with no clear purpose other than to generate racism towards First Nations. I have no recourse but to come to this conclusion as there have been no efforts made by the senator to earnestly and constructively examine the issues within these letters which range far beyond residential schools.

Honourable senators, shaming rituals such as these letters posted on the aforementioned website divert public attention away from troublesome social and political realities and towards scapegoated victims; they propose simplistic, dramatic and emotionally charged solutions to complex issues. However, shame can be a powerful tool, which, when harnessed correctly, can be used to allow Indigenous peoples and senators to become agents of change, and to allow institutions to become places of transformation.

Colleagues, I, like most, am guilty of becoming trapped in my own way of thinking at times — trapped in my own way of relating to others. I can become accustomed to seeing the world in my own way and accepting that the world must indeed be the way I view it. I can lose sight of objectivity.

It was not until this ongoing issue with the posted letters that I took myself out of my comfort zone and realized that I need to listen to others, to have candid conversations with other

Canadians. This situation has assisted me in overcoming the vulnerability I feel in difficult encounters, which can, at times, cause me to shut down.

Honourable senators, when a relationship such as that within the Senate Chamber today brings up ancient discomforts, I become afraid, I harden my heart and I want to react impulsively. However, it is at these times when I look to find a place where my heart and my spirit can stay engaged. A teaching from an elder says: Never let your ego overpower your spirit. I hold that close to me.

Colleagues, Richard Wagamese in his book *A Quality of Light* states that:

> If we, as Indigenous people —

— and I extend this to senators as well —

> — allow these wounds to continue, if we allow the atrophy of our cultural ways, our language, our teachings, our communities and our people to continue; if we allow our anger, our pain, our denial to continue to be inflicted on ourselves — then we say — shame on us. Shame on us for their perpetuation, knowing what we know.

Honourable senators, we are all tribal people. We have an instinctual craving for security, survival, community, love, and justice as individuals and as a collective. Perhaps we need to remind ourselves more often that we have those old fires in common.

Today, I am asking my colleagues, honourable senators, to practise and model reconciliation within ourselves, our offices, our dealings with one another, our public institutions and Canada as a whole. In the Throne Speech it states,

> I call on all parliamentarians to work together, with a renewed spirit of innovation, openness, and collaboration...Canada succeeds in large part because here, diverse perspectives and different opinions are celebrated, not silenced.

• (1530)

The Hon. the Speaker: Excuse me, senator, but your time has expired. Are you asking for five more minutes to finish? Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Before you continue, senator, it is 3:30 p.m. We would normally break now for Question Period. However, I wish to inform the chamber that the minister is delayed with business in the other place. Is it agreed, honourable senators, that we continue until the minister is available?

Hon. Senators: Agreed.

Senator McCallum: These diverse perspectives include the voices of Indigenous peoples. As senators with a foundation in rendering sober second thought, we cannot allow the deep issues brought forward within these letters to continue to remain silenced by not dealing with them and facilitating an open, honest and constructive conversation about their contents.

Honourable senators, we cannot be party to silencing the other letters that were not posted — the letters that were undoubtedly sent reflecting the other side of the experience.

I have several avenues of thought that we might apply in order to be able to deal with this. The first is the implementation around the TRC's Call to Action No. 46 which, in part states:

> Governments at all levels of Canadian society must also commit to a new framework for reconciliation to guide their relations with Aboriginal Peoples.

Beyond moving forward on this and similar "Calls to Action," perhaps we can consider a motion to refer study of the matter to a standing Senate committee. Furthermore, it may be prudent to consider a change to the *Rules of the Senate* in order to put an end to this type of abuse.

These are viable paths to pursue, and I will consider and examine each of them in the days and weeks to come. I urge colleagues here to do the same. We must act to deal with this appropriately and make a collective decision to do what is right, what is moral and what is just.

Honourable senators, we cannot change history. We do not seek to. We only seek to use its wounds, its poisons, its pains and its failings to strengthen us for the march forward, to form the reconciliation framework for a new and stronger Canada for all of us — a framework in which we may all heal ourselves. Thank you.

(On motion of Senator Omidvar, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Michael L. MacDonald: Your Honour, before I speak to this matter, the last time I spoke to this bill, at second reading, my speech was cut in two by the appearance of a minister. I suspect that's going to occur again.

I would prefer to defer this until after the minister leaves, perhaps we could go back to my speech after the minister makes his appearance at Question Period.

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

Hon. Senators: Agreed.

CRIMINAL CODE

BILL TO AMEND—TWENTIETH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Stewart Olsen, seconded by the Honourable Senator Eaton, for the adoption of the twentieth report of the

Standing Senate Committee on Banking, Trade and Commerce (*Bill S-237, An Act to amend the Criminal Code (criminal interest rate), with amendments*), presented in the Senate on February 13, 2018.

Hon. Douglas Black: Thank you very much, honourable senators, I rise today to address Bill S-237. This is pursuant to rule 12-23(4), the necessity to explain the amendments to the chamber.

The Standing Senate Committee on Banking, Trade and Commerce, which I chair, studied Bill S-237, An Act to amend the Criminal Code (criminal interest rate) over the course of four meetings. The bill proposed to lower the criminal interest rate from 60 per cent to the Bank of Canada's overnight rate plus 20 per cent for credit advanced for personal, family and household purposes and to exempt from the criminal interest rate credit of $1 million or more that is advanced for business or commercial purposes.

Witnesses representing community, anti-poverty groups, credit counselling, academia, as well as traditional and alternate lenders, provided the committee with a balanced view of the possible consequences of the bill.

Issues that were highlighted by witnesses included personal finances and the importance of financial literacy for consumers; the problem with high interest, short-term instalment loans; and the relationship between the criminal interest rate and the credit provided by banks, credit unions, alternate lenders and the payday sector.

Two amendments were passed by the committee, honourable senators. The committee amended the bill so that the criminal interest rate for credit advanced for personal, family and household purposes would be the Bank of Canada's overnight rate plus 45 per cent. This rate was based on testimony provided by the alternate lenders.

Given the complexity of the issues related to the criminal interest rate, the committee also amended the bill to provide for a parliamentary review of this rate every three years.

The Hon. the Speaker: Are you finished, Senator Black?

Senator Black: I thought I was, but apparently I'm not. I wish to move adoption of the report.

The Hon. the Speaker: It is already moved for adoption. I believe Senator Martin wanted to take the adjournment, but she's not in her seat.

Senator Plett: I will take the adjournment.

Senator Ringuette: Your Honour, the report is adjourned in Senator Moncion's name.

The Hon. the Speaker: Do you wish to take adjournment in her name? Is that what you're saying?

Senator Ringuette: Yes.

(On motion of Senator Ringuette, for Senator Moncion, debate adjourned.)

CANADA REVENUE AGENCY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Downe, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

Hon. Paul E. McIntyre: Honourable senators, I rise today to speak on Bill S-243, An Act to amend the Canada Revenue Agency Act.

First and foremost, I would like to thank Senator Downe for introducing this bill, and also for the work he has done over the years on this issue.

Bill S-243 amends the Canada Revenue Agency Act to require the Canada Revenue Agency, CRA, to report on all convictions for tax evasion, including international tax evasion in an annual report tabled in Parliament. As well, it would require the Minister of National Revenue to report to Parliament yearly on the "tax gap;" that is, the difference between what taxes are being collected and what is actually collected.

It also requires the minister to provide data on the tax gap to the Parliamentary Budget Officer. Under the Parliament of Canada Act, the CRA is required to provide any financial or economic data in the position of the department that are required for the performance of the PBO's mandate.

• (1540)

As we recall, the tax gap related to offshore tax evasion is an issue that was thrust into the headlines by the Panama Papers and Paradise Papers leaks. These leaks revealed that 3,000 Canadian companies, trusts, foundations and individuals use offshore accounts as tax havens.

The Parliamentary Budget Officer has been asking for information on tax evasion and the tax gap for years, even threatening court action to get this. He has been repeatedly denied this information by the CRA, citing confidentiality of tax records. In the past, the CRA has refused to calculate the tax gap, saying it was unreliable. At the same time, we have seen a dozen other Western countries provide estimates of their tax gap for years, but Canada has refused to follow suit until now.

In the last month, after years of fighting for information, the federal government announced that the CRA will provide the Parliamentary Budget Officer with aggregate data used to calculate Canada's tax gap. According to the government, the data will be provided in a way that ensures the privacy of Canadians, one of the main arguments in turning over raw tax data to the parliamentary watchdog.

The announcement is a followup to an update to the CRA's Voluntary Disclosures Program. Changes to the program took effect on March 1, 2018. As of now, the federal agency will restrict the incentives previously offered to late-filing taxpayers under the Voluntary Disclosures Program. The update to the VDP seems to be part of the government's efforts to develop a "Canadian approach" to combating tax evasion.

That said, the CRA is examining the international component of the tax gap and has committed to publishing studies in 2018. As part of this commitment, the Minister of National Revenue recently travelled to Paris, France, to meet with CRA's international partners in an effort to combat tax evasion and aggressive tax avoidance. While these efforts are encouraging to see, more needs to be done, such as more transparency from the CRA. Canadians need to know they are actively trying to recoup tax dollars lost from tax avoidance and evasion.

In the last few years, the government has given the CRA more funds for tax enforcement, and to investigate tax evasion and avoidance, though we know from Senator Downe's speeches in the Senate that the CRA has only spent a fraction of this money.

Honourable senators, the tax gap is an important piece of data that would hold the CRA accountable for cracking down on domestic and overseas tax evasion. The Conference Board of Canada recently tried to figure out the tax gap in Canada. Depending on the methodology used, the Conference Board estimates the federal government alone could be short between $8.9 billion to $47.8 billion in revenue annually. On top of that, provincial governments would have their own tax gaps.

Overseas tax evasion and billions lost in tax havens are factors, but there are other factors at play, such as the underground economy. As a result, billions in GST and HST revenues have been lost due to non-compliance. According to the current PBO Jean-Denis Fréchette, it will take months to examine and analyze the data and come up with an estimated "tax gap."

Obviously, the time frame for this examination and analysis depends on the quality of the information to be released. Hopefully, the PBO will now be in a position to do the work he has wanted to do for a long time; that is, conduct an independent analysis of the amount of revenue the federal government loses each year to offshore tax havens and other tax-avoidance schemes.

Allowing the PBO to provide an independent estimate of the tax gap is long overdue. All parliamentarians, regardless of their political affiliations, should come together on the issue of overseas tax evasion and avoidance. The reason is simple: Overseas tax evasion and avoidance is public money that's sorely needed for matters like health, education, justice, child care, housing and so on.

Honourable senators, part of the mandate of the CRA is to deliver "world-class tax and benefit administration that is responsive, effective, and trusted." While the recent efforts on behalf of the government are promising, we need to make sure that these efforts are maintained. There needs to be more transparency. There needs to be more accountability to Canadians on the part of the CRA. This is why the legislative framework outlined in Senator Downe's bill, Bill S-243, is so important: It will do just that. It will help hold the CRA accountable to Canadians.

(On motion of Senator Bovey, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Douglas Black: I find myself in the identical position as my colleague Senator MacDonald. I have very important comments to make to my colleagues on Bill S-245, the Trans Mountain bill, and I would like to hear from the minister first, frankly.

The Hon. the Speaker: It looks like we're reordering the Order Paper. Following Question Period, unless we interrupt an honourable senator who is speaking and to whom we will return after Question Period, we will go to Senator MacDonald and then Senator Black from Alberta, if it is agreed.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed.

[*Translation*]

JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Seidman, for the second reading of Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault).

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today to speak to Bill C-377, An Act to amend the Judges Act and the Criminal Code. Let me begin by thanking the Honourable Rona Ambrose, who introduced this bill at the other place, Senator Andreychuk, who sponsored this bill in the Senate, and all the other senators who have contributed to this interesting and edifying debate.

I add my comments to those of the Government Representative in the Senate, Senator Harder, who said that this bill has the support of the government. He even said that Bill C-377 is a priority for the government.

In total, nine senators have spoken at second reading, and they all agree with the objectives of Bill C-377, which, in the words of Senator Pratte, are:

> . . . to ensure that judges who preside over sexual assault trials have a better understanding of the legal subtleties pertaining to this criminal offence, that they are more sensitive to the difficult situations facing victims, and that they are educated about the still-too-prevalent negative myths and stereotypes affecting these complainants.

[*English*]

Honourable colleagues, some of you have raised important issues in your remarks. Specifically, constitutional issues have been brought forward to underline questions of federal and provincial jurisdiction, as have concerns about the independence of the judiciary. Other questions of a more practical nature were raised concerning the training of judges — more precisely, how training would be delivered, by which authority and when it should be undertaken.

[*Translation*]

This bill ignited a great deal of interest at second reading. Today I am asking that we continue on to the next step, that is, that the bill be referred to a committee, where the issues that have been raised can be thoroughly examined.

• (1550)

Although we may have differing opinions on some of the issues raised in this chamber, we all agree on the bill's objective to find a balance between the independence of the justice system and the rights of sexual assault victims within the justice system.

[*English*]

We must find a balance between the independence of the justice system and the rights of sexual assault victims within the justice system.

I believe that every bill passed by the House of Commons should be debated in committee at the Senate. I believe that it is completely undemocratic not to do so. The same goes for bills initiated by the Senate unless the principles of the bill are completely contrary to our deepest democratic values.

In the case of Bill C-337, we know that too many sexual assault victims choose silence rather than pressing charges. We know some refuse to be witnesses because they fear reprisals. Others fear further suffering by subjecting themselves to behaviours based on stereotypes, sexism and prejudice on the part of law enforcement or members of the judiciary.

[*Translation*]

These concerns might explain why these crimes are under-reported, more specifically, why there is a gap between the number of crimes reported to law enforcement and the number of cases that make it through the criminal justice system. If sexual assaults are not reported because victims fear more injustices, then society will remain ignorant, which prevents us from making improvements.

Honourable senators, Bill C-337 must move forward. Let us do our part by sending the bill to committee. This is the least we can do to help those who need a credible justice system and to ensure that Canada treats sexual assault victims fairly.

I want to apologize to Senator Cools, since I had originally asked to speak to this bill. I therefore ask that the debate remain adjourned in the name of Senator Cools.

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

Hon. Senators: Yes.

(On motion of Senator Cools, debate adjourned.)

[*English*]

SENATE MODERNIZATION

SIXTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Wells, for the adoption of the sixth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Speakership)*, presented in the Senate on October 5, 2016.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I note that this matter is on the fourteenth day, and it's adjourned in the name of Senator Mercer. Senator Mercer advises me that he does indeed wish to speak, but as you know, he's not able to be here at this time, and with leave, I would ask that the matter be adjourned until the next sitting of the Senate in the name of Senator Mercer.

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

Hon. Senators: Agreed.

(On motion of Senator Day, for Senator Mercer, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-FIRST REPORT OF COMMITTEE—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Tannas, for the adoption of the twenty-first report (interim) of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Audit and Oversight*, presented in the Senate on November 28, 2017.

The Hon. the Speaker: Honourable senators will remember that when we left this item at our previous sitting, Senator Wells had five minutes left for questions, and there were a couple of senators who wished to ask questions.

Senator Wells, is it your wish to accept some questions?

Hon. David M. Wells: I'll be pleased to answer any questions, Your Honour.

[*Translation*]

Hon. Raymonde Saint-Germain: Senator Wells, I agree with the key points in your speech. I especially agree that things need to change, and if we want greater independence, we must separate the audit committee from the Standing Committee on Internal Economy, Budgets and Administration.

With regard to the proposed committee's mandate to provide oversight, could you give me some concrete examples of the type of oversight that this new committee would have?

[*English*]

Senator Wells: Thank you, Senator Saint-Germain. It's a good question. Of course, any specific items that the committee might undertake would be up to the whole committee, and I would accede to their authority.

You will recall that in my speech I spoke about three sections that I would see fall under the greater umbrella. First would be a larger deep dive on a significant issue that relates to the expenditures of the Senate. Something like that could be, for instance, how the pension is established. I know with the way the Treasury Board does the rate of return for pension in the Senate,they use a 1.9 per cent rate of return. For the public service, they use 12.8 per cent. That is a significant difference, a significant cost to the Senate. That's the kind of thing I would look at.

For the audit and oversight of directorates, which I see as the second program under the larger umbrella, like in the finance and procurement directorate, we would look at procurement. Is it being done efficiently? Are best practices being used? Are we getting three bids? With respect to sole sourcing, where we don't get three bids, is there a suitable pre-qualification in place? It is that sort of thing. Are we doing things right? It's not so much an audit of a directorate, although it doesn't preclude that, but it would be more an oversight and audit of the systems that we use.

Third, which I would consider a regular and ongoing aspect of the work of the committee, would be samples of senators' expenses, travel, living and office expenses. We would do audits. I would take advice on this from those who know more, but we may take five examples a year and do audits on those so that we could prevent what we ran into three years ago. First of all, are systems in place? Are they being correctly enforced? Are they being complied with? If there are rejections of applications for money or reimbursement, is there a high number of those in a certain category where maybe a senator or all senators need additional training, or their staff need additional training.

