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The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

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

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THE SENATE

Wednesday, April 18, 2018

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE DOUGLAS EVERETT

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Independent Senate Liberals who requests, pursuant to rule 4-3(1) that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Douglas Everett, whose death occurred on March 27, 2018.

I remind senators that pursuant to our rules each senator will be allowed only three minutes and they may speak only once and the time for tributes shall not exceed 15 minutes.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I would like to bring to your attention the death of Douglas Everett, a former senator, and pay tribute to his service here in the Senate of Canada.

As the Speaker has just indicated, he passed away last month at the age of 90 years. Although I did not know him personally, as his tenure in the Senate predated my own, I am struck by what we had in common as I learn more about him.

We were both graduates of royal military colleges. He attended the Royal Canadian Naval College at Royal Roads in Victoria, British Columbia, while I attended the Royal Military College of Canada in Kingston. We both have law degrees from Osgoode Hall Law School. We both sat in the Senate as independent senators, independent Liberals. We both served for many years as Chair of the Standing Senate Committee on National Finance.

Before arriving in the Senate, Mr. Everett was a successful businessman, making a career for himself in the gas business that he started with pumps in the lot of his family's car dealership in Manitoba. That business, Domo Gas, continues today with some 80 outlets in the western provinces of Canada.

In 1966, Mr. Everett was called to the Senate by then Prime Minister Lester B. Pearson, where he represented the senatorial division of Fort Rouge, Manitoba. He was then just 39 years of age, making him at that time the youngest person ever to be appointed to the upper chamber.

He sat as a Liberal for 24 years, until his support of the Goods and Services Tax caused a fundamental disagreement which resulted in his becoming an independent Liberal. He ultimately resigned from the Senate in 1994 after that federal election.

In his resignation speech, he said:

I believe that an appointment to the Senate of Canada is the greatest honour that can be conferred upon a Canadian. Senators are a dedicated lot and most of them work extremely hard. Interestingly enough, contrary to popular opinion, the hardest workers are often those who have political backgrounds.

As an independent Liberal, Douglas Everett was one of those who worked hard here in the Senate on matters that affected his province and his country. On behalf of the Independent Senate Liberals, I would like to offer our deepest condolences to his widow Lila, his six children, his stepchildren and his many grandchildren and great-grandchildren.

Hon. Senators: Hear, hear.

Hon. Larry W. Smith (Leader of the Opposition): I have some of the text, actually, that Senator Day spoke of.

If I could make a comment to our senators here, one of the things I appreciated the most in coming into the Senate was having the ability to meet with senators who had been here for a long time to identify mentors and to identify people who could give me the institutional history of the Senate. So when we have an event like this with the former Honourable Douglas Everett, it is that connection historically, past to present, that gives us a deeper understanding of what the Senate is and what the Senate was. Hopefully we, in our term, can build through being the Senate today and tomorrow.

Honourable senators, I would like to say a few words to support Senator Day in tribute to the Honourable Douglas Everett, a former member of the Senate of Canada who passed away last month. Although he retired almost a quarter of a century ago, I'd like his family and friends to know that the Senate of Canada remembers him here today and thanks him for a lifetime of public service.

[Translation]

Douglas Everett was just 39 when he was appointed to the Senate on the recommendation of the Right Honourable Lester B. Pearson in November 1966. Although young, he was already quite accomplished when he arrived in the Senate. He had served in the Royal Canadian Navy, trained as a lawyer and founded the Domo Gas chain of service stations in Western Canada.

[English]

That's pretty good. I just want to say, I'm on a roll for speaking French today.

Senator Everett represented the province of Manitoba for over 27 years. When you think of 27 years in the Senate, that is a tremendous success of durability. In football we would say if you lasted more than six years you were an iron man. Participating in the work of both the chamber and the committees, I would like to

particularly note that for 14 of those years he was Chair of the Standing Senate Committee on National Finance, so we see the relation to a former chair, to a present chair and a real former chair, so congratulations to the senator on that. Regardless of the beliefs and positions of its members, there was tremendous cooperation.

Upon taking his retirement from the chamber on January 20, 1994, Senator Everett had the quote, which Senator Day has already given, about the great honour it is to be named to Senate. When you think of it, it is a serious honour, and I'm sure that all of us in here recognize that.

• (1410)

On behalf of all Conservative senators and all of our caucus, if I may make mention, I extend our sincere condolences to the large Everett family and many friends.

Hon. Senators: Hear, hear.

Hon. Patricia Bovey: Honourable senators, I rise today on behalf of the ISG and many Manitobans to pay tribute to the Hon. Douglas Everett, Manitoba senator from 1966 to 1994. A dedicated public servant, a visionary, innovative businessman, generous philanthropist, a true family man, and loyal and patriotic Winnipegger, Manitoban and Canadian, his accomplishments were many.

I was in my late teens when Prime Minister Pearson appointed him to the Senate at 39, becoming the youngest senator to be appointed by that time. Senator Everett, as he was to everyone through his 90 years, including his sons-in-law, was the uncle of one of my closest friends. My father made it very clear to me on his appointment day that I was to research all I could about the Senate, its role and what it meant to serve one's country. Every time I saw the senator afterward — and for the last couple of years it was frequent as we lived in the same building — I remembered my father's 1966 admonitions.

Chair of the Senate National Finance Committee for 14 years, Senator Everett authored five Senate finance reports. He became an independent senator in 1990, disagreeing with the GST stance of the Liberal Party. In his inaugural speech, he spoke of a senator's civic duty and role and that the Senate represented all Canadians. He echoed that in his last speech in this chamber, nine years before his seventy-fifth birthday.

Senator Everett served in the navy. He graduated from Royal Roads and earned a law degree from Osgoode Hall. He led the family business, Dominion Motors, for decades, and, an astute businessman, he took the company's reach into new dimensions, including Domo Gas.

His generosity to the Winnipeg community spanned a number of fields. He was a truly knowledgeable and avid art collector, and, in the last several years, gave significant works to the Winnipeg Art Gallery. Last fall, 2017, the University of Manitoba bestowed its highest honour on him, an Honorary Doctorate of Laws, the same year he was inducted into the Manitoba Business Hall of Fame.

Above all, Senator Everett was a family man, their home always welcoming to friends of all generations. The multi-dimensions of Senator Everett were at the forefront at his funeral service and celebration of life, complete with the Air Force Band and songs of the many decades, which he loved so much. His sense of humour, love of nature, integrity, humility and stature were all evoked by family and friends, especially by those who had known him for 65 years and more.

It is a true honour for me to pay tribute to this committed visionary, who served this chamber for almost 30 years. In remembering him and his first wife Patty, of 66 years, I extend my condolences and those of the ISG to his wife Lila, whom he married last October, just after his ninetieth birthday, and to his six children, his stepchildren, grandchildren and great-grandchildren.

His life was well lived and generously given of and one that will be remembered by many, at home and across this country.

Senator Everett, Doug, we thank you, and you will be missed.

Hon. Senators: Hear, hear.

AUTISM

Hon. Jim Munson: Honourable senators, as I speak there is a major Autism Leadership Summit taking place at the Shaw Centre here in Ottawa. It has been going on for two days. As a caring, compassionate society, we are constantly pushing further to find the innovative and collaborative pathways to make a difference in the lives of people living with autism.

Honourable senators, it has been almost 11 years now since the Senate inquiry report entitled *Pay now or pay later: autism families in crisis*, and I feel even more strongly about the power of all of us together to change our society. It is about doing better together. It is about transformation, and we're bringing Canadians to new perceptions about seeing more ability, rather than disability.

Through the hard work of parents, autism advocates and enlightened policy and political players, the autism landscape in this country is rich with ideas, energy, innovation, initiatives and solutions. The level of awareness of autism in Canadian society is ever sharper. Health systems are developing and training specialists and multiplying resources for services — that is, if you happen to live in the right community in Canada.

The autism community is asking the federal government to lead an integrated approach to bring hope to individuals with autism and their families. Over the last 10 years, rather than work in isolation, families, groups and communities began to talk to one another, to exchange ideas, to create, to strategize. It was obvious that one voice would be more effective to speak and to be heard by governments and other stakeholders.

That voice has triggered many initiatives under the previous Conservative government, and, under this present government, we've witnessed, over the last few days, a report from the Public Health Agency, for the first time ever, on key statistics for autism in this country. I want to congratulate the government for doing

that. Also, it will provide evidence-based data needed to inform policy and programs. I hope the two new programs in Budget 2018 will be a new beginning of a new national autism strategy.

What does that look like? We've talked about this here in the Senate. It names the partners, what their role is and how they need to work collaboratively. It recognizes federal-provincial-territorial jurisdictions and the areas of that collaboration. It gives meaning to scientific research. It defines what federal leadership is. It names the gaps in policy and funding. It highlights best practices in all of the multi-sectors.

