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OFFICIAL REPORT  
(HANSARD)

Thursday, March 29, 2018

The Honourable GEORGE J. FUREY,  
Speaker

## CONTENTS

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

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## THE SENATE

Thursday, March 29, 2018

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

[English]

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### BRITISH COLUMBIA

##### FRANCOPHONE YOUTH PARLIAMENT

**Hon. Mobina S. B. Jaffer:** Honourable senators, the 20th annual British Columbia francophone youth parliament took place from January 18 to 21, 2018. It brought together 115 French-speaking youth between the ages of 14 and 25 from across the province. Students from the greater Vancouver area, Vancouver Island, the Fraser Valley, the Okanagan Valley and the Prince George region travelled to Victoria to connect with their francophone selves.

Four bills drafted by young people were debated at the Legislative Assembly of British Columbia as part of the francophone youth parliament. The themes of these bills were youth and alcohol, gender equality in British Columbia, the reform of parenting in British Columbia, and immigration in British Columbia.

These students were able to learn about the legislative process through simulations of parliamentary sessions and participate in workshops and social activities. It was a lighthearted event where they could make friends and have fun. Yann Lacoste, President of the Conseil jeunesse francophone de la Colombie-Britannique, had this to say, and I quote :

The first time I participated in a youth parliament, it really opened my eyes to the scope of the francophonie. This event is a rare opportunity for youth to speak French the way they want to, surrounded by other young people with similar experiences. This event helps young people to become well informed and well equipped in a positive, family-like atmosphere that encourages linguistic security.

Honourable senators, the francophonie in my province, British Columbia, is alive and well. I would like to thank Rémi Marien, executive director of the Conseil jeunesse francophone de la Colombie-Britannique, for this rewarding initiative.

Thanks to young people who want to go to French and French immersion schools, Franco-Columbian culture is flourishing. I am really looking forward to attending next year's francophone youth parliament and witnessing their excitement and their keen interest in political and social issues.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. David Ettedgui, President of the Lord Reading Law Society; Mr. Larry Markowitz, Past President; and Mrs. Inna Nekhim, Vice-President. They are the guests of the Honourable Senator Gold.

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

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

### LORD READING LAW SOCIETY

**Hon. Marc Gold:** Honourable senators, 70 years ago, the Quebec Bar Association decided to hold their annual convention at Mont Tremblant Lodge. Most lawyers were very happy, because this was a lovely place to hold a meeting. But there was a problem, at least for the Jewish members of the bar. You see, as was common at the time, the lodge had a strict "no Jews and no dogs" policy. No big deal, conveyed the owner of the lodge in response to representations to change the venue. It was off season, so no need to worry; there won't be too many gentile guests to be offended by the presence of the Jews.

Outraged by this discriminatory rule, several Jewish members of the bar called for a boycott of the meeting and founded an association with a mandate of lobbying for fair representation of Jews at the bar and on the bench. The guests in the gallery who were just recognized by Your Honour are the past president, current president and incoming president of the society, the group that calls itself the Lord Reading Law Society. It was named after Rufus Daniel Isaacs, the first Marquess of Reading and the first Jewish Lord Chief Justice of England.

[Translation]

The Lord Reading Law Society quickly became a fixture in Montreal's legal community. It made connections with the law faculties at McGill University and the University of Montreal and played a key role in increasing the number of Jews at the bar and on the bench locally and provincially.

Since it was founded, the society has offered top-quality programs to accommodate its members' professional development needs. The society hosts several annual lecture series, including one named for my late father that has featured a long list of leading figures from the legal community.

[English]

Over time, as anti-Semitism and restrictions on Jews became less prevalent, the society turned its attention to fighting for the rights of the greater Jewish community and other minority groups in Quebec. The society was engaged in many of the high profile

issues of the day, intervening in support of minority rights when confronted with discriminatory legislation such as the ill-conceived Bill 60, otherwise known as the Quebec charter of values.

In fighting for the interests of its members and in defending the rights of all minorities, the Lord Reading Law Society is true to the highest ideals of the Jewish tradition, for as the famous sage asked more than 20 centuries ago:

If I am not for myself, who will be for me? But if I am only for myself, who am I? If not now, when?

Honourable colleagues, as we approach the holidays of both Passover and Easter, please join me in congratulating the Lord Reading Law Society on 70 years of effective and constructive leadership. May it continue to go from strength to strength.

**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 Wayne Markland, Wendy Burghardt, Ralph Burghardt and Andrew Smith. They are the guests of the Honourable Senator Martin.

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

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

### THE LATE JORDAN MARKLAND

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, today I rise to tell you an incredible story. It's a story that is indelibly etched in the hearts of his father, Wayne Markland; his mother, Wendy Burghardt, and her husband, Ralph; his friends, Tess Morgan, Kate Lawson, Tristan Douglas and many more; and it is being written around the world by perfect strangers like Andrew Smith and fellow globetrotters who have been inspired by this story of death and loss, and life ever after.

It is the story of Jordan Markland, born April 1, 1984, the only son of Wayne and Wendy, who died unexpectedly on January 30, 2016. He is memorialized by the trees planted by his friends after his passing, one on Vancouver Island where he grew up and went to school, and the other planted in Christie Pits Park in Toronto, Ontario, where he lived and worked so that he could do what he loved most: travel the world he so loved.

Inscribed on the tree are the words of Oscar Wilde:

It takes great courage to see the world in all its tainted glory, and still to love it.

His family and friends gather each year to decorate the trees and remember Jordan.

On the night of Jordan's death, three hours apart on the West Coast, Wayne thought of texting his son but decided to wait until morning. The next morning, the RCMP were at Wayne's door. "Never wait to call or text the ones you love," Wayne posted on this year's anniversary of Jordan's passing.

• (1340)

Less than a week after Jordan's death, Wayne travelled to Toronto and met Wendy to take on the daunting task of removing Jordan's belongings from his apartment. Among Jordan's possessions were three backpacks. One that he used on his travels, the most recent to Vietnam, was among them.

On February 6, 2016, Wayne was curbside holding the backpack Jordan had last used when a perfect stranger by the name of Andrew Smith walked by on that fateful day. Having chosen a route he had never taken before, he met Wayne. This is what Andrew wrote later that day as he created a Facebook page called Jordan Markland's Backpack:

Today I walked past a collection of belongings on the side of the road, a nice man name Wayne offered me a simple traveller's backpack.

It belonged to a young man name Jordan Markland. A loved son, friend of many, and avid traveller of the world. I accepted the bag to take with me on my upcoming trip to Vietnam, a country Jordan had just visited and loved very much.

I plan to bring his backpack with me and its help will surely be invaluable. I will carry along his spirit and joy with me to ensure that he will continue to be a citizen of the world.

My hope is that when I return we, as a group, can pass his backpack along to further help more travellers, make sure that his spirit continues roaming the world he loved, and to honour his memory.

**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 Nancy Wert, Jim Wert, Arva Machin and Randy Machin. They are the guests of the Honourable Senator Black (*Ontario*).

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

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

#### 4-H CANADA

**Hon. Robert Black:** Thank you very much, Your Honour and honourable senators, for the opportunity to address you for the first time here in the Senate Chamber.

As I reflect on my road to this august building and chamber, there are a number of people, including my friends joining me today in the gallery, and things that I can credit in my having the opportunity to stand before you today.

A very big part was the result of my involvement in the 4-H movement here in Canada. 4-H Canada is one of Canada's leading positive youth organizations dedicated to building responsible, caring and contributing young people committed to making a positive impact on the world around them.

The growth and development of 4-H clubs in Canada unfolded in the year 1913 with the formation of the first club in Roland, Manitoba. It started as a way to help improve agriculture, increase and better production, and enrich rural life. There were 14 members in that first club, and it is from this group of enthusiastic young people that we have a 4-H program in Canada today.

Today, 4-H is one of the longest-running youth organizations in the country. And while 4-H is still a mainstay in many rural and agricultural communities across Canada, it now extends well beyond that, providing over 25,000 youth under the mentorship of 7,700 volunteers in close to 2,000 clubs from coast to coast with hands-on learning experiences and relevant leadership opportunities.

At its core, 4-H teaches good leadership, citizenship and life skills. Programs in areas such as sustainable agriculture and food security, science and technology, the environment and healthy living, and community engagement and communications allow 4-H youth to explore and address some of the biggest challenges facing our planet today.

These 4-H youth and program alumni already serve as leaders, fostering a culture of civic and service engagement in communities across the country. They are the leaders in STEM fields, developing the next big innovations, and in agri-food, creating growth opportunities within the sector. The 4-H program in Canada has created a living legacy of nurturing leaders and members. The program is still thriving and growing confident, caring and contributing current and future leaders across Canada.

This won't be the last time you hear me talk about the 4-H program, a program that I consider without a doubt to be the best youth leadership development program in Canada and indeed around the world. I am incredibly proud of my roots as a 4-H alumnus, as a staff member at the provincial and national levels, as a past president of the Canadian 4-H Council and a lifetime honorary member of 4-H Canada.

Without a doubt, I credit my initial introduction and my 44-year 4-H involvement to my mom and dad, Bert and Marg Black, and to my very good friend Gerald Townsend.

It is because of them and because of 4-H that I have the confidence, courage and ability to stand before you this afternoon and carry out my role as a senator alongside each of you.

For me, part of what it means to be Canadian is embodied in the 4-H pledge. That is why today and every day:

I pledge  
My head to clearer thinking,  
My heart to greater loyalty,  
My hands to larger service,  
My health to better living,  
For my club, my community, and my country.

**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 Ms. Sizani Ngubane and Ms. Emily Shrope. They are the guests of the Honourable Senator McPhedran.

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

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

[Translation]

#### UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN

**Hon. Marilou McPhedran:** Honourable senators, today I would like to talk about the United Nations Commission on the Status of Women. Members of the commission, including Canada, were in talks until six in the morning last Friday so the text of the agreed conclusions could be adopted Friday afternoon.

[English]

This is of great importance as this year's theme for the commission, or CSW62, was empowerment of women living in rural, remote and isolated areas.

Six years ago, UN member states failed to agree on an outcome document due to regressive language being pushed by some member states opposing women's rights. This year, however, successful negotiations produced an outcome document that reflects the urban-rural gaps and entrenched disadvantages of rural women across the globe.

About 2.8 million women reside in Canadian rural areas and another 176,000 women in remote areas, as of the most recent census. Thus, significant numbers of the CSW62 recommendations are directly applicable in a Canadian context. For example, the call in the outcome document for adopting:

... reforms to eliminate discriminatory laws and norms for women to have equal access to economic and productive resources, including land and natural resources, property and inheritance rights.

This is especially true of our indigenous peoples living in rural areas of the country. An additional call to action outlined in the recommendations is the need for infrastructure, with specific reference to safe drinking water.

Although I certainly applaud Minister Philpott for her department's commitment on lifting over 1,000 water advisories in Canada, 78 long-term drinking water advisories remain in effect. I echo the call to action and emphasize that the government's goal of eliminating the remaining advisories by 2021 leaves our rural Indigenous communities without drinking water for at least another three years.

As I speak about CSW62, I would like to congratulate Ms. Sizani Ngubane, who is with us from South Africa today and who was awarded at the UN two weeks ago, during CSW62, the annual Woman of Distinction Award for her work on behalf of rural women in South Africa and other parts of Africa.

Ms. Ngubane is the founder and director of the Rural Women's Movement of South Africa, supporting women across the country to advocate and provide support for claiming land rights. The Rural Women's Movement also works with women on their journeys towards knowing, claiming and, most essentially, living their rights in South Africa, regardless of race, culture or religion.

Once again, I would like to salute Ms. Ngubane for her dedication and her work in advancing women's rights in South Africa.

I invite us to thank Canadian diplomats and Canadian civil society representatives who worked so hard at this year's UN commission, CSW62, to produce progressive, agreed-upon conclusions. This is the call to action agreed to by member states of the UN, that comes directly from the largest annual women's conference in the world.

[ Senator McPhedran ]

Thank you, *meegwetch*.

• (1350)

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Bruce Eves, Lily Eng, Peter Dudar, Robert Kananaj, Roberta Kananaj and Lauren Gratton. They are the guests of the Honourable Senator Bovey.

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

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

[Translation]

## ROUTINE PROCEEDINGS

### PARLIAMENTARY BUDGET OFFICER

*STATUS REPORT ON PHASE 1 OF THE NEW INFRASTRUCTURE PLAN—*  
REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *Status Report on Phase 1 of the New Infrastructure Plan*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

### AUDITOR GENERAL

*PERSPECTIVES ON CLIMATE CHANGE ACTION IN CANADA: A*  
*COLLABORATIVE REPORT FROM AUDITORS GENERAL—*  
REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the report from the Office of the Auditor General of Canada entitled *Perspectives on Climate Change Action in Canada: A Collaborative Report from Auditors General*, pursuant to the *Auditor General Act*, R.S. 1985, c. A-17, sbs. 7(5).