I would see that audit being an ongoing rotation audit of senators' travel, living expenses and office expenses. We will recall that the greatest difficulty we ran into when the Auditor General came in, aside from him not looking at 88 per cent of what we asked him to look at, was that with the 12 per cent that he did look at with the senators' office expenses, he had no comments, none whatsoever. And that comprised 8 per cent of the total Senate budget. He looked at essentially 4 per cent, which is travel expenses, and 2 per cent of that was living expenses.

We would look at all aspects of the senators' budgets, but really, senator, only as a portion of the work of the audit and oversight committee, and mostly to prevent things from happening rather than a look at finding out what is wrong and addressing it that way.

[*Translation*]

The Hon. the Speaker: Excuse me Senator Saint-Germain, but the minister has arrived. After question period, Senator Wells will have two minutes to reply to other questions.

[*English*]

QUESTION PERIOD

BUSINESS OF THE SENATE

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Jim Carr, Minister of Natural Resources, appeared before honourable senators during Question Period.

The Hon. the Speaker: Honourable senators, we have with us for Question Period the Honourable Jim Carr, Minister of Natural Resources.

On behalf of all senators, welcome, minister.

• (1600)

MINISTRY OF NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Larry W. Smith (Leader of the Opposition): Welcome. I'd like to ask a question on Trans Mountain. It's simple. I will not have a lot of preliminary comments. We're all aware of the fact that the Federal Court recently ruled on one of the key issues with the pipeline moving forward, and apparently the ruling was good news to Kinder Morgan.

In recent weeks, we heard that both yourself and the Prime Minister have said that you support the Trans Mountain pipeline expansion project. I'm not sure that we understand how you intend to do this.

My question is simple: What is your role in moving the project forward so that the Trans Mountain pipeline project can come to completion?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Thank you, honourable senator, and I apologize for being late. We were voting in the House of Commons. We've been voting a lot lately in the House of Commons. I must say I prefer voting at 3:30 in the afternoon than 3:30 in the morning, but when you're called on to vote, you vote.

The government approved the Trans Mountain expansion pipeline because it believed then and believes now that it is good for Canada because of the jobs that it creates, because of the economic activity it generates, because of the importance of expanding our export markets, because of the necessity of getting a better price for our oil, and to send the proper signals to the investment community that Canada is a good place to invest in major energy projects.

For all those reasons, we took the decision, more than a year ago, to approve it. Nothing since then has changed our resolve or the conclusion we came to then, for all of those reasons.

The British Columbia government has decided it wants to consult people. It has the authority and responsibility to consult anyone it wants.

Canada has already consulted tens of thousands of Canadians. We knew that because of the failure of the Northern Gateway pipeline in the Federal Court of Appeal that the consultation from the previous government was not enough; so we added more consultation that took several months. We appointed an expert panel that made its way up and down the line. After a number of meetings in communities and tens of thousands of opinions, the Government of Canada took its decision to say yes to the pipeline because it's in the national interest.

Senator Smith: Thank you very much for the answer.

Obviously there is continued opposition to the project. If there are other obstacles that you deem can be overcome, is there a plan in place to assist the movement forward so there are not undue delays which would possibly create an unpleasant environment for the investors who could say, "Hey, we're not going to do this"?

Mr. Carr: Yes, senator, and we've done that already. We intervened in a motion in front of the National Energy Board. They agreed with the motion, which establishes a standing panel to make sure there are no unnecessary delays.

We should say that permitting proceeds apace, both in Alberta and British Columbia, and construction is under way.

The pace at which construction moves will depend ultimately on the attitude of the proponent as we move through these regulatory issues. But Canada is alert to the importance of asserting the federal jurisdiction in an area where there is no doubt that the federal government has sole jurisdiction, and that has been proven in court time and time again. It has been asserted by the Supreme Court of Canada, and we believe this pipeline falls squarely within that well-known jurisdiction.

There will be other court cases along the way. There was one, as you noted, just last Friday where there was a refusal for leave of appeal on a National Energy Board ruling.

So we're very alert in the Government of Canada to see how this develops, but, again, there has already been progress. There is permitting as we speak, and, as far as the Government of Canada is concerned, this is a federally approved pipeline that should be built.

Hon. David Tkachuk: Last week the Senate unanimously adopted a motion brought forward by Senator Neufeld which urges the Prime Minister to bring the full weight and power of his office, and that of the Government of Canada, to ensure that the Trans Mountain pipeline expansion is completed on schedule.

Are you and the Prime Minister satisfied with the decision and the work of the National Energy Board? And has the Prime Minister, in a formal way, urged the Government of British Columbia to curtail their objections and go on with the building of the pipeline? If he has sent a letter — hopefully a formal letter — to the Premier of British Columbia, would it be possible you could table it here in the Senate?

Mr. Carr: Senator, the Prime Minister says, whenever he's asked in the House of Commons, not very far from here — and I say, whenever I'm asked, which is several times a week — that the Government of Canada supports this pipeline. And when there are procedural delays — and there are interventions to the National Energy Board — the Government of Canada will be a part of those interventions.

We make the same speeches, whether it's in St. John's, Newfoundland, Chicoutimi, Calgary or Edmonton; it doesn't matter what part of the country we are in.

There is now a serious disagreement between the governments of Alberta and British Columbia on this pipeline. The Government of Alberta interprets the interests of the people of Alberta, which is its responsibility, and the Government of British Columbia does the same thing. There is only one Government of Canada. It is our responsibility to look after Canada's interests, and our conclusion is that this pipeline is in that interest.

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister, thank you for being here.

When you were last here, I asked a question about the Energy East Pipeline project. We know what happened when the National Energy Board amended the assessment criteria halfway through the process and how TransCanada then halted the project given the regulatory uncertainty it was facing, certainly not a good message to potential investors, as you have just commented.

The problem remains, minister, that we're having difficulty moving Alberta oil westward over the mountains via pipeline, and the oil cannot move east unless it's moved in rail cars. As a result, Eastern Canada is importing more than 750,000 barrels of oil per day for processing when we have oil that we can't move out of southern Alberta and Saskatchewan.

Energy East would have carried 1.1 million barrels of oil to Atlantic Canada every day at a lower cost than the imported oil that is being brought in by tankers. It would have been a great economic impact to Atlantic Canada, New Brunswick, to Saint John, New Brunswick, and indeed to all of Canada.

The government has been explicit in its support for Keystone and Trans Mountain expansion, and I fully support that, minister. Does the government also unequivocally support the building of a pipeline that would move oil from Western Canada to Eastern Canada?

Is the Government of Canada prepared to say that the Energy East Pipeline would be in the national interest? I saw you being interviewed yesterday on television, and you used that term several times, that it is in the national interest and we are sticking with that decision we've made.

But the problem is when Energy East was in debate, I never heard that to the same extent. I never saw the federal government showing the support for the Energy East Pipeline that was needed in order to get that done.

• (1610)

Mr. Carr: Senator, the reason that you didn't hear the Government of Canada support Energy East is because it hadn't been approved by the National Energy Board. So what you're asking me, and through me the Government of Canada, to do is to approve a pipeline before it has been through the regulatory process. How can we do that?

Secondly — and I'm glad you asked the question because — how many pipelines had been approved at the time that TransCanada initiated the application to do Energy East? Was Keystone XL approved? No. Had the Enbridge Line 3 been approved? No. Had the Trans Mountain expansion pipeline been approved? No.

What happened in between the time that TransCanada made its application and the time it withdrew its application is that there were three pipeline approvals, which obviously impacts market conditions.

What was the price of oil at the time that the Energy East proponent established contact with the National Energy Board? What was the price of oil at the time that it withdrew its application? We make the argument that business decisions had changed dramatically.

The second point: We said clearly to the proponent and clearly to Canadians who were listening that exactly the same interim principles that were used to approve Trans Mountain would have been used to assess Energy East if it had made it through the regulatory process. The proponent decided, for its own reasons, to withdraw the application.

Senator Day: Minister, is it not possible for the government to indicate support for the concept of moving oil from West to East other than by rail cars by saying, "A pipeline would be in the interest of Canada; we're prepared to invest from an infrastructure point of view"?

Mr. Carr: Again, senator, you're asking me to comment on a hypothetical pipeline.

I would ask you the question: How many Indigenous peoples were consulted? Is the pipeline going through rivers and streams? Has the environmental stewardship of the project been assessed by a regulatory agency?

So it's impossible for a government to comment on a mythical pipeline. That's why we have a statutorily created energy agency and regulator to determine all of the factors and then make a recommendation to government. Government looks at all of the evidence, looks at the degree of consultation, assesses the jurisprudence that would inform the Government of Canada on whether or not enough consultation had occurred and then makes a decision in the public interest. When this decision is made and the federal government has decided this project is good for Canada, then I come to the floor of the Senate and tell you why and make speeches across the country and have interviews with editorial boards and go on television, which is what I do all the time. But there is a difference between an approved pipeline and a mythical one.

CRISIS IN CHURCHILL, MANITOBA

Hon. Patricia Bovey: Thank you for being with us today, Mr. Minister. You won't be surprised to know that my question is about Churchill, Manitoba. Like you, I've visited Churchill a number of times, and on my last attempt, at the end of January, the aircraft could not land as a cart at the airport was broken. True isolation, no rail, no road. There is a temporary ice road for the winter, and, without a cart, there is no air in and out. I would call that a tough lot and a dire position for the people of the town, and it gets worse.

A CBC piece, on March 13, was headed, "'We're at our wits' end': Churchill endures winter of discontent as dispute over broken rail line drags on." Churchill is remote, unbearable, rising prices, a shrinking economy, isolated. Perhaps most worrying, families are leaving Churchill for the stability of the South. This community needs to have its lifeline, the rail, reconnected, and without it, the situation will inevitably become worse. Only fixing the railway will begin the process of returning the community to where it was pre-2017 washout. A long-term sustainable solution is required.

Minister, can you bring this chamber up to date, please, on what the federal government's plans are to provide a stable future for Churchill, Manitoba?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Thank you, senator. I know that you have a special relationship with the North, and Churchill in particular. I think I may even know some of the reasons why: Because of the beauty of the place and how strategically important it is.

Some people make the mistake of thinking that this is an issue about a community with 850 or 900 people. No. This is an issue that impacts not only all of Manitoba but the entire country. This is a deep-water port. We have international trading routes that

can be opened. We have enormous potential through the Port of Churchill, and we have enormous potential for Churchill to be an integral part of an Arctic strategy for Canada.

The issues are immediate. They're the medium-term and long-term. Immediately, as senators know, the Nutrition North program applies to Churchill, which is important. As you know, Western Economic Diversification has invested $7.6 million in alternate economic development. You might have seen, in that same CBC broadcast or maybe one before, that they're growing fresh vegetables in Churchill, which is a remarkable thing. Maybe we'll be buying our vegetables from Churchill, but that's just the short term.

The longer term is transportation links. As you know, we have asked Wayne Wouters, who will be known to many on both sides of this chamber as a former Clerk of the Privy Council in Ottawa, to facilitate a discussion between all of the parties, including Indigenous communities in the North, along with potential buyers of both the port and the railroad. We understand that those conversations are going well. We're very hopeful that there will be a solution as soon as possible. We understand that the transportation links are essential, and so is the potential for Churchill to become an important part of Canada's northern strategy.

TRANS MOUNTAIN PIPELINE

Hon. Pamela Wallin: Thank you, minister, for coming to the Senate today. Again, my question is regarding the Trans Mountain pipeline.

I think it's why you hear the frustration that you hear in some people's voices; this is not an Alberta-B.C. decision alone. This is a national project. It affects the national economy. My home province is profoundly affected, too, as the oil and gas sector, as you well know, is key.

Many other industries and jobs are affected. A case in point: EVRAZ is a steel producer that runs an environmentally conscious plant in Regina. They have said that if the project is halted, jobs at their plant will be at risk, and they employ over 1,000 people in Regina. That's a lot of people out of work, because they produce the pipe.

Last week, as has been mentioned here, senators did unanimously pass a resolution asking the Prime Minister to take action and use the full weight and power of his office to ensure this.

I have two questions. One, are you aware of role that EVRAZ plays? I'm interested in that. Second, I guess what we're looking for is what is your red line? What is your time frame? What is your bottom line? How long do you wait for B.C. and Alberta to find some accommodation before you exert your constitutional authority and say, "This is it; we're moving forward because there is too much at stake."

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, yes, I am familiar with EVRAZ. It is Regina located, responsible for much production and an essential supplier of pipe. The construction of pipelines is really the heart of their business. I've met with their CEO many times, and we continue a close conversation about developments.

You talk about a bottom line. The bottom line is that the federal government is committed to this line proceeding. When the government of British Columbia says something more than they're going to talk to people, if the Government of British Columbia frames the question and then chooses a court, the federal government will respond appropriately.

But from the basis of not only our policy objective — and I think we should pause for a minute and talk about those objectives — but also that this has already been a federally approved project and will proceed, the bigger picture, the context, is that as the entire world looks at ways in which it transitions, over time, to a low-carbon economy, we believe it makes sense for Canada to take the riches we have and use those resources to help to fund the transition to a low-carbon economy

• (1620)

That is why we can simultaneously approve a pipeline to give us access to an expansion of foreign markets, spend $1.5 billion on an ocean protection plan that will be world class, invest with the private sector in renewable sources of energy and look at the capacity of Canadian innovators to take us to the next step, while we extract conventional sources of energy, more sustainably, all the time. That seems to us to be a sensible policy.

Wherever I go around the world, senators, whether in Asia, talking to G7 ministers, at the International Energy Agency in Paris or in Latin America, the conversation is the same. Canadians, with the abundance of resources that is our inheritance, with our proven capacity to be innovative — the oil sands themselves were opened up and developed by innovation — that we are well positioned to lead the world in this transition.

No one can tell us how long it will be, but the trajectory is clear. Canada should be at the forefront of these changes.

Hon. Betty Unger: Minister, my question for you today also concerns the Trans Mountain Expansion Project.

In addition to roadblocks thrown up by the NDP government in British Columbia — and Minister, I believe that the issue is between Ottawa and British Columbia — this is a federal issue. However, Trans Mountain has been targeted also by illegal protests spurred on partly by foreign-funded groups, such as reported earlier this month in the *Vancouver Sun*. Last week, three RCMP officers were hurt while arresting these illegal protesters at the Kinder Morgan site, including one officer who suffered a serious head injury after being kicked. Violence occurred again Sunday evening during the arrest of a protester, which resulted in another injured police officer.

Minister, when will the Prime Minister stop paying lip service to the Trans Mountain Expansion Project and actually do something, as I said earlier, with the B.C. premier to facilitate construction of this project? Also, will your government commit to getting to the bottom of the foreign financing of pipeline opposition and interference of the pipeline construction in our country?

Mr. Carr: Senator, if what you mean by "lip service" is that the Government of Canada continues to tell Canadians that they support the project, a project that is within federal jurisdiction and that has the full support of the Government of Canada — it's interesting. I was in the House of Commons the other day, and there was a member of Parliament, a New Democrat, who stood up and said, "No one supports the Trans Mountain Expansion Project." Actually, the Government of Canada supports it, the official opposition supports it, the NDP Government of Alberta supports it and I think that a preponderance of Canadians support it.

So when the Prime Minister speaks on behalf of the Government of Canada, I believe he speaks on behalf of many Canadians who, for all the reasons I expressed and others I could express if we had more time, believe that it is good for Canada, not only in the short term, but it serves our long-term strategic goals. Ninety-nine per cent of Canadian exported oil and gas goes to one country: the United States. Ninety-nine per cent of the export of Quebec softwood lumber goes to the United States.

That's why we need to find export markets. I do it from time to time, as the minister responsible for forestry, try to open up Asian markets. Last June, I took a delegation of 50 senior executives to China to try to take advantage of some openings in Asia to sell more of our lumber, just as the Trans Mountain Expansion Project helps us to create the possibility of expanding our export markets in oil and gas. This is a very good thing.

I'm sure senators know that the Government of Canada is fully supportive of the LNG industry. We believe it offers enormous potential. For the last number of years, we have been caught in a worldwide glut and very low prices, but those who are in the business for the long term know that circumstances will change. We're hopeful there will be very important investments in LNG and Canada will become a serious international player.

This is not lip service, senator. These are commitments from the Government of Canada.

CLEAN ENERGY FOR RURAL AND REMOTE AREAS

Hon. Dennis Glen Patterson: Thank you, minister, for being here. Your mandate letter states you must:

> Work closely with provinces and territories to: develop a Canadian Energy Strategy to protect Canada's energy security; encourage energy conservation; and bring cleaner, renewable energy onto a smarter electricity grid.

As you know, we in Nunavut are facing a carbon tax potentially being imposed on us by the end of this year. I've called on your government to recognize the unique situation of Nunavut with 25 fly-in-only communities that are solely reliant on diesel. I have yet to see any accommodations for my home territory.