A national autism strategy is a pathway to address these complex needs and involve multiple sectors and partners — governments, clinicians, practitioners, researchers, community-based support organizations and businesses. It inspires government organizations from health, mental health, education, social services, justice, employment and housing, all working together around common understanding and goals.

A national autism strategy, honourable senators, is a statement of leadership. We can make a difference, but we have more work to do, a lot more. I would like to invite honourable senators to a reception at McDonald House this evening, between 5:00 and 7:00, where you'll meet the leaders in autism in this 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 officials from SOS Children's Villages: Thomas Bauer, Andreas Papp, Benoit Piot, Nadia Garida, Sofia Garcia Garcia and Marc Bonomo. They are the guests of the Honourable Senator Tannas.

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

Hon. Senators: Hear, hear!

2018 COMMONWEALTH GAMES

CONGRATULATIONS TO TEAM CANADA

Hon. Chantal Petitclerc: Honourable senators, last week sport history was made on the Gold Coast, Australia, and Canada played its part. Team Canada was one of the 71 nations competing at the Commonwealth Games. Only a month after the Olympics and Paralympics in Korea, our athletes once again made us proud, bringing back home an impressive 88 medals and, most importantly, amazing performances and experiences.

[Translation]

The Commonwealth Games have always had a special place in my heart. In 1991, in Auckland, New Zealand, a demonstration wheelchair event was held for the first time, bringing awareness to the importance of making these games inclusive.

[English]

In 2002, in Manchester, the Commonwealth Games became the first international sporting event to have a full medal-status event for athletes with disabilities. It was an 800-metre wheelchair race. I have to ask my colleagues to forgive me for bragging a little, but I have to mention that I was the proud winner of that historic gold medal.

Since then, those games have continued to stay true to their commitment not only to performance but to sport being a powerful agent for change. The true beauty of these Commonwealth Games has been their commitment to change diversity inclusion. It's quite remarkable. The Gold Coast featured the largest-ever integrated para-sport program in any major sporting event, with a total of 38 medal events.

[Translation]

It was also the first sporting event in history to achieve gender parity by presenting the same number of events for men and for women.

[English]

But what Australia will become a model for in sporting events is their inclusion of a well-defined, tangible reconciliation action plan.

• (1420)

This plan committed to ensure Aboriginal peoples are provided with meaningful, concrete opportunities to participate in Gold Coast 2018, and they did, extending way beyond the traditional inclusion of culture in the opening and closing ceremonies.

In 1930, Canada founded and staged the first Commonwealth Games in Hamilton, Ontario. When I see how these games have evolved, I am very proud that we started them, and, if I may say, I am really hoping, like many, that we will have the privilege of hosting them again for the century anniversary, in 2030.

CBC STANLEY CUP COVERAGE

Hon. Donald Neil Plett: Honourable senators, it's an exciting time to be a Manitoban. This spring marks 25 years since a Canadian NHL team has hoisted the Stanley Cup. With eight-to-one odds, the bookmakers will tell you the Winnipeg Jets are Canada's best bet this year to end this quarter-century drought.

As columnist Paul Wiecek said in the *Winnipeg Free Press*:

What a story that would be — a small Prairie city with the smallest market in the NHL loses its team in 1996, gets another in 2011 and seven years later ends the longest Stanley Cup drought in this country's history.

That sounds like exactly the kind of quintessentially Canadian story we as taxpayers in this country are paying the CBC \$1 billion a year to tell.

However, colleagues, that is not the story the CBC has decided to tell. Our public broadcaster has instead been showing the all-American series between the Pittsburgh Penguins and the Philadelphia Flyers.

For Canadians, the only way to watch this team thrive is to pay an additional \$10 per month to subscribe to Rogers' own Sportsnet.

CBC has continued, however, to broadcast the Toronto Maple Leafs series. Wiecek states:

Jets fans, predictably and justifiably, are outraged: why do we have to pay extra to watch our team play, while also paying via our taxes — the annual CBC subsidy works out to about \$27 a year for every man, woman and child — for Leafs fans to be able to watch their series free?

It is exactly the kind of story that touches every raw nerve we have in Winnipeg: it seems like we are being gouged, it seems like we are being disrespected and it seems like, once again, Toronto is laughing at us.

Sportsnet has stated, as a reason for this that “. . . Winnipeg is a key priority for Sportsnet.”

Wiecek rightly contends that:

. . . the idea that Sportsnet chose the Jets series because they love us so much is laughable. The Jets were relegated to Sportsnet because the Leafs draw bigger national ratings and so it only made sense to stick that series on the network that has the maximum reach, CBC.

Colleagues, the purpose of a public broadcaster is to tell Canadian stories that private broadcasters will not tell, or to fill a market gap or a market failure in private broadcasting, in order to benefit Canadians. However, they are continuing to reap taxpayers' dollars to air the same content one can find on private American networks, or on, as Wiecek says, “. . . an inferior Canadian imitation, with a few 'eh's' added in for authenticity.”

He concludes:

Put it all together and I'd suggest the question that arises from all this isn't, “Why are we being forced to give \$10 bucks to Sportsnet?” but rather, “Why are we giving anything at all to the CBC?”

Incidentally, colleagues, the Jets are leading their series against Minnesota three games to one, while Toronto is losing theirs two games to one to Boston.

Some Hon. Senators: Hear, hear.

An Hon. Senator: Shame on the CBC.

CHILD CYBERSEX TRAFFICKING

Hon. Mobina S. B. Jaffer: Senator Plett, I just want you to know it's Rogers who owns the rights, not the CBC.

Honourable senators, I rise today to speak about the horrific industry of child cybersex trafficking.

Since 2012, more than 2 million minors were victims of cybersex trafficking in the global sex trade. Now, in 2018, six years later, this number is, sadly, steadily rising.

For over 30 years, I have worked to put an end to child cybersex trafficking. I am collaborating with International Justice Mission Canada, a hard-working non-profit that engages with authorities to rescue and rehabilitate victims of cybersex trafficking. I was with them in Calcutta when they were rescuing girls some years ago.

Of sixty countries, Canada ranks in the top three for hosting websites and images and selling material containing child sexual abuse.

In November 2017, nine children were rescued in the Philippines. Victims of sexual online exploitation, these seven girls and two boys were as young as two years old to nine years old.

Today, these children are now safe from cybersex trafficking after being rescued by the Philippines National Police in collaboration with local law enforcement agencies, supported by International Justice Mission, and acting on a referral from the Royal Canadian Mounted Police.

The arrested suspect in the Philippines allegedly produced and sent sexually explicit images of very young children via social media to foreigners overseas in exchange for money, including one Saskatchewan man who was sentenced to twelve years in jail for his involvement in this crime.

Honourable senators, exploiting minors sexually and selling content online is a serious crime and is simply not acceptable. Our country plays a destructive role in endorsing child cybersex trafficking, but we in the Senate can play an even greater proactive role to end it.

Through the past months, I have sent packages to all members of Parliament and senators which contain information on the crisis of the destructive online sexual exploitation of children. Last Friday, I mailed a third package to keep raising awareness of cybersex.

Child cybersex trafficking cannot be forgotten. It must be stopped. The victims, as young as toddlers, cannot be forgotten.

Senators, I urge you to join me in displaying on your devices #NotOnMyScreen stickers included in those mailed packages.

Honourable senators, the young boys and girls around the world and in our country need our support. I ask for your support to raise awareness of this devastating crime.

Please join me in displaying your #NotOnMyScreen stickers and help put an end to child cybersex trafficking here in Canada and around the world.

Thank you.

NATIONAL VOLUNTEER WEEK

Hon. Robert Black: Honourable senators, thank you for the opportunity to address you today.

I regret that I was not able to attend the reception last evening hosted by the Honourable Senator Bovey and Volunteer Canada to recognize National Volunteer Week.

Last Sunday, April 15, marked the start of this special week in Canada, a week set aside to recognize, honour, celebrate and thank Canada's 13 million volunteers who give of their time, talent, treasures, energy and support in so many ways to countless organizations and the communities in which they, and we, live.

This year's theme is "Celebrate the Value of Volunteering - building confidence, competence, connections and community."

When Canadians volunteer, everyone benefits. Volunteering really is a fundamental act of good citizenship. Volunteering is often seen as a selfless act; a person gives of their time, skills, experience and passion to help others, without expecting anything in return.

And while volunteering is a form of service, many volunteers will tell us that they get more than they give. From opportunities to develop new skills to finding deep and meaningful personal connections, the magic of volunteering is that it creates social and economic value for all.

While there certainly is economic value, volunteering is measured in other essential things that are harder to quantify: in the ways it builds confidence, competence and connections; in the way it builds community; and, at the end of the day, in the way volunteers create a more just and caring Canada for all.

