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(HANSARD)

Thursday, November 29, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, November 29, 2018

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

Prayers.

[*English*]

SENATORS' STATEMENTS

WORLD AIDS DAY

Hon. René Cormier: Honourable senators, do you know your status?

That is the theme of World HIV/AIDS Day, which will be observed on December 1. This year's theme encourages everyone to check their HIV status.

Knowing one's HIV status is crucial to combatting this disease since, at the end of 2016, approximately 14 per cent of the 63,110 people living with HIV in Canada did not know they were infected. Senators, six Canadians contract HIV every day.

[*English*]

In order to eradicate this epidemic by 2030, UNAIDS has launched the 90-90-90 campaign, in which Canada is participating.

The objective of this worldwide campaign is to ensure that by 2020, 90 per cent of all people living with HIV will know their HIV status, 90 per cent of all people with a diagnosed HIV infection will receive sustained antiretroviral therapy and 90 per cent of all people receiving antiretroviral therapy will have viral suppression.

[*Translation*]

I will admit that these are very ambitious targets, but we can and must meet them. I would like to remind senators that nearly 39 million people have died from this disease.

Thanks to medical breakthroughs, 91 per cent of people here in Canada who receive treatment achieve suppressed viral loads, meaning their viral load is reduced to an undetectable level.

[*English*]

Having said that, we learned recently that between January and September 2018 in my own province, New Brunswick, 16 new cases have been reported, and 11 of these 16 cases were in the same region: Fredericton and Oromocto. This number of new cases is double the expected level for a full year. It's a sign that the fight is not yet over. The solution to that is education.

[*Translation*]

Modernized sex education programs that are adapted to the realities of today's society enable us to better inform young people of the importance of getting tested for HIV and of leading a safe and healthy sexual lifestyle. They also allow us to educate youth about serophobia, which is the fear and aversion some people have towards people living with HIV.

Education also raises awareness of the discrimination and stigma that many people living with HIV/AIDS have to deal with every day, which make the burden they have to bear that much heavier.

[*English*]

Honourable colleagues, I wish to thank everyone involved in aggressively fighting this disease. They include doctors and researchers, as well as agencies and their staff who educate, support and advocate for people living with HIV/AIDS and the families who support them. I also want to thank the teachers in the schools who are proactive in talking about this important issue with their students.

[*Translation*]

Colleagues, I encourage us all to be proactive and to call upon our governments and communities to step up their efforts to ensure that everyone in this country knows their status, so Canada can meet its targets.

Thank you.

[*English*]

INDIGENOUS DISABILITY AWARENESS MONTH

Hon. Yvonne Boyer: Honourable senators, today I rise in this chamber to recognize November as Indigenous Disability Awareness Month. November 2015 was the first time Indigenous Disability Awareness Month was recognized and proclaimed by the Métis Nation British Columbia, the B.C. First Nations Summit and the Province of British Columbia. One year later, the Assembly of First Nations, the Council of Yukon First Nations and the Province of Saskatchewan followed suit and officially recognized and proclaimed November as Indigenous Disability Awareness Month as well.

Throughout November, Canadians have the opportunity to recognize the valuable contributions that Indigenous peoples living with disabilities make within our communities. This occasion also provides us with a moment to pause and reflect on the many challenges they continue to face when seeking to be fully included in Canadian society.

Indigenous peoples living with disabilities experience marginalization, not just because of the impacts of colonization, but also the societal perceptions of their physical disabilities. The

increased health and medical costs that come with meeting their unique needs places tremendous pressure on these individuals and their families. This situation is made even more challenging when statistical evidence shows that Indigenous communities chronically live with a higher rate of poverty than non-Indigenous communities. According to income data from the 2016 Census, four out of every five reserve communities in Canada have median incomes that fall below the poverty line and 81 per cent of those fall below the low-income measure, which is considered by Statistics Canada to be approximately $22,000 for one person.

Additionally, the lack of health care and social services available in rural and remote communities often prohibits critical medically necessary treatments and diagnoses. The problem is further exacerbated by transportation challenges which make travel to and from physician and/or medical appointments a near-impossibility, particularly if trying to manoeuver a wheelchair without ramps or on gravel roads.

Honourable senators, I would like to ask that you join me in recognizing Indigenous Disability Awareness Month and in doing so commit to building communities across Canada where everyone is valued equally. It is through awareness of the challenges faced by Indigenous people with disabilities that we may change attitudes and create a more inclusive Canada. *Meegwetch*. Thank you.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of cousins of the Honourable Senator McIntyre, including His Worship Denis McIntyre and Anita, Ronald, Lise and Kenny McIntyre.

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

Hon. Senators: Hear, hear!

[*English*]

THE MCINTYRE FAMILY—CHARLO, NEW BRUNSWICK

Hon. Paul E. McIntyre: Honourable senators, brace yourselves, the McIntyres of Charlo are in town.

[*Translation*]

I would like to take this opportunity to say a few words.

The McIntyre name has been well known in my community for decades.

[*English*]

Our ancestor, Neill McIntyre, from the Isle of Barra, Scotland, lived in different parts of Canada before finally settling down in 1798 at Rivière-à-l'Anguille, today called Charlo.

Since then, the McIntyre name is seen and known throughout our community.

[*Translation*]

Plenty of people and places there bear the name. There are McIntyre businesses; the McIntyre convenience store; McIntyre Street; artists, musicians, painters and sculptors by the name of McIntyre; Justice McIntyre; Senator McIntyre; and, of course, Mayor McIntyre. We carry the name with pride.

There is no way I can talk about the McIntyre name without talking about my hometown and its many marvels.

• (1340)

Charlo is located on the shores of one of the most beautiful bays in the world, Chaleur Bay. This bay is an arm of the Gulf of St. Lawrence that separates the Gaspé Peninsula of Quebec from New Brunswick, against a backdrop of beaches, cliffs and even the Appalachians. The landscape is breathtaking. The magnificent bay owes its name to Jacques Cartier, who, in 1534, was so impressed by the summer heat that he named the place Chaleur Bay.

[*English*]

In the summer and fall, Charlo has much to offer. There is something for everyone, including Summer Splash, our renowned Charlo-Carleton-sur-Mer whaler crossing and the fall fair.

During the winter months, Charlo transforms itself into a cross-country ski capital. Les Aventuriers de Charlo, its local cross-country ski club, is well-known on the provincial, national and North American scene for its amazing international calibre tracks as well as its famous competitions. In fact, 2018 marked the fourth edition of the Canadian Biathlon Championship held at Les Aventuriers, which, incidentally, was held in my name.

[*Translation*]

But Charlo is much more than awe-inspiring scenery, surroundings that marry the splendours of ocean and forest, and the perfect setting for any number of pursuits. Charlo is also home to the Salmonid Enhancement Centre, the regional airport, and, of course, our beautiful church.

Exactly 100 years ago this year, our ancestors laid the cornerstone for the Saint-François-Xavier church. That ritual marked the beginning of a long journey for our religious heritage. The church is the heart and soul of the village.

Colleagues, there are so many wonderful things to tell you about Charlo, but I am out of time, so I will echo the mayor, who said:

> Charlo by the bay, between land and sea, a small town with all the amenities of a big city!

Thank you.

Hon. Senators: Hear, hear!

[*English*]

WINSTON PITCHER

CONGRATULATIONS ON SOVEREIGN'S MEDAL FOR VOLUNTEERS

Hon. Fabian Manning: Honourable senators, today I am pleased to present chapter 49 of "Telling Our Story."

Earlier today, the Standing Senate Committee on Fisheries and Oceans, which I have the privilege to chair, released its comprehensive study on maritime search and rescue in Canada, aptly titled *When Every Minute Counts*. Did you know, fellow senators, on any given day in Canada, 27 search-and-rescue incidents take place, 15 lives are saved and 52 people are assisted?

Did you also know the commercial fishing industry has the highest fatality rate among all other employment sectors in Canada, with about one death per month?

We in Newfoundland and Labrador surely know the bounty of the sea. Sadly, we also know the perils of the ocean around us. It is with that thought in my mind I think of all those volunteers from coast to coast that make up the Canadian Coast Guard Auxiliary, especially those in my home province. In almost every coastal fishing community in Newfoundland and Labrador, there are men and women who are willing to put their own lives at risk in their efforts to save others and who do so on a completely volunteer basis. They are responsible for 25 percent of maritime missions and save more than 200 lives each year. In many cases, they are just ordinary fishermen and fisherwomen who volunteer their time and talent to be on call if needed to assist people in distress. They are ordinary people, performing extraordinary feats of bravery and courage.

One of these volunteers is Winston Pitcher of Burin Bay Arm, Newfoundland, who has dedicated much of his life to the Canadian Coast Guard Auxiliary. On April 12, 2016, Winston was recognized by then Governor General David Johnston for his volunteer service to the auxiliary in the Newfoundland and Labrador region. He was presented with the Sovereign's Medal for Volunteers at Rideau Hall, and the citation for the award read as follows:

> Winston Pitcher has been a dedicated member and president of the Canadian Coast Guard Auxiliary-Newfoundland and Labrador region for over 25 years, providing search and rescue assistance to the Coast Guard. He has been instrumental in organizing first aid courses and water training sessions for members, and has been a national representative for the Auxiliary at home and abroad.

Colleagues, Winston Pitcher has shown great leadership and dedication in all of his volunteer efforts with the Coast Guard Auxiliary. He has wholeheartedly given much of his life to the service of others, and continues to do so today. His expert knowledge of the waters around Newfoundland, combined with the training from the Coast Guard, has saved precious minutes during a search, and has played a big part in bringing many people home safely. Indeed, every minute does count.

Colleagues, please join me in congratulating and thanking my fellow Newfoundlander, Winston Pitcher, for his exceptional volunteer achievements. Let us thank all 4,000 men and women of the Canadian Coast Guard Auxiliary for their valued contribution to marine safety in Canada's coastal and offshore waters.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Mahmood Nanji and Ms. Rachele Dabraio. They are the guests of the Honourable Senator Dean.

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

Hon. Senators: Hear, hear!

PUBLIC SERVANTS

Hon. Tony Dean: Honourable senators, I rise today to speak briefly about Canada's public servants.

Over the past two years, I have been struck, as I know many of you have been, by the professionalism, the skills, the commitment and the terrific non-partisan advice we receive from Canada's public servants. We saw this as recently as this past weekend when we had officials here to support their ministers in the discussions we had at that time.

I also take this opportunity to salute those public servants who operate at the provincial, territorial and municipal levels of government in this country.

Honourable senators, for the most part, Canadians go to sleep at night and sleep well because they know and assume that somebody is protecting their food and water; that there will be a reliable supply of energy; that hospitals will be open and running; that schools will be open and running the following morning; that our environment is protected; and that our political leaders are receiving sound, solid and evidence-based advice. Those services are being provided by our public servants right across this great country.

Today, I want to recognize and thank public servants for the work they do. Alongside them, I thank our own dedicated staff who, with us and through us, also support the public every day. I thank them for their commitment and hard work in serving Canadians, and for continuing to renew and grow Canada's recognition around the globe for its fine and advanced system of democratic governance.

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TENTH REPORT OF COMMITTEE PRESENTED

Hon. Leo Housakos (Acting Deputy Leader of the Opposition), Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, November 29, 2018

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

TENTH REPORT

Your committee, which was authorized by the Senate on March 27, 2018, to propose amendments to the *Rules of the Senate* relating to the establishment of a Standing Committee on Audit and Oversight, now recommends:

That the *Rules of the Senate* be amended as follows:

1. by:

(*a*) deleting the word "and**" at the end of rule 12-3(2)(e) in the English version; and**

(*b*) replacing the period at the end of rule 12-3(2)(f) by the following:

"; and

(g) the Standing Committee on Audit and Oversight, five Senators.**";**

2. by adding the following new rule 12-3(4):

"Restriction on membership

12-3. (4) No Senator shall be a member of both the Standing Committee on Internal Economy, Budgets and Administration and the Standing Committee on Audit and Oversight.**";**

3. by replacing the introductory words in rule 12-5 by the following:

"12-5. Changes in the membership of a committee, except for the ex officio members, the members of the Standing Committee on Ethics and Conflict of Interest for Senators, and the Standing Committee on Audit and Oversight, may be made by notice filed with the Clerk, who shall have the notice recorded in the *Journals of the Senate*. The notice shall be signed by:**";**

4. by replacing rule 12-6 by the following:

"Quorum of standing committees

12-6. (1) Except as provided in subsection (2) and elsewhere in these Rules, the quorum of a standing committee shall be four of its members.