Further, as the main importer of petroleum products into the territory, the Government of Nunavut stands to pay the largest price, should a carbon tax be introduced in the territory. So I was pleased, minister, to hear your announcement about a clean energy for remote and rural communities program in February. INAC had a $53-million program over 10 years that really wasn't enough.

Will that fund be available to help Nunavut deal with its dilemma of 100 per cent reliance on fossil fuels? If so, can your government hold off on imposing a carbon tax on Nunavut, which will only serve to increase our already sky-high cost of living, until we have alternate energy projects in place throughout Nunavut?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Thank you, senator. First, I'm glad you brought up the Canadian Energy Strategy as part of the mandate given to me by the Prime Minister. It's actually a very interesting way of developing public policy. It wasn't in the government; it was in the private sector where there were business councils and think tanks across the country that wanted to establish a Canadian Energy Strategy when President Obama came to Ottawa on his first foreign mission and asked Prime Minister Harper if he would join him to create a North American energy strategy. A few people across the country scratched their heads and said, "That's a good idea, but what's the Canadian Energy Strategy?" Lo and behold, there wasn't one.

It was left to the premiers to develop it, which they did very effectively. They published a paper in July 2015 toward a Canadian Energy Strategy. That means we use these abundant resources we have in order to knit them together in a national purpose, which would include electricity inter-ties, for example, between my home province of Manitoba and Saskatchewan, and maybe someday between British Columbia, Alberta and the North, and in Atlantic Canada.

Also, you probably know that in Budget 2018, my department was asked to invest $220 million in removing remote and isolated communities off diesel. Through INAC there are greater funds available.

The preamble of your question is consistent with what the Government of Canada has already announced and what it hopes to accomplish.

TRANS MOUNTAIN PIPELINE

Hon. Mobina S. B. Jaffer: Minister, I would like to thank you for your presence in the Senate today. I am from British Columbia, and I live on the North Shore where I enjoy my beautiful province and its attributes, as do all British Columbians. We British Columbians are worried as to what will happen to our province and our lakes. More importantly, British Columbians are concerned about the heritage we will leave to our grandchildren.

Last Friday, the leader of the Green Party of Canada and member of Parliament, Elizabeth May, was arrested in Burnaby at the Trans Mountain pipeline protest. As she was led away, she put some questions about why she was protesting.

• (1630)

I have had many people from British Columbia call me and say, "Get an answer from the government to the questions she was asking," and I'm fortunate that you are here today.

These are the questions she asked, and I would like to supply the answers and what the government has to say to her concerns. I have put my questions in front of you so that you would have them right there.

First, she asked why the crude bitumen has to be transported and not refined in Alberta, as it would save hundreds of lakes.

Second, she believes that the permits issued to Kinder Morgan did not represent a proper process. She said that the permits that were issued to Kinder Morgan do not respect the rights of interveners nor the rights of Indigenous peoples on these territories. She said the commitment to build a pipeline in 2018 while we are in a climate crisis is a crime against future generations.

Minister, I have one question: How do we respond to Elizabeth May's concerns? More importantly, how do we tell British Columbians that the pipeline is for our benefit, as well?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: It is to the benefit of all Canadians, including British Columbians, for the reasons that I suggested.

Perhaps the senator knows that diluted bitumen has been running through that pipe for 30 years and that the pipeline was built in 1953.

Perhaps the senator knows about all of this talk about increased traffic in the Burrard Inlet; there are people who like to say that it is an increase of 700 per cent. That's right: from five a month to 35 a month. One a day — an increase of one double-hulled tanker a day — in the safety of escorts, in a world-class regime that reflects $1.5 billion of investment into our coastlines — not only the British Columbia coastline, but all of our coastlines.

It's very important for me to emphasize — and I'm glad I have a chance to emphasize it in front of the senators today — that there is no conversation possible in Canada or anywhere else in the world, any more, about developing resources without attention paid to environmental stewardship at the highest levels and, may I also add, without meaningful consultation with Indigenous peoples.

We believe those are the three pillars of a successful policy for Canada. We believe we are following all three.

What else did you want me to say about Elizabeth May? Is that enough?

NON-VIOLENT PROTESTS

Hon. Marilou McPhedran: Given the chortles in the chamber with regard to Elizabeth May, let me just say I don't share in the sentiment and criticism of her.

It's good to see you here again. Thank you.

I'm a senator who was not part of what has been reported as a unanimous motion in this place on March 20 with regard to the Trans Mountain pipeline.

The Government of Canada has expressed, through our Prime Minister, that:

> No relationship is more important to Canada than the relationship with Indigenous Peoples.

And we are on record, as a member state of the United Nations, as committed to implementing the UN Declaration on the Rights of Indigenous Peoples, which includes Articles 10, 28, 29 and 32, regarding free, prior and informed consent on projects affecting ancestral and/or Indigenous rights.

However, as I'm sure you know, many Indigenous communities and leaders affected by the Kinder Morgan Trans Mountain pipeline expansion have not consented. They are clearly opposed, and they are demonstrating against it, including with blockades.

In the past 10 days, some 100 people have been arrested, including more than 30 this past Saturday at the gates of Texas-based Kinder Morgan's facility in Burnaby, B.C.

Allegations of violence are coming from all sides. The situation seems to be escalating.

My question, minister: Can you assure us that actions match international promises, that the state will not use violence to respond to non-violent protests led by Indigenous youth and environmental allies — those who are opposed to the Kinder Morgan Trans Mountain pipeline expansion?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, there was a very intense moment during a speech I gave to the Vancouver Board of Trade about two months ago. It was the same day that Ian Anderson, the CEO of Kinder Morgan and Premier Notley spoke to the Vancouver Board of Trade about the Trans Mountain pipeline expansion.

About five minutes into my speech, there was a loud protester at the back of the room who unfurled a banner and started to yell obscenities at me. When he stopped yelling momentarily, I said, "Sir, you are the reason my grandparents came to this country in 1906, because they couldn't do that where they lived before."

So the freedom of Canadians to dissent peacefully is a cherished right that distinguishes us from so many other countries in the world. We encourage people to dissent, and people will find their own ways to protest.

But we also live under the rule of law, and if a person in the process of protesting breaks the law, somebody is probably going to arrest them. I can't imagine that there would be too many Canadians who would see it any other way.

These are firmly held views of people. I've known Elizabeth May for 30 years. We were on the board of directors of the International Institute for Sustainable Development together, headquartered in Winnipeg. I have all kinds of respect for her principles and her view of the world. It's not mine, but she has the freedom, thankfully, to express it, and if she or anyone else chooses to express it in a way that breaks the rule of law in Canada, they'll be treated as any other citizen will be.

On the question of Indigenous participation, you all know that the Federal Court of Appeal, when it quashed the Northern Gateway pipeline, was not critical of the proponent, Enbridge, or the regulator, the National Energy Board, for insufficient consultation, but critical of the Harper government for insufficient consultation.

We said to ourselves, "If we did the same thing, then we're not going to get any pipelines approved." If you are only going to repeat someone else's failure, you can't be very smart.

So we added another panel. We included considerably more consultation, primarily with Indigenous people. And by the way, Indigenous communities co-developed, with the Government of Canada, Indigenous monitoring committees not only for Trans Mountain, but also for the Enbridge Line 3 Replacement Program, so that individual communities who are impacted by the construction of the pipeline will observe and monitor its safe construction and throughout its life cycle — which was, by the way, unprecedented in Canadian history.

So, again, you give me a chance to talk about these pillars of responsible energy development and Indigenous consultation and accommodation consistent with the United Nations Declaration of the Rights of Indigenous Peoples as an important pillar.

NAFTA NEGOTIATIONS

Hon. Frances Lankin: Thank you, minister, for being here. My question is with respect to NAFTA.

Currently, in the U.S., there is some discussion going on about the inclusion of a competitiveness chapter in the NAFTA agreement. It sounds benign, but when you look behind it, we find that there are a couple of lobbyists, one from the oil and gas industry, who are creatively suggesting that advantage should be taken of the Trade Promotion Authority, which asks for an expedited process in Congress, where Congress can't amend and filibuster. It's an up or down vote, and that's appropriate with a large trade deal. I think people understand why past presidents and the current president are interested in that.

But these lobbyists have determined that if a chapter on competitiveness — and we'll see what that is about in a moment; it is invariably referred to in different terms — is tucked into the NAFTA agreement, many aspects of what's in this competitiveness chapter, which might not be able to get through Congress with amendments and filibusters and differences of opinions, can go through on an up and down vote.

It's quite smart, and quite frankly, I have no objection to what the United States does in the United States; their rules, their laws, and that's up to them.

But in a trade deal it raises the prospect of it, somehow or another, restraining or causing obligations to Canada if we are a signatory to that deal.

The competitiveness would look at inside the United States, and not barriers and not tariffs. It would be about streamlining and permitting. It would be about deregulation, and environmental in particular.

• (1640)

They use the examples of coal, energy transmission, a range of oil and gas issues, as things that could be allowed through there. One of the really concerning provisions is that they may attempt to have a limit on spending on regulation so that by virtue of this agreement, what Canada sees in its best interests in the future in terms of environmental regulations or safekeeping might be curtailed by this clause.

Could you comment on the government's approach to what seems to me almost like a Trojan Horse approach to our NAFTA agreement?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Well, senator, you're asking me to comment on speculation about a chapter that may or may not be negotiated in a trade agreement that's the responsibility of another minister. You're going to have to excuse me if I can't be specific in response to your question.

I can speak generally about it, and I can also speak a little more specifically about my relationship with Secretary Perry, my counterpart in the United States with whom I have developed, I would say, a warm and respectful relationship. I could talk to you about the integration of the North American energy market. You can't find very many people who think we should have a thicker border between Canada and the United States on energy. As a matter of fact, senator, I can't find very many people who want a thicker border between Canada and the United States period, or even Canada, the United States and Mexico.

There is the negotiation of an energy chapter in NAFTA that recognizes the integration of that economy, which is in the interests of all three countries. And that is the sensible way of negotiating any multilateral trade deal. It's not good enough for Canada to say, "This is a great deal in our interests," without factoring exactly what the impact might be on their partners.

When we go to the United States, which as you know is all the time, and talk to people right across the spectrum, mayor to mayor, legislator to legislator, province to state, Congress, senators, union leaders, CEOs, associations, every point of contact that we can imagine, we make the argument that this trade deal is good for our countries.

Global Affairs Canada has done a very smart thing. They have made a separate sheet for every state. When I'm travelling to Texas, for example, I can show the politicians in Texas exactly how dependent their people are on trade with Canada in numbers, in GDP, in jobs, in growth potential, and that is very powerful.

I know that the negotiations are being conducted and led by a very fine group of negotiators. Canada probably enjoys the best trade negotiators in the world, capably led. I'm hopeful that at the end of the day all three nations will see that this trade agreement approved is in the interests of all.

CRISIS IN CHURCHILL, MANITOBA

Hon. Donald Neil Plett: Thank you, minister. I want to follow up on what Senator Bovey already started with.

Minister, I just read that Minister Jane Philpott, Indigenous Services Canada, the Honourable Kathleen Wynne, Premier of Ontario and the Energy Minister of Ontario announced a $1.6 billion federal funding project to connect 16 First Nations in the province of Ontario to the provincial power grid. I'm sure that's a very worthwhile project and I'm certainly not condemning it.

The province of Manitoba needs from the federal government $20 million or $30 million to get the rail running to Churchill. And you rightly said, minister, that it is not just about the Town of Churchill. It's about the province of Manitoba and certainly all the Indigenous communities on that rail line.

There has been deal after deal trying to be made where the federal government got in the way.

Minister, I don't want to hear how great the people of Churchill are. We all know that. We know they're trying their best by having greenhouses and doing what they can. When will the federal government do what they can? Or, minister, is it because Ontario has a Liberal government and is going into an election on June 7 and the province of Manitoba has a Conservative government? Surely that wouldn't have anything to do with it, minister.

When will the federal government step up to the plate and help the province of Manitoba, the Town of Churchill and every community along that rail line?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senators, I have already spoken about the commitment of the Government of Canada not only to the people of Churchill but to the people of the North. I've talked about it in the short term, medium and long term.

As the senator knows, of course, the most important action taken by any government that affected the future of the Port of Churchill was the action of the Harper government that dismantled the Canadian Wheat Board.

If that isn't an opinion you appreciate hearing from me, then that is the interpretation that was given by Merv Tweed, a former member of Parliament who was part of a party that decided that the Canadian Wheat Board was not good for Canada. It certainly wasn't good for Churchill.

Senator Plett: Blame others.

Mr. Carr: I'll again assure all senators that the Government of Canada is committed to Churchill's role in the future of the northern strategy. We are working diligently to facilitate the possibility of opening up that railroad and giving that port a brighter future.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I am sure that all senators will join me in thanking Minister Carr for being with us today.

ORDERS OF THE DAY

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-FIRST REPORT OF COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Tannas, for the adoption of the twenty-first report (interim) of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Audit and Oversight*, presented in the Senate on November 28, 2017.

The Hon. the Speaker: Honourable senators, you will remember that before we broke for Question Period, Senator Wells was taking questions, at which time I indicated that he had two minutes left to take more questions. However, the table informs me that, in fact, Senator Wells' time has expired.

Senator Wells, I know that there are at least two other senators who wish to ask questions. Are you asking for five more minutes to take questions?

Hon. David M. Wells: I will accept those questions.

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

Hon. Senators: Agreed.

Hon. Lucie Moncion: In your address to the Senate last week, you put the emphasis on senators' expenses review and how important it is to create this oversight body. Although there have been a lot of measures put in place to avoid another scandal regarding senators' expenses, most senators are in favour of having an oversight body with external members whose mandate would be to monitor senators' expenses and make sure that rules and policies are followed.

Transparency and accountability are the leading factors in this regard. In the twenty-first report, you recommend that more powers be allocated to this oversight body and that it takes on the responsibilities of the CIBA subcommittee on audit and becomes a standing committee with new powers to review in camera proceedings of other committees, study issues on its own initiatives, act independently from CIBA and interpret the *Senate Administrative Rules* relating to its work.

That fact that the report recommends the creation of a standing audit and oversight committee has brought on two situations. The first is related to internal and/or external membership. The second is related to the mandate of this committee.

If you have external membership on this committee, do we combine oversight and audit or do we keep these two functions separate?

Senator Wells: Thank you for your question, Senator Moncion. The question of internal versus external members was discussed at length. It was probably the topic of discussion we had more than any other. There were a number of senators — there are only five senators only the subcommittee — who wished to have external members. At the end of our discussion and deliberations, in fact, it landed in our recommendations that if the proposed committee took all of their evidence on camera, not in camera, that that public independent view would be carried by the 35 million Canadians who care to see the committee. So we did address that.

It's a good question. It's a question that still is outstanding because I've heard from some people in the chamber that they would still like this.

So I would leave that. If this is recommended to be reviewed by the Rules Committee, I would leave that to Rules to have a discussion and to make a recommendation back to the chamber.

I know I spoke earlier about the need for an internal auditor, which the Senate doesn't currently have. I note that in Senator Massicotte's speech on this he said we did have an internal auditor, which we don't. It was one of the recommendations made by the Auditor General in his report. We would propose having an internal auditor. Obviously, there is an external auditor that is retained by the Senate.

• (1650)

They would not be members of the committee, but they would be full-time advisers to the committee. For me that might cover it, if there's a strong wish to have external contributions to the committee.

With respect to what oversight and audit might happen, I mentioned earlier, in the response to Senator Saint-Germain — and, again, I would leave it to the committee to decide specifically — one of the things that the committee would look at would be not just the oversight of the systems we have when we look at expenses, not just of expenses of senators, but expenses of our 16 directorates. There would be oversight of that to make sure that the systems have rigour and that we use best practices, but also the specific sampling and audits of individual senators' expenses — travel, living and office. It would be a combination, not a separation. We would have oversight of the systems that are employed, and then we would do specific audits to satisfy some of the things that the Auditor General recommended. Really, it's to prevent what did happen from happening again.

The Hon. the Speaker *pro tempore*: Senator Wells, would you accept a question?

Senator Wells: I would.

The Hon. the Speaker *pro tempore*: Are you asking for five more minutes?

Senator Plett: Only this question.

The Hon. the Speaker *pro tempore*: Only this question. Are honourable senators agreed?

Hon. Senators: Agreed.

Hon. Percy E. Downe: I was originally supportive of the Auditor General coming in to do an audit. And prior to my appointment to the Senate, I worked in line departments for provincial and federal governments and central agencies and then in political offices, and I had been involved in two other audits, one for a section I was responsible for. But to say "shocked and appalled" doesn't capture my emotions when I found out the cost of this audit was $27 million.

I come back to the cost restrictions that will be on this, and I'm referring to the audit of the Auditor General that those of us who were here at the time went through, and for those new members who were working in various departments and agencies of government, as I indicated, there were all kinds of rules in the Senate. Quite frankly, I found there were more restrictions here in many areas than I experienced in provincial and federal government departments.

Having said that, in hindsight I consider the Auditor General's work a complete donnybrook. They went through every travel expense of every senator. I'll pick Senator Marshall for an example. Senator Marshall, you may not know, is a chartered accountant by training, a former Auditor General in Newfoundland and Labrador, a former member of the provincial legislature, and a former minister. They kept going through every travel expense, as they did for every one of us. A complete waste of resources.