The benefits of volunteering and giving are even broader for society. Previous research has suggested that volunteerism, by bringing together persons from all walks of life to work on a common project or objective, contributes to social cohesion and social capital.

Every day, Canadians contribute both their money and time to improve the well-being of their communities. Their good works and their financial donations help a variety of causes, such as ensuring shelters, social services organizations and food banks are able to deliver their services; universities and hospitals are able to advance medical research; political, religious and

environmental groups can have their voices heard; and our youth have the opportunities to engage and become contributing members of society.

Across rural Canada, volunteers play a significant and tremendous role. Rural organizations such as 4-H, Scouts, Guides, sports organizations, community festivals and agricultural fairs could not exist without the army of volunteers supporting these initiatives. The results, among many other things, are strong, vital and stable rural communities.

• (1430)

The impact of volunteering extends beyond a single individual, neighbourhood, organization or cause. The value a volunteer contributes to their community can leave an impact that is seen for generations to come.

Honourable colleagues, this week and every week, I encourage each of you to reflect on the social and economic impact that volunteers in communities across this great country have on the quality of our lives and those around us. Then take the time to reach out and thank volunteers who contribute so much to our society.

ROYAL ST. JOHN'S REGATTA

Hon. Fabian Manning: Honourable senators, today I'm pleased to present Chapter 29 of "Telling Our Story." Newfoundland and Labrador is home to the oldest organized sporting event in North America. In August 2018, the Royal St. John's Regatta will celebrate its two hundredth anniversary. The first documented races in 1818 were held on September 22 in order to coincide with the fifty-seventh anniversary of King George III's official coronation on September 22, 1761.

Having close ties to the monarchy has been a great source of pride for those involved in the regatta. The regatta has been visited by several members of the Royal Family, including Prince Albert Edward, later King Edward in 1860, and Queen Elizabeth II and Prince Philip in 1978.

Since 1818, the regatta has become an important part of our history and culture. The regatta is now held on the first Wednesday of August each year and is often referred to as the largest garden party in the world. Crowds of 50,000 plus gather at the shores of Quidi Vidi Lake in the heart of St. John's to watch the races and enjoy the festival atmosphere.

The Royal St. John's Regatta is a curious entity. It is the only civic holiday in North America to be declared by a committee of persons not associated with a government body. It's the only civic holiday that's dependent on the weather. It is one of the last fixed-seat rowing competitions known to exist in the world and is the only competition where teams have to round buoys and return to the start line in order to finish the race. It is also one of only four organizations in Newfoundland and Labrador to be granted the "Royal" designation.

From 1861 to 1870, no regattas were held due to political and religious strife within the country of Newfoundland. It was feared that such a gathering would instigate rioting and unrest.

After the Great Fire of 1892, the regatta was not held because the shores of Quidi Vidi Lake were being used for temporary housing for those who had lost their homes.

But this August 1, there is going to be a party, or as we would say in Newfoundland and Labrador, there's going to be a time. And you are all invited. Drop down a few days earlier if you so please and take in another signature event, the George Street Festival, which begins on Thursday, July 26 and ends on Regatta Day. With this five-day event, let's just say the festival will be a great primer for the two hundredth anniversary regatta event. The stories, songs, tales, poems and anecdotes are too numerous to mention here today. But the Royal St. John's Regatta is a proud and honoured tradition in Newfoundland and Labrador, and I ask all my colleagues to join with me in wishing the 200th Anniversary Committee all the best this coming August as we celebrate 200 years of success, history and culture, and a celebration of being proud Newfoundlanders and Labradorians.

[Translation]

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON APRIL 24, 2018

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, April 24, 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.

[Senator Manning]

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 24, 2018, at 2 p.m.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Diane F. Griffin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, April 24, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, April 24, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

NATURAL RESOURCES

OIL AND GAS INDUSTRY

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Government Leader in the Senate and concerns the Trans Mountain pipeline project. Yesterday in France, the Prime Minister was asked a question about the crisis erupting around this project.

The Prime Minister stated in response:

[Translation]

... we have to fund the transition towards reduced use of fossil fuels. We can't change everything in our economies overnight.

[English]

This latest statement should come as no surprise. However, in January of last year, the Prime Minister said of Alberta's oil sands:

We need to phase them out.

If the Prime Minister truly believes Trans Mountain is in the national interest and will be built, if he truly believes and wants Canadian and foreign investors to invest in our country, then why does he continue to speak of transitioning away from our oil sands?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The Prime Minister and his government have made it very clear that the Trans Mountain pipeline is clearly in the national interest. It's of strategic importance. It is the reason why the government has been as active as it has been in promoting this pipeline. It is the reason why the Prime Minister brought together, on the weekend, the premiers who are at odds with respect to this program. It's the reason why the Prime Minister has instructed the Minister of Finance to begin a formal financial discussion with the Kinder Morgan company so as to assure them that any lingering uncertainty they might be feeling is one the Government of Canada is prepared to address.

It is in the interest of Canada, and indeed in the interest of all of us, to do what we can to advance this project. I'm glad to see that there is interest across all corners of this Parliament to do so.

With respect to the specific question of the transition to a less carbon-intensive economy, I simply take inspiration from the speech yesterday by the Honourable Senator Neufeld.

Senator Smith: I thank you for your response. I was thinking maybe, as a suggestion, you being the leader representing the government in this particular house, you might have an opportunity to suggest avoiding the divisiveness in putting provinces against others with the comments he's making because we realize we want to go to new economies and new techniques moving forward, which will not necessarily be oil-based.

• (1440)

On Monday, the B.C. government made public a list of six environmental protection demands that it says was provided to the federal government back in February. This directly contradicts the Prime Minister's claim that B.C. has not put forward any proposals on how they would like the federal government to improve the Oceans Protection Plan.

It's another example I guess of the Prime Minister — I'm not sure what his strategy is — not taking seriously the threat to the Trans Mountain project.

Why did the Prime Minister let Trans Mountain get to this point, a full-blown crisis, before he had no choice but to become involved?

Senator Harder: Again, the record of the Prime Minister's and his government's support for this project has been long. It has been in support of the project, particularly when the regulatory approvals were granted. The Prime Minister and his government made clear that they will take the steps necessary to ensure that this project comes to fruition.

[Translation]

Hon. Pierre-Hugues Boisvenu: My question is also for the Government Representative in the Senate and is along the same lines as Senator Smith's questions.

We know that the Prime Minister of Canada killed the Energy East pipeline project when he chose not to intervene, unlike what he is currently doing in Western Canada. Not only did he kill the project, but he also criticized its administrators for not going ahead.

Over the weekend, the Prime Minister met with representatives from the two western Canadian provinces and was even prepared to pony up taxpayers' money to ensure that the project goes forward. Leader, do you not believe that the Prime Minister is demonstrating poor leadership by intervening in this way and by creating opposition not only between British Columbia and Alberta, but also with Quebec, regarding the development of Canada's oil industry?

[English]

Senator Harder: Of course I don't. I don't agree with the premise of the question. The Prime Minister of Canada was not the reason for the cancellation of the Energy East project. That decision was taken by TransCanada pipeline because of the changing market conditions, which they themselves have said.

With respect to the rest of the question, I reiterate: The Government of Canada and the Prime Minister of Canada are committed to this project and are taking the appropriate steps to ensure it becomes a reality.

[Translation]

Senator Boisvenu: Leader, the Prime Minister of Canada was practically rending his garments when he appeared in the media over the weekend to announce that the project would go forward. When he first took office in 2015, the Prime Minister said that he supported the Energy East pipeline, which would carry oil to New Brunswick. My question is simple. Why did the Prime Minister get so involved in the pipeline project in Western Canada when he turned a blind eye to an equally important project in eastern Quebec?

[English]

Senator Harder: Again, let me reiterate: It was the decision of the TransCanada pipeline to abandon the Energy East project, which was taken, as I understand it, on the basis of changing market conditions.

The Prime Minister is seeking to assure — and the Minister of Finance has begun discussions to achieve that objective — Kinder Morgan that the Government of Canada stands ready to support any concerns they might have with respect to the risks associated with the project.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY—DETENTION OF REFUGEE CHILDREN

Hon. Joseph A. Day (Leader of the Senate Liberals): Senator Harder, my question is being asked on behalf of Senator Jaffer, who had double duty elsewhere.

According to the recent Canadian Red Cross Society report, Canada detained an estimated 291 minors under the Immigration and Refugee Protection Act in 2017. Of those detained children, 288 were held in federal or provincial facilities in Ontario or British Columbia.

The Canadian Red Cross Society is concerned that these national statistics don't reflect minors who are Canadian citizens and therefore not part of the detention order but who are still being detained. Those children are either detained formally with a detention order or they are accompanying their parent or legal guardian and are therefore not formally part of a detention order.