[English]

## JUSTICE

*CHARTER STATEMENT IN RELATION TO BILL C-71—*  
DOCUMENT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

[Translation]

[English]

## NATIONAL FINANCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON FEDERAL ESTIMATES GENERALLY—TWENTY-SEVENTH REPORT OF COMMITTEE PRESENTED

**Hon. Percy Mockler**, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, March 29, 2018

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

## TWENTY-SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, January 27, 2016, to study such issues as may arise from time to time relating to federal estimates generally, including the public accounts, reports of the Auditor General and government finance, respectfully requests funds for the fiscal year ending March 31, 2019, and requests, for the purpose of such study, that it be empowered:

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

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

Respectfully submitted,

PERCY MOCKLER  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix A, p. 3152.)

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

**Senator Mockler:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on Orders of the Day for consideration later this day.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

## FISHERIES AND OCEANS

BUDGET—STUDY ON MARITIME SEARCH AND RESCUE ACTIVITIES—TENTH REPORT OF COMMITTEE PRESENTED

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

Thursday, March 29, 2018

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

## TENTH REPORT

Your committee, which was authorized by the Senate on Thursday, April 14, 2016, to study Maritime Search and Rescue activities, including current challenges and opportunities, respectfully requests funds for the fiscal year ending March 31, 2019.

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

Respectfully submitted,

FABIAN MANNING  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 3160.)

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

**Senator Manning:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on Orders of the Day for consideration later this day.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

[Translation]

## OFFICIAL LANGUAGES

BUDGET—STUDY ON CANADIANS' VIEWS ABOUT MODERNIZING  
THE OFFICIAL LANGUAGES ACT—EIGHTH REPORT OF  
COMMITTEE PRESENTED

**Hon. René Cormier**, Chair of the Standing Senate Committee  
on Official Languages, presented the following report:

Thursday, March 29, 2018

The Standing Senate Committee on Official Languages  
has the honour to present its

### EIGHTH REPORT

Your committee, which was authorized by the Senate on  
Thursday, April 6, 2017, to examine and report on  
Canadians' views about modernizing the *Official Languages  
Act* respectfully requests funds for the fiscal year ending  
March 31, 2019.

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

Respectfully submitted,

RENÉ CORMIER  
*Chair*

(For text of budget, see today's Journals of the Senate,  
Appendix C, p. 3170.)

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

**Senator Cormier:** Honourable senators, with leave of the  
Senate and notwithstanding rule 5-5(f), I move that the report be  
placed on Orders of the Day for consideration later this day.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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

## HUMAN RIGHTS

BUDGET—STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS  
OF PRISONERS IN THE CORRECTIONAL SYSTEM—NINTH  
REPORT OF COMMITTEE PRESENTED

**Hon. Patrick Brazeau** presented the following report:

Thursday, March 29, 2018

The Standing Senate Committee on Human Rights has the  
honour to present its

### NINTH REPORT

Your committee, which was authorized by the Senate on  
Thursday, December 15, 2016, to study issues relating to the  
human rights of prisoners in the correctional system,  
respectfully requests funds for the fiscal year ending  
March 31, 2019.

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

Respectfully submitted,

WANDA ELAINE THOMAS BERNARD  
*Chair*

(For text of budget, see today's Journals of the Senate,  
Appendix D, p. 3179.)

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

**Senator Brazeau:** Honourable senators, with leave of the  
Senate and notwithstanding rule 5-5(f), I move that the report be  
placed on Orders of the Day for consideration later this day.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

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



## CANADIAN NATO PARLIAMENTARY ASSOCIATION

2017 SPRING SESSION, MAY 26-29, 2017—  
REPORT TABLED

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian NATO Parliamentary Association respecting its participation at the 2017 Spring Session held in Tbilisi, Georgia, from May 26 to 29, 2017.

[English]

## QUESTION PERIOD

## INFRASTRUCTURE AND COMMUNITIES

## INFRASTRUCTURE PROJECTS

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, I have an important question to ask the Leader of the Government in the Senate, and I hope he would look at this very seriously.

Over many months, the Parliamentary Budget Officer has issued warnings regarding the government's infrastructure plan. Earlier today, the PBO released a status report which found that of the \$14.4 billion budget for phase one of this plan, federal departments identified only \$7.2 billion worth of approved projects initiated this fiscal year, or in 2016-2017.) Half of the phase one funding is yet to be attributed to projects.

• (1400)

Canadians were told during the election campaign that the so-called modest deficits were necessary in the short term to fund infrastructure projects and provide economic stimulus. The deficit is \$18 billion, the infrastructure funding has not gotten out the door as promised, its impact on GDP is modest, and the PBO was told that the new infrastructure plan does not exist. It certainly was not anyone from our side.

How can Canadians view the government's economic management as anything but suspect? Could you help me with this please?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I'm happy to help him with it. The Government of Canada, as he knows, has an infrastructure program that works in cooperation with our partners in the provinces. The Government of Canada has signed agreements with all provinces with respect to the delivery of the infrastructure program. These bilateral agreements have seen a number of projects announced and beginning to be under way. I can go through a list of those announcements if he would wish for the benefit of the Senate.

However, I would also point out, as I have on several occasions, that the Government of Canada, in respect of its funding for these projects, is providing the funds only as benchmarks that are agreed amongst the partners are achieved to ensure the effectiveness and efficaciousness of public funds.

The infrastructure programs see millions of dollars of projects under way across the country, and those projects are of huge benefit to Canadians.

**Senator Smith:** I recognize that the projects are given to people who make the application, and then final funding doesn't go out until the program is completed, but it appears that after the lead time that was given for the set up, implementation and execution, it seems that something is not right because these projects should probably be completed by now. Could you check? If you have that list, we would really appreciate receiving it.

It is important that the words match the actual actions and execution, and there seems to be a bit of a lapse here.

In July of last year, Minister Sohi stated his intention to conclude negotiations with the provinces and territories on agreements on phase two of the infrastructure plan "by March 18 at the latest." However, *The Globe and Mail* is reporting that deals have yet to be completed with eight provinces and one territory. As well, Minister Sohi would not provide a new deadline for finalizing all of the bilateral agreements.

It's clear that this program is not turning out the way it was expected. Again, there is an issue of transparency, there is an issue of execution, and there is the issue of making sure Canadians know exactly what the government is doing because it affects all of us.

Could the government leader please tell us, without setting a new deadline or phase two infrastructure agreements, isn't it the government inviting potentially more delay?

**Senator Harder:** Again let me respond first to the early part of the question and undertake to provide a broader list. Let me give you an example.

In the province of Ontario since November 2015, the Government of Canada has announced 2,058 projects worth more than \$5.8 billion in federal funding, which results in partner funding or accumulated funds of \$13.7 billion. These projects include \$1.899 billion for the GO RER project in the Greater Golden Horseshoe area; \$1.15 billion for the Stage 2 LRT project in Ottawa; \$385 billion for Port Lands redevelopment in Toronto; \$333 million for the Finch West LRT project; early works under planning dollars for future large-scale transit projects, \$45 million for Stage 2 of LRT in Ottawa, \$36 million for Yonge North subway, \$35 million for SmartTrack, Eglinton West; 730 water projects announced in Ontario in May of last year, and water waste improvement projects in a range of towns and cities in Ontario including Barrie, Guelph, Brampton; buses in Stratford; and broadband networks.

My point is that there is a lot of activity under way not only in Ontario but throughout. I will be happy to share a broader list. That's with respect to the program as under way. The minister is

in deep discussions with his partners on phase two. Because of the progress made on phase one, the phase two projects are able to be more articulate and identified, and those conversations are taking place now.

**Senator Smith:** I appreciate that answer. It leads me to a simple conclusion: Is there a possibility that the federal government has done its part in initiating projects, but then it goes to provinces and/or municipalities? Is there a linkage problem between the provinces and the municipalities or whoever the other partners are in getting their share of the money into the pot so the program as announced will get going?

A perfect example is the most recent indication that the Champlain Bridge will be delayed. It was supposed to be completed by November of 2018.

Is there an executional issue? If so, if we were able to find out, it may help the relationship between the minister's department and the provinces so that the provinces and municipalities can get this done. We have a lot of money into this. You put your money in. Where is it and is the project moving forward?

**Senator Harder:** I thank the honourable senator for his interest in this. I'm informed that the relationships amongst all the partners are well established and highly respectful. Again, I could give you quotes from mayors and provincial leaders with respect to that. What we are dealing with is the consequence of highly complex and very important projects of infrastructure that have been delayed for far too long.

With respect to the Champlain Bridge, I can inform the honourable senator that to the best of my knowledge, the December deadline is still the one the government is working toward.

[Translation]

## PRIME MINISTER'S OFFICE

### PRIME MINISTER'S TRIP TO INDIA

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. Senator, in the speech you gave on Tuesday regarding Motion No. 309, you said, and I quote:

... 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.

We now know that Daniel Jean gave the media information on the Prime Minister's trip to India. Am I to understand that you think Mr. Jean gave the journalists confidential information?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I can't speak to the speculation the honourable senator's question implies. I was simply in my comments reflecting on what is appropriate to have before committees of Parliament and

[ Senator Harder ]

how important it is for matters such as security intelligence to be dealt with in the appropriate parliamentary body, which, of course, is the recently established National Security and Intelligence Committee of Parliamentarians.

[Translation]

**Senator Carignan:** Senator Harder, why not arrange for parliamentarians to receive the same briefing on the Indian government's actions that Mr. Jean gave to the media?

[English]

**Senator Harder:** Again, I was speaking to a motion which sought to have an inappropriate committee deal with this matter, and it is the view of the government that that would be an inappropriate venue for these matters to be discussed in. We have established, and we were part of establishing as a Senate, the committee of parliamentarians. We have distinguished senators on that committee. Should they wish, as our motion suggests, that is the appropriate venue for this matter.

## EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

### SUMMER JOBS ATTESTATION

**Hon. Pamela Wallin:** My question is for the Government Representative and it is regarding the Canada Summer Jobs attestation that we discussed earlier this week or maybe it was last week. I then asked you to please ask Labour Minister Patty Hajdu to reconsider the wording of the Canada Summer Jobs attestation and the check box that requires applicants to forgo their Charter right to freedom of belief and opinion.

• (1410)

As reported in the media, it looks as if the government may have realized its miscalculation and is now reconsidering the wording of applications for next year. In the media report, the minister is quoted as saying: "Well, you know, this is not in line with sort of the Charter," and I believe she was referring to LGBTQ kids. Of course, that's why our country has a human rights code, to prevent that from happening, and most certainly we have a Charter to protect freedom of speech, belief and opinion.

Again, I asked you to ask the minister for clarification as to why she is not considering altering the attestation for this year's program so kids can get valuable experience through summer jobs and so that the camps can go ahead? We are looking at over 1,500 communities affected by rejected applications this year alone.

I was pleased to see you table the Charter statement regarding Bill C-71, and I ask you do the same for this program.

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for her question, and I want to assure her that I will be happy to bring to the attention of the minister concerned the views expressed by the honourable senator.

What I can tell the honourable senator and all colleagues is that this program is now closed. The number of applications is on par with previous years, and the assessment to ensure that the summer jobs program is able to take effect in the summer as planned is under way.

Should the attestation requirements be altered, that would, of course, bring into question whether or not the applications and, in fact, the summer program would be able to exist. I do know the minister has said publicly that she continues to be cognizant of the issues and is reviewing how to ensure the objectives that she has can continue beyond this year's program and future programs.

## ENVIRONMENT AND CLIMATE CHANGE

### GREENHOUSE GAS EMISSIONS

**Hon. Rosa Galvez:** My question is for the Leader of the Government in the Senate, Senator Harder.

Earlier this month, Minister McKenna reaffirmed the government's commitment to meet the Paris Agreement targets of reducing emissions from 722 megatonnes in 2015 to 517 megatonnes by 2030. She said Canada had sufficient time to transition to meet those targets in order to mitigate the effects of climate change and extreme weather events.

This week, the Commissioner of the Environment and Sustainable Development released a climate change report entitled, *Perspectives on Climate Change Action in Canada—A Collaborative Report from Auditors General*, which provides an independent assessment of the state of climate change action in Canada.

The main findings of this report demonstrates that governments across the country have, for the most part, not fully assessed climate change risk nor developed adaptation plans, that governments did not coordinate effectively to take climate change action, and that some governments were not reporting on progress in a regular and timely manner.

I'm concerned that while the federal government has made many strategies and plans to reduce emissions across Canada that the action and the implementation of these strategies, which are required to meet emissions reductions, are lacking.