EXCEPTION

Rule 12-27(2): Quorum of committee

12-6. (2) The quorum of the Standing Committee on Audit and Oversight is three of its members.**";**

5. by:

(*a*) deleting the word "and**" at the end of rule 12-7(15) in the English version; and**

(*b*) replacing the period at the end of rule 12-7(16) by the following:

"; and

Audit and Oversight

12-7. (17) the Standing Committee on Audit and Oversight, which shall be authorized, on its own initiative, to:

(a) retain the services of and direct the Senate's internal and external auditors;

(b) oversee and direct the Senate's internal audit function;

(c) make recommendations to the Senate concerning the internal audit plan;

(d) report to the Senate regarding the internal audit function, including audit reports and other matters;

(e) review the Senate Administration's action plans to ensure:

(i) that they adequately address the recommendations and findings arising from internal audits, and

(ii) that they are effectively implemented;

(f) review the Senate's Quarterly Financial Reports and the audited Financial Statements, and report them to the Senate; and

(g) report at least annually with observations and recommendations to the Senate.**";**

6. by adding the following new rule 12-9(3):

"Audit and Oversight — access to information

12-9. (3) The Standing Committee on Audit and Oversight may review the in camera proceedings of other Senate committees, including any transcripts of meetings, as they relate to expenditures of Senate funds.**";**

7. by replacing the introductory words in rule 12-16(1) by the following:

"12-16. (1) Except as provided in subsections (2) and (3) and elsewhere in these Rules, a committee may meet in camera only for the purpose of discussing:**";**

8. by renumbering current rule 12-16(2) as 12-16(3), and by adding the following new rule 12-16(2):

"Audit and Oversight – in camera

12-16. (2) The Standing Committee on Audit and Oversight shall meet in camera whenever it deals with the in camera proceedings of another committee.**";**

9. by replacing the introductory words in rule 12-18(2) by the following:

"12-18. (2) Except as provided in subsection (3) and elsewhere in these Rules, a Senate committee may meet when the Senate is adjourned:**";**

10. by adding the following new rule 12-18(3):

"Audit and Oversight — meetings during adjournment of the Senate

12-18. (3) The Standing Committee on Audit and Oversight may sit during any adjournment of the Senate.**";**

11. by replacing, in rule 12-22(2), the words "Except as otherwise provided**" by the words "**Except as provided in subsection (7) and elsewhere in these Rules**";**

12. by adding the following new rule 12-22 (7):

"Audit and Oversight — report deposited with the Clerk

12-22. (7) A report of the Standing Committee on Audit and Oversight may be deposited with the Clerk at any time the Senate stands adjourned, and the report shall be deemed to have been presented or tabled in the Senate.**"; and**

13. by updating all cross references in the Rules, including the lists of exceptions, accordingly.

As noted in the fifth report of CIBA's Subcommittee on the Senate Estimates, which was appended to CIBA's 21st report, the establishment of the Standing Committee on Audit and Oversight will require amendments to the *Senate Administrative Rules* and there should be consultations among leadership about possible changes to the *Parliament of Canada Act*. Your committee notes that points such as the divisions of roles and responsibilities between CIBA and the new committee, the funding for the new committee to retain the auditors, and intersessional authority will require particular attention.

Your committee also notes that during its consideration of the changes to the Rules necessary to establish the Audit and Oversight Committee there was extensive debate about whether the new committee should include non-senators as members, and whether your committee had the mandate to make recommendations on composition of membership. A consensus on these issues did not emerge. Your committee now therefore recommends:

That the Standing Committee on Internal Economy, Budgets and Administration again review whether the Audit and Oversight Committee should include non-senators as members.

Respectfully submitted,

LEO HOUSAKOS
Chair

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

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

• (1350)

[*Translation*]

BUDGET IMPLEMENTATION BILL, 2018, NO. 2

THIRTIETH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON SUBJECT MATTER TABLED

Hon. Chantal Petitclerc: Honourable senators, I have the honour to table, in both official languages, the thirtieth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of Bill C-86, A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(Pursuant to the order adopted on November 7, 2018, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

[*English*]

STUDY ON MARITIME SEARCH AND RESCUE ACTIVITIES

ELEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Fabian Manning: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on April 14, 2016, and November 22, 2018, the Standing Senate Committee on Fisheries and Oceans deposited with the Clerk of the Senate on November 29, 2018, its eleventh

report entitled *When Every Minute Counts — Maritime Search and Rescue* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

BUDGET IMPLEMENTATION BILL, 2018, NO. 2

EIGHTEENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ON SUBJECT MATTER TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the eighteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which deals with the subject matter of Bill C-86, A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(Pursuant to the order adopted on November 7, 2018, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

[*Translation*]

ACCESSIBLE CANADA BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-81, An Act to ensure a barrier-free Canada.

(Bill read first time.)

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

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON THE STUDY OF THE IMPACT AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN CANADIAN FOREIGN POLICY AND DIPLOMACY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, notwithstanding the order of the Senate adopted on Thursday, March 22, 2018, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on the impact and utilization of Canadian culture and arts in Canadian foreign policy and diplomacy, and other related matters, be extended from December 31, 2018 to April 30, 2019.

QUESTION PERIOD

VETERANS AFFAIRS

SUPPORT SERVICES FOR VETERANS

Hon. Yonah Martin (Acting Leader of the Opposition): Honourable senators, my question is for the Government Leader in the Senate. It relates to the service delivery at Veterans Affairs Canada.

Thousands of veterans dealing with physical and mental illnesses continue to wait a very long time to begin treatment. An Order Paper answer recently tabled in the other place revealed that for the fiscal year 2017-18, over 3,000 veterans waited for more than a year to receive an answer from the department regarding their application for disability benefits.

I mentioned in a question earlier this month the service standard for Veterans Affairs to provide a response in 16 weeks, but the department meets the standard only 43 per cent of the time.

Senator, I expect your answer will point to the investments your government has already made. The backlog persists. Why hasn't service delivery improved at Veterans Affairs? Why do veterans still wait a year simply to get a response?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I also thank her for her suggestion as to what my response might be.

Let me start there and speak to the investments that have been made. Perhaps I should go back a bit to speak about the disinvestments made by the last government. Now, I don't want to do that. I think it's fair to say the reopening of service centres that this government undertook was an important piece of increasing the capacity.

Honourable senators, I would also point out — and this is something we need to bear in mind — there has been a significant increase in applications because, frankly, our veterans who served us so honourably in Afghanistan are increasingly part of the intake of needs. There is an increase of 32 per cent in disability applications and a 60 per cent increase in the first applications for disability benefits.

The additional offices that have been reopened and the 470 new staff that have been put in place are important investments, honourable senators, let alone the $42.8 million. However, it will take some time to have that system operate on the capacity that all of us would want to have because it is important that our women and men who have served us be treated appropriately in their veterans benefits.

Senator Martin: Senator, I should have said I expect you to talk about the investments made and to blame the previous government for the failings of your current government.

A veteran interviewed by the CBC on this matter stated he believes the backlog has been made worse by the requirement that Veterans Affairs conduct its own medical assessments instead of relying on diagnosis by doctors at National Defence. The government has pledged to address exactly these types of gaps between the requirements of DND and Veterans Affairs.

Could the government leader please make inquiries and let us know what the government is doing to address this specific problem?

Senator Harder: The honourable senator has identified a very important problem, namely, the transition from Defence to Veterans Affairs, which was begun to be addressed by the last government when the Minister of Veterans Affairs became the Associate Minister of Defence, which was continued in this government to ensure the work that was under way at the bureaucratic level of a seamless transition was strengthened. That work continues. I would be happy to make inquiries and report back.

FUNDING AND SERVICES

Hon. Paul E. McIntyre: Honourable senators, my question to the Government Representative in the Senate is also about Veterans Affairs.

Leader, you may remember in September I asked you about lapsed funding at Veterans Affairs Canada. On November 7, in the other place, a motion passed unanimously which calls upon the government to automatically carry forward all annual lapsed spending at the Department of Veterans Affairs to the next fiscal year.

Leader, could you please tell us if the government intends to ensure funding is not lapsed for the current fiscal year?

Hon. Peter Harder (Government Representative in the Senate): Again I thank the honourable senator for his question. It is not unusual for lapsed funding to be rolled forward. That is revealed, of course, in the next tabling of estimates. I'll make inquiries with respect to this particular item, but it would be completely normal and welcomed when the spending that was anticipated doesn't happen for a variety of reasons.

• (1400)

[*Translation*]

Sen. McIntyre: The senator may also recall the question I asked him on September 19 about a recent report from the Veterans Ombudsman, Guy Parent. His findings show that francophone veterans are waiting approximately five months longer than anglophone veterans for decisions on their disability benefit applications. Senator, you said at the time that you would inquire with the minister, and I would like to know when I can expect an answer. Will the government treat all veterans equally, whether they are francophone or anglophone, and improve wait times for veterans?

[*English*]

Sen. Harder: I thank the honourable senator for his good question. It is one that I am happy to make inquiries on. I know the minister made commitments to achieve that equality, and that was part of the investment of 470 additional staff.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

UNITED STATES-MEXICO-CANADA AGREEMENT

Hon. Diane F. Griffin: Honourable senators, my question is for the Government Representative in the Senate and it's about the pending signing tomorrow of the USMCA.

Late last night, the President of Dairy Farmers of Canada and the chairs of all 10 provincial dairy associations issued an open letter to the Prime Minister expressing concern that the USMCA agreement still contains clauses that grant the United States oversight and control of the administration of the Canadian dairy system, which will undermine Canadian sovereignty.

Canadian officials indicated that this text would not be part of the final agreement. The dairy farmers have not yet seen copies of the final agreement with this text removed and are asking the Prime Minister not to sign the USMCA until text affecting the domestic dairy system is removed.

My question is twofold. First, will the Government of Canada refuse to sign the USMCA until the relevant text is removed? Second, if not, does the Government of Canada intend for the issue of U.S. oversight and control of the Canadian dairy system to continue to be negotiated with the Americans after the formal signing of the USMCA on Friday?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Let me simply refer to the press conference that ended just before we commenced our session today, in which the foreign minister in Buenos Aires indicated that discussions with the Americans are ongoing with respect to the text of the agreement, which we are on course to sign tomorrow.

NATURAL RESOURCES

OIL AND GAS INDUSTRY

Hon. Richard Neufeld: Honourable senators, my question is to the Leader of the Government in the Senate. Over the last three years this government has stood by while our oil and gas sector saw tens of billions of dollars in private sector investment leave our country, taking away thousands of jobs from middle-class Canadians. This is a major concern for our country.

However, you would never know it by reading the Fall Economic Statement put forward by Minister Morneau. As the Chamber of Commerce stated last week:

> The Chamber is concerned that today's Economic Update lacks any plans to help Canada's struggling energy industry. We call on government to lay out its plans for oil and gas workers during these exceptional times.

Energy workers protested against the Prime Minister and Mr. Morneau on the streets of Calgary in recent days.

Senator Harder, what will it take for this government to act in their interests?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. It gives me the opportunity to remind this chamber that this government has undertaken a number of initiatives to do just that. I could reference the TMX initiative, in which the Government of Canada — certainly not as the preferred choice but as an important decision — decided to purchase the pipeline so that we could build a pipeline.

The government is pursuing, as the court has directed, the tasks necessary to proceed with the construction. The government is committed to having a pipeline that reaches saltwater so that the oil sands produce can maximize its value and we can build alternative markets.

Second, as the honourable senator will know — and he will disagree — through Bill C-69 the government has put in place a legislative framework that not only allows for appropriate environmental assessment but an environmental assessment process that will lead to decisions that can actually be implemented, which has been the problem of Canada for the last 15 years.

Finally, let me reference the work the government has undertaken in discussions with the Premier of Alberta and her government on what further measures the Government of Canada might consider. The Minister of Finance was in Calgary as recently as this week to further those discussions.

It is important for all of us to understand that the Government of Canada remains just as concerned about the plight of the oil industry in Alberta as it does about the auto sector in Ontario.