I would like to ask the government two questions about the detention of children. Firstly, how many minors are currently being detained, with or without Canadian citizenship? Secondly, what is the government's approach on the rights of minors being so detained, with or without Canadian citizenship?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I was going to welcome Senator Jaffer back because this is an issue, as senators know, that she has asked about in the past. Her vigilance is welcomed by all sides of this chamber.

I want to remind the Senate that in the fall the government announced a new directive that includes the best interests of the child as a primary factor for the Canada Border Services Agency when making detention decisions.

I would like to inform the chamber that, according to the Canadian Council for Refugees, "These new instructions are a concrete step towards ending the detention of children on immigration grounds in Canada." The goal, of course, is to avoid, as much as is humanly possible, housing children in detention facilities. Minors are sometimes allowed to remain in a holding centre with a detained parent, provided it is deemed to be in the best interests of the child not to be separated from the parents who are so detained. This only happens with parental consent, and CBSA always considers alternative arrangements with child protection agencies.

Honourable senators, I'm happy to report that the number of people detained in immigration detention is down almost 30 per cent in the last number of years. I would also draw attention to the government's \$138 million national immigration detention framework, which will further improve the system by expanding alternatives to detention, significantly improving conditions in the holding centres for those for whom there is no other choice and providing better mental and medical health services, reducing the reliance on provincial facilities and strengthening partnerships that the CBSA has with the Red Cross and with the United Nations. I would again quote the UNHCR, who has established on the record that, by and large, the Canadian system remains exemplary worldwide.

With respect to the statistics the honourable senator has asked for, these statistics are publicly available, and I'm happy to indicate where they can be tracked on a daily basis. Regarding the specific question on unaccompanied minor children in detention, in the last reporting quarter there was one; and accompanied, 37. Of that number, one was Canadian.

NATURAL RESOURCES

OIL AND GAS INDUSTRY

Hon. Pamela Wallin: My question is for the Government Representative, and it concerns the Trans Mountain pipeline expansion saga.

First, shockingly and on foreign soil no less, the Prime Minister expressed regret — apologized, actually, in his speech to the French Parliament — saying that Canada can't move away from the oil economy fast enough while saying on home soil he's fully behind the pipeline.

Second, following the Sunday meeting with Alberta and B.C., the federal and Alberta governments announced possible financial backing for Trans Mountain, which has led some to say the Prime Minister is setting a dangerous precedent, sending a message to business that if they countenance protest, they can get federal funding or, worse yet, be nationalized.

Third, as the Premier of Saskatchewan, Scott Moe, pointed out, Saskatchewan is being punished, losing \$62 million in federal funding for opposing what he calls a job-killing carbon tax, while B.C. is being rewarded with more than \$4 billion for green infrastructure projects while trying to kill a national project in the national interest.

I have two questions. First, will the government consider taking effective punitive action against B.C., including financial penalties, if it continues this opposition? Second, do you think the government would embrace the legislation that is currently being discussed here in the Senate that proposes to reinforce the Trans Mountain expansion, because many families depend on the jobs, or would the government subscribe to Senator Pratte's views as expressed yesterday that this legislation would be counterproductive?

• (1450)

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Let me just take a moment to speak to the preface of the question. It is not at all inconsistent to have the view that Canada, in support of its greenhouse gas and climate change objectives, must, over the longer term, wean its way, if I can put it that way, from an over-reliance on fossil fuels. That was a statement that was included in Senator Neufeld's speech yesterday.

So there ought not to be false dichotomies established in this chamber when we're either for or against things. In a sense, the way ahead is via solutions that are multi-energy-sourced, if I could put it that way. I hope the work the Senate does, whether it's on the study on the implications of moving to a less carbon-intensive economy or on the effects of climate change on agriculture, brings us together in a realization that change is part of what we have to manage, and manage well. It is not inconsistent to be for pipelines and support the export of Canada's carbon resources, and also acknowledge that, over time, there are other sources of energy and technology that need to reduce our carbon footprint.

With respect to the specific questions that have been raised, the Prime Minister has directed the Minister of Finance to have discussions with Kinder Morgan. I wouldn't want to comment on what is on or off the table in regard to those discussions, except to reiterate that the formal financial discussions are designed to remove any lingering uncertainty the corporation might feel, and that is important.

The Prime Minister also said at that time, and he has since repeated it, that the government is actively pursuing legislative options to assert Canada's jurisdiction in this area, jurisdiction that Canada firmly believes it has. What I take from that is that all available options will be examined, and I'm sure the Government of Canada will be making announcements with respect to both of these initiatives in due course.

Senator Wallin: I'd like to follow up on the latter point I asked about the legislation sitting in this chamber and which view the government would hold: Is this a good idea that might help or encourage them, or would it be counterproductive?

Senator Harder: Again, that is part and parcel of the assessment the Government of Canada is making with respect to what legislative authorities they might wish to bring forward. They are well aware of the bill as presented and as being debated here, and I think the debate here can help inform that conversation.

THE SENATE

RIGHTS AND RESPONSIBILITIES OF SENATORS

Hon. Donald Neil Plett: My question is for the Leader of the Government in the Senate. Senator Harder, you have indeed been busy the last couple of weeks in the media. Many of us found your comments rather interesting, especially when you talked about what the Conservatives are trying to do and what our motives are. You stated:

... some Conservative senators would have the institution be a rubber stamp when their party is in power and an aggressive rival to the elected House when their party is in opposition.

You also claimed that we were an echo chamber prior to the great enlightenment following the election of the Trudeau government.

Those are some curious charges to make, senator.

With the Trudeau appointees' voting record at 96 per cent voting with the government, how do you justify these comments?

Also, Senator Harder, would you name the Conservative senators, for the record, that would like this institution to be a rubber stamp, if you have any names — we are happy to take note — or are these claims, as I suspect, baseless?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and I'm delighted to know that I've contributed to his enlightened reading. Let me simply say that the document I put forward was done in the spirit of informed debate around what "complementary" means and what the role of the Senate is with respect to our place as a complementary body in a bicameral parliament. It is in that context that I hope we can all work together to improve and modernize this institution.

Senator Plett: Senator Harder, you also mentioned that the Conservatives are going "to great lengths," working toward demonstrating the failure of the Trudeau Senate reform as an "... arsenal in the forthcoming election campaign." This is in reference to us voting against a bill that our entire caucus is inherently opposed to — Bill C-45 — a bill that you say we tried to defeat. As you know, Senator Harder, our party has 33 senators in a Senate of 105. We are a minority. We cannot defeat bills.

Senator, as the whip of the Conservative caucus, I spoke to the whip of the government caucus. I spoke to the whip of the Senate independent caucus. I warned them that we would be voting against this bill. I also assured them we would not be bringing back our members from committee travel, even though the independent and government whips did precisely that and whipped the vote.

Senator Harder, is it no longer enough for the whip of the minority opposition caucus to notify other whips as to how we will vote? Are you suggesting that we, as the official opposition, now also need to vote in favour of government bills?

Senator Harder: Again, I thank the honourable whip for his intervention. Let me simply say that I would expect Conservative members of this chamber to vote for what they believe to be right and proper, and they should continue to do that.

Senator Plett: We did.

Senator Harder: My concern, sir, is that on a vote on whether to send a bill of this importance to committee, the opposition votes en masse to oppose even sending it to committee, particularly after we've all agreed —

Senator Neufeld: What did you do yesterday?

• (1500)

Senator Harder: Let's do one question at a time.

Senator Neufeld: What did you do yesterday?

The Hon. the Speaker: Order.

Senator Harder: If you can calm down, I can answer this.

It is highly unusual, in the limited experience I've had, for bills to be defeated, or attempted to be defeated, on second reading, particularly when we had agreed on which committee they should go to. Frankly, I'm highly skeptical —

Next question.

[Translation]

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. Last week, you articulated a vision of the Senate and the role of senators that I found surprising and deeply objectionable. To my knowledge, the Canadian Constitution has not been amended since your government took office, and that Constitution clearly lays out the duties of both houses of our democratic political system as well as the rules governing them. Democracy, dissent and freedom of expression are and must remain part of our political system.

I was appointed as a Conservative senator, and I am still a Conservative senator. I feel free to express my opinions here, and I have no intention of changing. With all due respect, I feel that the senator who is fettered here is you. I get the impression that everything you do is at the behest of the PMO. Is that what it means to be working in the best interest of all Canadians?

I would even go so far as to wonder if you are trying to make independent senators toe the Liberal line. Perhaps your boss told you to tell them that they can say whatever they want as long as they vote as instructed. People may be embarrassed to identify as Liberals these days, but I don't see that situation improving.

Mr. Leader, in expressing those thoughts about the role of the Senate and senators recently, were you acting as a mouthpiece for the PMO, or was that your own dim view of the members of this chamber and our democratic role under the Canadian Constitution?