Senator, how can Canadians be reassured that the government is taking concrete action to meet 2030 emissions reduction targets when the 2020 targets will not be met? Moreover, how can you reconcile the minister's comment with the most recent report from the Commissioner of the Environment and Sustainable Development, which shows that many provinces are not taking concrete action to meet emissions reduction targets?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for her question and her ongoing attention to these important issues.

Let me say that the reports of the commissioner are, in the view of the government and certainly the minister, important tools for transparency in highlighting the status of issues that require further attention, and in that context the government welcomes this report. But I would also like to make clear to all senators what the commissioner had to say.

First, the commissioner reported that most of the audits discussed in the report, including virtually the entire federal audit, were conducted before the establishment of the pan-Canadian framework.

Second, the commissioner said the pan-Canadian framework represented a step in the right direction, noting that it brought together the key players to chart the path forward to see the plan implemented.

The government has been actively implementing the pan-Canadian framework, and we are starting to see results, putting Canada on the path to meet our Paris Agreement on greenhouse gas emissions reduction targets.

As published in December 2017 in Canada's third biennial report to the UN, Canada's GHG emissions are projected to be 232 megatonnes lower than expected in the report released in early 2016. This is a direct result of the plan the government has put in place to address climate change and the actions the government is taking to implement changes. This decline in projected emissions is the biggest improvement in Canada's emissions outlook since reporting began. It is widespread across economic sectors, reflecting the breadth and depth of the Pan-Canadian Framework on Clean Growth and Climate Change.

## HEALTH

### TAIWAN—PARTICIPATION AT WORLD HEALTH ASSEMBLY MEETINGS

**Hon. Thanh Hai Ngo:** My question is for the Leader of the Government in the Senate.

Last year, Taiwan was barred from participating at the World Health Assembly because of China's continuous effort to block their participation at every international fora.

Will Canada be consistent with its policy this year and publicly support Taiwan's participation in the upcoming World Health Assembly at the end of May 2018?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. He knows by virtue of the preamble of his question that Canada has had a long-standing position in this matter. I will make inquires as to whether or not this the position has changed for any reason. I will report back as soon as possible; I just don't have that information.

**Senator Ngo:** Thank you, Senator Harder. Would it be possible to have a written response from the government before the assembly meets in May 2018?

**Senator Harder:** I'll make every endeavour to achieve that.

## PRIVY COUNCIL OFFICE

### APPOINTMENT OF CHIEF ELECTORAL OFFICER

**Hon. Paul E. McIntyre:** My question is for the Leader of the Government in the Senate.

On January 31, I asked the government leader when the position of Chief Electoral Officer would be filled. Almost two months have since passed, and we still do not have a permanent Chief Electoral Officer.

The government has known since June 2016 that the previous Chief Electoral Officer, Marc Mayrand, would retire. That's almost two years.

What is taking so long and why has the current government been incapable of filling this very important parliamentary position?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for his question. He will know that I can't answer that today, but I'll make every effort to determine what the time frame is for such an appointment.

## PARLIAMENT OF CANADA

### ESTABLISHMENT OF JOINT COMMITTEE ON SECURITY

**Hon. A. Raynell Andreychuk:** I'm following up on Senator Carignan's comment. We have established a committee of both houses for the purposes of defence and security, et cetera.

You're saying that that would be maybe an appropriate place to discuss this issue with respect to the reports that were given to reporters, which parliamentarians have not received.

My difficulty is that that committee reports to the Prime Minister, in essence. How would the average parliamentarian be apprised of what they are doing?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. She will know from the debate that we had on Bill C-22, which established the committee, that there are tools within the committee's powers to make reports on specific issues and annual reports. I simply note that that would be the appropriate process.

I would also note that it is the committee itself which determines its work plan, which is why the motion that we passed was so carefully scripted so that we weren't directing the committee. It is not in our power to direct the committee; they are the authors of their own agenda.

Finally, I would commend the three senators that represent the Senate on this committee, whom I note did not vote on any aspect of debate on this motion. They are people of high integrity who I trust to make the right decisions with respect to how they go about this matter, if they choose to.

**Senator Andreychuk:** I have a follow-up to that. No one is saying anything about the committee and its mandate. I think we are well aware of that.

• (1420)

To me, the issue is the right to know, at least the right to know as a parliamentarian equal to the press. This committee can handle its own affairs as they choose according to their mandate, and they can report to the Prime Minister. They may do many things, but there is no guarantee that I will have the right to know, nor will other parliamentarians.

So how can we be assured that we can fulfill our duties as parliamentarians to constituents through that process where we don't control it, you don't control it, and the Prime Minister doesn't control it? I don't believe that's within the proper rule of law, democracy, transparency and accountability.

**Senator Harder:** I beg to differ in the sense that Canada has now, as a result of Bill C-22 passing and establishing this committee, joined the like-minded so-called Five Eyes in establishing appropriate parliamentary oversight on security intelligence matters. It is, of course, now in the power of that committee to determine both its work agenda and how it reports, and I have every confidence that the members of that committee, should they choose to examine this issue, will study it and reveal that which is in the public interest and not jeopardizing the security or intelligence of Canadians on this matter.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

### EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR— WORKPLACE DRUG USE AND DRUG TESTING POLICIES

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 75, dated February 7, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Smith, respecting workplace drug use and drug testing policies (reply by Employment and Social Development Canada).

TRANSPORT—WORKPLACE DRUG USE AND DRUG TESTING  
POLICIES

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 75, dated February 7, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Smith, respecting workplace drug use and drug testing policies (reply by Transport Canada).

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

[Translation]

**APPROPRIATION BILL NO. 1, 2018-19**

THIRD READING

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)** moved third reading of 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.

She said: Honourable senators, I have nothing to add to what I said yesterday when I explained the nature of the expenditures on which we will be voting for the first quarter of next year.

[English]

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I want to make the same point again. This is for the first quarter of this fiscal year, running from April 1 through to June 30. We will be asked to do full supply in late June, but in the meantime, we are asked to give the government money to carry on. The full amount that we are being asked to vote on in Bill C-73 is \$30,907,000,000. With that, when you go home tonight, you'll say, "I authorized the expenditure of \$30 billion."

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

**Senator Day:** There is one other point I wanted to make with this, and it was made by Senator Mockler yesterday. I think it's important for us to know that we are in transition with respect to these estimates and the voted appropriations, because there are appropriations that happen in statutes that are not in that number I just cited.

We are dealing with a new estimate process and procedure, and the attempt is to try and have the Main Estimates reflect what was in the budget, which is absolutely the right thing to do. But during this transition until we sort it out, the \$30 billion that you are being asked to approve for the first quarter of this year is based on last year's estimates and last year's expenditures, and that seems a little strange. You would hope that the government would look at the expenditures of the previous year and determine which programs should continue and which ones should not. Did they overspend in a particular area? Did they need the same amount? Those discussions, as I understand from Senator Mockler, the chair of the National Finance Committee, haven't taken place yet.

We are being asked to vote on spending \$30 billion based on what already happened last year and what the estimates were last year. There is a little danger in that and a lack of transparency that I know the Finance Committee will keep an eye on because they raised it yesterday. Thank you, honourable senators.

[Translation]

**ORDERS OF THE DAY**

**CANADIAN JEWISH HERITAGE MONTH BILL**

MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-232, An Act respecting Canadian Jewish Heritage Month, and acquainting the Senate that they had passed this bill without amendment.

**APPROPRIATION BILL NO. 5, 2017-18**

THIRD READING

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)** moved third reading of 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.

She said: Honourable senators, since I said everything I had to say yesterday, I propose that we move on to the next step, which is to vote on this bill.

[English]

**Hon. Joseph A. Day (Leader of the Senate Liberals):** I think honourable senators should be aware of what we are voting for. We did speak on this yesterday at second reading, but just before we vote at third reading on a bill that is of great significance to Parliament and to the people of Canada, we are being asked to approve expenditures for the final portion of the fiscal year just ending at the end of this week. The government wishes to finish up all of its expenses and have money to cover those expenses in the amount of \$4,030,000,000. So you're voting for \$4 billion when you say "yes."

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

## TRANSPORTATION MODERNIZATION BILL

### BILL TO AMEND—TENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Transport and Communications (*Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts, with amendments and observations*), presented in the Senate on March 28, 2018.

**Hon. David Tkachuk** moved the adoption of the report.

He said: Honourable senators, it's my pleasure to table Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

This is a complicated and in some ways controversial bill, not the least of which because the government made it that way. And as you all know, the bill arrived in the Senate November 2 last year and wasn't referred to our committee until December 8, at which point we were being accused of delaying the bill.

The issue was, of course, that western grain farmers wanted it passed quickly before the winter so that they could be assured of getting the grain moved. While we sympathized with their concerns — and being from the West, I was personally particularly sensitive — this is an omnibus bill with many facets and a host of stakeholders with different concerns.

• (1430)

They needed to be heard. The government had a remedy for the farmers in their hand and they chose in many cases not to use it.

We heard 76 witnesses, in 12 meetings constituting 23 hours of hearings. How complicated the bill was and how serious the concerns of the witnesses were was reflected in the fact that during the clause-by-clause phase of the bill, some 26 amendments were proposed by senators representing every caucus and group in the Senate. Eighteen of them were passed.

These amendments touched on a variety of different areas in the bill.

Air transportation provisions. The committee passed a number of amendments relating to the airline joint venture provisions. For example, the Minister of Transport would be required to

publish a summary of a proposed joint venture for a 20-day public comment period. The minister would also have to review an authorized joint venture every two years to identify any concerns that the joint venture raises with regard to the public interest and competition.

In terms of passenger rights, the committee amended the bill to allow third parties to file air transportation complaints with the Canadian Transportation Agency. The original bill would have prevented them from filing complaints related to the air passenger bill of rights.

The committee also amended the list of subjects that the Canadian Transportation Agency must include in the regulation creating an air passenger bill of rights: adding the subject of an airline's obligation to make the terms and conditions for carrying the remains of a deceased person available in simple and clear language; changing the acceptable length of a tarmac delay from three hours to 90 minutes; and adding the requirement that the Canadian Transportation Agency create regulations in consultation with the Minister of Transport respecting air carriers' obligations to provide services in both official languages on flights within Canada.

The committee passed an amendment to require a committee of the Senate, House of Commons or both houses to review the air passenger bill of rights every three years and then every five years after that first review.

The committee amended Bill C-49 to give the Canadian Transportation Agency the authority to investigate whether or not a railway company is meeting its level of service obligations on its own motion, without first needing to receive a complaint.

Regarding the issue of long-haul interswitching, the committee amended the bill so that the LHI mechanism would be available to shippers that do not have access to an interchange or dual service if that interchange or dual service is not in the right direction of the shipment.

The committee also amended the LHI provisions so that captive shippers in the Maritimes are able to access the mechanism.

The situation under Bill C-49 as it came to committee was that any tariff, such as potash, moving from Western Canada to an Atlantic port — say Saint John or Halifax — is captive to CN at destination. The Maritimes are only served by CN. That means even if it can access CP in the west, there is no competitive alternative for the final segment of the movement from Montreal to the port in question. This applies in reverse to shippers sending product from the Atlantic port and moving it by rail to Western Canada, such as metal, concentrates, or other shipments originating at a facility in Atlantic Canada such as from a paper mill, for example.

This is exactly the situation the LHI remedy is intended to address. Trucking is not a viable alternative for much of this traffic. Diverting the water movements from Atlantic ports to Montreal is in many instances not possible and, in any event, forecloses economic opportunities in Atlantic Canada.

If we make an exception for captive shippers in northern Quebec and northern B.C. to allow them to use this remedy, it is only fair to allow the same exception for captive traffic in Atlantic Canada.

So if CP is moving potash to Montreal, once they get there, there is no CP; there's only CN. It's the only railroad. Now with this bill, with this amendment, they will be able to get the same price on the alternate rate on the monopoly railroad and it will work in the opposition direction as well.

On the issue of final arbitration, the committee amended the bill to require the Canadian Transportation Agency, at the request of the shipper, to provide the arbitrator with a determination of the railway's variable costs to move the goods.

In terms of the maximum revenue entitlement regime, the committee passed an amendment that would add soybeans to the list of crops covered under the regime.

Locomotive traffic and video recorders was a bit of a controversial piece of the bill. The committee amended the locomotive voice and video recorder provision to allow the Governor-in-Council to create regulations on the issue of destroying LVVR data. The committee also passed an amendment to remove the clause that would have allowed railways to access randomly-selected LVVR data.

Senators, these are the amendments, and of course you have the full report before you if you are curious about more detail.

I would be remiss if I didn't mention, however, that there is also an observation attached to the report and it is an important one. It is worth me reading, I think.