I know the Auditor General eventually recovered $600,000 from the $27 million. No Canadian would consider that a return on investment.

I think of all the projects in Prince Edward Island desperately seeking federal funding, and this institution spent so much money opening the barn door to an audit that got totally financially out of control.

Prior to approving this, in my opinion, what restrictions do you have and how much money are we going to spend? And at which point is there a tripwire that if these auditors go over that amount that you come back to the whole Senate to seek approval for additional funding?

I don't want to pick up the paper two years from now and realize we spent multiple millions again to recover an important — $600,000 is not insignificant, but it is against a $27 million cost.

Senator Wells: Thank you for your question, Senator Downe. I'll try to answer it quickly so that I stay within my allotted extra time.

You're right: $27 million is ridiculous. If I had known it was going to cost $27 million to recover less than $600,000, I wouldn't have been in favour of it either.

We've proposed a budget for this audit and oversight committee of $500,000 per year. We think that would be money well spent. Much of it, $472,000, would go toward an internal auditor or internal audit function; so there would be an internal auditor and staff associated with that. That would be $472,000. The rest of the money, to $500,000, would be for the standard overhead of a committee.

If there is more, we would come back to Internal Economy, or certainly come back to the chamber, to request that money and justify it. We would hope that the rigour that this committee would have on audit, and specifically oversight, to make sure that the systems we have are good, that they're best practices, would ensure that the money spent by taxpayers on the Senate of Canada is money well spent.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Michael L. MacDonald moved third reading of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins), as amended.

He said: Honourable senators, it is my pleasure to speak today at third reading of Bill S-238, the ban on shark fin importation act, which I tabled in the Senate Chamber last spring.

I'll try to be as brief as possible, and I'll strive not to be too repetitive, as you have already heard me speak at second reading and at the report stage last month and, for some of you, at committee as well.

For the reasons I'll outline, I believe this legislation comes at a critical time for shark species, many of which are at a tipping point, even flirting with the threat of extinction. The bill before you today would allow for Canada to take a leading role in protecting these vulnerable and critically important species.

Bill S-238 is short and simple. It proposes to ban the importation and exportation of shark fins into and from Canada that are not attached to a shark carcass. I should note that exceptions would be provided for by ministerial permit if the importation of fins is for the purpose of scientific research and benefits the survival of the species. The bill would also define and enshrine into law the prohibition on the practice of shark finning.

Although shark finning has been banned in Canada under licensing conditions of the Department of Fisheries and Oceans since 1994, unfortunately the importation of shark fins continues to be permitted.

As we heard at committee from several witnesses, this leaves a huge legal loophole that is easily exploited. Essentially, as long as shark fins enter our country on a shipping vessel rather than a fishing boat, they are legal for trade within Canada, even if they are sourced from shark finning.

Our Fisheries and Oceans Committee conducted an extensive study of this bill, and I want to thank Senator Manning and all senators on the committee for their comprehensive work. At committee we heard from numerous experts, including marine ecologists Dr. Boris Worm from Dalhousie University and Dr. Dirk Steinke from the University of Guelph, both leading scientists in their field.

We also heard from Iris Ho, a native of Taiwan, who was the Wildlife Campaign Manager at Humane Society International; and Kim Elmslie, Campaign Director at Oceana Canada. They both provided excellent testimony, and it was wonderful to hear from representatives of such reputable organizations.

Additionally, the committee heard from Kristyn Wong-Tam, a city councillor from Toronto, who has been a leader in working to end the fin trade in her city. She also tabled the motion that was passed by Toronto City Council to support this legislation. We also heard from Joanna Hui, as an individual, who has worked as an activist in this field for some time.

We were also fortunate enough to hear from Brian and Sandra Stewart, the parents of the late filmmaker Rob Stewart, who delivered impassioned testimony on the urgency of the issue and the legacy of their son. This bill was inspired by Rob's work. His award-winning documentary, *Sharkwater*, is largely responsible for shedding light on the detrimental effects shark-finning is having on the species.

• (1700)

I must also acknowledge the support of Sandra, Brian and Alexandra Stewart, Rob's family, who are bravely continuing Rob's mission to protect sharks. It was an honour to hear from Brian and Sandra during our study at committee, who testified almost a year to the day since their son's passing.

Rob, you'll recall, tragically passed away in January 2017 while filming the sequel to *Sharkwater*. Rob committed his life to educating the public not only of the ecological damage being done by this practice, but about the true nature of and importance of sharks in our ocean ecosystems.

Finally, we heard from federal government officials from DFO as well as Environment and Climate Change Canada, whom appeared twice to answer additional questions that the committee had for them. I thank all the witnesses for providing such enlightening and informed testimony.

Shark-finning is a global phenomenon that is decimating one of the most critically important species on the planet. Scientists estimate upwards of 100 million sharks are killed each year to satisfy the rising global demand for shark-fin soup. It is an ecological disaster in full progress. As Dr. Worm testified at committee, ". . . two out of three shark species in the fin trade are either threatened or near-threatened with extinction . . . ." Dr. Worm also noted:

> There is no doubt that the fin trade is threatening many shark populations with extinction.

Most of these sharks will have their fins cut off at sea, usually while they are still alive, and then thrown overboard to drown or bleed to death. Ninety-eight per cent of the animal is discarded and wasted in the process. Imagine the disgust and the outcry from people if we targeted large land predators with such destructive cruelty.

As I've previously mentioned, the reason the practice of finning is so widely utilized by fishing vessels is a matter of simple economics. With high demand and retail value of fins, the fins are far more valuable than the remainder of the animal. By discarding the carcass, fishing vessels can save valuable space on board to stockpile an infinite number of fins.

Bill S-238 would put an end in Canada to the trade of fins that in all likelihood are the products of finning from entering our borders. As we heard at committee, in 2017 alone, Canada imported over 170,000 kilograms of shark fins, a 65,000-kilogram increase since 2012.

Before I go further, I want to be clear about what this bill does not do, even with the amendments provide by our Fisheries and Oceans Committee. Bill S-238 does not ban shark-fin soup. It does not ban the sale or consumption of shark fins within Canada. In fact, shark fins will still be imported and exported so long as they are attached to the carcass.

This bill solely targets shark fins that are not attached to a carcass because we cannot effectively determine the species, its sustainability or whether it is the product of finning.

I also want to reiterate that this is not a partisan issue. A similar bill was introduced by NDP MP Fin Donnelly in the last Parliament. I've had discussions with senators and members of Parliament from all sides of the spectrum who have been very supportive.

The issue before us is simply that the global trade of shark fins is unsustainable, irresponsible, unbelievably cruel and ecologically reckless. It is destroying a critical species of the marine ecosystem. It is not an overstatement to raise fears of eventual extinction, because it is the only possible outcome unless we collectively do something to stop the carnage.

Sharks have been swimming in our oceans for at least 420 million years. As Dr. Worm said at committee:

> These are some of the oldest living vertebrates on the planet. They are twice as old as dinosaurs are, but they are still around. They have survived mass extinctions and now the main threat to the existence of this group is shark finning.

As apex predators, they play a most critical role in maintaining the health of the oceans. Our oceans cover three quarters of the Earth's surface and contain 80 per cent of the life on the planet. As Kim Elmslie of Oceana Canada testified:

> The apex predators impact ecosystems in incredibly significant ways by preying on the weak and sick, removing them from the ecosystem, and also by preying on certain species, like rays, marine mammals and even smaller species that control populations of commercially important species, the species we want to eat . . . .

Most sharks do not spawn but give live birth and usually with small litters. They have very slow sexual maturity — anywhere from 10 to 25 years — so their reproductive rates are extremely low. They are a species that would have great difficulty recovering if their numbers drop too low. With the exception of killer whales, large sharks have no natural enemies, but now man is wiping them out.

Dr. Dirk Steinke of Guelph University told the committee:

> . . . at a certain tipping point, it is almost impossible to recover these populations simply because the entire population growth is very low and slow.

Sharks are a remarkable species that, unfortunately, has been demonized within our society, seen as dangerous man-eaters and as a constant threat to human safety. But it's important to understand the true nature of sharks and the critical role they play in our oceans.

The poaching of an elephant or rhinoceros simply for the prestige some misguided individuals associate with the ivory of their tusks and horns is deplorable. I think we can all agree on that. Canadians rightfully view the slaughter of these animals and other endangered or threatened animals with outrage. The carnage of shark-finning, however, is left on the bottom of the ocean, out of sight and in large part away from social consciousness. To this point, Brian Stewart warned the committee:

> If the last panda goes down, as a species, man doesn't stop to exist. If the last elephant dies, man does not go down as well. If the last shark goes down, the balance in the ocean goes and we go down with it.

What is ironic, colleagues, is that shark fins provide virtually no flavour to shark-fin soup. The fins provide only minor texture, which is now easily reproduced and replicated through other additives. Furthermore, the misconception that the animal's products contain nutritional and even medicinal properties has been disproved by modern science. In fact, sharks have been found to contain high levels of methylmercury, a neurotoxin that is dangerous to humans when consumed.

While some countries like Canada have regulations in place to protect against shark-finning in their waters, the industry remains under-regulated, and where regulations do exist, they are inconsistent or unreliable. As we heard at committee, in international waters, it's like the wild west.

I mentioned earlier that Canada imported over is 170,000 kilograms of shark fins in 2017. The vast majority of these fins come from Hong Kong and mainland China, by far the largest players in the global market and the primary hub for imports and re-exports and where fins are very like to have been sourced from shark-finning. We heard at committee that Hong Kong and China collect shark fins from over 80 countries, then process and re-export them all over the world, Canada included.

Without consistent regulation and monitoring worldwide, it is impossible to effectively determine whether the shark fins being imported into Canada are from sharks that were landed whole and not finned and discarded at sea. Simply put, it is impossible to know whether fins entering Canada are a product of finning.

Additionally, there is no reliable means to identify the species of the imported fins and ensure they are not of a vulnerable, or even a protected, species. The only way to determine the species of the shark fins entering Canada would be to perform a costly and time-consuming DNA test on all products. This is completely unrealistic. As Dr. Worm told the committee:

> Species identification is very difficult once the fins are detached because the skin is removed, they get bleached and change in many ways. It's very hard to tell the species once it's processed as a shark fin. This means it's almost impossible to distinguish between threatened and non-threatened species unless you use the very involved DNA techniques . . . .

Our border services cannot be expected to effectively monitor and ensure imports are not sourced from finned sharks. That is not just a realistic proposition. Although Canada is a relatively small player in the shark fin market in comparison to the likes of Hong Kong and mainland China, according to the Food and Agriculture Organization of the United Nations' 2015 report entitled *State of the global market for shark products*, Canada is the largest importer of shark fins outside East Asia, meaning Canada is in part to blame for the state of some of these shark species. We are enabling this unsustainable slaughter.

However, as Mr. Stewart proposed, we have the power to make a statement to the world stage and say it's wrong. Even if we're only 2 per cent of the wrong, we're still wrong. This is what we have to step up and do. We have to say that it's wrong. It's morally wrong to wipe out a species.

• (1710)

The statistics on the plummeting populations of shark species are staggering. Shark finning has absolutely devastated populations worldwide, with some having declined by more than 80 per cent in the last 50 years. Others, for example, 89 per cent of hammerheads, 80 per cent of thresher sharks, 79 per cent of great whites and 65 per cent of tiger sharks in the Northwest Atlantic alone are estimated to have disappeared. This in addition to 87 per cent of blue sharks in the tropical Pacific, as well as 90 per cent of silky sharks and 99 per cent of the whitetip sharks in the Gulf of Mexico. Seventy-four shark species are now listed as threatened, with another 67 as near threatened. Fourteen of the most targeted shark species for the fin trade can be found on the threatened list.

There are over 450 species of sharks, but, unfortunately, fewer than a dozen currently have protection internationally under the Convention on International Trade in Endangered Species, known as CITES. Yet, for these species, according to the Canadian branch of Humane Society International:

> . . . there is little to no actual enforcement of the relevant import restrictions in Canada. Shark fins are not labelled by species or country of origin, and many endangered sharks continue to be killed for their fins.

They continue:

> . . . Without a ban on the importation of shark fins into Canada, there is simply no way to ensure the fins of vulnerable shark species do not enter the country

They are right, and the evidence speaks for itself. Dr. Steinke presented to the committee the results of a study he conducted using samples of shark fin found on the Vancouver market. Of the samples that he and his colleagues collected, 80 per cent were from species at risk. This is here within our own borders.

Furthermore, the committee learned of a probe conduct by DFO and Environment Canada on shark fins collected in Calgary, Vancouver and Toronto, which found that as many as one third of the fins on those markets are from the CITES-protected species of shark. These are the species that are most at risk and are meant to be protected from international trade. Yet, here they are in our Canadian markets because, quite frankly, we have no idea what is crossing over our border.

I truly believe that Canada is capable of doing better and that Canadians expect those that govern us to do better in protecting and preserving our wildlife.

Some questioned whether it would be possible to limit imports solely to states that have a so-called sustainable fishery. The problem there, colleagues, is that sharks swim. Although a shark may be fished sustainably in one jurisdiction, it may be subject to unsustainable practices in other waters. As Dr. Worm noted, although some sustainable shark fisheries exist, they are a drop in the bucket. Sharks are simply too vulnerable when subjected to human exploitation.

Since introducing Bill S-238 in this chamber, I have had an overwhelming number of individuals and organizations express their support for the legislation. I have yet to receive correspondence from a single individual or organization that is opposed to the bill. In addition to the support of Toronto City Council for Bill S-238, Montreal's city council also adopted a virtually identical motion. I recognize Councillor Marvin Rotrand for his work in tabling that motion, and I thank him and his colleagues for their support.

Honourable senators, Canada's two largest municipalities have sought to express to Parliament and the government their support for this legislation. This is a rare, if not unique, occurrence.

Many other municipalities are taking the initiative as well, as many as 17 at last count. In fact, my office received a letter this month from a 12-year-old in Cochrane, Alberta, named Belle Levisky. She has founded the 7 Fins Forever Foundation and, this fall, successfully lobbied her town council to adopt a bylaw against the sale and use of shark fins in Cochrane, Alberta, an impressive and commendable accomplishment for any Canadian, let alone someone of such a young age.

Congratulations, and thank you, Belle, for your leadership and determination to make a difference.

As I mentioned during my speech at second reading, a petition has been created online at change.org in support of Bill S-238. At the time of that speech, there were 15,000 signatures. At the outset of the committee's study, there were 18,000 signatures. Now, as we begin third reading, there are more than 58,000 signatures.

I'll also remind you, colleagues, of a 2013 poll conducted by Environics Research Group that found that 81 per cent of Canadians support a ban on the importation of shark fins into Canada. Clearly, Canadians are in broad agreement that shark finning is a cruel, wasteful and unacceptable practice, and they welcome action on our part.

This issue is not going away, and I think we, as Canadians, have to decide which side of history we wish to be on. We are seeing a trend among other jurisdictions as well. According to testimony we heard at committee, 12 U.S. states and three Pacific territories have now adopted shark fin bans. There is also a bill currently before the U.S. Congress that proposes to ban the sale and trade of fins at the federal level in the United States.

Several smaller countries have implemented similar bans, but, as Iris Ho, from the Humane Society, said at committee:

> This is really an opportunity for Canada to become the first large industrialized country to ban the import of shark fins.

I want to note as well that, although East Asia is certainly the hub for the shark fin trade, there has been significant progress, in recent years, in that region, promoting awareness of the ecological effect of shark finning. In fact, many Asian organizations and communities have been amongst the most outspoken against the practice in recent years.

Much of the legislation being adopted at all levels of government is being championed by individuals of Asian descent. We are also seeing a similar and promising trend in Asia. For instance, the Chinese government has banned shark fin soup from all official banquets, and last year Air China announced that it is banning shark fin cargo, becoming the first airline in mainland China to do so. They join at least 35 other airlines and 17 global container shipping lines worldwide to ban shark fin cargo.

As Canadians, we must do our part. Bill S-238 provides Canada with the opportunity to send a strong message to the global community that the current state of the shark fin trade is unacceptable. Canada can lead on this issue. We have the opportunity here, honourable senators, to be the first large, industrialized country to ban the import and export of detached shark fins.

The solution to ending the shark fin trade will certainly have to be at the international level, but this is Canada's opportunity to show the way. Banning the importation and exportation of fins will provide us with the platform to encourage others to follow suit, and given the clear trend we are seeing, I firmly believe that others will follow our lead.

Colleagues, as I mentioned at the report stage, following the extensive study undertaken by the Fisheries and Oceans Committee, several amendments were proposed and accepted that I believe strengthen the bill. I am completely in favour of the amendments, and I believe there was broad consensus among all committee members to proceed with the bill in this manner. The series of amendments tabled by Senator Gold had two objectives.

Firstly, the bill was amended to ensure that parts and derivatives of shark fins would be captured under the scope of the bill. The question was raised at committee as to whether processed shark fin as an ingredient, for example, would be captured under the original wording. Witnesses also recommended amendments to this effect.