[English]

Senator Harder: I thank the honourable senator for his question. Let me simply say that the discussion paper I tabled was designed to encourage debate among senators with respect to how we express ourselves as a less partisan, more independent, transparent, accountable and complementary body to the House of Commons.

These are observations and hopefully guideposts that can be relevant as we move forward. As to the authorship, I can assure the honourable senator that these thoughts are, to quote you, from my impoverished thoughts.

PRIME MINISTER'S OFFICE

PRIME MINISTER'S TRIP TO INDIA

Hon. Denise Batters: My question is for the Leader of the Government in the Senate.

Senator Harder, six weeks ago I asked you a very straightforward question: Which senator was part of the Prime Minister's entourage on his trip to India? Who paid for that senator's trip? And did that senator travel on the Prime Minister's plane?

As I noted that day, the media asked for this exact information about the MPs on that trip, and the PMO provided them with a list while still in India. Yet here we are six weeks after my question and no response from you. I can't understand why it routinely takes you months to answer the simplest of questions.

Your office receives \$1.5 million a year in annual funding and has a multitude of staff. You have had ample time to call the PMO. Is it the PMO who is withholding these answers from Canadians or is it you? And, Senator Harder, what are the answers to my questions about India?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for reminding me of this inquiry. I, frankly, don't know where the response is in the process, and I will be happy to report back.

[Translation]

THE SENATE

SENATE DELEGATION TO WASHINGTON—ROLE OF LEADER OF THE GOVERNMENT

Hon. Claude Carignan: Honourable senators, my question is for the Leader of the Government in the Senate. Senator, you have been critical of a trip to Washington. I decided to do something I rarely do and I consulted the trip report. Can you confirm to the chamber that you went to Washington and, with the same level of transparency as we have shown, explain to us whom you met with and what the purpose of the trip to Washington was? Moreover, I too have served as Leader of the Government in the Senate, and I don't recall travelling to Toronto as much as you do. Can you explain all your highly unusual trips to Toronto?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I did, in fact, go to Washington about a year ago with the Honourable Senator Frum to attend a conference, a report of which I am happy to share.

It is not unusual for senators to go on visits. It is not unusual for senators to go as a group of senators. It is unusual for senators from one party to go to visit, on a subject matter of debate in the Senate, with senior levels of an administration whose views are well known and could be easily researched on Google.

[Translation]

Senator Carignan: I also read your 51-page report. Fortunately, your version does not necessarily correspond to what happened.

Can you explain how you see the role of the Leader of the Government in the Senate? Under Conservative leadership, that role is inevitably partisan, but when Trudeau appoints a Liberal government leader, such as you, to act as spokesperson for the Trudeau government, is that not a partisan role? I'm having a hard time understanding your doublespeak and your double vision.

[English]

Senator Harder: I thank the honourable senator for giving me the opportunity to repeat. The objective is to have a Senate that is less partisan and more independent. In that regard, you will know that I am not a member of the government caucus. I am not a member of the cabinet, although I am a privy councillor and, like the honourable senator, at one point do attend cabinet from time to time as appropriate.

This is really all about how we, as an institution, are evolving. I hope we can evolve into an institution that respects the independence of all senators as they deal with their responsibilities to assess and bring judgment on government bills.

[Translation]

Senator Carignan: Senator Harder, with regard to your position on your trip to Washington, is it the Trudeau government's intention to amend the Senate's administrative rules to prevent senators from travelling to Washington and New York?

[English]

Senator Harder: This is the first I've heard of such a movement. If the honourable senator is suggesting that this be reviewed, I'm happy to pass it on, but that's certainly not my view.

ORDERS OF THE DAY

SALARIES ACT FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Peter Harder (Government Representative in the Senate) moved third reading of Bill C-24, An Act to amend the Salaries Act and to make a consequential amendment to the Financial Administration Act.

He said: Honourable senators, I am pleased to speak again to Bill C-24, which proposes to amend the Salaries Act. I would like to thank the Standing Senate Committee on National Finance for its study of the bill and its thoughtful questions to witnesses.

This bill is technical and administrative. It fulfills a commitment made by the Prime Minister to formalize in legislation the equal status of his ministerial team.

The legislation adds to the Salaries Act five positions that are currently minister of state appointments and creates a framework that ensures these ministers are supported by existing departments in carrying out their responsibilities. No new departments need to be created. The ministerial positions are equal to one another and, as such, report directly to the Prime Minister.

[Translation]

The positions are Minister of La Francophonie, Minister of Science, Minister of Small Business and Tourism, Minister of Sport and Persons with Disabilities, and Minister of Status of Women.

[English]

These ministers are directly accountable to the Prime Minister and to Parliament for results. They are equals in cabinet.

The increase in ministerial positions will be offset by the removal of six regional development ministerial positions.

The Minister of Innovation, Science and Economic Development will continue to be the responsible minister for the regional development agencies.

[Translation]

The bill also proposes changing the title of Minister of Infrastructure, Communities and Intergovernmental Affairs to Minister of Infrastructure and Communities. This change reflects the current division of responsibilities within cabinet as well as the fact that the Prime Minister plays the role of Minister of Intergovernmental Affairs.

[English]

Finally, I would like to address the question of costs associated with Bill C-24. These amendments to the Salaries Act would not increase the cost of the current ministry. Ministers currently appointed as ministers of state receive the same salary as their cabinet colleagues and have office budgets that match their responsibilities. This will not change with Bill C-24.

[Translation]

Allow me to provide an overview. First, through the Salaries Act, it means to fulfill the Prime Minister's commitment to create a gender-balanced cabinet. Then, it creates a departmental support framework for the eight new ministerial positions so that no new department need be created. Finally, by removing the regional development positions, it will offset the increase in ministerial positions while having no impact on the regional development agencies themselves.

[English]

Honourable senators, I hope that with this third reading you can support the message coming from the standing committee and pass this legislation. Thank you.

[Translation]

Hon. Claude Carignan: Is the senator speaking for himself or on behalf of the Trudeau government?

Senator Harder: I was speaking as the Government Representative.

(On motion of Senator Martin, debate adjourned.)

• (1510)

[English]

ACCESS TO INFORMATION ACT PRIVACY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cools, for the second reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts.

Hon. Elaine McCoy: Honourable senators, I will address you in a general way first. As many of you know, I have developed a condition that affects my breathing and when I move too far or too fast I deoxygenate, as the doctors will say, which means I have to pause to get my breath back. It can also happen when I stand and speak for any great length.

[Senator Harder]

I was taken aback, actually, the last time I spoke here in the chamber. It did happen and my voice started to wobble. A senator came over after I spoke and said, "I can really respect that you would have that much emotion and that you would care that much, but the fact that you voted against me, I think, was wrong."

I want you to know that although my voice may waver, my logical and analytical facilities and faculties are not wavering. It is a purely physical condition, so this is not to be interpreted as a weakness nor am I allowing the force of emotion to overcome sober second thought. So if that happens today, I would just hope you take the right interpretation of my very annoying condition. It's such a nuisance.

Let me then ask you for at least two minutes of your undivided attention on Bill C-58, which is a bill that is designed to amend the access to information regime in the federal government.

I want you to know that this, in my view, is the most important bill that we have in front of us this sitting. It is a bulwark, an absolute necessity to our democratic functioning, or at least democratic functioning as best it can be, and it deserves everyone's attention.

The Supreme Court of Canada actually refers to the Access to Information Act as a quasi-Constitutional Act. They said in 1997, in the *Dagg* case, that:

The overarching purpose of access to information legislation is to facilitate democracy by helping to ensure that citizens have the information required to participate meaningfully in the democratic process and that politicians and bureaucrats remain accountable to the citizenry.

Several years later, in 2010, they reinforced that approach and they called access:

... a derivative right which may arise where it is a necessary precondition of meaningful expression on the functioning of government.

Information is power. If you don't know what's happening, you cannot hold the government to account.

Now, Bill C-58, unfortunately, in my view, does not support this principle of access to information. Bill C-58, in fact, strangles the principle of access to information.

I would like to stand here and say that we should actually stop this bill here and now in the Senate, but we're at second reading and we have a long-standing tradition in the Senate of Canada that we do not defeat legislation at second reading.

It doesn't matter whether it's an important government bill or if it is the weakest of weak backbencher bills. We always send it on to committee, and we do that because we think everyone has a right to be heard and we also think that we should involve Canadians in our deliberations, which we can do at committee.

We also believe we should take the time to educate ourselves and learn from the experts and from people who have an interest in these things.

So I'm not advocating that we defeat the bill at second reading. I'm advocating that we get it to committee and we give it very thorough scrutiny there.

We really and truly must, however, ask the question, and the only question that I think is worth asking at this stage is: Can we rescue this bill so that it, in fact, supports robust access to information system in Canada?