The committee heard witnesses from the Canadian National Institute for the Blind and the Council of Canadians with Disabilities who discussed the barriers that people with disabilities face when accessing air transportation services. For example, people with disabilities may face particular challenges with long tarmac delays as well as with the carriage of their mobility equipment and service animals.

The committee would therefore encourage the Canadian Transportation Agency to include stakeholders representing people with disabilities in its public consultations regarding the development of regulations to implement an air passenger bill of rights.

I think it's safe to say that senators were deeply moved by their testimony and the pictures they showed and the conditions that they had to face when, say, a blind person was travelling with a seeing-eye dog.

I want to close by thanking every senator on the committee, all of whom worked diligently and cooperatively to ensure our hearings on this bill were thorough but also efficient. I want to particularly thank the deputy chairs, Patricia Bovey and Dennis Dawson, for their support and their ability to play well with others, namely me.

Of course, I'd like to thank Senator Mitchell, who is the mover of the bill, and Senator MacDonald, who carried it from our side and who attended all the meetings. Senator Mitchell, of course, had to defend the government's position all the time and did so very ably and thoroughly.

Ultimately, the heavy lifting gets done by the staff. I want to thank the library staff, Jed Chong and Zackery Shaver, for their expertise. They could always be relied on to answer questions that committee members had and to provide us with considerable knowledge on the subjects of the bill.

There were 26 very complicated amendments proposed on this bill and only two parliamentary counsel to handle all of them. They did so brilliantly in spite of all the pressure. Their names are Indrani Laroche and Michel Bédard. On behalf of the committee, I want to thank them for all their hard work that I am told was ably assisted by legislative editors Caroline Martin and Shaun Bugyra. Thank you to them.

Finally, I want to thank our clerk, Victor Senna. It was his first committee hearing with amendments and there were these 26 amendments raining on him. Victor likes to be very thorough and very detailed, so no question, there was a lot of anxiety involved. He got kind of baptized by fire on Tuesday but handled it quite well. His support to the committee has been invaluable and the support of Shaila Anwar during the clause-by-clause phase was equally so. Their work on this very complicated file is much appreciated and, as usual, is of the highest quality.

Thank you to them.

Honourable senators, the minister and the sponsor of the bill have made it clear over and over that the sooner the Senate can pass the bill, the better. In my particular case, I hope that they do just that. Thank you very much.

• (1440)

**Hon. Grant Mitchell:** Colleagues, I want to thank the chair, Senator Tkachuk, and all the members of the Transport Committee and the staff that supported the work of the committee for what I believe to be extremely diligent, thorough and high-quality work on Bill C-49 throughout that committee process, which was extensive, responsible and extremely legitimate work.

While I expressed a contrary opinion on many of the amendments presented at the committee this week, it is apparent to me that those amendments, proposed and passed — mostly passed — represent strong legislative work, important contributions to the debate about this bill and a sincere effort to respond to public input.

The bill introduces a range of measures to enhance the service, safety and competitiveness of our airlines and railways to stimulate greater investment in airlines, railways and ports, and to improve the competitiveness of merit marine shipping in Canada.

A review of this bill reveals what I believe to be legitimate effort to balance clearly competing and significant commercial interests, to recognize the need for competitiveness in various

complex transportation markets, to pursue fairness for sometimes vulnerable shippers, and to respond to the need for safety and enhanced customer service in transportation systems.

I believe this bill represents very strong public policy development that was based upon two years of consultation. Two hundred stakeholders were consulted at the ministerial level, not to mention what was done at the department level and not to mention what was done through the committee on the other side and through our committee, and it's based upon the work of David Emerson some years ago as well.

It is strong public policy. It is balanced. In some senses, it represents that good public policy is not just a science; it is also an art. I believe that the department and the minister have found that important balance. That's why I support this bill, and that's why I find myself having to oppose the committee report.

I would like to address several of the amendments that are particularly significant in their impact on the substance of the bill and particularly significant in my decision to oppose the report. They all address the railway provisions of the bill — specifically, the application of long-haul interswitching and the maximum revenue entitlement policies, as well as the implementation of locomotive voice and video recorders. Those I will refer to in the rest of my remarks as LHI, MRE and LVVR, respectively.

A key part of recent rail policy in Canada has been an effort to evolve the railway sector from the nationalized, government-regulated utility-type model that it was for many decades, to a market-driven commercial model that it is or approaches today. The most obvious example of this shift is that, some decades ago, the government owned Canadian National Railway. Today, Canada has two successful Class I private sector railway companies.

These two companies are, as we all know, essential to the success of the Canadian economy because a huge portion of our economy is driven by industries that rely upon trains to get their products to market. It is equally essential that this rail service be responsive and competitively priced.

The good news is that two railways can provide a lot of healthy competition, which imposes market discipline on the prices and quality of service they will offer shippers.

The bad news is that, due to Canada's size and the enormous capital cost of building and maintaining rail infrastructure, there are regions in this country that are not served by both railways. This leaves some shippers with only one rail option. They are therefore captive to potentially non-competitive pricing and diminished service quality from a single rail carrier unencumbered by the discipline of competition.

Of course, one answer is just to regulate rail prices where there is no competition. But it is more complicated than that.

Railways face great demand for capital investment, since they need to maintain and build their infrastructure, which right now includes 45,000 kilometres of rail in Canada and 17,000 kilometres of Canadian-owned rail in the United States. If

you over-regulate their pricing structure, you begin to threaten their ability to sustain their capital expenditure and sustain quality, responsive service.

This is the challenge of Bill C-49, or at least one of them — finding the balance between price fairness and service quality for captive shippers versus recognizing the revenue imperatives of railways in a vast country like Canada.

In fact, Bill C-49 largely rebalances in favour of the shippers in three significant ways.

First, it introduces a number of measures that give shippers increased leverage in demanding quality service levels. These measures include reciprocal penalties, a strong definition of adequate service, and better dispute resolution options.

Second, long-haul interswitching, LHI, is a new policy that provides for the Canadian Transportation Agency to specify the price of shipping the products of captive shippers for up to 1,200 kilometres. It also means that if a shipper is not happy with service from the one railway in their region, they can get a specified LHI rate for shipping to a point where they can access the other railway. This tends to get the attention of the railways.

Third is retention of maximum revenue entitlement. The MRE limits the amount of profit railways can make on the shipment of certain Western Canadian agricultural products. In his review of Canada's transportation policies, in fact, David Emerson recommended removing the MRE entirely. Bill C-49 retains and modernizes it — something farmers and shippers were very pleased about.

All of these measures, while very helpful to shippers, represent reduced revenue or potentially reduced revenue for railways, or they require higher service standards of the railways, which increases their costs. The point is that Bill C-49 represents a long, difficult effort, based upon extensive stakeholder consultation, to forge a delicate balance between shipper and railway interests.

Amendments that dramatically change the application of these policies can significantly destabilize this balance. Three of the committee's amendments will, I believe, particularly undermine the balance that I am talking about.

First, adding soybeans to the list of crops covered by the MRE entitlement: The argument for this amendment is that the soybean crop has grown significantly — pun intended — over the last 20 years and should therefore qualify for MRE. However, the MRE was designed as a measure to correct market weaknesses. If soybean production has grown so significantly and profitably without MRE, it begs the question of why it needs this protection now.

Second, extending LHI to non-captive shippers: This amendment proposes that shippers who already have access to regular interswitching should also have access to LHI. But these shippers are not captive and already receive a regulated rate up to a nearby interchange point, after which they have competitive options. While sometimes the interchange point may be in the wrong direction from their ultimate destination, they are still in a



position to receive reasonable rates for their shipments — in fact, to negotiate reasonable rates for their shipments — because they have access to competition.

Third, making an exception to one of the LHI exclusion corridors for shipments to the Maritimes: This amendment will have a number of unintended consequences. It will increase congestion in the already busy Montreal transport corridor. Moreover, with the very challenging economics for the one remaining railway in the Maritimes, rate pressure from LHI government-agency-imposed pricing could become a serious issue for the viability of the railway network in that region.

Because all these amendments have a significant impact on the balance struck in this bill, I have to disagree with them.

The only other amendment that I would like to address or highlight is the change to the LVVR provisions in the bill. The bill provides for three entities to use voice and video recording in locomotives: the minister, the Transportation Safety Board — *ergo* government — and the railway companies. All three will be able to use the information to investigate reportable accidents and incidents after the fact, after the accidents or incidents have occurred.

In addition, the bill provides for companies to use randomly collected data for proactive analysis to anticipate potential problems and fix them before they cause accidents. The amendments made in committee yesterday would remove companies' ability to use randomly collected LVVR data in this proactive sense. It should be noted that the Transportation Safety Board officials explicitly told the committee that they would like the companies to have the power to do this, and this policy initiative of LVVR, as outlined in the bill, was at the top of their want list.

• (1450)

The issue is the intrusion into worker privacy — clearly, an important issue. I believe that privacy is a serious issue but that it is also very important for rail safety that the company have access to the randomly collected LVVR information for proactive, forward-looking consideration. It comes back to balance, in this case between privacy and public safety. I believe that Bill C-49 approaches both appropriately, allowing companies to identify actionable safety issues, particularly related to potential human error, while requiring strong measures to protect worker privacy and imposing very high penalties to discourage railways from abusing their access and use of this information.

So, while I greatly respect the work of the committee, I remain concerned with a number of the amendments that were passed on Tuesday, and I oppose the adoption of the committee's report.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

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

**Hon. Grant Mitchell:** Honourable senators, with leave of the Senate, I move third reading of Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

**Hon. Michael L. MacDonald:** Honourable senators, I'd like to offer some comments today on Bill C-49, the Transportation Modernization Act. As critic of the bill, and as a member of the Standing Senate Committee on Transport and Communications, I've heard many points of view on many different and far-ranging aspects of the bill. Like many of you, I've heard from countless stakeholders affected by the legislation, some of whom I met personally in my office and others we heard from at committee.

This is an omnibus bill. Let's call it what it is. Whether the government wants to avoid calling it that doesn't change the fact that it contains 98 clauses and amends, to varying degrees, 13 statutes.

How this squares with the Liberal election promise not to use omnibus bills is beyond me. I'm not opposed to omnibus bills, in some circumstances, especially when they pertain to specific and related fields. Bill C-49, however, makes changes — many of which are significant — to the air, rail and marine industries. Air passenger rights certainly have nothing in common with long-haul interswitching. The Liberal government criticized the previous administration for using omnibus bills and announced they would be doing things differently — just another promise they could not keep, I suppose. Add another link to the long and growing list; it is a ponderous chain.

As I mentioned at second reading, when our critic in the other place introduced a motion in their Transport Committee calling on that committee to write to the Minister of Transport and his Government House Leader to ask them to split the bill into rail shipping, rail safety, air and marine in order to provide an enhanced scrutiny, every single member of the government voted against it, without a single comment or reason why. This is unfortunate, as I think splitting the bill would actually have expedited the passing of many important aspects of it, some of which our farmers are banking on.

All the government had to do was to extend Bill C-30, the Fair Rail for Grain Farmers Act, which was passed by the previous Conservative administration. The present government had already extended its use for one year, and farmers were requesting that it be extended for another year. The minister and the government refused. And now we are being coerced to pass a very complex bill by using legitimate concerns of farmers as a wedge. This was all avoidable and unnecessary.

Bill C-49 is supposed to be the government's legislative response to the 2015 Canada Transportation Act Review led by the Honourable David Emerson. But after our committee went through the bill with a fine-tooth comb, it became apparent that, in many respects, this bill was as much a public relations exercise as anything else.

Our colleague sponsoring the bill paints a picture that this is a historic piece of legislation, creating better opportunity and efficiency for business and industry. Yet, we are left here with a bill that by any standard has been heavily amended, front to back, and with more coming.

Honourable senators, our Transport and Communications Committee, led by Senator Tkachuk, conducted an exhaustive review of this bill. If you followed the proceedings, you'll know that a wide variety of voices were heard and understood from all industries. I believe 13 meetings were held in total. What we heard certainly painted a different picture than what the government would like you to believe. Our witnesses identified a lot of legitimate problems and oversights.

I know there is an appetite to deal with third reading as promptly as possible. So I will not speak to every element of the bill, but I do want to address some areas that I believe are of serious consequence and where I have particular concern.

Although I am the opposition critic, I think from what I heard at committee there were 12 critics sitting around that table — many of whom I expect we will hear from in this chamber and who I know can speak very knowledgeably to respective provisions in the bill.

Perhaps the most publicized section of this bill relates to the establishment of an air passenger rights regime. Bill C-49 would require the Canadian Transport Agency, the CTA, to create a new charter regarding air passenger rights.

Like many senators here, I fly regularly and only have positive things to say about all of the employees working for the airlines at our airports. Of course, on occasion flights do not go as we hope, and patience goes a long way, but we've all experienced and witnessed times at the airport when you would wonder if anyone was in charge. I am glad to see the government taking some steps, however timid, to establish a passenger bill of rights.