Secondly, the scope of the bill was extended to include a ban on the exportation of shark fins and not only the importation as originally drafted. Although the committee heard that Canada does not currently export shark fins, this was done to ensure that Canada is in full compliance with our trade obligations under the World Trade Organization.

The committee came to this decision following the appearance of government officials from DFO and Environment Canada, who are supportive of the objective of the bill but had concerns regarding Canada's trade obligations. The officials indicated that the inclusion of exportation would address those concerns.

In brief, the amendment to add exportation was done to ensure a level playing field for imported foreign products and any potential exported domestic products. Since we don't export fins anyway, this really has little effect other than to ensure there is no perceived discrimination between foreign and domestic products.

My office consulted with stakeholders regarding these amendments, all of whom are highly supportive.

Colleagues, as I conclude my remarks, I think it's very evident that this is what Canadians want. Polling consistently shows that Canadians support an import ban. We have Canada's two largest municipalities, Toronto and Montreal, that have passed motions to support us, with similar initiatives being seen in other communities across the country. We heard overwhelming evidence at committee from our country's leading scientists and activists in the field that support this legislation and believe it is the right thing to do.

• (1720)

We've also received several unsolicited representations of support from international organizations and experts, including from the Center for Oceanic Awareness, Research and Education in California; Fins Attached Research and Conservation, in Colorado; and from the President of the Association of Pacific Island Legislatures.

This bill is the only way to ensure Canada does not support shark finning.

I believe it is hypocritical, duplicitous and unacceptable for Canada to prohibit the practice of shark finning, while allowing the importation of shark fins that in all likelihood are sourced from shark finning.

On a final note, colleagues, the Stewarts described to us at committee what Rob's response was when asked why he wanted to make a sequel to *Sharkwater* rather than pursue another cause. He said, "Sharks don't have that much time. By the time we figure that out, they'll be gone."

There is an urgency here, colleagues. Let's be on the right side of history and let's show the world that Canada is prepared to lead the way.

Thank you, colleagues, for your time and your attention.

[*Translation*]

Hon. Rosa Galvez: Honourable senators, I rise today at third reading of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, more commonly known as the ban on shark fin importation act. I support this bill and congratulate Senator MacDonald on his initiative.

First, I would like to acknowledge the efforts of the late Rob Stewart, the filmmaker whose documentary *Sharkwater* shone a light on shark finning and its devastating effect on shark species and the entire marine ecosystem. My hope today is that there are more film, journalism and media professionals uncovering the atrocities perpetrated against the environment and biodiversity.

[*English*]

I mentioned in my speech at second reading that Bill S-238 is a good step in protecting sharks from the global practice of shark finning, but that this initiative should be the start in protecting species from practices that, if uncontrolled, can lead to extinction. Shark finning is a deplorable practice, especially because sharks need to propel themselves through the water to pass water over their gills to breathe. Senators, the thought of sharks having their gills brutally sawed off only to be tossed back into the ocean, to sink to the bottom and die is a chilling reminder of the brutality of which some humans are capable.

Not only sharks, but many species require protection. This past Tuesday, you may have seen in the news that the last male northern white rhinoceros has died. With two females still living, this sub-species is functionally extinct, having been poached to extinction for their horns.

Our colleague Senator Griffin reminded us that not only does shark finning have an effect on the shark population, but it may have a devastating effect on the entire ecosystem by destabilizing the food web. The loss of apex predators such as sharks from human activity greatly impacts the health of marine and global habitats. According to the International Union for Conservation of Nature, biodiversity is being lost at a rate of up to 1,000 times the natural rate. Ecosystems are delicate webs that support life on this planet — including us. If no international coordinated action is taken, our children will only see some species in books or in videos.

[*Translation*]

Bill S-238 is a short bill that addresses certain environmental concerns by prohibiting the importation into Canada of shark fins that are not attached to the carcass, unless they are being imported for the purpose of scientific research to benefit the survival of the species. The bill represents for an opportunity for Canada to show leadership in the conservation and protection of the world's shark populations.

[*English*]

The sponsor of this bill, Senator MacDonald, spoke about the amendments to the bill in the committee report. First, the parts and derivatives of shark fins were captured in the wording and, second, to add exportation as well as importation to the ban. To reiterate, as Canada does not export shark fins, this has little effect overall on the bill. I agree that these amendments strengthen the bill. I support the amendments to the bill and thank the committee for their work.

Colleagues, I urge you to join me in voting to pass this bill in this chamber without delay.

(On motion of Senator Martin, debate adjourned.)

TRANS MOUNTAIN PIPELINE PROJECT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Douglas Black moved second reading of Bill S-245, An Act to declare the Trans Mountain Pipeline Project and related works to be for the general advantage of Canada.

He said: Your Honour, honourable senators, I'm happy this afternoon to have the opportunity, particularly after having heard from Minister Carr earlier today, to speak at second reading of Bill S-245, An Act to declare the Trans Mountain Pipeline Project and related works to be for the general advantage of Canada.

There are three initial points I would like to make, honourable senators, from questions that people have raised with me respecting the legal basis of this particular bill.

First, I wish to suggest to you that this bill will provide a foundation for federal action. What we have heard, and what we continue to hear today, is that the Government of Canada has clearly indicated by words their intention. However, we need to create a situation where action can be taken to advance this project, which is in the general interest of Canada. It will also send a clear and certain signal that the Parliament of Canada values this project and recognizes it's in the interest of Canada.

People have said to me — and we've heard the minister refer to this today — "But why do you need a bill to do this? The Government of Canada already has the authority to control the interprovincial pipeline." There are three points on that.

First, I would argue that it is settled constitutional law — if you refer to the *Constitutional Law of Canada*, Fifth Edition — that a declaration must be explicit. You cannot imply a declaration that a work is for the general advantage of Canada. There are any number of examples of statutory pieces of legislation.

The declaratory power has been used some 400 times in the history of Canada. There are four particular pieces of legislation that I'm going to flag for the benefit of the record that relate directly to what I want to speak about. The Detroit River Canada Bridge Company Act, of 1928, the Hudson Bay Mining Declaration, of 1947; the Quebec Northshore and Labrador Railway of 1947; and An Act respecting CN Rail, provided the amalgam of rail companies that formed CN Rail in 1955. In each of those pieces of legislation, there is an express declaration — and these are only four examples — that this work is for the general advantage of Canada.

• (1730)

And why does that matter? Why does it matter that something be for the general advantage of Canada and a declaratory power needs to be used?

The reason is as follows: Once the power is used and affirmed by the legislature, all ancillary works to the pipeline are included in federal jurisdiction. Therefore, if we were to pass this legislation, all local roads, local bridges, power connections, storage facilities and anything related to the construction, operation or maintenance of the pipeline becomes the jurisdiction of the Government of Canada.

The effect of that, of course, is to exclude the governments, in this case, of British Columbia and, in this case, the municipalities of Burnaby and Vancouver, from having any legislative authority. That is why you have to declare a work to be for the general advantage of Canada.

"I acknowledge," the minister said, "the actual pipeline of course is regulated constitutionally by the Government of Canada because it's a matter connecting two provinces." But that's not the problem. The problem here is that it's the intervention of governments on ancillary works that will be a roadblock. That's why, in my submission to senators, we need to ensure that the declaratory power is used.

I want to indicate the purpose of the bill before you. It's clear we have to pass this, in my submission, to ensure that the Trans Mountain pipeline and any works related to it are carried out in accordance with the National Energy Board permits and the laws of Canada. Therefore, following from that, we have clause 4, the only operative clause in the bill, making that declaration.

Why do I argue that this is necessary? There are two principal reasons. One is arguments around the rule of law, and this afternoon we heard the minister on this, and the second is arguments around Canada's competitive position and, therefore, prosperity.

On the rule of law — and I will come to my more detailed arguments in a moment or two — let us keep in mind that the preamble to the Constitution Act of 1982, the so-called Charter of Rights and Freedoms, states:

> Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

I would suggest to senators that perhaps our first job as legislators is to make sure the laws of Canada are upheld.

My remarks are not long today, because I think this matter has been ventilated pretty extensively, but I think it would be important for senators to have a sense of the road that Kinder Morgan has had to follow with respect to developing the Trans Mountain pipeline. Senator Neufeld, in his comments last week, referred to a number of the points, but let me take a moment or two to talk about their journey.

Their journey started seven years ago in the fall of 2011. Some preliminary matters that must get under way with the pipeline moved into June 2012 when they filed their first application with the National Energy Board. They commenced between May 2012 and July 2013 their community engagement activities, and it's important that the record show what they did by way of community engagement.

There were 63 engagement open houses and workshops along the pipeline route and the marine corridor, attracting an attendance of 2,761 individuals. There were 527 meetings between project team members and stakeholder groups, and there was engagement with more than 100 Aboriginal communities and additional Aboriginal groups.

In July 2012, the B.C. government imposed five new conditions on the pipeline proponents. There was great debate at the time about the appropriateness and the timing and whatnot, but nonetheless, the five conditions were accepted and Kinder Morgan moved forward.

Between July 15, 2014 — this is still four years ago — and December 15, the National Energy Board conducted exhaustive processes with respect to this hearing. Notwithstanding two years of hearings, ending in final arguments being presented in January 2016, as the minister informed us today, his government — the new government — introduced additional interim measures for pipeline reviews.

All satisfactory; it is their right to do so, but recognize that many would argue that the barn door had closed.

Nonetheless, the Government of Canada introduced additional interim measures for Trans Mountain to do additional consultations with Indigenous people and assessment of upstream greenhouse gas emissions associated with the project.

Three months later, the government announced an additional hurdle that Trans Mountain had to pass. On May 17, 2016, they introduced the so-called ministerial panel that the minister referred to this afternoon, who were to undertake additional consultations. I simply indicate this by way of making sure the record is complete. Trans Mountain did not complain. Trans Mountain moved forward to do the consultations required.

Indeed, in that regard, they continued aggressively to do that until November 29, 2016 — still two years ago — when the Prime Minister announced that the project had received final federal approval, saying the project was in the national interest.

Two months later, the Government of British Columbia announced the project had received its environmental certificate from the Environmental Assessment Office, which is the role and responsibility of the Government of British Columbia.

Now, put yourself in the position of Trans Mountain. You have been aggressively pursuing a project for seven years now. You received the permits that you have sought to receive after extensive legal and additional consultations, and you received the authority from the government. You would normally, and naturally, be entitled to think that you can now move forward to develop the project, which the Prime Minister of Canada says is in the national interest of the country, and that is exactly what they started to do. They started to do the work you would expect to build a pipeline between Edmonton and Burnaby — that is to say, to expand the pipeline between Edmonton and Burnaby.

So where are we today?

The court actions continue on a number of fronts. Civil disobedience has begun. There were a series of injunctions granted to Kinder Morgan and Trans Mountain two or three weeks ago because they were unable to do the work required at their site in Burnaby.

As is their right, they went to the courts in British Columbia to obtain injunctions, which were granted. Those injunctions are being violated on a daily basis. As of today, there have been 172 arrests of individuals who decided to take the law into their own hands.

There have also been, as Senator Unger has pointed out, three RCMP officers injured, one seriously.

Violence flared up again Sunday evening.

I can also say that over the weekend, the Burnaby City Council, in their wisdom, has decided to stop funding overtime for the police in Burnaby, who are enforcing the laws of this country to protect the Kinder Morgan assets and employees.

By anyone's definition, this is a violation of the rights of Kinder Morgan to advance with their legitimate project. It is, I would submit to my colleagues, a violation of the rule of law that should not be tolerated.

So if you have any doubt at all about the intentions of the Government of British Columbia with respect to this project, let me say clearly that I have no objections to people pursuing legitimate interests. We're all entitled to our opinions. But we're not entitled to break the law in advancing our opinions.

I want to refer to an interview given by Andrew Weaver to Evan Solomon on February 25 on CTV "Question Period." Who is Andrew Weaver? Our Senate colleagues from British Columbia will know, and my Senate colleagues from Alberta are certainly getting to know.

• (1740)

Andrew Weaver is the leader of the Green Party in British Columbia. The Government of British Columbia is an NDP government only because the three members of the Green Party are supporting them. They have a deal to put them in government. Fair enough. That's the democratic system.

Mr. Weaver is the leader of the Green Party and is key to propping up the NDP government. He was interviewed by Mr. Solomon and I am going to extract some of the things he had to say so there can be no doubt at all about what his agenda is and, I would suggest, the agenda of British Columbia.

Mr. Solomon said to him, quoting Premier Notley of Alberta, "British Columbia, you cannot stop the pipeline." Your threats, in her words, are ridiculous. Mr. Solomon asked Mr. Weaver, "What do you think about that?" Mr. Weaver volunteers, "The seven-year process before the NEB and consultations is a complete sham."

He goes on to say, "The reality is this: The approval of Kinder Morgan had nothing to do with evidence. It had nothing to do with science. It had everything to do with the pure political ambitions of Mr. Trudeau."

Mr. Solomon goes on to say that Mr. Trudeau has said the National Energy Board has approved the pipeline with 157 conditions, all of which are being met; that the pipeline is in federal jurisdiction; that Kinder Morgan has a constitutional right to have it built. I say to the Prime Minister, the pipeline will be built. Mr. Solomon asks Mr. Weaver, "Will this pipeline be built? Do you believe this pipeline will be built?" Mr. Weaver says the pipeline will never be built. The reason is multifold. Number one is that the British Columbia government is right now before the courts with respect to the environmental processes. There are also multiple Indigenous First Nations cases before the courts as well. And we know that is a strategy. As a lawyer, I can tell you that is a strategy. You endeavour sometimes to tie up your clients with litigation.

Mr. Solomon presses on. He says, "Okay. I understand that strategy, but what do you do if the courts don't rule in your favour?" A circumstance, incidentally, we're starting to see now.

Mr. Weaver volunteers the following, "We know there's a significant fraction of people who live in Vancouver and other parts of British Columbia who are opposed to this project, and it doesn't take a great deal of work for people to go to the site and protest. And you know, based on just the previous protest, this is going to be a problem."

He is suggesting that people are going to take to the streets to oppose the pipeline. Again, I have no objection to that, but you have to do it in accordance with the law. Mr. Solomon says, "Your strategy seems to be that if you can't stop it, you're going to delay it to death. Is this how you're going to proceed? Court proceedings, delay it and finally Kinder Morgan walks away? Is that your strategy?" Mr. Weaver says, "Well, there is a reality in this."

So all the world should know that that is the strategy of the Government of British Columbia to wear Kinder Morgan down. And as we've heard from the Prime Minister, Minister Carr and others, continual assurances that the pipeline will be built, I regret to think that the pipeline is not going to be built unless the federal government puts itself in the position to take what action is required to get the pipeline built, and this bill will allow them to do exactly that.

My second reason relates to something that we know well, senators in this chamber — that the competitive position is being eroded in Canada, and in large part it's being eroded in Canada because there is a sense which has developed that Canada is the country where projects come to die. I regret to say that, but if you look at the numbers, there have been 29 projects, as the *Financial Post* recently revealed, over the last number of years valued at about $129 billion that have simply stopped or gone away because of the consultations that were required in this government.

Canada has a sign in its window today saying "closed for business," and we cannot allow that because the prosperity that we need to develop what we want in this country, the consultations we talk about, the prisons that we need, the schools we need, the airports we need, cannot be built unless we have the funds to do that.

We also know that we're in a position now, between ourselves and the United States, where our competitive position is worsening. I don't want to prejudge it. Maybe we'll come to some balance around tax and the other issues, maybe we'll come to an agreement in respect of NAFTA. Let's all be hopeful, but the reality today is we are increasing taxes and increasing regulation at the very time that our major client and competitor is doing exactly the opposite.

Business investment to Canada has stopped. New business investment to Canada has stopped. In fact, Statistics Canada indicates we are continuing to not only stop investment, but that it has been declining year over year for the last four years. This is not a position we want to be in, and it's not a position we can countenance.

Now, the issues around us solving these problems are not going to be solved exclusively by Trans Mountain, but it's going to send a signal to the world that you actually can get a project done in Canada once you have the authority to do it.

Scotiabank, in their report of last month when they reviewed it, said that our inability to build Trans Mountain is a self-inflicted wound. They estimate that we are losing because of the price differential — I won't go into the details why that is, because I know my colleagues understand that — we are losing $15 billion a year.

Now, that is 15 new billion-dollar hospitals a year, 750 schools a year or 30,000 kilometres of highway a year that we are foregoing. There is no nation in the world that does not aggressively support its export markets. There is no nation in the world, other than Canada, which is not aggressively supporting its export markets. And no one is advocating that we do it in any other way but the Canadian way, which is respect for rules, regulation and consultation, all of which has been done.