If so, then fine, let's continue. If not, then I think we should stop and consider what next steps we should take, including, by the way, the next step that the AFN, the Assembly of First Nations, has recommended, which is for the government to withdraw the bill to allow government-to-government or, if you like, nation-to-nation discussions with our Indigenous peoples, which has not been done. I would support that, if that were to be performed.

I'm not going to go into a lot of detail today about what needs to be fixed. You've heard two excellent speeches from Senator Pate and Senator Pratte. They've listed a number of the issues and there are some others as well.

I think you got the gist of what is at stake but it is a very detailed bill. It's not as dramatic as other legislation that we have in front of us. It's not something that you talk about at the kitchen table. It's a detailed bill and details are best dealt with at committee. So I do advocate taking it to committee soon.

There is only one issue that has not been flagged so far that I think is worth mentioning here, and that is in the portion of Bill C-58 that purports, or should I say proposes, to create a new Part 2 of the Access to Information Act.

First of all, let me characterize the new Part 2 as one of the most empty gestures I have ever seen in legislation. What it proposes to do is insist that we have proactive disclosure from MPs and senators, which is all very good and we can live with that. That's not a problem. We have been doing it; we initiated it ourselves. It's not a problem.

And you should know that is not what the recommendation from the Information Commissioner was. The commissioner, in her 2015 report, *Striking The Right Balance For Transparency*, recommended on page 12:

... extending coverage of the Act to the bodies that support Parliament ...

The examples she gave were the Board of Internal Economy, the Library of Parliament, the Conflict of Interest and Ethics Commissioner and the Senate Ethics Commissioner.

Those are all administrative positions. That hasn't been touched in the least. You and I cannot find out any kind of information through the Access to Information Act that is held in the administration of the Senate.

Our employees cannot find out any information through that means. They're left completely without any defence or any tools to protect their own interests.

It was that sort of information that the quintessential expert on this topic was recommending but that was entirely ignored. Instead, somebody said, "Well, let's get the elected and appointed parliamentarians to do proactive disclosure of their expenses."

Well, as I say, we can live with that. It's just such an empty gesture. But what we cannot live with is the power grab that Bill C-58 is imposing on the Senate of Canada. And that power grab is threatening to take away both the rights and responsibilities of each individual senator in this chamber and give it to one person who would then be able to determine what is or is not privilege.

• (1520)

We all know we have a long-standing practice that we ask our Speaker to make pronouncements on whether there is a *prima facie* case of privilege. It is a very efficient, thoughtful way to approach matters so that we don't spin our wheels. It is a very helpful procedure, but that's not what this bill is proposing. This bill is saying that instead of having the Senate make the final determination as to whether there is a breach of privilege, which we have always done, we might send it to the Rules Committee. The Rules Committee brings it back. That is such an important piece. It goes to the very heart of our responsibility, and we take that responsibility on a collective basis.

Now I think possibly it might have been inadvertence. I'm going to take that attitude and say it's probably that somebody didn't actually understand how the Senate works, so there is an unintended consequence here. I will say there's an easy fix, but I think that that one issue has not yet been flagged, and so I flag it for you today. I do maintain that we must not allow such interference with the rights and responsibilities of all senators. It goes to one of those principles that we hold so dear: the equality of every senator and the responsibility of every senator to participate.

In conclusion, I'm asking you to pay close attention to this bill. I'm not asking you to make lots of speeches on it, but I am asking you to pay close attention. If you're sitting on the committee, please be diligent. Let's get the A-team in terms of the witnesses. We can do better than what has been done in the other place. I took a look at those witnesses and they didn't have everyone that counts. We need to be better than that.

We also need everyone who is not on the committee to be aware of what amendments do come back — and I expect there will be amendments coming back from the committee or amendments being put forward at third reading — and make sure, again, that we're ready to decide whether we have sufficiently rescued and delivered this bill so that we can deliver a robust access to information system in Canada. And if you decide that we have not, then I hope you will stand firm in defending one of those tools of democracy, one of those devices that we use to prevent tyranny and corruption and abuse of power, whether it's at the level that was so eloquently described by Senator Pate yesterday, the individual level, or whether it's at the level of a much grander scheme.

Thank you very much.

The Hon. the Speaker: Senator McCoy, your time has expired. There is a senator wanting to ask a question. Are you asking for time to answer?

Senator McCoy: Yes.

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

Hon. Senators: Agreed.

Hon. Pierrette Ringuette: Colleagues, if it's okay, because of Senator McCoy's statement at the start, do you all agree that the senator could be sitting while we have this exchange?

I want to thank you for your contribution to the debate on Bill C-58. I'm somewhat puzzled because of your indication to remove this power grab on the Senate and senators in regard to privilege. I know that you have always paid special attention to the issue of privilege and I have also. When I started to look at Bill C-58, I went to consult some experts and one of them is one that you have consulted repeatedly, Senator McCoy. In regard to his analysis of privilege, I'm going to read a short quote and then ask for your comments on it.

The quote is as follows:

The relevant sections of Bill C-58 are those that "(e) create a new Part providing for the proactive publication of information or materials related to the Senate, the House of Commons, parliamentary entities, ministers' offices . . ." For the Senate and senators, those sections deal with travel expenses, hospitality expenses and contracts, all of which are administrative and financial matters that normally fall within the purview of the Standing Committee on Internal Economy, Administration and Budget under the Parliament of Canada Act.

That's very important, the Parliament of Canada Act.

In other words, these are not matters normally part of the proceedings of the Senate or covered by parliamentary privilege. The Senate's right to manage its own internal affairs does not, in my opinion, include administrative and financial matters.

So Senator McCoy, could you comment on these comments?

Senator McCoy: There's a distinction that I'm making. I'm not claiming that those sections are a breach of privilege. I'm not claiming that at all and I think you must be referring to Thomas Hall whom you consulted. I have spoken to him on this topic as well, and he is quite right. The closer something is attached to the proceedings, such as this debate, the closer a matter becomes characterized as a question of privilege.

I'm not claiming that. I'm claiming that the provision in the act takes the decision of what is privilege away from you and me, Senator Gold and every other senator in here and gives it to one senator, the Speaker, and that's not our tradition. That's a concentration of power. Every time we allow ourselves to fall into a position of concentrating power, if we have a duopoly or a hierarchy that allows the steering committee to take over conduct

of the institution, every time we find ourselves in trouble. The thing is, we try our best. We do our best and we are operating as a collective of 105 senators.

Senator Ringuette: As a follow up to that, I have been in the Senate for 15 years and over 15 years, I would say at least twice a year, a question of privilege is being raised and the four criteria under our Rules are being addressed by the Speaker.

However, in 15 years, I have yet to see any committee of the Senate that has received an issue of question of privilege of a senator to be truly resolved. The fact is that in this bill, a person, a post, the Speaker for instance, in our institution, the clerk of the Supreme Court in regard to the Supreme Court —

• (1530)

Senator McCoy: Are you on debate?

Senator Ringuette: No. I'm heading for a question, Senator McCoy. Thank you for your patience.

— does not mean that that power cannot be delegated to an entity.

The Hon. the Speaker: Excuse me, Senator Ringuette. Senator McCoy's time has expired again. Are you asking for more time, Senator McCoy? Is leave granted?

An Hon. Senator: No.

The Hon. the Speaker: I hear a "no."

(On motion of Senator Martin, debate adjourned.)

[Translation]

THE ESTIMATES, 2018-19

JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT
AUTHORIZED TO STUDY VOTE 1 OF
THE MAIN ESTIMATES

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of April 17, 2018, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1 of the Main Estimates for the fiscal year ending March 31, 2019; and

That a message be sent to the House of Commons to acquaint that House accordingly.

She said: Honourable senators, I move the motion standing in my name.

[English]

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): I want to get Senator Bellemare to give us a little more explanation, because she's about to embark on what I would say may be mission impossible in this place. I've been a member of the Standing Joint Committee on the Library of Parliament now for about six years. It's easy to remember all of the meetings I've been to in those six years because there have been two. At those meetings, both of them, I had my hand up to ask a question. By the way, the meetings that they did have were to elect a chair from the House of Commons or to elect a co-chair from the Senate. As soon as that was over, bang, the gavel went down and everybody left.

Not to be partisan, but it was the Conservatives who did it the first time I went; it was the Liberals who did it the next time I went. Nobody wanted to hear what I had to say as a senator. My purpose in interjecting in the meeting at the time was to ask for the committee to do its job and, at that time, to invite the Parliamentary Budget Officer to appear before the committee. At the time, on both of those occasions, in fact, the Parliamentary Budget Officer reported to Parliament through the Standing Joint Committee on the Library of Parliament. He no longer does that because they changed the rules. However, tomorrow at noon, the Joint Committee on the Library of Parliament is going to meet again. They're going to elect co-chairs from both the House of Commons and the Senate. I have already indicated to the clerk of the committee that I would like to say something after the election of both of those co-chairs. At the same time, I'm going to ask the committee to do exactly what I've been trying to get the committee to do now for six years.