Senator Neufeld: Senator Harder, your government killed Northern Gateway and the Prime Minister has talked down our oil sands both at home and abroad. This government bought a pipeline from Kinder Morgan, and the Prime Minister can't tell the taxpayers, who now own it, when construction will begin on the expansion. Now the government has brought forward an economic update with almost $600 million for the media the year before an election, and nothing for oil and gas workers.

Governing is about setting priorities and making decisions. Senator Harder, these men and women who work in the energy sector want to earn a decent living, provide for their families and contribute to Canada's prosperity, just like we do. We are in a crisis. Families are suffering. This isn't just about big industry; it's about people, workers and families.

What do you say to those Canadians who are obviously not on your priority list? What does your government say to them beyond empty words and promises?

Senator Harder: Again, it's important for all of us to take a step back from the rhetoric of the question and understand that the Government of Canada is seeking to ensure that all Canadians are able to find work that is meaningful, to contribute to their family, to aspire to the middle class and to be successful. We do have, obviously, some challenges in that regard. The energy sector is transitioning globally, and the way that Canada's contribution is reflected in the transition is an issue on which the Government of Canada is working closely with industry.

Similarly, the Government of Canada is working closely with other sectors that are equally going through a transition. That is why it is so important for the Government of Canada to participate in the G20, as they will do today and on the weekend, to review the state of the economy globally and how Canada's measures fit into the global response.

INDIGENOUS AND NORTHERN AFFAIRS

FIRST NATIONS LAND MANAGEMENT

Hon. Nicole Eaton: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, I hope you can shed some light on this.

Included in the government's omnibus budget implementation bill are amendments to the First Nations Land Management Act, which will give First Nations greater power over the development of natural resources and protection of the environment.

Can you confirm, Senator Harder, whether these amendments will exempt First Nations projects from meeting the impact assessment requirements of Bill C-69?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I couldn't quite hear it all. I will undertake to respond to it.

Senator Eaton: With regard to the amendments in the First Nations Land Management Act, which will give First Nations greater power over the development of natural resources and protection of the environment, can you shed some light on whether these amendments will exempt First Nations resource development projects from meeting the impact assessment requirements of Bill C-69?

Senator Harder: Senator, I will have to take that under advisement. I want to be precise, and I just don't know.

• (1410)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

TAIWAN—UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Leader of the Government in the Senate.

Next week, countries will be meeting in Poland for the Conference of the Parties, the COP, under the United Nations Framework Convention on Climate Change, UNFCCC. All countries and parties should take part in this common endeavour to fight climate change because abnormal and extreme weather events such as heat waves, droughts and catastrophic torrential rain are happening today in all corners of the globe.

Unfortunately, Taiwan was not able to join the UNFCCC or participate in the Paris Agreement, but it has complied voluntarily with the relevant UN regulations and took upon itself to achieve the 17 sustainable development goals set out in the United Nations 2030 Agenda.

It has been Canada's policy to consistently support Taiwanese participation in international organizations where there is a practical imperative and where Taiwanese absence would be detrimental to global interests.

Since climate change affects us all, I would like to know if Canada will be consistent with its policy this year and publicly support Taiwan's participation as an observer at COP24?

Hon. Peter Harder (Government Representative in the Senate): With respect to next week's meeting, I'll have to make inquiries. However, the honourable senator will know, as his question references, that the Government of Canada has, where it was important for the contribution in the specific organization being referenced, supported Chinese participation. That has been the ongoing policy of the governments of Canada for many decades.

Senator Ngo: If Canada is supporting Taiwan, not China, what concrete steps will our delegation and our government take to support that participation?

Senator Harder: As I indicated, I will make inquiries.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEES AND ASYLUM SEEKERS

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with the report released this morning by the Parliamentary Budget Officer, outlining the cost to taxpayers of welcoming illegal immigrants crossing the border. The report finds that by the end of the next fiscal year, these illegal immigrants will have cost nearly $1.1 billion. I should note that this is just the cost being covered by the federal government. The numbers put out today by the Parliamentary Budget Officer don't include what this is costing the provinces and municipalities, which are bearing much of the financial burden for housing and social assistance.

Senator Harder, now that we have the real figures, will the Prime Minister repair the damage he caused with his tweet and present a plan for restoring the integrity of Canada's immigration system?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The PBO report reinforces the need for our refugee system to be both efficient and effective, and ensure fast, fair and final decision-making. It is in this spirit that the Government of Canada initiated some months ago a six-point plan which includes proactive outreach to correct misinformation about asylum, rigorous security screening and processing, and working with provinces and territories.

I'd like to review the six-point plan specifically. First, while numbers are decreasing, as a government, we are responding to influxes as they occur and should they occur. People who cross into Canada irregularly are put through rigorous background and security screening. Claims are processed as fast as possible and the number of claims finalized has increased by more than 50 per cent in the past year.

The government is proactively engaging with other countries to deter irregular migration. The government is working with provinces and territories on the delivery of asylum services to asylum claimants, and the government has a robust outreach strategy to correct misinformation about our asylum system.

Clearly, this has meant a significant investment. The Government of Canada has invested over $173 million to improve border security and speed up the asylum processing process. The claims levels are down substantially from what they were over a year ago at border crossings generally and up to 70 per cent in some border crossings.

The final point I'd make is an important one for senators to both understand and communicate. The refugee determination system is separate from and not inclusive of the immigration system itself. In other words, there is not a queue that is combined for both. There's a separate process for refugee determination. It is important for us all to have faith in the integrity of both our immigration system and our refugee determination system.

[*Translation*]

Senator Dagenais: When Minister Blair attended Question Period in the Senate earlier this month, he said that the government had made significant investments in the Immigration and Refugee Board to deal with the backlog. The Parliamentary Budget Officer noted in his report that as of September, the backlog of asylum claims was somewhere around 65,000 and indicated that despite what the government says, wait times are longer.

How does the government plan to deal with the backlog?

[*English*]

Senator Harder: Again, the government has undertaken a number of initiatives to increase the capacity of the Immigration and Refugee Board, particularly with the asylum claims. The actions being taken at the border, which I've already referenced, are part of that management of flow.

There is no question this is an important matter. The government takes it seriously, and it is important for Canadians to understand that our asylum system is working.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

INVEST IN CANADA—IAN MCKAY

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): Honourable colleagues, my question is for the Leader of the Government. In June 2017, Bill C-44 was adopted after much debate in the Senate. It was the Budget Implementation Act. One of the controversial parts of this bill was the creation of a new agency, Invest in Canada. The Senate Banking Committee made the observation that it was "uncertain about the need of establishing a new agency to promote foreign investment in Canada."

The government, with Senator Woo and Senator Harder leading the charge with great enthusiasm, insisted Canada absolutely needed this new agency and it would bring tons of investment.

We know that Invest in Canada has a board of directors, full of good Liberal supporters. We know that Global Affairs Canada paid Boyden Executive Search $73,450 to help it find a CEO for Invest in Canada, who just happens to be Ian McKay who served as National Director of the Liberal Party of Canada from 2010 to 2013.

Looking at Invest in Canada's website, however, that is pretty much all we know. Under the headline of executive team, it says "stay tuned."

Senator Harder, why was there an urgency to create this new agency? Was it only because Ian McKay needed a job and this was a perfect opportunity?

Hon. Peter Harder (Government Representative in the Senate): Let me, first of all, completely repudiate the suggestion, which I assume was made in sarcastic jest. Ian McKay is an outstanding public servant. Yes, he has had a past in politics; I understand some in this chamber have as well. That shouldn't deny him from applying through a merit-based review process, and he is an outstanding candidate for this position.

I will let others speak for themselves, but certainly in voting for the budget, I was confident this Invest in Canada approach the government was taking was one which would harness the government-wide effort to promote investment in Canada at a time when the competition for global investment is particularly challenging. I look forward to the report from the organization as it does its work.

Senator Housakos: Government leader, you're missing my point. I'm not questioning Mr. McKay's competence to do the job. At the end of the day, despite people's partisan implication in politics, we believe it shouldn't disqualify him from serving in the highest offices in this land. However, your government has been consistently pontificating about the necessity of making sure there's complete non-partisan representation in some of the highest institutions of the land.

All I'm asking is will this government be a bit consistent and recognize the fact that there's nothing wrong with people being involved in partisan public discourse and public politics and that should not disqualify them from serving in some of the highest institutions of the land? If that is not the case, can this government be consistent with its action when it comes to its rhetoric?

Senator Harder: I think the government has been entirely consistent with the rhetoric you've enunciated; that is to say, partisan activity ought not exclude anybody from consideration of public service nor should it be the single contribution of qualification.

• (1420)

The process of determining appointments to boards, agencies and commissions ought to be done with the advice of, and through, an independent process.

FINANCE

FALL ECONOMIC STATEMENT 2018

Hon. Diane F. Griffin: Honourable senators, my question is, again, for Senator Harder.

On page 107 of the Fall Economic Statement, there is a line of Non-Announced Measures. The total is $9.5 billion, of which $1.754 billion is earmarked for the 2018-19 fiscal year.

In a footnote, the government explains the Non-Announced Measures relate to:

> The net fiscal impact of measures that are not announced is presented at the aggregate level, and includes provisions for anticipated Cabinet decisions not yet made and funding decisions related to national security, commercial sensitivity, trade agreements, and litigation issues.

Senator, could you ask the government to confirm whether this line item includes compensation for supply-managed agricultural sectors? And if so, how much funding is earmarked for compensation for the USMCA? When does the government intend to submit this funding for parliamentary approval and oversight? Thank you.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her perseverance in getting to page 107. Let me say that what the senator is referring to in the statement itself is absolutely correct; that is to say, in an effort to ensure the Economic Statement is, in fact, aligned with the Budget of 2018 and tabling in a transparent fashion the

allocation of resources, there is a list of policy actions and investments made by departments on the table of A1.7. There is also, as the honourable senator references in A1.8, a list of investments on which decisions have not yet been made.

That is, as the document itself says, measures relating to national security, commercial sensitivity and litigation and certain matters related to trade.

The honourable senator is going to have to wait for announcements to be made by the appropriate processes so that the cabinet decisions are announced and reflected and the source of those fundings are identified.

ORDERS OF THE DAY

FEDERAL SUSTAINABLE DEVELOPMENT ACT

BILL TO AMEND—THIRD READING

Hon. Diane F. Griffin moved third reading of Bill C-57, An Act to amend the Federal Sustainable Development Act, as amended.

She said: Honourable senators, it is indeed an honour for me to rise today to speak in support of Bill C-57, An Act to amend the Federal Sustainable Development Act.

I would like to thank the members of the Standing Senate Committee on Energy, the Environment and Natural Resources for their work in reviewing Bill C-57 and for encouraging fruitful discussion and debate. Their efforts resulted in a number of amendments to the bill.

I'll begin by saying that the bill received overwhelming support in the other place. The Standing Committee on Environment and Sustainable Development there reviewed the Federal Sustainable Development Act and, in June 2016, tabled a unanimous report, which provided insights and recommendations that were instrumental in shaping Bill C-57.

The bill addresses the 2016 report's recommendations by increasing accountability, promoting collaboration and co-ordinated action across government and setting a higher bar for transparency.

The bill does this by providing the legal framework for developing and implementing a Federal Sustainable Development Strategy that makes decision-making related to sustainable development more transparent and accountable to Parliament.

The bill will require targets in the federal strategy to be measurable and will include timeframes. It will also require departments and agencies listed in the schedule of the act to contribute to the development of the Federal Sustainable Development Strategy and its progress reports.

It also outlines principles that need to be considered when developing these strategies.

The bill recognizes that sustainable development is based on an efficient use of natural, social and economic resources. It also clarifies that sustainable development is an evolving concept and outlines ways in which it may be advanced.

Recognizing this, the bill proposes the act be reviewed every five years by a parliamentary committee. This will further provide parliamentarians the ability to ensure the act takes a whole-of-government approach and remains transparent.

The amendments to the act would support future strategies that would continue to align with the goals of the 2030 Agenda for Sustainable Development.

The Federal Sustainable Development Act already requires the government to engage Canadians through public consultation on the strategy, including through an advisory council. The bill retains the consultation provisions and strengthens the council.