I want to quickly end with a couple of comments from an article that was published in the *Globe and Mail* on February 20, authored by Martha Hall Findlay. Many of you may know her. She was an MP in Ottawa for a period of time. She serves with great distinction currently as the President and CEO of the Canada West Foundation, a great think tank based in Calgary. She has opined the following on the matter:

> Canada depends on investment, both domestic as well as foreign. Without investment, we die. If we can't compete for that investment – if potential investment chooses to go somewhere else – we all suffer. . . . But investors need one basic thing: confidence in achieving a return in a reasonable period of time. . . . The things that are beyond their control – the political and legal environments – need to be reliable. . . . Because investors need certainty above all else, one of the key reasons for Canada's prosperity is that it has been an attractive, reliable, rule-of-law kind of place to invest.
>
> Unfortunately, that reputation has been disappearing . . . If, in Canada, the commitment of a government is worthless when that government changes, who in their right mind would spend years, and huge amounts of money, without some certainty that if they comply with all of the rules, they will be able to build?

• (1750)

That is the precise position in which Kinder Morgan and Trans Mountain find themselves today. They have spent hundreds of millions of dollars, and they have played by every rule put before them. They have never complained about the hurdles put before them, and now they're in the position where they're facing civil disobedience to developing legitimate projects, and the City of Burnaby is not prepared to pay for overtime policing. What is a business supposed to think?

Martha Hall Findlay goes on to say:

> This may make certain activists happy. It most certainly makes U.S. oil companies very happy to pay half-price for Canadian oil because we can't get it to any other market. But the majority of Canadians should be furious at how a small number of people are jeopardizing such an important part of our economic prosperity — our national interest.

Senators, I would simply ask you all to consider supporting this bill. We need to get it out of the Senate as quickly as we can, and we need to get it to the house. Then we will see if talk turns to action. Canada needs this project. Our prosperity demands this project, and we cannot stand by and watch these violations of the rule of law. We cannot do that, we should not do that, and I would ask all senators to join with me in endeavouring to pass this, get it out of the Senate and down the hall.

Thank you, senators.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE* TO ENSURE LEGISLATIVE REPORTS OF SENATE COMMITTEES FOLLOW A TRANSPARENT, COMPREHENSIBLE AND NON-PARTISAN METHODOLOGY—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:
>
> That, in order to ensure that legislative reports of Senate committees follow a transparent, comprehensible and non-partisan methodology, the *Rules of the Senate* be amended by replacing rule 12-23(1) by the following:
>
> "Obligation to report bill
>
> **12-23.** (1) The committee to which a bill has been referred shall report the bill to the Senate. The report shall set out any amendments that the committee is recommending. In addition, the report shall have appended to it the committee's observations on:
>
> (a) whether the bill generally conforms with the Constitution of Canada, including:
>
> (i) the *Canadian Charter of Rights and Freedoms*, and
>
> (ii) the division of legislative powers between Parliament and the provincial and territorial legislatures;
>
> (b) whether the bill conforms with treaties and international agreements that Canada has signed or ratified;
>
> (c) whether the bill unduly impinges on any minority or economically disadvantaged groups;
>
> (d) whether the bill has any impact on one or more provinces or territories;
>
> (e) whether the appropriate consultations have been conducted;
>
> (f) whether the bill contains any obvious drafting errors;
>
> (g) all amendments moved but not adopted in the committee, including the text of these amendments; and
>
> (h) any other matter that, in the committee's opinion, should be brought to the attention of the Senate."

And on the motion in amendment of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk:

That the motion be not now adopted, but that it be amended by:

1. adding the following new subsection after proposed subsection (c):

"(d) whether the bill has received substantive gender-based analysis;"; and

2. by changing the designation for current proposed subsections (d) to (h) to (e) to (i).

Hon. Anne C. Cools: I would like to reset the clock on this.

The Hon. the Speaker: Are you moving the adjournment, Senator Cools?

Senator Cools: Yes.

The Hon. the Speaker: It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Day, that further debate be adjourned until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Cools, debate adjourned.)

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO HEAR WITNESSES IN REGARD TO EVENTS SURROUNDING PRIME MINISTER'S TRIP TO INDIA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Oh:

That, given serious potential implications for Canada's relations with India as well as for Canada's national security arising out of the recent visit by the Prime Minister to that country, the Standing Senate Committee on National Security and Defence be authorized to:

(*a*) Invite Mr. Daniel Jean, the Prime Minister's National Security Advisor, to appear before the Committee to answer questions related to the issues arising from the recent visit by the Prime Minister to India;

(*b*) Invite additional witnesses from the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, Global Affairs Canada and any other relevant agencies to explain how an individual convicted of serious criminal offences was permitted to attend official events involving the Prime Minister, Ministers and senior Canadian officials; and

(*c*) Provide any recommendations that the Committee believes may be warranted as a result of this incident;

That the Committee submit its final report no later than June 1, 2018, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Ratna Omidvar: Honourable senators, this item is currently in my name. I understand my colleagues wish to speak to it, and I would ask leave to speak to it.

The Hon. the Speaker: Are you asking for leave —

Senator Omidvar: I'm asking for leave to re-adjourn the item back in my name after my colleagues have spoken. I apologize.

The Hon. the Speaker: Senator Boisvenu wishes to speak. Senator Omidvar has asked for leave to be granted that, after Senator Boisvenu or anyone else who wishes to speak has spoken, the matter remain adjourned in her name.

Is leave granted?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." Senator Omidvar, that means you have to speak to it today.

Senator Omidvar: I was worried about this, so I've spent some time scribbling my notes. I'm not as prepared for this as I wish to be, but, nevertheless, I am grateful for this opportunity to weigh in on the debate.

I speak today as a Canadian and as a member of the 1.4 million Indo-Canadians. I have been a naturalized Canadian for far longer than I was a citizen of India, but I hope you will understand the ties of birthplace and mother tongue, and I hope you will appreciate the perspectives that I will bring to this, both from here and from there.

First, I'd like to thank Senator Dagenais for this motion, although I won't comment on the motivations, because I think he has given me some space to voice not just my concerns but the concerns of many Indo-Canadians who have called me, emailed me, visited me and exhorted me.

Let me restate again why India is important to Canadians. India represents a very large untapped market for us. It has 1.3 billion people. It has a booming consumer market. It has a growth rate of 7 per cent. It has an expanding middle class. The uncertainty of NAFTA underlines, I believe, the urgency for Canada to develop new markets in a strategic and expeditious manner.

The paradigm of the earlier years of our relationship with India was based on aid, and I suggest it has to shift to trade.

I will move on to the concerns of the 1.4 million Indo-Canadians. It is perhaps an understatement, colleagues, that Canadians and, in particular, Indo-Canadians, look forward to better ties — trade, cultural, social, people to people — as a result of this trip. Sadly, we were all disappointed — and perhaps

disappointment is not a strong enough word. I would share with you the disbelief, the dismay and even the anger of many of my friends and community members. Instead of better relations, I believe we have seriously damaged the relationships.

But most important, I believe — because I do think trade relationships and bilateral relationships can, over time, be addressed — it has created disequilibrium within and among Indo-Canadians. We are a very large and diverse community in terms of region, language and religion; there are close to 365 languages and many religions in India. In fact, many of us come to Canada to escape from these boxes and identities. Like other communities, over time, these differences are ameliorated, and we become a part of the great Canadian fabric.

However, all divisions seem to have burst open. Indo-Canadians feel maligned and painted with one brush as a people consumed only of diaspora politics. I know and I hope you know this is not true. In particular, I wish to voice a concern that moderate Sikhs and moderate Canadians feel particularly targeted.

I want to move to something that has created the greatest anguish for me, and that is the fallout of the trip, which has re-traumatized the victims of the largest terrorist attack on Canadians. On June 23, 1985, 329 people, of which 268 were Canadians, were killed when a bomb ripped apart an Air India flight over the Atlantic Ocean. We were a much smaller community then. There were fewer than six degrees of separation between us. I still remember the call I got at five o'clock that morning — one that I and many others got that morning. There was disbelief. There was horror and dismay.

Since that day, we have had an inquiry and an apology for the bungling of investigations. We've even had reparations. But as CBC journalist Terry Milewski has pointed out, justice for the Air India victims was not done.

Thirty-three years later, today, the wounds have now been reopened, because now we know and everyone else knows that our political leaders, parliamentarians at all levels — and I would suggest to all of you, of all political stripes —

The Hon. the Speaker: Excuse me, Senator Omidvar. I apologize for interrupting you, but it's now six o'clock, and pursuant to rule 3-3(1), unless we agree not to see the clock, we must adjourn until 8 p.m.

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

Hon. Senators: Agreed.

• (1800)

Senator Omidvar: Politicians and political leaders of all stripes find their way to events and places where two known perpetrators are glorified with posters and pictures. Colleagues, I respect freedom of expression, freedom of association, but I know we also have freedom of choice to make a point not to attend such events. If justice was not done to the Air India victims, let us at least ensure that respect is not denied.

What should be done? I will speak to a few of my ideas before I come to Senator Dagenais' idea.

I believe every effort must be made to improve and grow our trade with India, not in big showy trips but in steady, disciplined, incremental ways. I believe the Prime Minister must ensure that he understands that Indo-Canadians are all important in our country. I hope that the Prime Minister will make a statement on June 23 of this year, which is the national day to remember the victims of terrorism, and will make a special effort to remember the victims of Air India, because I worry they will get lost in our history.

I would hope that members of all political parties respect the victims of Air India and exercise their freedom of choice as to where they will go.

Finally, I want to address Senator Dagenais' specific motion. Again, I wish I had had more time, honourable senators, to prepare for this, but be it as it may, I am not sure that a Senate inquiry will uncover the truth. Many aspects of what the National Security Advisor may well have to say are covered under confidentiality, and I believe this is too important an issue to play political football. I would urge us to remember that we are the house of sober second thought. We are not the House of Commons; we do not mirror what they do.

We already have a mechanism, by the way. It's called the National Security and Defence Committee. Three of our senators sit on that. It is supported by the national security agencies. These are the appropriate places to ask and answer your question.

I believe, Senator Dagenais, to get to the truth is appropriate, but to get to the truth appropriately is perhaps even just as important.

Hon. Carolyn Stewart Olsen: Would the honourable senator take a question?

Senator Omidvar: Of course.

Senator Stewart Olsen: I hear what you're saying, and I certainly share your views on the victims of the Air India crash. The crux of the matter to me, from news reports, seems to be that the National Security Advisor spoke to media but will not give the same briefing to parliamentarians.

That would be my problem. If that had not happened, then that's fine; I can see national security. But you can't have it both ways. You can't speak to media and then not to parliamentarians who are asking to know what on earth happened.

Do you understand the difference in what's being said?

Senator Omidvar: I understand your point, honourable senator, and thank you very much. If I had had the time, I would have prepared and done my research, but I haven't had the time.

I stand by my conclusions that we have a perfectly valid institution and a committee. There are three senators who are members. They are bound by confidentiality, but they are members. I believe that is the appropriate place to ask and answer these questions.

Hon. Leo Housakos: Will Senator Omidvar take a question, please?

Senator Omidvar: Of course.

Senator Housakos: My question is a follow-up to Senator Stewart Olsen's. It's not a question of preparedness. You said in your speech that this is not the place for the Senate. It's not the Senate's role to basically call to account the Government of Canada and its behaviour. That is for the other place.

Well, no, it's not. This chamber has the same rights, privileges and authority as the other place. And as precedents have shown, this is a place of account, where we keep people to account, to scrutiny. Unfortunately, when the other place neglects to fulfill its public responsibilities, that's why we have a place of sober second thought so we can undertake the shortcomings of the other place when they occur.

We have a serious breach right now that has nothing to do with the items you touched upon in your speech. We all recognize the sensitivity of this. It doesn't matter if it deals with India, the United States or any other country. Don't you feel that when the National Security Advisor, a senior civil servant, is put out to the media in order to articulate a position to justify a fiasco of the government, that we as Parliament have a right at that point to bring that senior civil servant before our committee in camera or in public to get to the bottom of why this unprecedented step has been taken by the Prime Minister's Office?

Senator Omidvar: Thank you, Senator Housakos, for that question. Again, if I had had the time, I would have asked my office to do research as to whether there is a precedent, whether, in other instances, we have launched an inquiry. I haven't had that time. I will say that my answer stands. I believe the question is important. I believe that the National Security and Defence Committee is the right place to ask and answer that question. Thank you.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, in my view, this motion is extremely important, given that Canada's credibility and that of its government are at stake here.

For the past few weeks, we have been dealing with an international situation the merits the utmost attention from all Canadian parliamentarians. According to the Canadian government's claims, the Indian government sabotaged our Prime Minister during his disastrous visit to India. Is this another example of "truthiness," which would be unacceptable and inexcusable on the part of one of the most senior national security officials in Canada, specifically, M. Daniel Jean?

If such an incident had happened in the United States, we would all be glued to CNN to find out what really happened. In Canada, this very troubling situation does not appear to be of concern to anyone. We are in Canada. We have a government that advocates the need for transparency, yet this government is definitely not leading by example on this matter, as on many others, I might add.

For over two weeks now, it has been impossible to determine what really happened with Jaspal Atwal's invitation, how this friend to the Prime Minister managed to get invited to an official gala in India. Need I remind you, honourable senators, that that individual has been convicted of attempted murder against a minister in the Indian government? That is a rather embarrassing guest, wouldn't you agree?

The only thing we can be sure of is that someone is lying or deliberately hiding the truth. Every time Prime Minister Trudeau has been asked about this matter, he has dodged the question with answers that are unworthy of someone who understands the issue. None of his answers provide any clear information on his government's involvement in what looks like "Indiagate." Who is responsible for the presence of a former terrorist group sympathizer in Prime Minister Trudeau's entourage in India? That is the question.

We can overlook the ludicrous costumes the Prime Minister and his family donned during the trip to dazzle photographers, but we cannot overlook such a serious blunder.

Contrary to what some have suggested, this chamber has the power to seek the truth, and that is what this motion should enable us to do. If we turn a blind eye, we condone the lie regardless of its source. Anyone here who has the slightest interest in politics should want to know the truth and ensure that Canadians know it too.

Why did Daniel Jean, the Prime Minister's hand-picked National Security Adviser, suddenly come on the scene after news broke of Mr. Atwal's presence in India? What evidence does he have to support his claim that the Indian government was involved in the matter? What does he have to say about the Indian government's response to the allegations, which it called baseless and unacceptable? Did the government ask Daniel Jean to lie to cover up a mistake on the part of our security services or a questionable friendship on the part of the Prime Minister?

• (1810)

I could continue to ask questions for a long time but, since the Prime Minister is not here to answer them, that would be a completely useless waste of time. However, the Senate has a committee, the Senate Standing Committee on National Security and Defence, that should be given the approval of everyone here to find out the truth and do the job it is mandated to do.

Canada cannot remain on poor terms with India, an emerging economy with whom we should have an excellent relationship. Rather than solidifying that relationship, the Prime Minister seriously undermined it. India did not hesitate to retaliate in a way that will affect many Canadian workers. We therefore have to quickly dispel any doubts and call Daniel Jean to appear before our committee to ascertain the facts. People usually hide

when they can't support the claims they made, or worse when they've been told to keep quiet in the hopes that the dust will settle without the person responsible having sustained any political damage. Knowing that we want to question him, Mr. Jean should come forward and explain whether he is fit to hold the important position to which the Prime Minister appointed him. It is a matter of honour, credibility and respect for us as parliamentarians and for our work.

Those who do not vote in favour of this motion will be participating in a cover-up that is unworthy of the duties incumbent upon us. Honourable senators, this government's credibility has been seriously undermined in recent weeks and Canadians deserve better than silence. They would like to know the truth. It is now up to you to be the judges. The Senate has the ability and autonomy needed to find out the truth. Thank you.

[*English*]

Senator Harder: I move the adjournment of the debate.

The Hon. the Speaker: Before we move the adjournment, Senator Dagenais, do you wish to ask a question?

[*Translation*]

Hon. Jean-Guy Dagenais: I'd like to ask Senator Boisvenu a question.

Senator Boisvenu: Go ahead.

Senator Dagenais: I just want to clarify your speech, Senator Boisvenu. If I understand correctly, with all due respect to the honourable senators of this chamber, it goes without saying that voting against this motion would be tantamount to assisting in a cover-up involving an extremist who knowingly participated in an assassination attempt on an Indian minister. That is what I understood from your speech.

Senator Boisvenu: The best analogy I can give would be if someone in this chamber witnessed a crime. If a lie was told in this case, it's like a crime. If you turn a blind eye to that crime, you become an accomplice. Since there are so many conflicting accounts, we need to establish the truth. Right now, India is practically accusing Canada of fabrication. I think we need to at least be honest with India and figure out what happened in our political structures to result in this situation.

Hon. André Pratte: I'd like to ask a question.

Senator Boisvenu: Please do.

[*English*]

The Hon. the Speaker: Senator Harder, Senator Tkachuk wishes to enter the debate before the adjournment motion.

Question, Senator Pratte?

[*Translation*]

Senator Pratte: Senator Boisvenu, why does your motion, or the motion of Senator Dagenais, whom you seem to know very well, suggest inviting all sorts of people? I would have supported inviting Mr. Jean. That would make sense, given that he was the one who was quoted in media reports. But why suggest inviting the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, and Global Affairs Canada? You are proposing a royal commission of inquiry on this incident. That's something I can't get behind. This looks like a political tactic aimed at dragging out the story. If you had just invited Mr. Jean, I would have been behind that, but I think the rest is just too much.