My question is this: You're proposing to send this piece of legislation to the Standing Joint Committee on the Library of Parliament and that they be asked to examine and report on the expenditures of the Library of Parliament. However, if they don't have a meeting, if they don't recognize one of our colleagues — in this case me — at the meeting, I think it's a waste of time. Quite frankly, to go back to the argument that Senator Ringuette was making about privilege, perhaps I should come back from the meeting tomorrow — that is, if I'm ignored again — and raise a question of privilege that I am being slighted by the committee — not me personally, but me as one of your representatives on that committee.

The Hon. the Speaker: The question would be, Senator Mercer?

Senator Mercer: Do you actually think that the committee will do this work? How is that?

[Translation]

Senator Bellemare: I have no idea, Senator Mercer, what the committee will decide. We have had several opportunities to ask the Joint Committee on the Library of Parliament to study these expenditures. In the past, we did not refer the votes to the Library of Parliament. The National Finance Committee studied them.

This time, given that the Committee on the Library of Parliament is to meet tomorrow, we decided to have it study Vote 1. If this committee does not conduct a proper study, the matter will automatically return to the Standing Senate Committee on National Finance.

That is why we took the liberty of proposing that this chamber have the Joint Committee on the Library of Parliament study the votes.

[English]

Senator Mercer: I'm going to give you all fair warning that tomorrow afternoon, the committee meets at 12 noon in Room 237-C in the Centre Block. I would advise all of you that at about 12:15 p.m., you should not be anywhere near the door because there will be a stampede coming out and you could get hurt. I'm doing that for your own good because that's what happened last time. A couple of times before that there were Conservatives stampeding out the door; the last time there were Liberals storming out the door. God knows what will happen this time. Fair warning: Don't be in front of that door tomorrow at noon. You could get hurt.

Hon. Lucie Moncion: To let you know, senator Mercer, I'm going to be a new member on that committee. Hopefully, if it's only 15 minutes, I'll report back to you.

Hon. Yonah Martin (Deputy Leader of the Opposition): I was trying to follow, but I was also in another conversation. I just want to get clarification. So the Library of Parliament will be meeting tomorrow, senator, and this motion needs to be adopted in order for the committee to look at it? I see. So we would need to look at it. I'm wondering whether we need to adjourn this today because there seem to have been questions.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

NATIONAL FINANCE COMMITTEE AUTHORIZED TO
STUDY MAIN ESTIMATES

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of April 17, 2018, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2019, with the exception of Library of Parliament Vote 1; and

That, for the purpose of this study, the committee have the power to sit, even though the Senate may then be sitting, with rule 12-18(1) being suspended in relation thereto.

She said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Housakos, for the adoption of the seventh report of the Standing Senate Committee on Fisheries and Oceans (*Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins), with amendments*), presented in the Senate on October 31, 2017.

Hon. Thomas J. McInnis: Thank you, honourable senators. Finally, I get to make this speech that I think I wrote four months ago or so. Thank you for this opportunity to participate in the report of Bill S-203.

When I first listened to our now retired colleague and friend, the Honourable Wilfred Moore, I must say my immediate reaction was that this legislation is required. This is the proper thing to do. However, after hearing the many witnesses that appeared before our Fisheries Committee, I came away with a different point of view, partly because much of the testimony from those supporting this legislation was unsubstantiated; that is to say, it was their belief or opinion. Further, much of this testimony was contradicted by expert evidence.

• (1540)

My first concern with any private member's bill is whether a department of government will be affected by the legislation, and if so, whether the respective departments or agencies were consulted during the process of drafting the legislation. Bill S-203 directly involves three departments: the Department of Justice, the Department of Fisheries and Oceans, and Environment and Climate Change Canada. Senators, not one of these departments was consulted prior to the introduction in the Senate of Bill S-203. In fact, the first contact appeared to have been made by our Fisheries Committee.

Equally as important, the close examinations of the witnesses from these departments showed that virtually all of what this bill is attempting to do is capable of being handled within the existing laws or policies of one or all of the three departments. In fact, Canadian provinces, territories and municipal units have the

primary responsibility for protecting the welfare of animals. All provinces and territories have laws in respect to animal welfare. I will return to this issue of jurisdiction later.

Ontario has legislation that permits possession and breeding, other than orcas. Once again, no province or territory was consulted prior to or after this bill was introduced.

The Criminal Code of Canada prohibits anyone from willfully causing animals to suffer from neglect, pain or injury. The Department of Justice was not consulted. CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, is an international agreement to which Canada has been a signatory since 1975, along with 182 other nations. Decision-making for the implementation of CITES rests with the conference of the parties. The CITES secretariat oversees the animals committee, which provides scientific guidance, and equally as important, advice when trade is unsustainable, and recommends action.

One species that gets significant attention is whales. The parliamentary affairs officer for Environment and Climate Change Canada stated that they have no knowledge of the CITES secretariat being consulted on Bill S-203, and neither were the scientific nor management authorities within Environment and Climate Change Canada consulted.

Senators, this caused me to ask the question: Who was behind this private member's bill such that contact couldn't have been made with any of the three departments directly involved, the provinces, CITES or the Inuit, for whom the annual harvest of narwhals is a major source of income under the Nunavut Land Claims Agreement. The bill in its original form would have prevented this harvest or attempted to.

I will speak a further word on jurisdictions regarding animal welfare. Provinces have the general jurisdiction over animal welfare. This allows them the ability to pass legislation like the Ontario SPCA to regulate the keeping of animals. This explains why they might commission a study on the subject such as Dr. David Rosen's in 2013 in Ontario. The provinces also have jurisdiction over labour and employment, which is why Ontario's Ministry of Labour can carry out inspections.

The federal government has exclusive jurisdiction over criminal law and has used this power to criminalize certain behaviours. Animal cruelty would be an example. That said, while the power to legislate around criminal law is exclusively federal, provinces have the power to administer and enforce criminal law. As a result, when it comes to the enforcement of criminal law prohibitions around animal welfare, the provincial governments are responsible. This further limits the degree to which the federal government is involved in this area.

So where are the criminal behaviours at Marineland, one of the key aquariums — the one located in Niagara Falls? I'll speak in a moment to the investigations, where no incident was discovered.

Senators, as members of the federal Parliament, what gives you or me the right to simply pass laws that would essentially close Marineland in Ontario? What gives us the right to interfere with Marineland's operations?

The activists and others should have made their case, perhaps, to the Ontario government, but perhaps they did. As a consequence, numerous agencies immediately carried out thorough investigations at Marineland. This is a list of ones that carried out investigations: the Ontario SPCA, the Niagara Falls Humane Society, independent experts from the Vancouver Aquarium, the Calgary Zoo people were brought in, the Ministry of Environment for Ontario, the Minister of Labour for Ontario and a team of independent outside experts from the Government of Ontario. They all conducted investigations at Marineland. After the entire process, which took well over a year, not a single charge was laid by anyone in relation to any maritime mammal at Marineland.

Additionally, senators, today there are newly created zoo inspection teams of the Ontario SPCA who conduct regular unannounced inspections of zoos and aquariums throughout Ontario. Every single animal at Marineland was looked at, as were all of the medical records and all of the facilities. No problems have been found.

Where are the criminal behaviours like animal cruelty or unnecessary pain, suffering or injury to an animal by wilful neglect at Marineland? The experts found none.

Senators, in Canada, we have two major aquariums that house whales: the Vancouver Aquarium and the Marineland aquarium in Niagara Falls. Former Senator Moore and witnesses supporting this legislation state that this bill will not shut down the Marineland at Niagara Falls and that the bill will not affect these operations, yet they say it is necessary because of the condition of the whales at Marineland.

The Fisheries Committee heard testimony that direct and long-term scientific evaluation of beluga whales at Marineland support that they are healthy and do not display abnormal behaviour. In fact, Dr. David Rosen, who chaired a report commissioned by the Ontario government on new regulations to ensure proper welfare of cetaceans under human care and a noted expert on the subject, stated:

... there is no scientific evidence the cetaceans inevitably suffer psychologically or physically by being held in well-maintained aquariums ...

Furthermore:

Canada has emerged as a global leader in science-based standards of care for marine mammals. Canada's Accredited Zoos and Aquariums, CAZA, has adopted the recommendations for the care and maintenance of marine mammals produced by the Canadian Council on Animal Care, as commissioned by the Department of Fisheries and Oceans.

Further, the review the Ontario government carried out in 2013 on all regulations covering the welfare of captive marine mammals ensures standards for minimum space, protection from exposure to noise, the quality of water and food, and that they must all contribute to good health. The report also states that appropriate light exposure, environmental enrichment programs

and a guarantee of no harm to the marine mammals in their contact with the public are all important. Marineland adheres to all of these requirements.