However, this legislation does not spell out what the compensation regime will be, just that there will be one. It appears the government is intent on pushing what is a serious and legitimate issue and concern to all Canadians down the road. This is not action, but more a promise of action.

The bill states that after consulting with only the Minister of Transport, the CTA will make regulations concerning carriers' obligations toward passengers. However, for even greater clarity, proposed section 86.11(2) states that the CTA must comply with any instruction from the minister about setting other regulations concerning carriers' obligations to passengers. What this means is that the CTA is tentatively responsible for creating the rules of service and setting what financial penalties a carrier would have to pay to a passenger in the case of a service breach, unless the minister is dissatisfied with the level of prescribed compensation that the CTA decides is appropriate, in which case he or she can dictate what that level of compensation will be.

It is noteworthy that the agency will by law be allowed to consult only with the Minister of Transport concerning the setting of these regulations and not with the consumer advocacy

groups, the airlines, the airports and other stakeholders in the sector.

I do not understand what the purpose is of consulting only the minister. If the government does not wish to get its hands dirty and wants to punt the issue to the CTA, this legislation clearly diminishes its independence. If the minister does not allow the agency to set the parameters of the passenger compensation regime independently, then the government should have spelled out in this legislation what it will be and let members of Parliament and stakeholder groups decide whether this is a good proposal or not.

Bill C-49 also contains provisions that would change the international ownership restrictions for Canadian air carriers, increasing the limit of foreign ownership of Canadian air carriers from 25 to 49 per cent. The bill also makes some significant changes relating to applications for joint ventures between two or more air carriers by providing the Minister of Transport with a role in approving joint ventures if the parties enter the voluntary pre-authorizing process.

Why is the government injecting a politician into the private sector and providing him or her with a role in taking the final decision on the process? I know I'm not the only one concerned about politicizing the process. We heard the same concern from several witnesses at committee. As a representative of Air Transat testified at committee, rather than attempt to achieve an appropriate balance in this regard with competition policy, the consumer interest considerations, as indeed current law does in the case of formal airline mergers, Bill C-49 has swung the pendulum to the other extreme and pre-empted, in our view, the vital surveillance and law enforcement process in favour of a strictly political solution.

• (1500)

Honourable senators, I'm a firm believer that more government is never good for business, and I am not enthusiastic about these provisions. That said, I would like to commend Senator Boisvenu for bringing forth some amendments to the joint ventures sections of bill that do, at least, serve to offer better clarity in terms of defining public interest and providing for public consultation, as well as mandating reviews every two years.

Shifting our focus to the rail sector, colleagues, we can find some positive aspects within this bill. Building upon the interswitching provisions introduced by the previous Conservative government in the Fair Rail for Grain Farmers Act, long-haul interswitching is being proposed in Bill C-49 as a permanent mechanism to provide farmers with a more cost-competitive environment through which to sell their grain. For those unfamiliar with interswitching, this refers to a commercial agreement between railway companies whereby a local carrier will transport product from grain shippers and deliver the product to a secondary shipper to complete the majority of the journey to its destination. Interswitching is regulated in Canada to ensure that captive shippers, or shippers with only one choice of carrier, have access to the entire rail system at a fair and competitive rate. This is a positive aspect of the bill. I think we all want to assist captive shippers and our hard-working farmers to gain access to the market through fair and reasonable means.

The section wasn't without its flaws, however, honourable senators. At committee, Senator Plett highlighted the fact that the current wording of the bill might give a shipper access to the nearest competing railway, but this would be of little to no value if the nearest interswitch takes the traffic in the wrong direction of the shipment's final destination or if the nearest interchange does not have the capacity to take on the size of the shipment. The solution proposed and accepted at committee was to add the wording to permit interswitching "in the reasonable direction of the traffic and its destination." I think this was a matter of common sense, yet the government actually protested its inclusion.

Senator Griffin also proposed a very timely and important amendment regarding long-haul interswitching, and the need for the amendment sheds light on how the Maritimes have been almost disregarded for the last number of decades when it comes to rail transportation policy and services. As originally drafted, long-haul interswitching would not have been an option for shippers from Western Canada to Maritime ports due to the nearest interchange to Saint John or Halifax being in Montreal, right in the middle of the Quebec-Windsor long-haul interswitch exclusion zone, and despite the fact that the only rail carry from Quebec City to the Maritimes is CN. As a representative of Canpotex told me, without access to competitive rail service and with obvious regional disparity, Maritime ports will be far less attractive.

The solution, as proposed in the amendment by Senator Griffin, would exempt shipments destined for New Brunswick and Nova Scotia from the Quebec-Windsor corridor exclusion zone, mirroring what is already provided for in the bill for shipments originating from railways in northern Quebec.

I believe this amendment will have a positive effect and make Maritime ports more attractive for shippers by providing competitive rail options. However, I feel compelled to point out that no province has been marginalized and disregarded as much as Nova Scotia has been when it comes to reliable freight and passenger rail service. Between the mid-1980s and the early 1990s, both VIA Rail and CN, one a Crown corporation and the other a former Crown corporation, both Montreal-based, abandoned all of the rail service east of Truro — three quarters of the rail in the province, serving two thirds of the province.

This was a public asset, the former intercolonial railroad, paid for by the taxpayers of Nova Scotia and Canada, completed in the 1890s as a Confederation obligation. This abandonment should never have been allowed. Passenger service on the line from Cape Breton to Halifax was provided by the rail liner, a self-propelled passenger train. Cape Bretoners in the 1980s were advised by VIA Rail to use it or lose it, and its ridership climbed. But VIA Rail shut it down anyway, saying it was losing money.

I haven't noticed VIA Rail showing much profit in recent years since the service was terminated. There was joke going around Cape Breton afterward. It went: What is the difference between Cape Breton and East Berlin? The answer was, "You can still get a train out of East Berlin." It's a joke that speaks volumes.

Since most of the transportation modernization act deals with railroads, I want to say a few more words here about rail. I've always had a great affinity for trains. It's still a civilized way to

travel, and it is by far the best and safest method of moving containers or heavy and dangerous freight around the country and the continent. The railroad was a fixture growing up in my little hometown. The Sydney-Louisbourg railway operated from 1895 to 1968. It had a remarkable history. The S&L was nicknamed the Slow & Lazy, and, although it was slow, it certainly wasn't lazy. During the great era of industrial expansion, from the late 1800s until the Depression, it was one of the busiest railroads on the continent. While it operated all year round, it was in the winter months of late November to late April that it earned its keep. Before the advent of icebreakers, it served all of industrial Cape Breton, carrying steel from the Sydney mills, delivering coal from Glace Bay for export and refuelling, and handling incoming iron ore from Wabana, Newfoundland. It was all carried on the S&L to and from Louisbourg, the only deep-water, ice-free port on the island.

In 1913, the Dominion Bureau of Statistics contained a table of the top 25 North American railroads, ranking them not by size but by tonnage carried. All of the great railroads in both Canada and the United States were listed. The Grand Trunk, the Pennsylvania, CP, the Reading, et cetera. These were mostly huge railroads, usually many hundreds or even thousands of miles in length, but number 18 of 25 was the S&L Railway. It had an asterisk by it. The footnote revealed that the 41-mile in length S&L, which ran northeast from Sydney to Glace Bay and south to Louisbourg, pulled more tonnage per mile than any other railroad in North America. That is a truly remarkable statistic.

By the time I was growing up, times had changed. The train only ran on Tuesdays and Fridays as Cape Breton was beginning its industrial decline, but it still had one great defining characteristic. It was the last fully operational commercial steam railroad in North America.

I realize now that I experienced something very few people my age or younger have ever experienced in North America. My uncle, Clarence Shaw, lived in Glace Bay, and he was a longtime engineer on the S&L. When he was on the Louisbourg run, this little boy knew that, during lunchtime at elementary school, if I got down to the train before it started out of town, I could ride to the end of town in the steam locomotive and get to blow that steam whistle at the two crossings. I did that a lot.

I remember those steam locomotives so vividly — the heat, the sound of the steam, the firemen shovelling the coal and stoking the boilers, the smell of coal and the coal dust — but I remember two things best. One was the thrill of pulling that big steam whistle. It was empowering. To paraphrase Homer Simpson, I felt all-powerful, the way God must feel when he is pulling a steam whistle. And I remember Uncle Clarence. He was the boss and was always in charge. He took no chances, nor cut any corners for safety, and he was not an exception among the engineers by any means. The experienced railway engineers in charge of trains hauling huge tonnage are some of the most cautious and deliberate operators of transportation on the continent.

This brings me to the aspect of bill that I am most particularly concerned with. As we know, Bill C-49 would require the use of voice and video recording systems, known as LVVR, on locomotives within Canada. Colleagues, we all have safety in the forefront of our minds when it comes to our railroads, but I

believe in the principle of reasonable privacy within the close confines of a workplace. In this case, a 10-by-10-foot cab of a locomotive. We must remember that the cab of a locomotive is a change room as well as a workplace.

I believe the same conditions should be imposed on the rail workers that are on the workers in the air and marine industry. You will not find video cameras within the confines of the cockpit of an aircraft or the wheelhouse of a ship. Like all reasonable people, I do not want safety compromised in any way shape or form, but black box technology, as exists in the cockpit of airplanes, is already installed on locomotives. There is no objection to the use of audio recordings on locomotives, which has also been the long-standing practice in the aviation industry.

There is a distinct difference between a workplace and a public space, such as a mall or a bank. Those cameras are intended to provide safety to those workers, not solely for their monitoring. We don't have cameras within our own offices, do we? We find them throughout the hallways, monitored by the security personnel, but I think we'd be outraged at any notion that video cameras would be installed within the confines of our personal offices.

• (1510)

That's not to say that there should not be safety features within locomotives. On the contrary. I've spoken at length with the unions representing the rail workers; they have no issue with the use of voice and black box technologies being used, which are essentially the same standards as on aircraft. What they do take issue with is the intrusive nature of their every movement being monitored.

If black box and audio recordings are sufficient for the proper monitoring of activity in cockpits and wheelhouses, then surely they should suffice for the cabs of locomotives. Safety is obviously paramount in the airline industry.

I think amendments put forth by Senator Gagné at committee addressed some of the concerns that were also raised regarding companies potentially accessing and utilizing the video and data for punitive reasons. From what I gathered from my discussions with the unions, it is their belief that this data should be restricted to the TSB alone.

I think this issue was in part addressed by Senator Gagné's amendments, and I commend her for her work in removing random access of the company to the data and restricting company access to the matters relating to an incident.

However, the workers also raised concerns regarding this private video being accessible to U.S. authorities when a locomotive leaves Canada. The Privacy Commissioner shared this concern, as we heard at committee, and I agree.

There is a serious privacy issue at play here, and I encourage all honourable senators to give the proposal of an LVVR a thorough and thoughtful assessment. This is an intrusion into the railroad workplace that is not deemed necessary in the aviation or the marine transport industries, yet it is being subjectively

imposed on these blue-collar workers. Why are these transportation workplaces and these employees being singled out?

Colleagues, nobody has more at stake when it comes to safety on our railroads than the workers. But I agree with the workers that the use of video monitoring does not meet the test of reasonableness of electronic monitoring in the workplace.

The argument being made by the bureaucrats and the government is that video cameras will, in the case of locomotives, represent some great leap forward in rail safety, although when pressured for hard examples, the only responses from its advocates are vague generalities.

The actual scenarios are quite simple and straightforward. The engineer is either paying attention or he is not. The black box technology will tell you if the systems on the train are working and if any action has been taken by the engineer in any given situation regarding the movement of the train.

In his brief to the Senate Transport Committee, the minister used the example of the recent derailment near Seattle which resulted in a number of casualties and fatalities. He stated that the video recordings were of great value in determining what occurred. But actually, it only confirmed what was already known to have occurred. The black box data told us that the train was going well in excess of recommended maximum allowable speeds, that all systems were working properly, and that no attempt was made either to brake or slow the train down.

There was obviously negligence in the cab, but you don't need a camera to determine that. And if the engineer fell asleep, how do you legislate to deal with that?

I've reviewed the TSB statistics on railway accidents or incidents for the past 10 years. There are 10 categories of measurement regarding fatalities for reportable occurrences, but there is little measurable activity for 8 of the 10 categories. When problems do occur, it is usually with crossing accidents or trespasser accidents.

Crossing accidents usually occur when a vehicle makes contact with a train at a level crossing. The one thing we do know is that the train always has the right of way, and is never in the wrong place at the wrong time. Dated and outmoded infrastructure and the actions of others outside of the train are the usual mitigating factors. Trespasser accidents occur when people are in the wrong place at the wrong time: people passing out on the tracks; suicides; illegal climbing upon operating trains; trespassing. Again, mitigating factors that occur outside of the cab of the locomotive.