Senator Boisvenu: Senator Pratte, since arriving in the Senate, you have had committee experience. When a committee begins a study, a list of witnesses is prepared, and this list can always be discussed.

The person at the centre of this debate is Mr. Jean. As for others who could appear, they would be the people directly involved in public safety. At that point, the matter would be discussed with the various parties in order to determine who is at the centre of this debate and who will be invited. Mr. Jean must be present for this debate.

[*English*]

Hon. David Tkachuk: I wish to speak on Motion No. 309, moved by our colleague Senator Dagenais.

The motion addresses a very serious matter concerning the conduct of Canada's foreign policy, our relationship with India and our country's national security.

Any effort to get at the truth of what happened during the trip has been stymied in the house, so this is an important moment for the Senate.

I know that the attempt by the opposition in the other place to get at the truth of the matter — by its filibuster last week and its focus on the issue in Question Period — is viewed by some as political gamesmanship, but what happened in India should be concerning to everyone in this room of whatever political stripe — or of no political stripe.

Let's look at what happened. The source of the issue was that an invitation was extended to one Jaspal Atwal, a convicted terrorist, to attend an official dinner with Prime Minister Trudeau during his recent visit to India. He had already attended a similar event earlier in the week and had a photo taken with the Prime Minister's wife.

The question is how a convicted terrorist and attempted murderer was able to get on that invitation list.

Jaspal Atwal was a member of an extremist group, the International Sikh Youth Federation, a group that was listed as a known terrorist entity by Canada in 2003.

He has a pretty good track record in that regard.

He was charged in the 1985 attack on former B.C. Premier and Liberal MP Ujjal Dosanjh in 1985.

He participated in a shooting and wounding of an Indian cabinet minister, Malkiat Singh Sidhu, on Vancouver Island in 1986.

While he was acquitted of the charge in the attack on Dosanjh — who maintains to this day that it was Atwal — he was subsequently convicted of the attempted murder of the Indian cabinet minister and sentenced to 20 years in prison, though he evidently served only a limited amount of actual time.

What is readily apparent is that Jaspal Atwal was fully involved in violent extremist activities. In fact, his criminal activities do not end there.

In 2010, he was found to have been part of an insurance fraud ring, falsely reporting stolen vehicles, changing identification numbers and then reselling them.

At that time, Atwal had, for some time, been involved with the Liberal Party. There is no denying that. It is a fact.

In 2012 he was reported to be a member of the executive of the federal Liberal riding of Fleetwood—Port Kells. Pictures on social media show him posing with Prime Minister Trudeau, as well as Michael Ignatieff and Bob Rae.

What is alarming in all of this is the apparent ease with which Atwal was integrated into the itinerary for the Prime Minister's trip to India. The close interaction between Atwal and senior Liberals in Canada extended not only to an important foreign visit by the Prime Minister, but to the very country against whom Atwal committed his criminal offence.

I want to quote from a recent article by Andrew Coyne, who, I think, summarized the shocking nature of this case very well. Mr. Coyne wrote:

> Suppose the president of France were to visit Canada. Suppose he were of a party whose followers included supporters of Quebec's secession from Canada. Suppose the purpose of the trip was, in part, to set to rest Canadian fears that the government of France was, at the very least, insufficiently supportive of the unity and integrity of Canada.

• (1820)

> Now suppose, the French embassy put on an official dinner for the president. And suppose among those invited was Paul Rose (if he were still alive), the FLQ terrorist convicted in the murder of Pierre Laporte. Suppose, indeed, that he had appeared at an official event earlier in the trip, where he posed for photographs with smiling French cabinet members.

I believe that the comparison presented by Mr. Coyne is very useful to fully understanding the magnitude of what actually occurred in India. I don't think it is difficult for any senators to imagine what the Canadian reaction would have been had any foreign leader come to Canada while simultaneously associating with former members of the FLQ. It is an understatement to say that this is not how Canada should be conducting its foreign policy. Neither is it how Canada should be conducting its relations with India.

What concerns me most are the conflicting explanations of how all of this happened. The first claim was that the Canadian High Commission in India was to blame, that instantly upon the PMO finding out that he had been invited by the High Commission, the invitation was immediately rescinded.

The second claim was then made by the Prime Minister that Liberal MP Randeep Sarai was responsible for having Atwal invited. He would be held fully responsible, the Prime Minister said, and he would deal with him on returning home. Subsequently, Mr. Sarai was removed as B.C. Liberal caucus chair. Mr. Sarai himself dutifully fell on his sword and accepted full responsibility.

But it didn't end there. A senior official, under cloak of anonymity, briefed the media, sworn to secrecy about his identity, and blamed rogue elements of the Indian government or security forces for arranging Mr. Atwal's invitation to embarrass the Trudeau government. This is an extraordinary assertion, and it is unprecedented in that this was not an ordinary civil servant. This was the National Security Advisor to the Prime Minister himself, which we found out later through the enterprising work of a Canadian journalist, Brian Lilley, who was not at the briefing or sworn to secrecy. By the way, the journalists who were at the briefing found that the claim by the National Security Advisor was preposterous, and it has done immense political damage to our bilateral relations with India. We need to understand why it was made.

The Indian Minister of Foreign Affairs reacted quickly when the Canadian official's story was backed up by the Prime Minister. They issued a press release and called the claims, in no uncertain terms, unwarranted and unacceptable. Recently, Minister Freeland apparently told her Indian counterpart that the invitation was an honest mistake.

This is a serious diplomatic incident that needs sorting. We, in the Senate, need to do what the house cannot. This is what we are here to do, surely. We need to get to the bottom of these tales, one of which could easily lead, if we don't have information to refute it, to the conclusion that Liberal MP Randeep Sarai is an agent, wittingly or unwittingly, of rogue elements of the Indian government.

This is serious, and politics should play no part in it. For these reasons, I believe that it is necessary for the Senate National Security and Defence Committee to examine this issue. The motion clearly articulates the central issue that requires further investigation.

I want to assure my honourable colleagues that this investigation would not be about launching a partisan attack on the government. Prominent Liberals have also suggested that this issue needs to be more closely examined.

Former premier and Liberal MP Mr. Dosanjh has suggested that three questions remain unanswered concerning the roles played by three Canadian institutions in this affair. The first involves what the RCMP did or did not know and what advice it provided to the government concerning Jasper Atwal's attendance at the Prime Minister's dinner. The second is how the Prime Minister's Office made the decision that it did, and the third concerns the role played by the Canadian High Commission

in India on this matter. There is a fourth: What prompted the National Security Advisor to provide his briefing to journalists, and what is the veracity of his claim that rogue elements of the Indian government were behind this?

These are the question that I think the Senate committee would be justified in pursuing. They are questions that, in fact, must be investigated. It is fundamental that the committee hear from the Prime Minister's National Security Advisor. This is because we are confronted with contradictory claims. These claims are as bizarre as they are contradictory, and it is important to know which is accurate. It is important to understand what happened in India because of the impact that this visit has had, not only on Canada's bilateral relationship with India but on Canada's international reputation.

Former premier Dosanjh has stated that Canadian-Indian relations have now hit "rock bottom ." David Mulroney, a former senior and well-respected Foreign Affairs mandarin, said that Canada's foreign policy is off the rails. These are not my words, honourable senators. They are the words of a former Canadian premier, a former Liberal MP; these are the words of a dispassionate foreign policy expert.

I believe examination of this issue by the Standing Senate Committee on National Security and Defence can only assist in ensuring that future international visits are carefully organized and completely focused on advancing Canada's national interests with the country concerned. The committee will be able to make recommendations to ensure that the mistakes that were made on this trip can be avoided in the future.

Senators, I submit that we have an important role to play in restoring credibility to the conduct of Canada's international policy. I urge all senators to support this motion in order to ensure that what lies at the root of this debacle is addressed and never repeated. Show Canadians that you are who you say you are.

Hon. Peter Harder (Government Representative in the Senate): I move the adjournment in my name.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell? Do we have an agreement for 30 minutes? The vote will take place at 6:57 p.m.

Call in the senators.

• (1900)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Harder
Black (*Alberta*)	Jaffer
Black (*Centre Wellington*)	Marwah
Boniface	McPhedran
Bovey	Mégie
Boyer	Mitchell
Cormier	Moncion
Coyle	Munson
Day	Omidvar
Dean	Petitclerc
Dupuis	Pratte
Eggleton	Saint-Germain
Gagné	Wetston
Gold	Woo—28

NAYS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Batters	Mockler
Beyak	Ngo
Boisvenu	Oh
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Eaton	Raine
Greene	Seidman
Griffin	Smith
Housakos	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Unger
Marshall	Verner
Martin	Wells—33
McInnis	

ABSTENTIONS
THE HONOURABLE SENATORS

Downe Lankin—2

The Hon. the Speaker: Resuming debate, Senator Harder.

Senator Harder: Colleagues, with leave, I would ask to speak.

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

Hon. Senators: Agreed.

Senator Harder: Colleagues, I thank you for that. I rise to put a few remarks on the record regarding Motion No. 309, which I will not be supporting.

First, I would note that this motion came as a complete surprise and without notice, not affording senators the opportunity to properly review and consider the proposal. It was only this afternoon when we heard from Senator Boisvenu the logic of the motion, which is why I was seeking an adjournment so that I could incorporate in my remarks the rationale that was provided.

Second, leadership was not consulted. Third, the chair of the committee at issue was not consulted or even notified in advance of the motion. Finally, considering the context of its introduction, I am concerned this motion is driven not by our institutional mandate but by strictly partisan motivations. Such an approach is not in the spirit of sober second thought, particularly on a delicate matter involving national security intelligence. We need only walk down the hall to see partisanship on this issue on full display.

We may also consider that this chamber recently passed Bill C-22, establishing the National Security and Intelligence Committee of Parliamentarians. Parliament created this committee for a variety of reasons. Yes, Canada needed to catch up with its allies and partners, all of whom already had provided for parliamentary oversight of their security and intelligence operations. But another reason this committee of parliamentarians was created was because it is necessary to allow public servants of the security intelligence sector a forum in which they could openly provide information so that parliamentarians would be aware of operational needs and, more important, answer the questions they could not normally respond to in public or with those whose security clearance did not allow for a response.

Should this motion pass, senators need to understand that many, and quite possibly a majority, of their questions will go unanswered because the information is almost certainly classified and requires security clearance — and for good reasons — to protect the vital security and intelligence interests of Canada and its allies.

Because the National Security and Defence Committee has no security protocol or clearance, none of the witnesses suggested in this motion would have the freedom to divulge any information of a classified nature about or from a foreign government, its border operations, airport administration or passport clearance function. Essentially, that is exactly what this motion is requesting.

In many ways, one could argue that it is precisely for this sort of reason that the committee of parliamentarians was created and has the necessary clearance to ask any questions it chooses of our intelligence and national security establishment. Three of our colleagues are members of this committee of parliamentarians, and it's worth noting that they all abstained when the adjournment of Motion No. 309 came up for a vote last week, and those present abstained today.

The recommendation for a National Security and Intelligence Committee of Parliamentarians was made by committees in Senate reports several times in the recent past. The recommendation for such an oversight body was made twice by the Special Senate Committee on Anti-terrorism, and Bill C-22 itself closely resembled the 2014 private Senate bill introduced by former Senators Dallaire and Segal.

I was not in the chamber during this time, but our colleagues advancing this motion were, and they know the reasons behind the recommendations for an oversight body with access to classified information and classified personnel.

Questioning the National Security Advisor and heads of intelligence and policing agencies on this matter, knowing that their responses cannot be thorough or detailed, or in some cases even possible, is compromising for the witnesses. The outcome of such a motion authorizing a Senate committee study would likely result in a strange and incomplete report, leaving more questions than answers. It might potentially compromise members of Canada's public service.

• (1910)

Furthermore, the motivation behind such a hearing, potentially indeed a spectacle, would frankly be using the Senate as a platform for hyperbolic partisanship. This would be in the context of Canada's vital national security and intelligence interests.

In my opinion — and, I am sure, in the view of many in this chamber — this motion, therefore, does not reflect the Senate's role.

The Supreme Court made that abundantly clear in 2014 in the *Reference re Senate Reform* when it opined, and I quote:

> The framers [of Confederation] sought to endow the Senate with independence from the electoral process to which members of the House of Commons were subject, in order to remove Senators from a partisan political arena that required unremitting consideration of short-term political objectives.

Honourable senators, what could be a shorter-term partisan objective than treating Canada's national security interest as a political football? I will not be supporting this motion, and I hope a majority of the chamber will agree. For reasons that I mentioned, there is little that can be gained by authorizing such an irresponsible study at a Senate committee. There exists a

forum where such questions can and should be posed and where answers can actually be provided. The Standing Senate Committee on National Security and Defence is not that forum.

The National Security and Intelligence Committee of Parliamentarians, should it choose to take up such a matter — and this chamber does not dictate their agenda — is far better equipped to deal with such a question, and I am confident it would treat such a matter with the seriousness and sobriety it requires.

MOTION IN AMENDMENT

Hon. Peter Harder (Government Representative in the Senate): Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended by replacing all words following the word "country," with the following:
>
> **"the Senate observe that the National Security and Intelligence Committee of Parliamentarians may be an appropriate forum to review the security and intelligence operating procedures in relation to diplomatic and foreign visits involving the Government of Canada, including the examination of relevant witnesses that would provide classified information, and further observe that the said Committee may include findings and recommendations of such a review, if any, in its annual report or in a special report that would be tabled in Parliament and stand referred to the Standing Senate Committee on National Security and Defence pursuant to sections 21(6) and (7) of the National Security and Intelligence Committee of Parliamentarians Act.".**

Hon. Carolyn Stewart Olsen: Would you take a question, Senator Harder?

Senator Harder: Yes.

Senator Stewart Olsen: I hear what you're saying, and, frankly, I have some reservations about portions of the motion, but I cannot understand how you can argue that what information was shared by the National Security Advisor, who speaks with the Prime Minister, who has a closed-door session with media, and has shared information with media, and now refuses to share that information with parliamentarians.

I believe that the Senate is the place for that information to be dispensed. I can understand. This is not a partisan issue. This is a very grave issue. It compromises our bureaucracy. It's a compromise of our values, and it just doesn't sound right.

I agree with you about the Security Committee. However, I never supported that committee because it's a repository and a place for more secrecy, not openness. But in this case, we had a top bureaucrat who came before the media and shared confidential information, and now you say parliamentarians cannot ask the same questions. That is a real abrogation of responsibility of this government, and we must get to the bottom of it because this can't happen. I believe the Senate is the place where we should argue this.

Some Hon. Senators: Absolutely.

Senator Harder: I didn't recognize the question in the statement. Let me just say my motion speaks for itself.

Hon. Leo Housakos: A question for the Leader of the Government in the Senate. In your motion, you make statements that the opposition here is somehow and in some way being partisan. It seems to me the only partisan activity we've seen in the last few days is over at the other place. A group of Liberal members of the House of Commons are preventing a unanimous decision outside of Liberal members of the House of Commons to bring it before their committee so that they can properly scrutinize what has been a breach of the highest degree in this country.

It's also disappointing to have a member of the Privy Council and the government leader stand up in the upper chamber, the Senate of Canada, and say that it's not our job to hold the government to account. That is very serious.

My question, more precisely, government leader, is do you think it normal for a National Security Advisor to be going out and giving a briefing on national security issues to the media and not being willing to come before a parliamentary body like the Senate in order to somehow defend the preposterous assumption that the Indian government conspired to embarrass a delegation led by the Canadian Prime Minister?

The media and the public have found it a completely ridiculous claim being made by the National Security Advisor of the Prime Minister. All we want to know is the root of it. Is it politically motivated? If it is, the public has the right to know. If it's a sheer case of incompetence of the National Security Advisor, even more reason as parliamentarians to get to the bottom of it. Wouldn't you agree? Especially someone of your stature, being a very distinguished former member of the Foreign Service of Canada.

Senator Harder: Again, honourable senator, I thank you for the question. I don't believe my motion has anything to do with partisanship. I did make some points in my comments. Let me say I would find it highly unusual for the Senate of Canada to countenance a hearing before a committee in the context of which the national security or other personnel being invited would not be allowed to speak candidly or appropriately, and therefore we would be undermining the very essence of the committee of parliamentarians which we so recently voted to establish.

Hon. Marc Gold: Your Honour, I move the adjournment of the debate in my name.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

And two honourable senators having risen:

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

Senator Mitchell: Thirty minutes.

The Hon. the Speaker: The vote will take place at 7:48 p.m. Call in the senators.