I found it interesting that the report states there is evidence that frequent close contact with humans can serve as a form of environmental enrichment for the animals. Some witnesses supporting the bill frequently stated how cetaceans and other marine mammals in aquariums or under human care "suffer psychologically due to their unusual cognitive abilities."

Senators, an expert review commissioned for the Ontario government concluded that cognitive abilities of cetaceans did not suffer in display facilities. This expert group's summation is totally contrary to statements made by some witnesses and activists.

Both Dr. Whitehead, a witness, and Senator Moore referenced concrete pools as echo chambers and noted they cause stress. What they did not mention is modern aquariums have acoustic design, habitat complexity and properly shaped pools, all of which is called for as part of the standard North American design.

• (1550)

Dr. Rosen, referenced earlier, stated that:

... Canada's zoos and aquariums are among the most modern in the world. Canada is also a leader in coordinating global research efforts to improve the science of animal welfare.

Honourable senators, it is important to note that if this bill is passed, it would require Marineland to tear apart good, healthy, active social groups of marine mammals that are living and healthy at Marineland. They would be torn apart because it bans breeding. This action would cause a great deal of stress and damage to a healthy group of active animals. It would destroy Marineland's future.

Senators, the loss of the educational component to college students, the school student population, the public and to the economy of the Niagara region of Ontario would be equally as devastating.

Senators, there are serious consequences of passing this private member's bill, legislation that leaves me bewildered as to how it got here. One of the witnesses, Dr. Lori Marino, a cognitive behaviourist and activist who appeared before our committee, testified in an Ontario court case between Her Majesty the Queen and Anita Krajnc, commonly known as the pig trial. Dr. Marino testified in that case that pigs are indeed persons. Of course, Justice Harris of the Ontario Court of Justice did not agree, and her testimony was given little to no credence.

I would wager that Dr. Marino and other such activists are interested in advancing an ideological cause — the extension of personhood rights to animals equal to those of humans. One must ask the question: Is this bill an effort to begin to extend the rights of whales as persons?

Senators, there are many species that are similarly intelligent and socially complex. Is Canada then going to go on record in saying that it is criminal for a zoo to hold a breeding population of dolphins, but it is okay to maintain in captivity wolves, bears, chimpanzees or hippopotamuses?

If we pass this bill covering some species, what kind of a precedent are we setting? Hereafter, this body, the Senate of Canada, will be the entry point to adjudicate such concerns. The precedent will have been set. Is this what we want? I don't think so, and I would urge you to reject Bill S-203.

The Hon. the Speaker: Senator Sinclair, a question?

Senator McInnis, you're going to need more time. Are you asking for five minutes to answer some questions?

Senator McInnis: Yes, would you mind?

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

Hon. Senators: Agreed.

Hon. Murray Sinclair: I only have a question related to the fact that this is at a procedural point in the proceedings, senator. Why is it that you would not allow the report to be accepted so that we can have third reading debate? We're not at a point now where we've even gotten past the report, the reception of the report. Your comments are quite apt when it comes to the question of third reading, and you may or may not be able to persuade people about it. But I'm wondering: Why do you not want this matter to come to third reading debate so that we can vote on the bill then?

Senator McInnis: I have absolutely no difficulty in it coming to third reading. In fact, I was really sad that we were not able to debate this when it was more current three or four months ago. I did not want it delayed. I wanted to come forward with it. I hope that all senators will take the time to understand the issue and that we have an open and fair debate at third reading and that we have an open and fair vote on this.

This bill should not be a slam dunk because a very serious precedent will be set, and it will have serious repercussions on the communities of Niagara, thousands and thousands of jobs. But I'm more than happy and prepared to get it to third reading, debate it, and then get the vote going.

Senator Sinclair: Based on that, I would ask that the question be called with regard to the adoption of the report and Senator Manning's motion.

The Hon. the Speaker: Senator Patterson had something he wanted to say.

Senator Patterson: I move the adjournment of the debate.

The Hon. the Speaker: I'll put the first question: Are honourable senators ready for the question?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no."

It was moved by Senator Patterson that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

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

Senator Plett: We have no Government Whip.

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

Senator Plett: One hour.

Senator Mitchell: I say 30 minutes.

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 4:55. Call in the senators.

• (1650)

Motion negatived on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters
Beyak
Boisvenu
Carignan
Dagenais
Doyle
Eaton
MacDonald
Maltais
Manning

McIntyre
Mockler
Neufeld
Ngo
Oh
Patterson
Plett
Poirier
Seidman
Smith
Stewart Olsen
Tannas

Marshall
Martin
McInnis

Tkachuk
Unger
Wells—30

Day
Duffy
Dupuis
Eggleton
Gagné
Gold
Griffin
Harder

Petitclerc
Pratte
Ringuette
Saint-Germain
Sinclair
Wetston
Woo—41

NAYS
THE HONOURABLE SENATORS

Bellemare
Bernard
Black (*Alberta*)
Black (*Ontario*)
Boniface
Bovey
Boyer
Campbell
Cools
Cordy
Cormier
Coyle
Dawson

Hartling
Jaffer
Joyal
Lovelace Nicholas
Marwah
Massicotte
McPhedran
Mercer
Mitchell
Moncion
Munson
Omidvar
Pate

ABSTENTIONS
THE HONOURABLE SENATORS

Galvez
Greene
Mégie

Verner
Wallin—5

(At 5:02 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)

CONTENTS

Wednesday, April 18, 2018

PAGE	PAGE
SENATORS' STATEMENTS	
Tributes	
The Late Honourable Douglas Everett	
The Hon. the Speaker	5227
Hon. Joseph A. Day	5227
Hon. Larry W. Smith	5227
Hon. Patricia Bovey	5228
Autism	
Hon. Jim Munson	5228
Visitors in the Gallery	
The Hon. the Speaker	5229
2018 Commonwealth Games	
Congratulations to Team Canada	
Hon. Chantal Petitclerc	5229
CBC Stanley Cup Coverage	
Hon. Donald Neil Plett	5229
Child Cybersex Trafficking	
Hon. Mobina S. B. Jaffer	5230
National Volunteer Week	
Hon. Robert Black	5231
Royal St. John's Regatta	
Hon. Fabian Manning	5231
<hr/>	
ROUTINE PROCEEDINGS	
The Senate	
Notice of Motion to Affect Question Period on April 24, 2018	
Hon. Diane Bellemare	5232
Adjournment	
Notice of Motion	
Hon. Diane Bellemare	5232
Agriculture and Forestry	
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate	
Hon. Diane F. Griffin	5232
Fisheries and Oceans	
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate	
Hon. Fabian Manning	5232
<hr/>	
QUESTION PERIOD	
Natural Resources	
Oil and Gas Industry	
Hon. Larry W. Smith	5232
Hon. Peter Harder	5233
Hon. Pierre-Hugues Boisvenu	5233
Public Safety	
Canada Border Services Agency—Detention of Refugee Children	
Hon. Joseph A. Day	5234
Hon. Peter Harder	5234
Natural Resources	
Oil and Gas Industry	
Hon. Pamela Wallin	5234
Hon. Peter Harder	5235
The Senate	
Rights and Responsibilities of Senators	
Hon. Donald Neil Plett	5235
Hon. Peter Harder	5235
Hon. Jean-Guy Dagenais	5236
Prime Minister's Office	
Prime Minister's Trip to India	
Hon. Denise Batters	5236
Hon. Peter Harder	5236
The Senate	
Senate Delegation to Washington—Role of Leader of the Government	
Hon. Claude Carignan	5236
Hon. Peter Harder	5237
<hr/>	
ORDERS OF THE DAY	
Salaries Act	
Financial Administration Act (Bill C-24)	
Bill to Amend—Third Reading—Debate Adjourned	
Hon. Peter Harder	5237
Hon. Claude Carignan	5238
Access to Information Act	
Privacy Act (Bill C-58)	
Bill to Amend—Second Reading—Debate Continued	
Hon. Elaine McCoy	5238
Hon. Pierrette Ringuette	5240
The Estimates, 2018-19	
Joint Committee on the Library of Parliament Authorized to Study Vote 1 of the Main Estimates	
Hon. Diane Bellemare	5240
Hon. Terry M. Mercer	5241
Hon. Lucie Moncion	5241
Hon. Yonah Martin	5241
National Finance Committee Authorized to Study Main Estimates	
Hon. Diane Bellemare	5241

CONTENTS

Wednesday, April 18, 2018

PAGE

PAGE

Ending the Captivity of Whales and Dolphins Bill

(Bill S-203)

Bill to Amend—Seventh Report of Fisheries and Oceans

Committee—Debate

Hon. Thomas J. McInnis 5242

Hon. Murray Sinclair 5244