If the federal government wants to do something to improve safety regarding the movement of freight in Canada, it should sit down with the provinces and do something about getting heavy freight off of our highways and onto rail where it is the best and most safely transported.

OPP data shows that one-in-five fatal road accidents in Ontario involves a transport truck. The data shows that the outcome from other occupants involved in truck-related collisions is often fatal and catastrophic.

Among the 1,342 fatal motor vehicle collisions on OPP-patrolled roads between 2012 and 2016, 266 involved transport trucks.

During the same five-year period, 330 people died — the majority of victims were occupants of other involved vehicles. According to OPP data, 44 of the crash victims were drivers of the transport trucks, compared to 286 victims who were in cars and other smaller vehicles.

Take the Ontario data and extrapolate it across the country and it's not hard to see where the real problem lies.

When it comes to accidents and fatalities in the transportation of freight, the biggest transgressors by far are the 18-wheelers on the highways and roads of the country. Trains don't kill people; they save people.

The government intimates that cameras in the cabs of locomotives are also essential to ensure the safety of passengers and safety must trump privacy, that safety must be paramount.

Of course safety must be paramount. Then why isn't the government applying this "safeguard" to the cockpits of airplanes? VIA Rail carried fewer than 4 million passengers last year, 90 per cent of whom were in the Quebec City-Windsor corridor. Canadian airports handled over 140 million passengers last year. If safety is paramount, why don't the provisions apply to airplanes? If cameras are essential to safety, then why aren't the 140 million air passengers deserving of the same protections?

This invasion of privacy will not ensure safety. What it does ensure is that a government, a bureaucrat, a transport official or somebody in a boardroom will always have someone at whom they can point the finger of blame. They'll always have their scapegoat. Let's call it what it is: It's a white-collar conceit imposed upon a blue-collar worker. It is not about safety. It is about optics. It does not really promote safety; it promotes the illusion of safety.

Senator Mitchell said in committee that cameras are now installed on U.S. trains, so that is all the justification we need here in Canada. Do honourable senators really believe that compromising basic rights to privacy in the United States is something we should be emulating in Canada? I say no. Two wrongs still don't make a right.

Instead, why aren't we emulating American commitment to safety through technology? All railroad companies in the U.S. are required by law to install positive train control, or PTC, on all of their trains, an automatic fail-safe technology. Both CN and CP have a large presence in the U.S. and have this system installed on their trains.

Why doesn't the government require the installation of this technology in Canada? The minister told us last Tuesday in committee that there were concerns about the cost. If that is the determining factor, then apparently cost to the companies, and not safety, is paramount.

We all know what happened in this country in 2013 — a horrific accident in Lac-Mégantic: 47 innocent people killed, hundreds of families impacted, thousands of people affected, the

downtown core of a community incinerated and a town completely traumatized by a catastrophic event. A camera installed in that train that fateful night would have prevented nothing. But a functional positive train control system would have stopped that train. It's already in the U.S. and being paid for, so why are we seemingly operating at a cut-rate standard at the expense of privacy?

I remind honourable senators that the most vulnerable and exposed minority in the world is the individual, particularly when confronted by the power and indifference of the state.

The only way to ensure basic privacy in the private workspace is to maintain it. This is a slippery slope that Canada should not approach, and it represents an intrusion by the state into the private workplace, which Canadians should not condone or accept.

Now, I also want to say a few words about the minister. I think Minister Garneau is a responsible man who wants to do the right thing. I travelled with him to San Francisco last fall. He's a fine gentleman; an engineer who became Canada's first astronaut. He is a great ambassador for Canada.

He is naturally very comfortable with the idea of putting cameras in the cabs of locomotives. But as a former astronaut, why shouldn't he be?

• (1520)

For years he interacted with Mission Control constantly through radio, if possible, but through live cameras, when possible, because astronauts are constantly working and interacting with Mission Control. It is part of the job and part of their culture.

We are all products of our environment, and the minister is no exception. Minister Garneau is the quintessential company man. I do not mean that in any pejorative sense. The world needs good company men. Good company men make the world go around. It's one of his strengths. But in this case the company — that is, the government, the bureaucrats and the railroads — have now convinced Minister Garneau that a camera in locomotives is an appropriate measure. And like the good company man he is, he is determined to carry it through. Apparently, being a good company man can at times take away your perspective.

As I've mentioned, video recorders in the cabs of locomotives are a line in the sand for me. Regardless of the potential merits of this bill, this provision must be removed or at least amended to allow audio recordings with black box technology only, or I, for one, will not be able to support it.

With that said, honourable senators, I would like to propose an amendment for your consideration.

My motion is to amend the bill, which I will table momentarily, which will prohibit the video recording of the interior of a locomotive cab. My amendment would in no way affect the recording of voice nor data with black box technologies. Forward-facing cameras would also continue to be permitted.

## MOTION IN AMENDMENT NEGATIVED

**Hon. Michael L. MacDonald:** Therefore, honourable senators, in amendment, I move:

That Bill C-49 be not now read a third time, but that it be further amended in clause 61, on page 43, by adding the following after line 28:

“(1.1) The prescribed recording instruments referred to in paragraph (1)(a) that are used to record the interior of the railway equipment shall not be capable of making a visual recording by any means.”.

**Hon. Grant Mitchell:** Honourable senators, I want to take a couple of moments to address Senator MacDonald’s amendment. It was an excellent speech. I was particularly impressed to compare his mention of me invoking the U.S. against his invoking of Homer Simpson. I’m going to have to up my game.

I’m always impressed by Senator MacDonald. It only takes him moments to get from whatever he is talking about to talking about Cape Breton. It was a very good speech.

I want to mention a couple of things about the amendment. With it we would have LVR, not LVVR, so we would be without video.

I should mention, for those who are not fully aware, that this issue was discussed and considered in the committee, and the committee did actually endorse LVVR but did limit it with Senator Gagné’s amendment.

I understand the issue, as I said in my comments earlier, that there is an intrusion into privacy. The issue is balancing rights. Sophisticated societies have to do that all the time. How do you balance those privacy rights against the public’s right to safety? I believe very strongly that this bill has taken very strong steps to ensure that the data that would be collected by both audio and video would be used in a very restricted way.

There are steps that will restrict the way it is collected, stored and there are huge penalties — \$250,000 to a company, \$50,000 to an individual — if this information is used in any way, shape or form to target an individual employee or for disciplinary measures for an individual employee. I feel confident it will not be misused.

I will close with one reference to witness testimony from the head of the Transportation Safety Board, who mentioned the case of the Burlington railroad accident in which three employees were killed in a derailment which could have had far greater-ranging effects in any number of explosions or consequences of that derailment. They said, after five years of studying that action, they will never know what really happened because they didn’t have audio and they didn’t have visual.

The bill has found a very good balance in that respect and so I would ask colleagues to vote against this amendment, and I will, of course, be voting against this amendment.

**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?

**Some Hon. Senators:** Agreed.

**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? Fifteen minutes or now?

**An Hon. Senator:** Fifteen minutes.

**The Hon. the Speaker:** The vote will take place at 3:40. Call in the senators.

• (1540)

Motion in amendment of the Honourable Senator MacDonald negated on the following division:

YEAS  
THE HONOURABLE SENATORS

|                   |            |
|-------------------|------------|
| Andreychuk        | Martin     |
| Beyak             | Mockler    |
| Boisvenu          | Moncion    |
| Campbell          | Munson     |
| Dagenais          | Ngo        |
| Downe             | Patterson  |
| Griffin           | Poirier    |
| Housakos          | Raine      |
| Lankin            | Richards   |
| Lovelace Nicholas | Smith      |
| MacDonald         | Tkachuk    |
| Maltais           | Wells      |
| Manning           | Wetston—27 |
| Marshall          |            |

NAYS  
THE HONOURABLE SENATORS

|           |          |
|-----------|----------|
| Batters   | Marwah   |
| Bellemare | McCallum |

|                          |               |
|--------------------------|---------------|
| Black ( <i>Ontario</i> ) | McPhedran     |
| Boniface                 | Mégie         |
| Bovey                    | Mitchell      |
| Boyer                    | Oh            |
| Brazeau                  | Omidvar       |
| Carignan                 | Petitclerc    |
| Coyle                    | Plett         |
| Day                      | Pratte        |
| Deacon                   | Ringuette     |
| Dean                     | Saint-Germain |
| Dupuis                   | Seidman       |
| Eaton                    | Sinclair      |
| Gagné                    | Stewart Olsen |
| Gold                     | Wallin        |
| Harder                   | Woo—34        |

#### ABSTENTIONS THE HONOURABLE SENATORS

Cormier White—2

**The Hon. the Speaker:** Resuming debate on the main motion.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to speak to third reading of Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

As a senator from Nunavut, a jurisdiction with 25 fly-in-only communities, Nunavut residents have expressed a particular interest in this bill, particularly with the promised passenger bill of rights. And with no roads at all in our region, I think we are experts in air travel.

On October 31, 2017, in the other place, parliamentary secretary to Minister Garneau, Karen McCrimmon, described the passenger bill of rights as a tool to:

... strengthen air passenger rights that would apply consistently to all carriers. The regulatory process would allow ... stakeholders to develop world-leading regulations, which is what Canadians expect and deserve.

However, colleagues, I would suggest that in one respect, this bill in fact limits the ability for the regulations to match current international standards, such as those in Europe. The Montreal Convention is an international treaty governing the rights of passengers travelling on international itineraries. Canada is a signatory and the convention was given the force of law in Canada under the Carriage by Air Act.

Under the convention, clear circumstances requiring carriers to compensate passengers for delays within the carrier's control are outlined and a maximum liability of \$8,800 Canadian per passenger was set. Article 19 of the convention — this is the thrust of my speech today and an amendment that I'll propose — requires the carrier to pay compensation for delays or

cancellations caused by mechanical malfunctions unless that carrier can prove that it “took all measures that could reasonably be required to avoid the damage or that it was impossible for it or them to take such measures.”

In the European regime, the carrier can only be relieved from this liability by “extraordinary circumstances.” So what defines “extraordinary circumstances?”

According to the European Court of Justice in its 2004 decision in *Friederike Wallentin-Hermann v Alitalia*:

... the circumstances surrounding [a technical problem] ... can be characterised as ‘extraordinary’ ... only if they relate to an event which ... only if they relate to an event which ... is not inherent in the normal exercise of the activity of the air carrier concerned and is beyond the actual control of that carrier on account of its nature or origin.

... air carriers are confronted as a matter of course in the exercise of their activity with various technical problems to which the operation of those aircraft inevitably gives rise. ... The resolution of a technical problem caused by failure to maintain an aircraft must therefore be regarded as inherent in the normal exercise of an air carrier's activity.

• (1550)

Justice Duval of the Court of Queen's Bench of Manitoba also cited the Montreal Convention when awarding damages to an air passenger who incurred hardship due to “mechanical malfunction” in his February 6, 2009, decision regarding *Gabor Lukacs v. United Airlines Inc. and Skywest Airlines Inc.*

Dr. Lukacs has since gone on to found the national advocacy group [airpassengerrights.ca](http://airpassengerrights.ca), which I would encourage senators to visit for more information.

So colleagues, if Canada truly wishes to put forward a regime that allows for world-leading regulations, we must ensure that fair and timely compensation is provided to passengers who experience flight delays, cancellations or are denied boarding due to mechanical malfunctions.

As Ms. McCrimmon herself stated in that same speech of October 31, 2017:

Canadians understand that in certain circumstances airlines do not have full control over events, such as weather, emergency, and security incidents, or even medical emergencies, but even then Canadians have a right to a certain level of protection when they travel. In other circumstances, when the carrier makes commercial decisions that may have an impact on the passenger, Canadians expect fair compensation for any inconvenience they experience.

Yet, honourable senators, Bill C-49, as currently drafted, specifically excludes the right to compensation resulting from mechanical malfunctions that would have been within the carrier's control to foresee and/or rectify during routine maintenance of the fleet. Which begs the question: Why would the government do this? Why would the government depart from a standard that is operating and working well in Europe?

In an interview with CBC's David Common, Minister Garneau responded to this very question:

We do consider it to be within their control," responded Minister Garneau," but for safety reasons, of course, we don't want them to take off if there is a problem.

Mr. Common made it clear that in Europe there isn't a choice between compensation and safety — passengers get both.

He then tried to ask the minister the same question, but phrased it differently:

... If you and I get on a plane and fly to anywhere in Europe, if there is a delay, a big delay from a mechanical malfunction on our way back from Europe, we do get compensation. Why should we as air passengers be treated differently depending on which direction we're flying from?

Minister Garneau's reply:

I think that we have to, yes, compensate passengers for certain things but at the same time we want to make sure that — that our airline can say remain competitive so they can keep the prices as low as possible.