Specifically, the bill expands the number of Aboriginal representatives on the advisory council from three to six in order to better reflect the broad range of perspectives across Canada. It also requires the environment minister, when making appointments to the council, to take into account demographic considerations.

In the other place, an amendment was made to allow for members of the advisory council to receive reimbursement for reasonable expenses incurred in connection with the business of the council. In the future, this will allow for the members to meet in person, if required, and to advise the minister.

In June of this year, the bill was referred to the Senate. This autumn, the Standing Senate Committee on Energy, the Environment and Natural Resources was tasked with reviewing the bill.

The committee heard from witnesses from Environment and Climate Change Canada, the Treasury Board of Canada Secretariat, the Sustainable Development Advisory Council, the International Institute for Sustainable Development and from the Commissioner of the Environment and Sustainable Development, Julie Gelfand.

The discussions held in committee resulted in a number of amendments to the bill, as Senator Galvez outlined in her report here:

> . . . the bill was also amended to make consequential amendments to the Auditor General Act. These amendments are required because the Auditor General Act referenced sections of the Federal Sustainable Development Act that have changed or been removed. These amendments maintain the consistency between the Auditor General Act and the Federal Sustainable Development Act that has been key since the Federal Sustainable Development Act came into force.

These amendments were made at the government's request.

The bill's critic, Senator Patterson, also proposed an amendment which, as Senator Galvez noted:

> . . . will allow the Sustainable Development Advisory Council not only to advise the minister on any matter related to sustainable development but also to undertake a study of matters determined by the committee.

• (1430)

I support this amendment and thank Senator Patterson for proposing it.

Honourable senators, Bill C-57 is a housekeeping update to modernize the existing Federal Sustainable Development Act. The act has made positive impacts on the federal government's sustainability by improving transparency and accountability, and applying a whole-of-government approach to meeting sustainable development objectives.

This renewed approach the bill represents makes it possible to build on the success of existing work at the federal level to promote clean growth, ensure healthy ecosystems and build safe, secure and sustainable communities.

I would like to reiterate that Bill C-57 passed unanimously at all stages in the other place. This highlights the broad support this bill has garnered. Environmental impacts of climate change affect us all. This bill can help us safeguard the interests of future generations.

As this bill modernizes existing practices, I hope we can agree to send it back to the house today. Thank you, honourable senators.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Bill C-57. From the outset, I was pleased to work with Senator Griffin as sponsor of the bill and I thank her for that.

I believe the bill serves as an excellent example of the good work I believe Senate committees do and shows the importance of sober second thought.

This act was introduced as a private member's bill in 2008 by the Liberal member of Parliament, the Honourable John Godfrey, and supported by the Conservative government of the day. Bill C-57, similarly, as Senator Griffin said, was passed with unanimous support in the other place. In my speech at second reading I described the good work done in that place, which resulted in the bill we are debating today. I won't go over that again.

The Standing Senate Committee on Energy, the Environment and Natural Resources, of which I have been happy to be a member since my appointment in 2009, heard from witnesses, some of whom did not previously appear in the other place. Throughout the course of our hearings on the bill, two amendments suggested themselves to me. As critic for the bill, I brought these two amendments forward and, after some debate, I was pleased the committee unanimously accepted both amendments.

The first amendment expands the mandate of the Sustainable Development Advisory Council. The council was established by the act to advise on various topics pertaining to sustainable development. The original version of this bill only empowered the council to study topics specifically referred to it by the chair of the council, the Minister of Environment and Climate Change Canada. However, after hearing from Mr. Robert Page, an expert witness suggested by the sponsor of this bill, Senator Griffin, it became apparent that the efficacy of the council relied on the ability of council members to choose, in part, the topics they would study.

It should be said this is an amendment raised in the other place. There it was argued other advisory bodies that are appointed under various acts, such as the Species at Risk Act and the Agricultural and Rural Development Act, have more latitude on deciding their agenda as opposed to having it wholly dictated to them by the minister.

This failed in the other place. They also did not have the benefit of Mr. Page's submission, which clearly and frankly recommends, "the Council must have some authority to choose its own topics not just matters referred to it by the Minister. Otherwise no one of substance would want to join a PR exercise for the Minister."

Colleagues, I think we should give heed to Mr. Page's warning that some autonomy is required here. We cannot discount the notion these qualified individuals may have some insight into related topics that the minister, who might not share the same specialized expertise, or her department might not have considered. All topics would, as clearly stated in the bill, need to still relate to the Federal Sustainable Development Strategy and any applicable strategies under this act.

It was also argued in the other place the minimally expanded mandate would incur more costs. To be clear, I am not advocating for additional meetings, only that the agenda of the meetings that would already otherwise take place is set, at least in part, by council members.

The second amendment relates to accountability. The testimony of Andrew Hayes, Senior General Counsel with the Office of the Auditor General, alerted the committee that the proposed removal by Bill C-57 of section 12 of the current Federal Sustainable Development Act reduces accountability. That section read:

> Performance-based contracts with the Government of Canada shall include provisions for meeting the applicable targets referred to in the Federal Sustainable Development Strategy and the Departmental Sustainable Development Strategies.

This section was interpreted by government to only refer to procurement contracts, but Julie Gelfand, Commissioner of the Environmental and Sustainable Development, also from the Office of the Auditor General, told the committee that in order to ensure sustainable development goals are met, the committee put section 12 back into the act in order to "make sure the government does not read it as related to only procurement activities but that performance pay be linked to the achieving of sustainable development goals."

My amendment reinserted section 12 as a new section 10.2 in this bill. On the advice of Senator Massicotte, the wording was further changed to ensure there was latitude given for some discretion by the government. The final amendment, as was unanimously agreed to by the committee, reads:

> 10.2 Performance-based contracts with the Government of Canada, including employment contracts, shall, where applicable, include provisions for meeting the applicable goals and targets referred to in the Federal Sustainable Development Strategy and any applicable strategy developed under section 11.

I would also, finally, draw the attention of honourable senators to the fact that there was a third so-called friendly amendment, where the government realized, after Commissioner Gelfand's testimony, that an entire suite of coordinating amendments to the Auditor General's Act had been missed. Four coordinating amendments were inserted into the bill during clause by clause.

Honourable senators, I believe this bill is a prime example of what this chamber exists to do. As legislators, we provide the second set of eyes required to ensure that nothing is missed and another opportunity to correct oversights. We listen to those who may not have had a chance to appear before the other place. Sometimes that leads us to identifying ways to strengthen and improve bills before they become law.

I would urge all senators to vote for this bill, as amended. I will emphasize, "as unanimously agreed to by your committee." Thank you.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

• (1440)

OCEANS ACT
CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bovey, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act.

Hon. Richard Neufeld: Honourable senators, I rise today at second reading to speak to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act.

When this bill was first referred to the Senate in April, I had no intention to speak to it; however, new developments have since come to my attention that I want to bring to your attention.

At the outset, I want to put on the record that I support protecting Canada's waters and recognize the need to designate marine protected areas. The Government of Canada defines a marine protected area as part of the ocean that is legally protected and managed to achieve the long-term conservation of nature, including, but not limited to, fishery resources, endangered and threatened marine species and their habitats, and marine areas of high biodiversity or biological productivity.

MPAs may prohibit some current and future activities depending on their impacts to the ecological features being protected.

For the sake of time, I will not enumerate the entire list of amendments that Bill C-55 makes to the Oceans Act and the Petroleum Resources Act. Rather, I will focus on a few items that gave me much to think about.

Among other things, Bill C-55 amends the Oceans Act to "empower the minister to designate marine protected areas by order and prohibit certain activities in those areas." The bill allows for such prohibitions as an interim period of up to five years, after which the minister shall advise the Governor-in-Council to make regulations to replace the order or repeal it completely.

The GIC order will also have the "authority to prohibit an interest owner from commencing or continuing a work or activity in a marine protected area." According to the Library of Parliament, these activities would also include shipping.

The bill also provides the minister with the power to cancel an oil and gas company's interest situated in or adjacent to a marine protected area subject to compensation to the interest owner for the cancellation or surrender of such an interest.

With Bill C-55, the minister, at his or her discretion, will be able to prohibit activities such as oil and gas exploration, mining or shipping, by ordering interim MPAs. Keep in mind also that such interim prohibitions can be designated even though there is, as the bill states, a "lack of scientific certainty regarding the risks posed by an activity."

In a nutshell, Bill C-55 could have serious repercussions on offshore oil and gas activities. I'm sure Senator Patterson will have a few things to say about this regarding the implications for the North.

Then comes the government's most recent budget implementation act, Bill C-86. Division 22 of the BIA proposes to amend the Canada Shipping Act by providing the Governor-in-Council, on the recommendation of the Minister of Transport, the ability to make regulations respecting the protection of marine environment from the impacts of navigation and shipping activities.

Clause 692 enumerates a list of regulations which includes:

> (k) regulating or prohibiting the operation, navigation, anchoring, mooring or berthing of vessels or classes of vessels; and
>
> (l) regulating or prohibiting the loading or unloading of a vessel or a class of vessels.

For those who may be interested, clause 692 appears on page 592 of Bill C-86. In other words, Bill C-86 would apply generally or to a specific location. Unlike the provisions in Bill C-55, the prohibition-granting powers proposed in Bill C-86 would not be limited to a marine protected area as defined in the Oceans Act.

So what is the take-away from all this? Here is what I understand from the situation.

First, the Trudeau government's Bill C-55 seeks to empower the minister to designate marine protected areas by order and prohibits certain activities in those areas, including oil and gas exploration.

Second, the Trudeau government's most recent BIA wants to give the Governor-in-Council the authority to make regulations to protect marine environments from the impacts of shipping and navigation activities.

Third, the Trudeau government seeks to implement a tanker ban on the north coast of British Columbia with Bill C-48, thereby nearly eliminating any chance of ever having an oil pipeline through northern Alberta and B.C. This along with Bill C-68 and C-69 will hinder resource development in B.C. and across Canada.

What is the common, underlying and implicit thread between these measures? It's clear to me: It's the oil and gas sector.

The government will argue that they are protecting the environment, that they are striking the right balance between the economy and the environment. I would argue that the government is making it harder, as if it wasn't hard enough already, to ship oil from Canada, and it's trying to limit any expansion of our onshore and offshore oil and gas sector. I continue to believe that the Trudeau Liberals would rather see all fossil fuels stay in the ground.

While I appreciate the government's claims to support and defend this vital sector of our economy, I can't help but wonder if the provisions in Bill C-48, An Act respecting the relation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast; Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act; Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence; and Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts; and now in Bill C-86 are subtle and indirect ways of preventing any future of the expansion of marine oil transportation in Canadian waters.

Suffice to say that I am very suspicious of the government's overall intentions and the consequences that provisions in these bills could have on resource development in this country and ultimately on our economy and workers and families who depend on these jobs.

Are these bills seeking to achieve the same end game? Is there a clear link between them? Are there any irregularities or similarities between them? Are there any unintended consequences if we adopt these measures as is? I ask these questions because I worry that these bills, taken together, will prevent the building of new energy projects in Canada.

I hope honourable senators will agree that the issues I have raised deserve to be fully reviewed by the Senate committee that will study Bill C-55. I trust that the committee will take the necessary steps and invite the relevant witnesses to shed some light on this and provide us with further clarity. Thank you.

(On motion of Senator Housakos, debate adjourned.)

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle, for the second reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Pamela Wallin: Honourable senators, I rise today to speak to the second reading of Bill C-71, An Act to amend the Firearms Act.

We all know that guns have the capacity to inflict grave damage, to take a life or save a life, or to protect people or property. It all depends on whose hand is on the trigger.

Firearms are used every day in Canada by law-abiding citizens and by criminals alike. A Torontonian doesn't need a rifle to keep coyotes out of a barn, but a farmer in Saskatchewan does. Neither needs an AK-47 or an Uzi or a Glock.

• (1450)

There is no denying that gun-related violent crimes are on the rise, which is why it is so puzzling that the government has made this bill a priority — a bill that aims to tighten current gun laws affecting law-abiding citizens — when handgun violence committed by gangs, criminals, wannabe terrorists or those with mental health issues is what is wreaking havoc in our cities today.

That is where our focus and the legislative focus should be.