• (1950)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Harder
Black (*Centre Wellington*)	Jaffer
Boniface	Marwah
Bovey	McPhedran
Boyer	Mégie
Cormier	Mitchell
Coyle	Moncion
Day	Omidvar
Dean	Petitclerc
Dupuis	Pratte
Eggleton	Saint-Germain
Gagné	Wetston
Gold	Woo—26

NAYS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Batters	McIntyre
Beyak	Mockler
Boisvenu	Ngo
Carignan	Oh
Dagenais	Patterson
Doyle	Plett
Eaton	Poirier
Frum	Raine
Griffin	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Maltais	Tannas
Manning	Tkachuk
Marshall	Unger
Martin	Wells—32

ABSTENTIONS
THE HONOURABLE SENATORS

Downe	White—3
Lankin	

The Hon. the Speaker: Resuming debate on the motion in amendment.

Some Hon. Senators: Question.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Harder, seconded by the Honourable Senator Mitchell, that the motion be not now adopted but that it be amended by replacing the words — Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Some Hon. Senators: Now.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker: Honourable senators, as is his right, Senator Mitchell is deferring the vote until 5:30 tomorrow.

Honourable senators, pursuant to rule 9-10, the vote is deferred until 5:30 on the next sitting day, at which time the bells will ring at 5:15 to call in the senators.

[*Translation*]

RELEVANCE OF FULL EMPLOYMENT

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the relevance of full employment in the 21st century in a Globalized economy.

Hon. Chantal Petitclerc: Honourable senators, I would like to speak this evening.

[*English*]

I am speaking today in the debate on full employment that Senator Bellemare launched in October 2016. When it comes to the employment reality of Canadians with disabilities, we have to admit that it is a case of potential still underexploited.

Contrary to what the name may suggest, full employment is not zero unemployment. In a situation of full employment, the demand for work is almost equal to that of supply. Almost all people find a job, so much so that the unemployment rate only refers to workers who change jobs or enter the labour market.

For some economists, full employment occurs when the unemployment rate is less than 5 per cent or 6 per cent. For others, this rate is at least 3 per cent. You can be reassured, honourable colleagues, that I am not going to venture into this debate, which I gladly leave to the experts.

[*Translation*]

Through her inquiry, Senator Bellemare hoped to remind us that achieving full employment is one of the best ways to ensure our prosperity. The senator had already expressed this belief in her book entitled *Créer et partager la prospérité: Sortir l'économie canadienne de l'impasse*.

Many governments are working toward full employment. Belgium has set a goal of achieving full employment by 2025. Germany has set a similar goal. Canada joined 192 other countries when it committed to achieving the United Nations' Sustainable Development Goals. One of these goals is to achieve full, productive employment and decent work for all, including for young people and persons with disabilities.

François Fontaine, a professor at the Paris School of Economics, believes that setting full employment as an absolute objective is not without its downsides, as it gives only a fragmented view of the labour market. He believes that full employment can lead to other problems. There can be problems connected with the quality of the jobs, or problems caused when people get discouraged and stop looking for work even though they would still like to find a job. This is what Professor Fontaine considers the hidden side of full employment.

[*English*]

In recent years, the Canadian economy has solidified. The unemployment rate is continually declining, and it's now at 5.8 per cent. We had not had such a low rate since 1974. Just last week, the Canadian Federation of Independent Business reported that the problem of labour shortages was growing in Canada.

• (2000)

Unfortunately, this economic progress does not benefit all segments of Canadian society. We learned, year after year, that the unemployment rate for people with disabilities is much higher than it is in the general population. Only 49 per cent of Canadians with disabilities aged 25 to 65 are employed, compared to 79 per cent of Canadians without disabilities.

In addition, Statistics Canada regularly finds wage disparities for similar work between employees with a disability and their other colleagues. For example, men with mild or moderate disabilities earned an income an average of $11,000 less than those without disabilities.

Nearly half of potential employees with disabilities have some post-secondary education and yet they struggle to enter the job market. Many of them are in a situation where they work part-time while they want a full-time job. Others who are physically able to work leave the workforce after having to deal with physically inaccessible workplaces, lack of accommodation or discriminatory hiring practices.

[*Translation*]

In a very informative guide, Laval University's student services describe a disability as a disadvantage that prevents a person from fulfilling a role that is considered normal in society. Such limitations are not always a result of an individual's disability or impairment. They result when such individuals encounter physical or social barriers that prevent them from accessing societal resources and participating in community life the same way others do.

The disability becomes secondary when the right conditions are in place to allow these individuals to develop in a normal way in their environment, including their work environment. For example, I can fully exercise my role as a senator because the Parliament of Canada is an accessible environment. The right conditions are in place to allow me to develop in my work environment without difficulty.

During the public consultations regarding the first federal accessibility legislation, a number of barriers to employment were identified for the over one million Canadians living with a disability.

Minister Qualtrough was right when she said, and I quote :

> If you don't have a building environment that's accessible, you can't work there. If you don't have the transportation that gets you there, you can't work there. If you don't have technology that's accessible, you can't work there.

Governments have made a lot of effort to date. Lowered curbs, appropriate access ramps and automatic door openers are slowly but surely becoming the norm.

[*English*]

Non-governmental organizations are also very active; they contribute to increasing our capacity to create fully inclusive communities and workplace environments. The Rick Hansen Foundation, with its certification project, works to make our communities more physically accessible.

One of the other most important barriers to the professional integration of persons with disabilities is discrimination and social attitudes. The false perception remains that they do not have the skills needed.

In a study conducted in 2017, Professor Charles Bellemare of Laval University found that with equal skills, experience and identical training, a person in a wheelchair is 54 per cent less likely to be called into an interview than another without disability.

[*Translation*]

Accommodating an employee with disabilities is neither expensive nor cumbersome. In 2012, the Government of Canada created the Panel on Labour Market Opportunities for Persons with Disabilities.

[*English*]

In its report, the panel realized that in 57 per cent of most cases, no accommodation is required for newly employed persons with disabilities.

In 37 per cent of cases, a single expense was needed for accommodations and the average expenditure was $500. Allow me to emphasize that these are minimum expenses that are, in fact, investments; they help people to break social isolation, earn a living and pay taxes.

[*Translation*]

The panel's report I referred to is full of innovative ideas and ingenious solutions developed by companies across the country.

There is the example of the luxury hotel-restaurant that has developed ways to help guests and other employees communicate with staff members who have disabilities. Notes are placed in rooms to alert guests to the fact that a cleaner is deaf, directing them to the front desk if they need help communicating. It's as simple as that. The laundry room is set up in such a way as to facilitate the work of a visually impaired worker, whose guide dog stays in an adjacent but separate room with a bed and water bowl. The hotel's management believes that the high staff engagement is a result of the diverse workforce. The employees genuinely care about each other.

Allow me to also share the example of a small technology company that designs, develops and supports computer networks. According to the report :

> . . . the company created a product that was marketed through virtual means by an employee with a motor disability who operated a computer using a mouth stick. After this individual, unseen by the audience, introduced the new product to rave reviews, the audience members were asked if they would like to meet the presenter — and were shocked to discover that he was a person who is quadriplegic.

[*English*]

There are countless examples demonstrating that hiring persons with disabilities does not hurt business. Computer companies have understood this for some time, recruiting autistic individuals to program and check software because some of them have a great ability to focus and find coding errors. Banks also use their pattern recognition skills in data and business analysis.

Honourable colleagues, employers have a lot to gain by correcting their views on persons with disabilities.

I thank Senator Bellemare for giving me the opportunity to emphasize that, in addition to being an economic goal, full employment is also a social goal. As she has already mentioned, it is "an issue that is synonymous with social integration. It is about improving the well-being of all citizens and pursuing a better distribution of income."

Many potential workers with disabilities have the training, desire and skills not to be a burden but active and productive citizens. By continuing to work to eliminate the barriers they face, it will be possible to reverse the unemployment curve for this specific group of Canadians.

In conclusion, by creating the conditions that will make persons with disabilities fully part of the workforce, we will enable them talents to contribute to current and future growth and prosperity, therefore demonstrating that, in Canada, diversity is always a strength and never a weakness.

• (2010)

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I would like to adjourn the debate in my name for the last reply.

The Hon. the Speaker: Honourable senators, if Senator Bellemare adjourns and speaks, she will be the last person speaking on this matter.

(On motion of Senator Bellemare, debate adjourned.)

"SOBER SECOND THINKING" PROPOSAL

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the proposal put forward by Senator Harder, titled "Sober

> Second Thinking", which reviews the Senate's performance since the appointment of independent senators, and recommends the creation of a Senate business committee.

Hon. André Pratte: This matter stands adjourned in the name of Senator Cools, so I expect it will remain adjourned in her name after I am finished.

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

Hon. Senators: Agreed.

Senator Pratte: I know it is late. I should only be about 10 minutes, so please bear with me.

At three o'clock in the afternoon on Friday, November 15, 1867, when the Senate of Canada was called to order for only the seventh time in its young existence, Senator David Christie moved a motion to adjourn until Thursday next "as there is little at present to engage the chamber's attention." Senator David Lewis Macpherson objected, saying, "The house ought to be careful not to create the impression that its presence is not required."

So it is that since its birth, the Senate has regularly been forced to justify its role before a skeptical Canadian population. What was the case 151 years ago still holds true today. However, in 2018, we find ourselves not only in the midst of an unprecedented evolution in the history of this institution, but on the eve of a turning point. Next fall, Canadians will be able to watch us live every afternoon as we move to our camera-equipped temporary chamber. So what will they witness? They will see that for most of the items on the Order Paper, all that happens is a few bored "stands." They will see interesting but isolated speeches, often out of context, on issues they will know little to nothing about. They will hear long speeches that often go over the 15-minute limit, not to mention those that go over the 45-minute limit, as prescribed for sponsors and critics, an intolerably long duration in the era of 15-second commercials and 280-character tweets.

They will see matters sometimes adjourned for the only reason that one group of senators is angry at another group — and for what? They will not know. They will see that a one-hour bell will be rung before a vote — one hour, again for no other motive than to make a group of senators pay for some indiscernible parliamentary sin. They will see a daily Question Period, where all the questions are addressed to the same person, who reads answers provided by government officials for the understandable reason that it is impossible for any one man or woman to know all the answers to all the questions regarding all the departments of the government.

Canadians will see this for what it is: a diluted version of the real thing — a version that is of little or no use. Canadians will not take long to conclude that there is a lot of time wasted here. They will wonder whether $100 million of their money is really worthwhile for us to make speeches in a quasi-empty chamber, wait for one-hour bells and listen to futile Question Periods, our eyes glued to our smartphones. We do a lot more than this, of course, but that is all that Canadians will see on their TV screen.

[*Translation*]

Esteemed colleagues, that is what Canadians will be seeing on their screens a few months from now unless we change how we do things as quickly as possible.

Senator Harder's document raises the question of delays in passing government bills. For the most part, I agree with the government representative's assessment and I find his proposed solution very interesting. However, I think the problems facing our modern Senate are as much cultural as structural, if not more so.

As such, the solution is not to set up a management committee or change the rules, although those measures are certainly necessary. What we need is a new attitude, but everyone knows that adjusting people's attitudes is much harder than changing structural elements.

I would like to say a few words about partisanship. Partisanship is antithetical to my nature. I'm not saying it's better not to be partisan; I'm just saying that, throughout my professional life, I have been obsessed with the pursuit of objectivity and the need to not only know but also understand both sides of every story.

That being said, I am well aware that political parties are necessary in a democracy. I have tremendous respect for the people who get involved in politics, and I understand that partisanship is the *sine qua non* that fuels politics.

[*English*]

The Senate is a political body, and consequently, it is inevitable that partisans will sit in the upper chamber. Even if the current appointment process survives a change in government, I tend to think that, somehow, some form of partisanship will continue to exist. Moreover, partisanship, per se, need not be a problem. As Senator Greene has argued, a problem arises only if partisanship collides with our mission of sober second thought.

Going back to 1867, on Monday, November 11, the third sitting day of the Senate's history, the Honourable Donald McDonald reflected on the role of the new chamber, saying:

> Our functions may be exercised most usefully, not as registrars of the executive opinion on the one hand, nor servile echoes of fleeting popular feeling on the other, but as the balance-wheel of this government, guiding always, obstructing never and in all things manifesting a superiority to the promptings of an angry partisanship.

"Angry partisanship." My friends, it appears to me that there is a lot of anger in today's Senate. There are those who are angry because the Liberals won in 2015. There are those, and I include myself, who are irritated with the large space taken by partisan politics in this chamber of sober second thought. There are those who are upset because Mr. Trudeau expelled them from the Liberal Party of Canada caucus. There are those who are angry because the Prime Minister has modified the appointment process, thereby disturbing the way things had always been done

in this chamber. And there are those who are annoyed with the opposition, because government bills are not moving forward expeditiously enough.

I believe some of this deep-seated vexation, combined with a fervent loyalty to group interests, plays a substantial part in the problems that affect the Senate today. The result is an institution that is not as efficient and productive as it could and should be.

By "efficient and productive," I don't necessarily mean that the Senate should process government bills more quickly. When I look at the current government's legislative results, as of this morning, I see that, since it came to power, it introduced 72 bills in the House of Commons, 45 of which have made it to this place. Out of these 45, 36 have been adopted. That is 80 per cent. This is a pretty good batting average. Of course, the government wishes that these bills had moved faster and certainly, as of this morning, with fewer amendments, and we all wish it could be done without the horse-trading sprints of December and June. But, in the end, the results are there.

The nine bills that have not been adopted yet were introduced in this chamber as recently as November 2017 or later. One bill had been progressing much too slowly — Bill C-25, which had been on our books since last summer. As you know, it was finally adopted last week. Consequently, I think the Senate has been relatively efficient from the standpoint of passing government bills.

When I say the Senate should be more efficient and productive, I mean that we could accomplish much more in the time we have. We could debate issues more thoroughly, hear more witnesses on each bill, study more private members' bills, examine more issues in committee, have a worthwhile Question Period and meet more Canadians — especially meet more Canadians — if we wasted fewer hours on futile manoeuvres and delays.

• (2020)

It is with pride that we all remember the debates on Bill C-14, the medically assisted dying bill. Why is it, then, that the usual channels have not managed to negotiate a way to replicate a similar model on all important bills, if not on all government bills? Everyone came out a winner from these debates — the Senate, the opposition, the government, individual senators and Canadians. So where is the rub?

One of the problems apparently resides in the opposition's fear that if such arrangements were made, they would lose their power to delay government legislation, which is one of the opposition's main levers in Parliament. I understand that. But that need not be the case. If we agreed to some variation of Senator Greene's super-scroll proposal, for instance, the opposition would keep this tool in hand.

The rights and privileges of the opposition are probably one of the most contentious issues discussed amongst us these days. There are those who favour the status quo, an Official Opposition organically linked to a national caucus whose goal it is to defeat the party in power. There are those who believe that with non-partisan senators now occupying a plurality of the seats in the Senate, this traditional concept of opposition does not make much sense any longer.

My view lies somewhere in between. I am convinced that, as long as the present Liberal government is in power, the Conservative senators should form the opposition and enjoy the rights and privileges resulting from that status. I say this even though I resent the assertions that our friends opposite make daily about members of the Independent Senators Group, that we are closet Liberals. I think we in the ISG, individually and collectively, have demonstrated numerous times our independence from this government and from any other party. In fact, when we do, our Conservative colleagues say we are disorganized. So which is it? Are we whipped Liberals or are we loose fish? You can't have it both ways.

I will tell you what we are: We are organized independents.

Nonetheless, in any Parliament it is absolutely essential that the people who are fundamentally opposed to the government's world view be represented firmly and constantly.

That being said, we have to think ahead. At some point in the future, the Conservatives will form the government. Then, obviously, our Conservative friends will become the government party in the Senate. Who will form the opposition in a Senate where the Liberals are few in number and separate from the Liberal national caucus and where the ISG forms the largest group?

It is thinking of the future that we should all work together on a new model without anyone fearing the loss of current rights and privileges because, in my view, these should not be in question. The Conservatives form the Official Opposition in the Senate for as long the Liberals are in power in the other place.

Honourable senators, next fall, when the lights turn on in our new chamber, we will only have one chance to make a good first impression. If we change none of our current practices, we could very well squander that opportunity.

There is an alternative, however. If on all sides trust, optimism and imagination supersede angry partisanship, fear and resistance to change, Senator Harder's proposal can easily serve as a basis for a discussion on how to achieve more efficient management of Senate business. But for this to happen, we need to share one common priority.

[*Translation*]

If we do not agree to put this priority front and centre on our personal and shared agendas every day, then no matter what happens, we will be unable to make the necessary changes.

[*English*]

Colleagues, this priority that we have to share together lies right in front of our very eyes. We feel its weight when we enter this magnificent chamber and admire these powerful paintings. It takes root in decades of history, speeches and rules beginning in those early days of November 1867. Our duty is to strengthen its foundations and propel it into the future. This cause, which should unite us across the aisle beyond party and group, is the success of this institution, not our personal or our group's triumph, but the success of the Senate of Canada.

The Hon. the Speaker: Honourable senators, as agreed, this matter remains adjourned in the name of Senator Cools.

(On motion of Senator Cools, debate adjourned.)

(*At 8:26 p.m., the Senate was continued until tomorrow at 2 p.m.*)