Honourable senators, with the greatest of respect to the minister, I reject both those arguments.

First, I find it absurd, frankly, to suggest that a pilot would risk his life and the lives of all passengers on board in an effort to save the company from having to pay out compensation for mechanical failures. In fact, I would argue that by amending the bill to include fair compensation for mechanical malfunctions within the carrier's control, it would serve as a further incentive to ensure that their fleet is properly maintained.

There is no evidence from Europe to suggest that this financial obligation has impacted flight safety or that any airline has ever allowed an unsafe aircraft to carry passengers to avoid paying compensation. They would not do that. Pilots would not take off in that situation.

I would draw your attention, colleagues, to a December 13, 2017, article from the *Financial Post* article titled "Cabin pressure: Are airline contractors cutting corners on safety to earn business?"

In it, reporter Tom Blackwell tells the story of Alan Eugeni, a former first officer with Air Georgian, "... a contract provider that transports 1.5 million passengers a year in North America under the Air Canada express brand ..." who recounted several emergency landings that were required due to recurring mechanical failures. Other former pilots and flight attendants with Air Georgian have reported that "Defects are often left unfixed as long as legally possible ..."

So there are some carriers that may occasionally depart from the highest standards.

I believe that by requiring compensation for each passenger due to the delays and cancellations caused by these defects, it would become more cost-effective for airlines to properly maintain their fleet than to risk incurring potentially large payouts due to mechanical malfunctions within their control.

I've had a chance to discuss my proposed amendment with Senator Mitchell. He told me, and will tell you, that we have high standards of safety in air travel in Canada already, and I agree. I want to say I have full confidence in the pilots and the airlines which fly in one of the most challenging environments in Canada: the North.

Canadian airlines are safe and well maintained, so I say why should there be any concern about requiring them to pay compensation for delays caused by mechanical malfunctions if they are already so safe?

I hope this will be few times that this will occur, and if this provision is added to the bill by my proposed amendment, honourable senators, I think there will be a further incentive on air carriers to keep maintenance standards very high.

Second, I do not agree that the impact of a requirement to pay compensation as a result of mechanical malfunctions would impact the competitiveness of the aviation industry, as Minister Garneau suggested. How would the company be rendered less competitive if it were held to the same standards and expectations as every other company operating in that jurisdiction?

The inclusion of mechanical malfunctions as a circumstance requiring compensation to travellers when within the control of the carriers — and I emphasize that — only brings Canadian carriers originating out of Canada into alignment with requirements they must currently abide by when originating out of Europe. All air passengers in Canada, regardless of their point of origin, are deserving of the same basic rights and standards.

Colleagues, in the North we often encounter cancellations due to mechanical malfunctions. After having already paid a great expense to book the flight, additional expenses of transportation and accommodation, which are limited and very expensive, are oftentimes incurred and passengers are left with no recourse to be compensated for that.

Finally, it should be recognized that by buying a plane ticket we, as air passengers, are entering into a service contract with the airline. If that service is not rendered due to a circumstance within the carrier's control, the passenger should be entitled to compensation. I believe that the list of circumstances should include mechanical malfunctions and that is why I am moving the amendment before you today.

There is no reason we should not have the same regime allowing compensation for mechanical failure as is in place and working well in Europe. There is no reason why Canada, too, should not honour the same provisions on compensation for mechanical failure as set out in the *Montreal Convention* Canada signed and put into force by the Carriage by Air Act.



This amendment is important to air travellers in Nunavut — where accommodations and restaurants are limited and very expensive — but it's also good for Canada, as it has been for air passengers in the situation of flights delayed for mechanical reasons in Europe.

Therefore, honourable senators, and I must say with some humility, because I was not a member of the committee — I'm on four committees, but they do not include Transport — I have nonetheless prepared, with the able assistance of the Law Clerk, an amendment to require carriers to also compensate passengers for inordinate delays caused by mechanical malfunctions.

#### MOTION IN AMENDMENT NEGATIVED

**Hon. Dennis Glen Patterson:** Therefore, honourable senators, in amendment, I move:

That Bill C-49 be not now read a third time, but that it be further amended in clause 19, on page 15,

(a) by replacing lines 5 to 11 with the following:

“or denial of boarding is within the carrier's control, including in situations of mechanical malfunctions that are within the carrier's control,”; and

(b) by replacing lines 14 and 15 with the following:

“cellation or denial of boarding is established by the carrier to be due to situations outside its control, such as natural phe-”.

Thank you.

• (1600)

**The Hon. the Speaker:** It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Stewart Olsen, that Bill C-49 be not now read a third time but that it be amended in clause 19 — may I dispense?

**An Hon. Senator:** Dispense.

**The Hon. the Speaker:** On debate?

**Hon. Carolyn Stewart Olsen:** When you are talking about delays, is there anything that I'm seeing in here as to length of delays? What would be the criteria that would trigger this? Because some people, if they are held up for 15 minutes, feel that's an ungodly delay. I'm wondering how you would control that part of it.

**Senator Patterson:** Thank you for the question.

Yes, the delay is defined elsewhere in the bill and it's been amended in the committee report to 90 minutes.

**Senator Stewart Olsen:** Thank you.

**Hon. Grant Mitchell:** Thank you. I'm going to vote against this amendment as honourable senators can probably imagine. It was well argued and I appreciate the discussion that Senator Patterson and I have had over this. It's been very respectful and I appreciate that.

I'm very uneasy about this amendment for one particular reason, that the implicit assumption in this amendment is that somehow Canadian airlines might be negligent or at fault for mechanical failure that delays a plane.

In one sense, I believe that the Canadian airline industry has the highest standards of maintenance and service for which they should be given a great deal of credit. If there is a problem, it is not because they were negligent in their maintenance and service regime.

If they were, then we have a much bigger problem than delays on the runway. It just seems to me that because the standards are so high, and because the motivation to make sure that maintenance is done absolutely at the highest standards, that in fact when something happens mechanically, because it is the real world, and we're delayed on the airport tarmac, that maybe we should just give a little bit of slack to these airlines. So for that reason, I would urge colleagues to vote against this particular amendment. It just doesn't mesh with the reality of running an airline.

**Some Hon. Senators:** Question.

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

It was moved by the Honourable Senator Patterson seconded by the Honourable Senator Stewart Olsen that Bill C-49 be not now read a third time but be amended — may I dispense?

**Some Hon. Senators:** Dispense.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those in favour of the motion please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those against 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:** Honourable senators, in order to have a vote now, we do need unanimous consent. Is there agreement on a 15-minute bell?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The vote will take place at 4:20 p.m.

Call in the senators.

• (1620)

Motion in amendment of the Honourable Senator Patterson negated on the following division:

YEAS  
THE HONOURABLE SENATORS

|            |               |
|------------|---------------|
| Andreychuk | Mockler       |
| Batters    | Ngo           |
| Beyak      | Oh            |
| Boisvenu   | Patterson     |
| Dagenais   | Plett         |
| Eaton      | Poirier       |
| Housakos   | Raine         |
| MacDonald  | Stewart Olsen |
| Maltais    | Tkachuk       |
| Marshall   | White—21      |
| McIntyre   |               |

NAYS  
THE HONOURABLE SENATORS

|           |               |
|-----------|---------------|
| Bellemare | McCallum      |
| Boniface  | Mégie         |
| Bovey     | Mitchell      |
| Boyer     | Moncion       |
| Brazeau   | Munson        |
| Campbell  | Omidvar       |
| Cormier   | Petitclerc    |
| Coyle     | Pratte        |
| Day       | Richards      |
| Deacon    | Ringuette     |
| Dupuis    | Saint-Germain |
| Gagné     | Wallin        |
| Gold      | Wells         |
| Harder    | Wetston       |
| Marwah    | Woo—30        |

ABSTENTIONS  
THE HONOURABLE SENATORS

|           |         |
|-----------|---------|
| Martin    | Seidman |
| McPhedran | Smith—4 |

**The Hon. the Speaker:** Resuming debate on the main motion, Senator Pratte.

**Hon. André Pratte:** Thank you, Your Honour.

This bill touches on a lot of different issues, though they are all related in some way to the transportation of goods and people. Due to its wide scope, each of us had an interest in it either because our own province was concerned or because we held particular knowledge of or experience with an issue contained in the bill.

We all had something to say about at least one part of Bill C-49, and since the Senate is one of the guardians of fundamental rights, the privacy rights of rail workers were of concern to us.

Bill C-49 made its start in this place on the wrong foot, so to speak, when the Minister of Transport urged us last fall to pass the bill as quickly possible and early on signalled that he was not amenable to any amendment whatsoever. The Senate, he said, could “do its thing,” but it was clear he did not consider this thing to be very important. This set the tone for what followed.

Even though I’m not a member of the Standing Senate Committee on Transport, I had a particular interest in some issues and worked alongside other senators on some of the amendments that were eventually introduced in that committee.

I have a very good personal relationship with the minister, having known him for quite some time; however, I regret to say that in my own and my office’s dealings with the minister’s office and the department, things were not easy. Answers were sometimes hard to get, and when we got them, they were not as transparent and useful as they should have been.

It’s a good thing that Senator Mitchell’s team was so helpful, a good thing also that Senator Mitchell and I have much fun even when we disagree.

Unfortunately, the minister himself never manifested any willingness to engage in a serious dialogue with the Senate. A few days before clause-by-clause consideration in committee, he circulated a document in which he detailed why he would reject every single one of the envisaged amendments. Rather than convincing senators to drop amendments or to vote against some of them, the document did just the opposite. It fuelled an appetite for change.

Throughout our work on the bill, I wondered whether we were getting involved in policy minutiae, whether we were going beyond what should be the Senate’s role, which is to deal with issues of principle, not with the technical, detailed matters of policy.

The Senate is not elected to govern. It is appointed to exercise sober second thought — not sober second-guessing. Looking at the number of amendments that the committee adopted and at the nature of some of them, I think we may have overdone it.

Don't misunderstand me. There are many flaws in this bill, but are there 17 or 18 shortcomings so serious that the Senate needed to intervene? I'm not certain of that. I think that when the Senate amends a bill, it must choose where its priorities lie and then put all its weight behind those priorities. As we multiply the number of amendments, we tend to dilute our influence.

I say this with some hesitancy. I know there are many senators and Canadians of different regions, communities, professional groups and so on who feel very strongly about each amendment. I would be hard pressed to choose which amendment to drop.

• (1630)

This is an exercise we usually do collectively and which, in this case, for whatever reason, did not succeed. Was it because this bill is so badly flawed? Was it because the minister failed to defuse the concerns of many before the situation reached its boiling point? Was it because we were warned not to adopt so many amendments and instinctively reacted by flexing our legislative muscles?

Whatever it was, we have to commend the members of the Standing Senate Committee on Transportation and Communications for doing an outstanding job in examining this very complex bill within a reasonable period of time.

[*Translation*]

Having said that, I'm concerned. I fear that amending the bill to this extent will only strengthen the Minister of Transport's belief that the Senate is a useless, inconvenient, out-of-control institution and cause him to reject all of our amendments. That would be a shame for the Senate as an institution currently reinventing itself, but it would especially be a shame for Canadians, whom we sought to serve by adopting these amendments.

Consider, for example, the railway employees whose privacy we wanted to protect by setting very reasonable limits on railway companies' access to locomotive audio and video recordings. Senator Gagné's proposed amendment would make it legal for railway companies to view any recording from a locomotive involved in an accident or an incident reported to the Transportation Safety Board. Some 1,300 accidents and incidents are reported to the TSB every year. That means railway companies — CN and CP, essentially — would have 1,300 recordings at their disposal every year to help them improve railway safety. That is already a great deal of recordings.

If the government agrees to Senator Gagné's amendment, there will be no need to set up a random sampling system. Such a system would enable railway companies to view even more recordings, but those recordings would have been captured when nothing at all happened on the tracks. We believe that random sampling is an unjustified violation of privacy.

## ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

March 29, 2018

Mr. Speaker:

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29<sup>th</sup> day of March, 2018, at 3:57 p.m.

Yours sincerely,

Assunta Di Lorenzo  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, March 29, 2018:

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 (*Bill C-70, Chapter 4, 2018*)

An Act respecting Canadian Jewish Heritage Month (*Bill S-232, Chapter 5, 2018*)

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 C-72, Chapter 6, 2018*)

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 C-73, Chapter 7, 2018*)

## TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Gagné, for the third reading of Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts, as amended.

**Hon. André Pratte:** Honourable senators, I urge the government to assess each amendment proposed by the Senate on its own merits, putting the best interests of Canadians above all other considerations. I also urge the government to learn from what happened with Bill C-49 and take that into consideration in its future dealings with the Senate.