Handgun homicides have increased 60 per cent in the past year. The bulk of those deaths have been carried out by gang members or criminals.

In 2016, 115 people died because of gang violence, initiation rituals, acts of revenge, drug or gun deals gone bad. This criminal activity also led to the deaths of not just gang members, but of innocent bystanders, even children playing in parks.

We clearly have a problem with the illegal use of illegally held guns in the commission of crimes.

Since the 1990s handguns have become the weapon of choice in homicides. Before 1990, Statistics Canada said shotguns and rifles were used far more frequently. Now handguns account for six in 10 homicides. I think that shines a light on the real problem.

My home province of Saskatchewan has the painful distinction of having the highest crime rate in the country, both rural and urban. Saskatchewan's rural crime rate is being compared to the rate in Toronto. But while the rate is higher, the actual numbers tell a different story. Saskatchewan had 37 homicides in 2017, a third of which were committed with firearms. Toronto is currently at 91, 47 of which have been shootings.

Domestic violence and suicides obviously can and do involve the use of legal weapons by registered owners, although suicide by gun is at least declining. But this kind of violence also has other triggers.

Rick Ruddell, a professor at the University of Regina, who wrote a book on rural crime in Canada, offers some interesting insight. He said:

> Sometimes you just have these uncharacteristic years when you're looking at homicide, especially in small jurisdictions. You get years where numbers will spike, yet the number of attempted murders is the same, and that could just be a function of luck or good medical care. When you're living in the country and you're an hour away from a trauma centre, or two hours or three hours, your mortality rates increase . . .

He also said we must take economics into account. He noted Alberta's rural homicide rates spiked several years ago, coinciding with the downturn in the oil industry and resulting unemployment.

Colleagues, we know the government is studying gang violence. Ministers Ralph Goodale and Bill Blair have recently announced the government plans to dedicate $86 million over the next five years to the RCMP and border security for detection, dog training facilities, expanding X-ray technology in coastal centres and other measures.

But most of the illegal guns don't come through regular border points or through the post office. We know that smuggling and trafficking, not through the legal ports of entry, is a problem. We know thefts at gun shops or home robberies are a problem. We know, in other words, that crime is a problem.

The Mayor of Toronto recently pushed for municipal legislation to ban handguns in Toronto across the board. The federal government is currently asking Canadians for their input on a similar nationwide ban. Let's have that debate rather than just focusing on the rules for law-abiding gun owners.

I know Bill C-71 is an easy way for politicians to say to their constituents and the public they are taking action and responding to the gun violence issue, but they are not.

Why are we just looking at transportation licences, mandatory recordkeeping, and the reclassification of certain rifles for legal gun owners as a way to solve the issue of violence using illegal guns?

Really, are these the biggest problems with firearms in Canada — focusing on a farmer taking his rifle from one piece of land to another, when people are being gunned down in the middle of our city streets? How can we even ensure that enforcement of these new proposed laws will be real or effective when police forces are already stretched so thin?

There are reports of people in rural Saskatchewan calling 911 to report a crime and being told to lock their doors, find a place to hide, and call their insurance company. Would you accept that advice if your family was in danger? This is outrageous. This is the kind of response that would be completely unacceptable in an urban setting.

Why aren't we looking at increasing the ranks of police officers, particularly in rural areas, or perhaps considering tougher mandatory minimum sentences for using a stolen or illegal gun in the commission of a crime? Let's look at disincentives for the bad guys.

Colleagues, Canadians who use guns lawfully already undergo checks on their mental health and past criminal behaviour. Now their entire histories will be looked at. No problem, but this will mean the need for more resources.

Our laws are already pretty strong in making sure the wrong people don't have access to guns, but yes, there will always be bad guys getting through the system, any system. Their histories may be clean until, of course, they're not.

Stores already maintain records. Most keep those records. Most would willingly share those records with law enforcement and do. Legal firearm owners are not usually the ones who are gunning down their enemies or innocent bystanders on the street.

I know this is a complicated issue, but Bill C-71 addresses only a very small part of the problem.

To conclude, my concern about this bill is that we are focused on penalizing certified legal gun owners, especially those who use rifles as tools, not weapons. It is not that the administrative burden added by this bill is impossible to manage. Many will do it. The problem is this bill does little to solve the very real problem of bad people with illegal guns killing people on the streets of this country. Thank you.

Hon. Mary Coyle: Honourable colleagues, I rise today to speak in support of Bill C-71, An Act to amend certain Acts and Regulations in relation to Firearms.

Between 2000 and 2016, 13,168 Canadians lost their lives due to gun violence. This year alone, we have already reached over 600 deaths due to firearms, a number that has been on the rise over the past four years.

Colleagues, as watchers of trends, this is not the kind of direction any of us would want to see.

Throughout this country, there has been a call to take action to address this trend and reduce the number of gun-related deaths facing people in our communities.

Bill C-71 will not solve all the problems we are seeing. We have just heard Senator Wallin speak to this. No bill can do that. More will be needed to be done to address the reasons for this increase in violent behaviour. However, Bill C-71 does take an important first step at minimizing the likelihood of a gun finding its way into the wrong hands.

[*Translation*]

My intention today is not to repeat what has already been said so eloquently by Senator Pratte. I simply want to add my voice to those of my colleagues, particularly Senator Petitclerc, who spoke so clearly and passionately yesterday in favour of the bill. I want to shed light on the epidemic of gun violence that we are seeing in this country. More specifically, I want to draw your attention to a few aspects of this bill that are especially important, before concluding with some reflections on where we are now in terms of managing the problem of gun-related violence in Canada.

[*English*]

Colleagues, this bill is important to every Canadian wherever they live. The differences in gun violence in rural and urban, southern and northern areas must not be understated. Nevertheless, Bill C-71 is one tool in our tool box and the tool box of our law enforcement personnel. I firmly believe it is time we all look closely at the issue of gun violence and commit to changing the course we are on. This is, after all, a matter of life and death.

• (1500)

In Canada, in 2016 alone, there were an estimated 7,100 victims of a violent crime where a firearm was present during the incident. One hundred and twenty of those were in Nova Scotia.

Between 2009 and 2017, 345 Nova Scotians were victims of a firearm-related violent crime committed by an intimate partner, a member of their family or a friend. If we take the data for Canada as a whole for the same period of time, we are looking at 20,163 people who found themselves victims of a violent crime using a firearm at the hands of someone they knew.

Colleagues, it's actually quite fitting that I am able to rise on this topic today during the UN's 16 Days of Activism against Gender-Based Violence.

Intimate partner violence was the leading type of violence experienced by women in Canada in 2016. Of the 93,000 victims of intimate partner violence reported that year, 79 per cent of those were women and eight in 10 of those suffered violence at the hands of their current spouse. We all know the additional intimidation factor that can exist for these women when a weapon is present in the house and, of course, we know the serious, often fatal, consequences if a gun is deployed in a domestic violence incident.

Equally upsetting are the countless stories I have heard and read over the years of Nova Scotians and other Canadians whose lives have been lost far too soon, those lives of our youth.

Jamie Lee Bishop was 21 years old when he was killed in a drive-by shooting in Eastern Passage. Joseph Cameron was just 20 years old when he was shot and killed in Dartmouth.

One story in particular stands out for me, though, and today I want to take a few moments to tell you about a young man named Tyler Richards.

[*Translation*]

Tyler was well known in Halifax and in my city of Antigonish. As a former member of the Halifax Rainmen, Tyler was a champion basketball player at St. Francis Xavier University. He was active in his community, volunteering as often as he could at places like the Needham Community Centre. He was a hero to the kids and young people in Mulgrave Park, where he grew up.

[*English*]

This talented athlete was charismatic and had a gift for bringing people together, a skill he often used as a youth program leader. His St. FX basketball coach, Steve Konchalski, commented that "He was an all-star in our league for four of the five years. He was a young man that was so enamoured with the game that he carried a basketball with him everywhere he went, including to his senior prom." And that "He was part of our family and when you lose a family member, that's always a tragedy."

Tyler was 29 years old when he lost his life on April 17, 2016, to gun violence, Halifax's fifth homicide of that year. Tyler left a grieving family, including his daughter Niara, and a community in shock. When this young African Nova Scotian man was killed, news of his previous run-ins with the law invaded news reports and some in the community even uttered, "Thug gone, good riddance."

In *The Coast* newspaper, Lezlie Lowe says, "Naricho Clayton was shot two days after Tyler Richards. Daverico Downey was shot less than a week after. Rickey Walker was found shot behind my old elementary school. Terrance Patrick Izzard was shot outside his Halifax home in November. Tyler Keizer was gunned down last month, too."

This epidemic of gun violence is affecting our African Nova Scotian community in disproportionate numbers and it is not acceptable. These young men are not dispensable. Where are these guns coming from and what can we do to prevent them from getting into the wrong hands? Bill C-71 is one answer among the many required to deal with this societal crisis.

In addition to the loss of many young people to murder by shooting, Senators McCallum and Cormier have highlighted the suicide epidemic in our country. Suicides accounted for 9,919 of the 13,168 gun deaths in Canada between 2000 and 2016. This is over 75 per cent of gun deaths in this country.

The statistics related to suicide in Canada's Indigenous communities and the Arctic are even more jarring and we've all heard those. In Nunavut, 87.1 per cent of deaths by firearms were self-inflicted, between the years 2000 and 2016.

Across this country, suicide remains the most common firearm-related cause of death, and it is — and this is important to hear — the second leading cause of death for children, youth and young adults. The second leading cause of death.

According to Statistics Canada, in 2016, over 90 per cent of individuals who died by suicide were living with a mental health problem at the time, a statistic that is directly related to what we are talking about today, colleagues.

Whether we are talking about self-inflicted wounds, domestic violence or gang violence in our inner cities, gun violence is on the rise and we must take action to address the situation.

Support for youth-at-risk programs and other community-run initiatives must be increased, of course. Programs like Souls Strong initiative in Halifax, which works with men aged 15 to 20 to help them on a number of issues, from finishing their education to finding employment. These need to be expanded.

Organizations that seek to help those fleeing domestic violence need to be recognized for their important work and funded accordingly.

An increased level of attention must be placed on addressing mental health issues across this country. This includes a very strong Northern strategy to address the root causes in these communities and renewed support for health workers to meet the growing needs for mental health services.

[*Translation*]

Nevertheless, we are here today to talk about Bill C-71, a tool to manage gun-related violence. I want to talk about some aspects of the bill that I think will help us take a step in the right direction towards stopping Canada's gun problem.

[*English*]

At the moment, there is a five-year limit on the factors to be considered for a licence. Yet we were reminded by Senator Pratte that in the past 10 years 169 gun-related homicides were committed by licensed firearm owners.

Bill C-71 seeks to remove the five-year limit from section 5(2) and allow for a person's lifetime history to be considered in acquiring a firearms licence. This would mean that a judge or the Chief Firearms Officer will need to consider a person's lifetime history prior to granting a firearms licence. A more thorough investigation into a person's past, including any violent behaviour or history of mental health issues will now be taken into account.

In the case of the transfer of non-restricted firearms, Bill C-71 will require a person who wants to transfer a non-restricted firearm to verify the transferee's eligibility. This raises the previous threshold of responsibility for those wishing to transfer such a firearm and adds an additional step to ensure a lawful exchange.

Changes are also being introduced regarding the transportation of prohibited and restricted firearms in order to remove certain automatic authorizations. Owners of restricted and prohibited weapons will need to obtain an Authorization to Transport from the provincial Chief Firearms Officer.

It bears repeating that nothing in this provision will affect the transportation of non-restricted firearms, such as hunting rifles. Transporting these items will continue to be unobstructed.

Finally, Bill C-71 requires that the buyer provide the vendor with the licence at the time of purchase and recreates the prior requirement for the retention of records of sale by vendors for a 20-year period in order to aid our law enforcement officers in better responding to situations in which a weapon was used.

As the debate has progressed in this chamber, I have listened intently to the concerns raised by you, honourable senators. I am confident these areas will be studied in depth at committee.

One concern in particular that I have been pondering is the impact this may have on Indigenous Canadians. To that end, I asked Senator Pratte a question during his speech at second reading stage. I am appreciative of the answer I received at the time. I am also appreciative of the time he is now dedicating to this topic. I asked him this question because my neighbour, Kerry Prosper, a band council member from Paqtnkek Mi'kmaq Nation and St. FX University's Indigenous Knowledge Keeper, had asked me about the implications of Bill C-71 for Indigenous people pursuing their traditional hunting activities.

• (1510)

Since his speech, Senator Pratte's office has worked with Indigenous senators in this chamber and met with several Indigenous groups, as well as government officials, to ensure the rights of Indigenous Canadians are not adversely affected by Bill C-71. This is an issue that will also, no doubt, be further explored at committee.

I do, however, feel it is important to note that no Indigenous women's group was called to testify before the committee in the House of Commons. That is certainly a perspective I would hope to see pursued by our own committee.

[*Translation*]

Colleagues, Bill C-71 will not fix all of our country's gun problems. It will not reduce the number of suicides overnight. It will not instantly eliminate cases of domestic violence involving guns. It will not put an end to gang violence. That said, this bill is part of the solution.

[*English*]

I am convinced that enhanced background checks and the stronger firearms transportation, transfer and recordkeeping requirements outlined in Bill C-71 are necessary steps in reducing gun violence in Canada. For these reasons, I support the intent of this bill, and I hope you will join me in sending Bill C-71 to committee soon in order to allow for further study regarding the concerns that have been brought forth during our debate; in order to provide our law enforcement personnel and our society with the tools we need to ensure the safe, lawful and appropriate use of firearms; and, most important, to provide safeguards to Canadians from gun violence in all its forms.

After all, life is our most precious gift. As senators, it is our duty to do everything in our power to protect from harm our fellow Canadians. Thank you. *Wela'lioq*.

(On motion of Senator Housakos, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON DECEMBER 4, 2018, ADOPTED

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

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, December 4, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ADJOURNMENT

MOTION ADOPTED

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 3, 2018, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;
>
> That rule 3-3(1) be suspended on that day; and
>
> That the Senate stand adjourned at the end of Government Business on that day.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Bellemare that, when the Senate next adjourns — shall I dispense?

Hon. Senators: Dispense.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

Leave having been given to revert to Government Business, Bills, Second Reading, Order No. 4:

On the Order:

> Resuming debate on the motion of the Honourable Senator Christmas, seconded by the Honourable Senator Deacon (*Ontario*), for the second reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

Hon. Scott Tannas: Honourable senators, I rise today to speak on Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

Let me say that I support the objective to protect fish in their habitats for our future generations. However, my concern is that instead of achieving its stated objectives, Bill C-68 will place additional constraints on our resource and agricultural sectors.

As many in the chamber are aware, Bill C-68 reverses amendments made to the Fisheries Act under Bill C-38 in 2012, principally those concerning the protection of fish. The bill creates new ministerial powers, new administrative requirements for project approval and a new regime for habitat banking. It makes explicit the minister's authority to maintain owner-operator and fleet separation policies in Quebec and Atlantic Canada.

During the House of Commons hearings on Bill C-68, the Fisheries and Oceans Committee asked many critics of the 2012 act if they could provide any examples of a fish population that was negatively affected by the 2012 act. According to member of Parliament Bob Sopuck, there was a lot of hemming and hawing but not a single witness could point to any fish population in Canada that was negatively affected. The government has repeatedly claimed that the previous government's 2012 fisheries act reduced the protection of fish in Canada. If that is the case, why didn't the government produce a single witness who could testify that the 2012 act harmed a single fish? Also, why was the Department of Fisheries and Oceans unable to name a single harm caused by the 2012 act?

Amendments were made in the house that will have a negative impact on industry and farmers. For instance, the bill was amended to include subclause 1(10), which replaces subsection 2(2) of the Fisheries Act with the following:

> For the purposes of this Act, the quantity, timing and quality of the water flow that are necessary to sustain the freshwater or estuarine ecosystems of a fish habitat are deemed to be a fish habitat.

This means that every body of water that could conceivably support fish will be deemed to be fish habitat and be subject to all corresponding requirements, regulations and restrictions.

I have received dozens and dozens of letters from concerned stakeholders who have requested this amendment be reversed because of the unnecessary burden this change will have on their operations.

The absurdity of new subsection 2(2) was outlined by member of Parliament Ed Fast, who said:

> Under the pre-2012 regime, a farmer came into my office. He was irate. He shared with me that he had just had an altercation with a Fisheries officer. The farmer was on his own land. It was owned by him. A couple of years earlier, he had dug a ditch to drain the water from his fields so that could he grow crops and provide for his family. As he was on the land, clearing his ditch, a Fisheries officer — with a gun, by the way — approached him without permission and said, "Sir, what you are doing, cleaning the ditch, you cannot do that. It's going to harm fisheries." The farmer was very angry.

Further, power producers across Canada have expressed concerns about regulatory uncertainty from Bill C-68. These groups are concerned that artificial bodies of waters, such as tailing ponds, intake canals and draining ditches, will be considered fish habitat, and consequently, they will be punished for the accidental death of small amounts of fish.

In addition, the industry representatives express great concern with the lack of clarity around designated projects, and that mechanism and its relationship with Bill C-69.

The Quebec Mining Association wrote that they question the appropriateness of requiring a new permit for these designated projects when they are already subject to permits and authorizations from several levels of government. Instead of requiring a new permit, it would be appropriate to coordinate the authorization processes so that there is only one authorization for the entire project covered by the application.

Several groups stressed that due to the number of unanswered questions surrounding designated projects, the mechanism should not enter into force until industry has had a chance to review the coming regulations.

• (1520)

As noted by the Prospectors and Developers Association of Canada, the designated project mechanism is currently worded in such a way as to potentially allow for issues addressed and resolved in the new impact assessment process to be relitigated through permitting decisions related to a designated project under the Fisheries Act.

Senators, this is yet another example of how this government is building a regulatory regime that is so needlessly long and arduous that our leading mining, energy and forestry companies will have to wait even longer to get project approval.

Canada already has a stringent permitting regime and additional layers of bureaucratic approval will not provide any benefits. For these reasons, I support this bill going to committee. I hope the committee supports dealing with some of the absurdities, particularly with farmers, and that they would also

understand the potential roadblocks to the creation of hydroelectric projects — zero CO_2 emission projects by the way — and their relationship between this bill and Bill C-69. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Housakos, debate adjourned.)

NATIONAL STRATEGY FOR THE PREVENTION OF DOMESTIC VIOLENCE BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Smith, for the second reading of Bill S-249, An Act respecting the development of a national strategy for the prevention of domestic violence.

Hon. Marilou McPhedran: Honourable senators, yesterday I had begun to speak on the likely negative impacts of mandatory reporting on domestic abuse situations. It is important to consider the impact which mandatory reporting would have on women in rural areas. I grew up in rural Manitoba. In rural areas, criminal courts may be far away and would require a significant amount of travel away from community supports and families.

We must also consider how frightening mandatory reporting could be for immigrant or refugee women who are unfamiliar with the Canadian legal system. This is particularly important because these women may not have a strong support network, especially if they have recently come to Canada.

This list is not exhaustive. It emphasizes the adverse impacts of mandatory reporting outweigh the salutary impacts.

Honourable senators, we have to consider the real life implications of mandatory reporting. Mandatory reporting would mean every woman in every situation would be forced to undergo a process to which she did not consent. This does not respect the autonomy of women. This does not acknowledge women as capable adults.

This gives rise to another important consideration. We have to consider the Charter protected right to security of the person and the extent to which mandatory reporting may further jeopardize the security of women experiencing domestic violence.

After having their situation reported to the police, women would then be forced into the criminal legal system. It is relatively easy for senators to decide on what may be sincerely believed to be a quick fix. Let's pause to look at the outcomes of criminal cases against men accused of domestic violence.

The statistics are not encouraging. I cofounded Canada's first civil society organization to focus exclusively on violence against women and children. That was 35 years ago. The statistics were not encouraging then. They are not encouraging now.

In 2015, Statistics Canada released a Juristat on cases in adult criminal courts involving intimate partner violence, noting that 40 per cent of domestic violence cases do not result in a guilty verdict. When there was a charge of sexual or major assault, 51 per cent of domestic violence cases did not result in a guilty verdict. Overall, for sexual assault cases within the context of domestic violence, 66 per cent of cases did not result in a guilty verdict.

Senators, with so much currently in the news, we know there is a high evidentiary threshold required before any of these cases heads to court. These statistics should give us pause.

In domestic violence cases, probation is the most common sentence. Only 39 per cent of domestic violence cases result in a custody sentence. Of this 39 per cent the majority — 85 per cent — result in imprisonment for six months or less.

In domestic violence cases involving a guilty verdict where there is only one charge, 58 per cent of imprisonment is less than one month.

Logic tells us mandatory reporting will increase the cases of domestic violence that appear before the courts. The facts tell us that in more than half of these cases abusers will not be found guilty. In the cases where they are found guilty, abusers will be incarcerated for a maximum of six months.

Now let's look at the reality for many women and children given these facts.

What happens to women and their children after their abusers receive a non-guilty verdict? What happens to women and their children after their abusers have been released on probation? What happens to women and their children after their abusers have finished serving their sentences of a maximum six months?

These are critical questions which Bill C-249 does not address. We must question a strategy which is not developed with clarity about consequences to victims.

Senator Hartling has correctly suggested we could look at the Australian experience with mandatory reporting for domestic violence. Their experience with mandatory reporting should be thoroughly analyzed and assessed as we develop our own national strategy.

However, it is worth noting that in 2017 the vice-president of the Australian Medical Association of New South Wales stated:

> It's already a very difficult situation for a victim of domestic violence, and we would want to make sure we are not disempowering someone or making the situation more difficult by disclosing something without the victim's consent.

Rather than promoting mandatory reporting as a national strategy, we must conduct thorough consultations across Canada. This is currently being done in the development of a national strategy under the direction of Status of Women Canada.

Implementing any sort of federal solution to domestic violence will require the input of the provinces and territories. After all, health, which the provinces regulate, is one of the key institutions in preventing and responding to domestic violence.

Consultations are important because we must work to support women's shelters, community organizations, hospitals and clinics which have consistently worked to protect women and children who are victims of domestic violence. This will help us develop a deeper intersectional understanding of the experiences of women and will ultimately enable to us provide the most effective strategy to prevent domestic violence.

We must support community organizations and civil society groups who are experts in domestic violence. They work directly with victims. They understand the nuances of domestic violence.

We must provide these experts with the necessary platform to influence our national strategy for preventing domestic violence.

Ultimately, we have to recognize and give space to women's shelters, hospital staff, community workers and survivors, as they are the experts and best advocates for victims.

• (1530)

By consulting the provinces and other sources, we will also be able to look at legislative alternatives to mandatory reporting. We need to learn from legislative approaches that increase the autonomy of women. We need to find what measures actually prevent or reduce domestic violence. For example, in November, Newfoundland and Labrador put forward legislation that, if passed, will update the Labour Standards Act to provide paid leave for victims of domestic violence. This is an important step as it addresses the need for holistic and intersectional support for victims.

Also in November Saskatchewan enacted the Interpersonal Violence Disclosure Protocol Act, also called Clare's Law. This is legislation that allows police officers to warn women if their partner has a history of violent and/or abusive behaviours. Clare's Law was first introduced in the United Kingdom in 2014, after Clare Wood, who was murdered by her domestic partner who had a history of violence. This legislation recognizes the right to know, and the right to ask, which ultimately empowers women to exercise their right to choose how they will respond to their own situation.

In addition to these legislative alternatives, we also need to look at ways to make the legal system more responsive to the needs of women in domestic violence cases. An example is the Integrated Domestic Violence Court in Toronto, which hears domestic violence cases and exercises a holistic and integrated approach.

I began this speech by articulating the need for a strategy to prevent domestic violence that is rooted within Canadian Charter values of equality, respect, and democracy. I would now like to close by reminding us of another Canadian value that is particularly important for us as parliamentarians: the value of informed, meaningful choice.

Informed, meaningful choice requires all Canadians have the capacity to exercise their rights by making free and informed choices about their lives, with knowledge of what the legal system of police, prosecutors and courts actually can deliver when they seek justice.