[English]

Some in government might conclude from what happened with Bill C-49 that the so-called “new Senate,” by adopting so many amendments to a government bill, has demonstrated that it is out of control. This would be a hasty, ill-informed conclusion. Bill C-49 is a particular bill that reached the Senate under particular circumstances. The relationship between the government and the Red Chamber, in this case, was dealt with in a specific manner by the responsible minister. All in all, Bill C-49 is simply not representative of how government bills have progressed in the Senate since this government was sworn in.

That being said, we as senators should take the time to grasp what happened with Bill C-49 during our deliberations on the legislative role of this institution. Once things have calmed down, we should ask ourselves all the relevant questions: What made Bill C-49 such an exceptional case such that we proposed and adopted so many amendments? Was it the bill itself? If so, then the Senate only did its job of correcting a particularly faulty bill. Or did our chamber get carried away by some form of legislative zeal? If this is the case, what caused this outburst? What lessons can we draw from the process in the hopes of better serving Canadians?

I do not have the answers to these questions, but I do know that we should find a time and a place to discuss them. It is essential that we do so for the sake of Senate modernization and for the sake of the Senate itself.

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

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Gagné, that the bill be read the third time.

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

**Some Hon. Senators:** Agreed.

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

(Motion agreed to and bill, as amended, read third time and passed, on division.)

[Translation]

## THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON  
APRIL 17, 2018, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of March 28, 2018, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, April 17, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ADJOURNMENT

MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of March 28, 2018, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 17, 2018, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1640)

## BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** With leave of the Senate, I move that we proceed directly to the Notice Paper.

[English]

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

**Hon. Senators:** Agreed.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

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

**Hon. Michael L. MacDonald,** pursuant to notice of March 27, 2018, moved:

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.

He said: I move the motion standing in Senator Galvez's name.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

## NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED 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,** pursuant to notice of March 27, 2018, moved:

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.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Ghislain Maltais,** pursuant to notice of March 28, 2018, moved:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, April 17, 2018, at 5 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 *pro tempore*:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

## SEASONAL WORKERS IN NEW BRUNSWICK

ONGOING CHALLENGES—INQUIRY—  
DEBATE ADJOURNED

**Hon. Rose-May Poirier** rose pursuant to notice of March 27, 2018:

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

She said: Honourable senators, I rise today to speak to my inquiry to bring to the attention of the Senate the challenges faced by seasonal workers in New Brunswick. I welcome and hope to hear from my Atlantic colleagues as well as from colleagues from other parts of Canada who are faced with similar struggles due to the seasonal economy. To begin, please allow me to present you, honourable senators, the context for which I've decided to call the attention of this chamber to the challenges of seasonal workers.

Since the mid-1990s, seasonal workers — especially those who work in the fisheries, agriculture or tourism sectors, to name just a few — have been faced with a life-altering challenge known as the black hole. For periods of six to seven weeks, and possibly longer, these workers have to put food on their tables, keep their families warm and clothe their children with no income.

Take the story of a lady from Tracadie in northern New Brunswick. After working seasonal jobs for the last 45 years, Madam Breau doesn't know what she's going to do next. She says:

I've worked all my life and I've never been in a situation like this. I'm living in the black hole and I don't know where to turn.

Her story is unfortunately not an exception for workers in a seasonal economy. It has been an ongoing struggle, with some years better than others, but always with the fear of the black hole, of the unknown and struggling to provide basic necessities for their families. They have asked all governments to date to help them solve this issue so that they can live a life up to the Canadian standards. And again last week, the Trudeau government dusted out an old pilot project that did not work, gave it a new cover and tried to pass it off as the solution to the black hole. But people are fed up. Like Madam Breau said:

They are singing the same song to us. I'm fed up hearing that song.

That song is always the same: It's a pilot project, a short-term initiative aimed around training in order to receive an extension of their benefits during the black hole period. But at the end of the pilot project, the black hole is still very much present.

The situation right now, honourable senators, is different than the ones we have witnessed in the past. The conditions around the black hole are always dependent on the unemployment rate. The number of weeks of benefits is linked to the unemployment rate, and the higher the unemployment rate, the greater the number of weeks a worker can qualify for EI benefits.

What happens is that the unemployment rate declines rapidly, thereby increasing the number of hours required to qualify while reducing the number of weeks of benefits. For example, the current crisis is explainable due to a sharp drop in the unemployment rate, from 14.2 per cent in January 2017 to 11.5 per cent in August 2017 for the economic region and from 8.9 per cent to 6.5 per cent for the province. We are talking roughly about a three-point difference, but in terms of the benefits, it means the number of hours required is now 490 to receive 23 weeks of benefits. In the fall of 2016, the requirement was 420 hours to receive benefits for 30 weeks. That seven-week difference is the black hole.

So right now, honourable senators, we are dealing with a different situation regarding unemployment rates in New Brunswick. The aging population combined with the younger population leaving the province creates an artificial unemployment rate by shrinking the labour force at a faster pace than people being employed. The unintended consequence of this phenomenon is for the workers from a seasonal occupation being stretched out in the middle, as we are currently witnessing with the black hole.

According to Statistics Canada's monthly labour force report for July 2017, the jobless rate in New Brunswick hit the 6.5 per cent mark. At the surface, it's encouraging to see the unemployment rate so low. But, looking deeper into the numbers, you see this is not the result of more people being employed but

more the result of more people leaving the labour fields, roughly 6,100 people. I quote Andrew Fields, an analyst with the Labour Statistics Division at Statistics Canada:

It's not a result of necessarily more people employed . . . it's a result of fewer people participating in the labour market and fewer people searching for work. . . . You can expect that because New Brunswick has one of the older populations. If you have people retiring and leaving the labour force, obviously that's going to have an effect.

So you see, honourable senators, from a provincial perspective, we are currently facing the great demographic challenge, the aging population due to the baby boomers.

• (1650)

According to the latest census, from 2011 to 2016, New Brunswick's population went from 751,171 to 747,101, resulting in a negative growth of 0.5 per cent, while in Canada the population grew by 5 per cent.

As for aging, it's been demonstrated time and time again that New Brunswick is one of the oldest populations in Canada. In fact, according to the last census, New Brunswick's population of 65 and older accounts for 19.9 per cent, while for Canada it sits at 16.9 per cent. As for the average age, Canada is at 41.0, while New Brunswick is at 43.6.

So the image is clear: New Brunswick's demography, and in fact the whole of Atlantic Canada, is an exception within the context of Canada's demography. If we look closer at the various counties that are traditionally more reliant on a seasonal economy, they are the exception within the exception.

We start with Restigouche. They lost 5 per cent of their population from 2011 to 2016, with close to 25 per cent of the population over 65, and an average age of 47.4.

For Gloucester County, there was a population loss close to 2 per cent, with 23.9 per cent of the population over 65 and an exact same average age as Restigouche, at 47.

For Northumberland County, there was a loss of 2.7 per cent of their population; 22 per cent are over 65, with the average age of 45.7.

For my local county of Kent, we lost 1.2 per cent of our population; 23.5 per cent are over 65, with the average age of 46.6.

We can compare with Westmorland, which is comprised of Moncton, one of the fastest-growing cities in Canada. The population rose by 3.8 per cent. The population over 65 years old is at 18.2 per cent, with the average age of 42.4.

Now that we have established the unique situation of the province and, to a greater extent, the counties from Restigouche to Kent, let's turn our attention to the labour force.

In Canada, the total population aged 15 years and over working part year and/or part-time was at 34 per cent, and 33.6 per cent for working full time, full year.

As for the age group of 25 to 64, the numbers are much higher: 46.6 per cent working full year, full time; and 35.3 per cent working part year and/or part-time.

For New Brunswick, the numbers are similar: 32.4 per cent for both working part year and/or part-time, as well as full year, full time. The same story goes for the age group of 25 to 64: 46.1 per cent working full year, full time; and 34.6 per cent for part year and/or part-time.

These statistics are within the Canadian norm. However, when we break it down by county, like I did previously for the population, it tells a different story.

For example, Restigouche County's population aged 15 years and over is 32.1 per cent working part year and/or part-time, while 26.3 are working full-time. The breakdown for the age group of 25 to 64 is at 36.9 per cent for part year and/or part-time, and 38.5 per cent for the full year.

As for Gloucester, only 21 per cent of the total population works full time, full year, while 38.3 per cent work part-time, part year. For the age group 25 to 64, 45.7 per cent work part-time, part year; and only 30.9 per cent work full year.

As we move further southeast to Northumberland and Kent counties, they have similar numbers. Roughly 36 per cent of the total population work part year and/or part-time, and roughly 25.5 per cent work full time, full year. For the 25 to 64 age group, 42 per cent work part year, part-time; and 37 per cent work full time, full year.

As I have demonstrated, honourable senators, along the coast, from the Baie-des-Chaleurs all the way to the beginning of Northumberland Strait, an area known for its strong fishing industry and for being highly rural, the population is much older within a seasonal economy. They are facing unique challenges due to all these factors.

The labour force is aging more rapidly than the rest of the province and country; therefore, industries and companies are more reluctant to set up shop in these areas.

Not only is the labour force aging, it is shrinking by the year. Either the older population is retiring; or the younger population is moving to urban areas in the province, such as Moncton; or they are leaving the province entirely. The face of the labour force is changing every season.

The seasonal economy is the lifeline of our rural communities in New Brunswick, and they are currently facing bigger challenges than ever. What we have heard so far, from this government especially and prior governments as well, is about pilot projects — pilot projects for immigration, pilot projects for seniors, and now pilot projects to help during the black-hole period.

These three issues are New Brunswick issues, but they are even more crucial for the specific regions. If we don't find a solution, I dare not think what will be the fate of our rural communities. When will New Brunswick be treated as a province and stop being applied with Band-Aid solutions? We need a long-term solution.

With this in mind, honourable senators, I believe we have an opportunity before us to finally change the conversation on seasonal workers, and to find a way to assist them in the long term. It is time that we get rid of the stigma around seasonal workers by changing how we identify these workers. At the end of the day, they are hard-working Canadians who work in a seasonal economy. Too often, they are stigmatized and placed into the stereotype of not wanting to work, which is wrong and false.

The term "seasonal worker" needs to be changed. It creates the idea and the image that there are two classes of workers, when the main difference is just within which economy they work.

While some Canadians are passionate about the law, or aspire to be doctors, or have regular full-time jobs at a local coffee shop, workers in my area, specifically along the coast from Restigouche to Westmorland County, New Brunswick, are no different. They want to achieve the same goal as everyone: to put food on their table for their families. Unfortunately, the workers along the coast of Atlantic Canada are stuck in a perfect storm of a seasonal economy within the context of an aging population.

As for how we should approach the situation with workers in a seasonal economy, the usual approach has always been through the worker. Instead, especially today, in 2018, with all the socio-economic factors that I just described, we need to have a solution that addresses the region's unique circumstance of being highly seasonal, whether it is fisheries, agriculture or tourism, to name a few.

Having an approach for the region to recognize its special circumstances, with a long-term plan to tackle these issues, gives the workers the best chance to stop living in fear every year and hopefully gives a boost to our region to stop relying on EI.

The current pilot project, and all the ones prior to it, did not address the specific issues of the region and put the burden on the worker. Let's solve this issue, once and for all, by recognizing the unique nature of the regions affected and find solutions within their contexts.

To conclude, honourable senators, the next time you eat a lobster, remember that it did not instantly appear on your plate. The story behind every lobster is that of a fisherman who went out on the water at 4:00 in the morning, checked his traps, came back to the wharf and sold the lobster. The lobster then proceeded to the processing plant, where again it was manipulated and packed away by another worker in a seasonal economy who started their day just as early, to finally arrive on your plate.

Behind the lobster is the story of a worker in a seasonal economy putting food on their table by putting a lobster on yours. All they are asking is to be able to continue to provide for their families as workers in a seasonal economy. Until a government acknowledges the reality of our seasonal economy in

the context of an aging population, and moves on from pilot projects to action with a long-term solution, workers in a seasonal economy will continue to feel stretched and will struggle to make ends meet.

It's time the government realizes that it's not the workers who are seasonal; it's the local economy.

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

• (1700)

[*Translation*]

**Hon. Pierrette Ringuette:** I thank Senator Poirier for presenting these facts, which are quite accurate.

I would also say to my honourable colleagues that it is not the worker, but the work that is seasonal. How many times do we need to repeat that? You have before you, on the Order Paper, Motion No. 189, which I moved a year ago. I want the Senate, after 150 years of existence, to have a human resources committee that could develop the expertise and credibility to tackle matters like the one raised by Senator Poirier.

In order to proceed with debate on Senator Poirier's fair and important comments, I move adjournment of the debate for the balance of my time.

(On motion of Senator Ringuette, debate adjourned.)

(*At 5:02 p.m., the Senate was continued until Tuesday, April 17, 2018, at 2 p.m.*)

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