In its current drafting, Bill S-249 does not provide a meaningful choice for women experiencing domestic violence. In its current version, Bill S-249 denies women their right to informed meaningful choice. In preventing domestic violence, our goal should be to increase resources protective of women and their children, and of women's capacity to make their own choices — not to have others make those choices for them. Thank you, *meegwetch*.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Manning, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

[*Translation*]

EMANCIPATION DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bernard, seconded by the Honourable Senator Forest, for the second reading of Bill S-255, An Act proclaiming Emancipation Day.

Hon. Marie-Françoise Mégie: Honourable senators, I rise today to support Bill S-255, An Act proclaiming Emancipation Day, which was recently introduced by the Honourable Senator Bernard. Today I would like to talk to you about how important this bill is.

Since many of my honourable colleagues have already spoken so eloquently about the history behind this bill, I will just give a brief overview in order to highlight certain facts.

Over the course of nearly 400 years, millions of African men, women and children were brought to the Americas by force to work as slaves. Their living conditions were atrocious. They were forced to change their beliefs and had very little freedom and legal protection.

In 1833, over 5,000 petitions calling for the abolition of slavery were tabled in the British Parliament. Under the public pressure of over 1.5 million signatures, the Act for the Abolition of Slavery received Royal Assent on August 28, 1833, and came into force on August 1, 1834. Since Blacks were not recognized as persons, they could not be among the petitioners.

Although the legislation technically freed the slaves in most of the British colonies, it was only a partial liberation. In fact, individuals between the ages of six and 60 were retained as apprentices for four to six years. The day after their emancipation, children under the age of six and seniors over the age of 60 had very few options. I will let you draw your own conclusions about that.

The act also included compensation for owners of registered slaves. In total, 20 million pounds sterling were sent to British colonies, but North American slaveholders received nothing. There was no compensation for the former slaves either.

Today, members of Black communities and Indigenous and White allies meet around August 1 to celebrate the abolition of slavery in the British colonies. They sing hymns, recite poems, tell stories and play music in unity and harmony. Similarly, one of the largest Caribbean festivals in North America, Caribana, is held in Toronto on the first Monday in August every year. Few people know that the underlying reason for these festivities is to commemorate Emancipation Day.

If you were to ask these participants to tell you about the first Black person to set foot on Canadian soil, I doubt they could all give you a precise answer.

The name of explorer Samuel de Champlain is in all the history books. However, his loyal interpreter, Mathieu Da Costa, is rarely mentioned. Yet he was the first person of African descent to have marked our history when he first set foot on Canadian soil in 1608. Canada Post even issued a stamp in his honour during Black History Month as part of our sesquicentennial celebrations.

In his book *A Reflection on 50 Years of Diversity Advocacy: Cultural and Historical Legacy of Black Canadians*, the first African-Canadian senator, the Honourable Donald Oliver, wrote, and I quote:

> African-Canadians have made inestimable contributions to Canada in politics, in the arts, in military service, in technological innovation and in business — all during times characterized by pervasive racism. And these great Canadians not only endured, they succeeded.

On November 11, we observed Remembrance Day. Did we think of William Neilson Hall? He served on board HMS *Shannon* in Calcutta during the Indian Mutiny. On November 16, 1857, he became the first Black, the first Nova Scotian and the first Canadian naval recipient of the Victoria Cross.

Hockey is Canada's national sport. Do you know who the NHL's first Black player was? I'll give you a few hints. He was born in Fredericton in 1935 and was called up by the Boston Bruins from the Quebec Aces. I am talking about William O'Ree. On January 18, 1958, he played his first professional hockey game against the Montreal Canadiens. He was referred to as the "Jackie Robinson of ice hockey," and on June 26 of this year, he was inducted into the Hockey Hall of Fame as a builder.

Who was the first Black person to be elected to a provincial legislature? His name was Leonard Braithwaite. On September 25, 1963, he was elected to represent Etobicoke. In his maiden speech in the Legislative Assembly of Ontario, Mr. Braithwaite spoke out against the Separate Schools Act, which authorized racial segregation in Ontario schools. One month later, Bill Davis, the Minister of Education and future premier of Ontario, introduced a bill to repeal the problematic provision, which had been in effect for 114 years.

• (1540)

Leonard Braithwaite also fought for gender equality. In 1971, thanks to his tireless efforts, female students won the right to work as pages at the Legislative Assembly of Ontario. It was considered a major step forward for women's rights, as this job was traditionally reserved for male students.

Who was the first Black woman to be elected to the Parliament of Canada? Her name is Jean Augustine. On October 25, 1993, she became the federal member of Parliament for the riding of Etobicoke—Lakeshore, in Ontario. In 1995, she moved a motion in the House of Commons to recognize February as Black History Month. The motion was adopted unanimously and proposed the following:

> That, this House take note of the important contribution of Black Canadians to the settlement, growth and development of Canada, the diversity of the Black community in Canada and its importance to the history of this country . . . .

During her political career, MP Augustine served as parliamentary secretary to the Right Honourable Jean Chrétien. In that capacity, she was the spokesperson for the former Prime Minister during his absences from committee meetings, his international meetings, and before Parliament.

Now you know everything you need to know for trivia night with your friends and family. You can kick back and share this little-known part of Canadian history with them.

Honourable colleagues, no matter which community we call our own, we should all be very proud of what these men and women from Black communities have done to make our country a better place. I am dismayed that, unfortunately, the history of these Canadians is not being taught in our schools. Why do people young and old have no idea what these African Canadians have accomplished?

To this shocking ignorance has been added racial profiling, one of the worst scourges of our time. Racial profiling leads to alienation and erodes people's sense of belonging. As the Ontario Human Rights Commission stated:

> Another effect of racial profiling is the creation of community division or an unwillingness to identify with one's community.

The commission also confirmed that many of those who identify as White are uncomfortable with racial profiling and think that "it is not consistent with Canada's values."

We can work together to take the necessary action to fix this harmful situation. This leads me to touch on the United Nations General Assembly Resolution 68/237 adopted on December 23, 2013. It was decided that the decade commencing on January 1, 2015, and ending on December 31, 2024, would be the International Decade for People of African Descent. One of the objectives of the initiative is to promote a greater knowledge of and respect for the diverse heritage, culture and contribution of people of African descent.

Thus, at the national level, states should take concrete and practical steps through the adoption and implementation of legal frameworks, policies and programs to combat racism and racial discrimination.

To that end, the program of activities endorsed by the UN General Assembly must be implemented by member states. As proposed in the related strategy for international intervention, emphasis must be placed on research and education to promote full inclusion of the contribution of Afro-Canadians in educational curricula. More specifically, states must ensure that textbooks and other educational materials reflect historical facts accurately. This means there must be no attempt to gloss over past tragedies and atrocities related to the slave trade. These simple measures will help avoid the distortions that can lead to racial discrimination, xenophobia and intolerance.

As I have clearly shown, we have reason to commemorate Emancipation Day. This day will be an opportunity to raise national awareness and jog our collective memory so that we can take meaningful action.

The contribution that African Canadians have made to our country's development must not be separated from our collective achievements. This is Canada's history. This is our history.

By commemorating Emancipation Day, we will be reaffirming Canada's international commitment. Honourable senators, I urge you to support Bill S-255 to rediscover our past, understand our present and work together to build a better future for all Canadians. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Housakos, debate adjourned.)

[*English*]

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Hon. Murray Sinclair: Honourable colleagues, I rise to speak as the sponsor of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

I want to begin my remarks by recognizing the traditional keepers of this land, the Kitigan Zibi Anishinabeg First Nation and Pikwàkanagàn First Nation, as we meet on their unceded territory. It is my wish that one day the Senate will open its daily proceedings with such an acknowledgment.

The UN declaration is an international human rights instrument that describes individual and collective rights of Indigenous peoples around the world. It offers guidance to nation states on the development of cooperative relationships with Indigenous peoples. It confirms the rights of Indigenous peoples to their cultures, identities, spiritual beliefs, languages, health, education and their communities.

The bill before us calls upon the Government of Canada, in consultation and cooperation with Indigenous peoples in Canada, to take all measures necessary to ensure that the laws of Canada are consistent with the declaration. It requires government to work collaboratively with First Nations, Inuit and Metis peoples to develop a national action plan, strategies and other concrete measures to achieve its goals.

This bill calls on the government to use the declaration to return to relationships based on respect and collaboration between the people of Canada and Indigenous peoples in accordance with the commitment of the Crown as pronounced in the Royal Proclamation of 1763 and the treaties made with Indigenous nations.

Why is this bill necessary? Canada has always had a legal obligation to obtain consent from Indigenous people to the use and the taking of their lands. That recognition was announced to the world in the Royal Proclamation of 1763 and was specifically agreed to with the peoples of North America in the Treaty of Niagara of 1764 where over 3,800 Indigenous chiefs and leaders attended to hear the terms of the proclamation. That understanding of the Crown's obligation was agreed to in that treaty, and it informed the basis of Indigenous understanding of all treaties that were subsequently formulated, including the Lake Superior and Huron treaties, and the numbered treaties that followed Confederation.

In addition to that, when Canada was allowed to expand into the west, it was legally obligated by the order transferring the Rupert's Land territory to Canada, to firstly enter into treaties with the Indigenous occupants of the land in the west in order to extend Canada's sovereignty. Canada must not only consult with but obtain consent from Indigenous peoples before changing any treaty or asserting Crown sovereignty over Indigenous territory that is unceded. Therefore, treaty territories and traditional territories not covered by treaty have legal protection in Canadian law.

• (1550)

The history and legacy of residential schools and what unfolded within them is about the making of laws, the imposition of laws, and the use of law to avoid lawful obligations to Indigenous people.

Indigenous people wanted to become equal partners in the new relationship that was forming in Canada. Education was a means to do that. Therefore, schools were negotiated in all the treaties signed after Confederation. They were to be constructed on the home reserves of each First Nation. However, this treaty agreement was broken and Indigenous peoples became labelled as uncivilized and socially, culturally and intellectually inferior in order to justify government action.

Sir John A. Macdonald, in the other place, stated in 1883:

> When the school is on the reserve, the child lives with its parents, who are savages . . . and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. . . . Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes and thought of white men.

In the Truth and Reconciliation Commission of Canada's summary report, you will find these introductory words, which summarize what was done to Indigenous people. They provide context for why the UN declaration is important to Canada. Those words are:

> For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide."
>
> Cultural genocide is the destruction of those structures and practices that allow the group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. . . . families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.
>
> In its dealing with Aboriginal people, Canada did all these things.

The issue of genocide is one that is more and more being used to comment on the purpose and impact of Canada's legislative history, including residential schools and regarding Indigenous peoples. The UN Convention on the Prevention and Punishment of the Crime of Genocide prohibits genocide in these words:

> Article II
>
> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.

Genocide was declared to be a crime against humanity by a United Nations resolution in 1946, followed by the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, and entry into force in 1951. The Canadian government ratified the UN Convention on Genocide in 1952. Legislation to implement its provisions was not enacted, though, until the mid-1970s.

Certain aspects of the drafting history of the convention have figured in subsequent interpretations of some of its provisions. The definition of genocide set out in Article II is a much reduced version of the text originally prepared by UN experts who had divided genocide into three categories: physical, biological and cultural. The sixth committee voted to exclude cultural genocide from the scope of the convention, although it subsequently agreed to an exception to that general rule allowing the forcible transfer of children from one group to another to remain as a punishable act.

Cultural genocide can be seen by some as not real genocide, or some kind of "genocide light." It should not be seen, however, as trivializing or diminishing what happened and what was experienced. Rafael Lemkin pointed out in his writings on genocide that, if a prohibited act was undertaken for the purpose of destroying the distinctive racial existence of a group, then it was an act of genocide. Physical extermination is not an essential feature of the convention.

The latter two sections of the UN Convention on Genocide — preventing births and forcible transfer of children — presume, in fact, the continued physical existence of members of the group, but clearly identify the impact of those acts on the existence of the group as a distinct group.

The evidence tends to suggest the policy of the government was to eliminate Aboriginal people as a distinct race of people by undermining their rights, cultures, distinctive languages and removing them from their lands. The fact the Government of Canada did so through law does not to diminish that impact.

The Truth and Reconciliation Commission concluded that such intent, and the actions to support it, on the part of the Government of Canada was a policy of genocide through cultural destruction. Now, the efforts of the survivors of that experience call upon this society to undertake steps to facilitate their recovery from that long and terrible history. Are we ready, senators, to do something about it?

In this era of reconciliation, the time to atone for what was done is now. This bill will help to undo those laws that continue to perpetuate that past history and lays out the foundation to work collaboratively together to address the impact of the destruction those laws have caused.

The TRC determined the UN declaration is a critical tool in the reconciliation process because it provides the necessary principles, norms and standards for reconciliation. That its adoption and implementation as a framework for reconciliation was the first Call to Action in the reconciliation chapter of that report. That is what Call to Action 43 is about.

Call to Action 44 calls upon the federal government to develop a national action plan, strategies and other concrete measures to achieve the goals of the UN declaration. Now, before us in this chamber is this bill, which begins the process of laying out that foundation.

The UN declaration has been grounded in extensive and unprecedented input from Indigenous voices who actively contributed to crafting it. In Canada, experts and academics such as Paul Joffe and Dr. John Burrows have called the declaration:

> . . . an instrument of reconciliation and a framework for Canadians to come together to redress the terrible harms inflicted on Indigenous peoples throughout Canada's history.

On September 13, 2007, after 25 years of formal negotiations and debates, the declaration was adopted by 143 countries at the United Nations General Assembly. For many of the world's Indigenous peoples, it represented a major turning point in the recognition and protection of their rights.

The implementation of the UN declaration is supported by the government. In November of 2010, Prime Minister Harper issued a statement of support endorsing the principles of the declaration as principles that are aspirational. In November of 2015, Prime Minister Trudeau directed ministers in their mandate letters to implement the declaration. In May of 2016, the Minister of Indigenous Affairs announced at the United Nations that Canada is now a full supporter of the UN declaration without qualification.

This bill has received support from a wide range of stakeholders that include Indigenous governments, organizations and academics from Amnesty International and KAIROS, which is a group of churches and religious organizations who work together in faithful action for auto ecological justice and human rights. This group came together to form the Coalition for the Human Rights of Indigenous Peoples. This bill has also garnered the support of members of the House of Commons.

• (1600)

Fourteen church organizations and faith groups have released statements to support the declaration. These include The Anglican Church of Canada, The Presbyterian Church in Canada, The United Church of Canada, the Canadian Conference of Catholic Bishops and the Quakers.

Honourable senators, 2017 marked the tenth anniversary of the UN declaration, and the Province of British Columbia committed to implementing the declaration in full partnership with Indigenous peoples, calling this "a pivotal moment in our province and in our country." As part of that work, all B.C. cabinet ministers are required to review policies, programs and legislation to determine how to bring the principles of the UN declaration to action in British Columbia. The Province of Alberta has also committed to its implementation.

At the international level, the United Nations' top anti-racism body, the UN Committee on the Elimination of Racial Discrimination, urged Canada to adopt a legislative framework in keeping with the provisions of the declaration.

Implementation of the declaration by way of this legislation is fundamentally necessary.

First, it sets out a legislative framework for a national reconciliation process that would harmonize federal laws in accordance with the declaration.

Second, it responds to a commitment made by the government to implement the Truth and Reconciliation Commission of Canada's Calls to Action and the priority outlined in the Prime Minister's mandate letter to the Minister of Indigenous Services to implement the declaration by taking an active role to enable those rights to be exercised.

Third, it provides for the creation of a national action plan.

Finally, it calls for annual reports on how progress is being made.

Despite the fact that Indigenous peoples have inherent rights that are constitutionally protected, Canada has yet to recognize Indigenous nations and their legal systems as equally valid sources of law. It has long been thought that Canada knows best and it has exercised its legislative power accordingly. Although Indigenous peoples around the world have long been colonized by other people's views of their best interests, their ability to govern themselves must now be recognized. This bill will ensure that the relationship and framework we develop moving forward

will reflect the recognition of Indigenous peoples' rights to self-determination. Again, this bill does not seek to implement the declaration itself; it seeks to recognize the principles contained within the declaration as the framework for developing our new relationship.

Through the use of laws approved and passed by our senatorial ancestors, among others, Indigenous peoples have paid long-lasting costs and consequences. These state-sanctioned actions include the theft of land, forced relocations and the creation of reserves on some of the poorest parcels of land in Canada — a 60-year system of requiring passes to be issued before you could leave your territory; a system that required individuals to obtain written permission from the local Indian agent; a starvation policy that was used to clear the Plains in order to make way for the national railway system; the Indian residential school system that forcibly removed children from their families and communities and stripped them of their language and culture; forced sterilization of Indigenous women; the Sixties Scoop, where children were fostered or adopted out to non-Indigenous families, often in other parts of the world. Then there is the current child welfare system where, in my own province of Manitoba, Indigenous children now comprise 70 per cent of all children in state care.

As parliamentarians, when considering legislation that comes before this chamber, we have an obligation to ensure that constitutionally protected human rights are respected, including Indigenous rights. The cost for the failure to do so is simply too high. The days of states being able to simply disregard international standards without repercussion are long gone. This isn't to say that states will not continue to attempt to oppress Indigenous peoples within their borders; however, now doing so does have repercussions. For example, there are mounting new accounts that newly elected President Bolsonaro of Brazil will ignore the rights of Indigenous peoples in their traditional lands of the Amazon in favour of economic development projects, which would amount, perhaps, to outright acts of genocide.

Repercussions are also felt within the state, as both communities and government pay when courts must correct this oversight and the resulting disrespect of Indigenous peoples' rights.

The courts in Canada are more than willing to hold Canada and its institutions accountable for these rights. For example, there was court challenge to the approval of the Trans Mountain pipeline project. This past August, the courts determined that the federal government failed to properly consult with Indigenous communities. In its decision, the Federal Court of Appeal wrote:

> The Crown must be prepared to make changes to its proposed actions based on information and insight obtained through consultation. . . .
>
> . . . Canada was obliged to do more than passively hear and receive the real concerns of the Indigenous applicants.

Decades of reports and court decisions reveal that the past federal and provincial approach to dealing with Indigenous peoples is failing, calling the processes inefficient and ineffective.

On May 29, 2018, the Auditor General of Canada released a report criticizing the federal government's inability to help improve life for Indigenous peoples in Canada, calling it an "incomprehensible failure" to bridge the gap in the quality of life for Indigenous peoples with other Canadians.

This signals the need for a shift from Canada making decisions that impact the lives of Indigenous peoples to one where Indigenous peoples are actively involved in the decision-making process. Canada should no longer feel the need to "deal" with Indigenous peoples in this country; rather, Canada needs to engage in a dialogue that does not see one party in a position of authority over the other. Indigenous peoples want to be the authors of their own destinies and have the right to do so.

Our responsibility as senators requires us to discontinue such destructive policies and laws of the past. This may now be the greatest opportunity we have towards a rights-recognition approach instead of a rights-denying approach. It signals that we now understand that building a respectful relationship involves dismantling a centuries-old political and bureaucratic culture in which, all too often, policies and programs are based on failed notions of assimilation.

When the declaration was adopted, Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues, said this:

> Effective implementation of the Declaration will be the test of commitment of States and the whole international community to protect, respect and fulfil indigenous peoples' collective and individual human rights. I call on Governments, the United Nations system, indigenous peoples and civil society at large to rise to the historic task before us and make the United Nations Declaration on the Rights of Indigenous Peoples a living document for the common future of humanity.

This bill represents a turning point for us in this country. It is a tangible and practical means for Canada to meaningfully demonstrate that it is, in fact, committed to a new relationship with Indigenous nations. How we endeavour to live together matters.

Honourable colleagues, how will history record your contribution to this renewed relationship? How will you contribute to making Canada the kind of country it always thought it was and wants to be?

Meegwetch. Thank you.

Hon. Scott Tannas: Will the senator accept a question?

Senator Sinclair: Absolutely, senator.

Senator Tannas: Senator Sinclair, first of all, I want to congratulate you on sponsoring this bill and on your speech today. There is, in my mind, no person more qualified in this chamber — or indeed in this country, given what you have done for the country and during your career prior to the TRC — than you to speak on this matter.

The bill is very important symbolically, for reconciliation, and ultimately it's important because of its potential consequences. It is that which I want to ask you about, specifically Article 32, which has everybody's attention. This involves free, prior and informed consent.

• (1610)

As you know, I'm a member of the Aboriginal Affairs Committee. I believe I have heard from many Indigenous leaders that Article 32 effectively represents a veto, although a veto after proper consultation with the right amount of resources and so on, but a veto nonetheless.

At the same time, I've heard from the minister and from the government and, indeed, if you look at some of the UN documents they go to great lengths to say it's not a veto, that it is all about participation and consultation in an appropriate fashion with the right amount of resources given to both sides.

What is your position on this?

Senator Sinclair: Thank you, senator, for that question. I didn't think anybody would ask me that question. I didn't prepare any thoughts. I'm just going on the fly.

There is no doubt it's probably the one issue that's foremost in the thinking of not only government but the Canadian public, particularly in the West, when it comes to the whole issue of resource development. It has been raised in the context of the issue of the pipeline and movement of resources.

Let me tell you what my view is. I'll begin firstly by saying I think the committee studying this particular bill will have to call expert witnesses to look not only at the wording itself to see what the wording means but there's also the question of the intent of the declaration, when the declaration was drafted because, as I said in my speech, it took 24 years for the United Nations to approve the declaration. One of the reasons is because they worked hard to put in wording that everybody agreed upon. I can assure you that particular phrasing was debated quite thoroughly. Those individuals who were involved in that discussion will provide some benefit to the committee looking at this particular bill.

My thoughts: we have a growing body of case law here in Canada which has very clearly indicated that free, prior and informed consent does not, in fact, amount to a veto. A veto is something different in law from obtaining consent, but I go back to what I said earlier in my speech. And think of it in terms of your own situation. If you own a piece of territory, or if Canada is being asked to have a particular activity occur within territorial jurisdiction of Canada by another nation, and they ask for that permission, does Canada have the capacity to say no? And the answer is yes, they do. They have that capacity because it retains elements of sovereignty over its territory. But will it always say no simply because it has the right to say no? And the answer is probably not, because in all situations where the territorial rights have been up for consideration insofar as the expansion of resource development, for example, a period of negotiation, discussion and dialogue occurs with the community, such as the treaty-making process. It comes down to what are the interests of the First Nations, of the Metis or of the Inuit and how will the government accommodate those interests — or the development company, whichever case it is — insofar as their desire to move forward?

It's that process of accommodation that really is intended, I think, by the reference to the free, prior and informed consent that there has to be made a process of accommodation. That's why the Federal Court of Canada, in the Trans Mountain decision, was so very clear in saying: You went through this consultation process and then you made no effort to listen or do what you were being asked to do. Now they have to go through it again. What will come out of the next process will probably be more of an effort on the part of government to accommodate, and it will probably enjoy a better level of success.

In brief answer to the question, veto and free, prior and informed consent are not the same thing and we need to understand that. Veto tends to be more of an unreasonable position being taken and the Supreme Court of Canada in at least two decisions — the Tsilhqot'in case being one of them — has pointed out that when accommodation has been offered, and it seems to be a reasonable accommodation being offered, if there is still continued refusal to accept the offer being made, then there might be room for the government simply to proceed with its sovereignty, decision-making power.

At this point in time that has not occurred. You can anticipate, of course, that people will not be happy with that. The ability of Canada to exercise its sovereignty is not to be considered as being impaired because that's a constitutionally protected right necessarily by this acceptance. That will, I think, remain to be seen. I think we must have a long discussion, particularly at committee, to determine what the experts who are behind the development of that wording had to say about it at the time they drafted it.

I've read a lot of those submissions, and I find it interesting. I'm confident in it enough to say that veto and right to consent are not the same thing.

Senator Tannas: Thank you. I appreciate that answer. I worry the entire document, which is such a powerful document, gets lost in the angst around it. Pedantic as it may be for many, the majority of Canadians around those words and their own understanding they project on those words.

Do you think it is worthwhile for the committee that studies this bill to, perhaps, try either an amendment or observation to flesh out what you have just said into something that would assure Canadians and allow them to focus on the rest of the document and the rest of the actions rather than just have fear rule on what could be, as you say, an important instrument of reconciliation?

Senator Sinclair: Thank you for the question, senator. Let me begin by reminding you the bill itself doesn't raise the implementation of the declaration as its objective. The bill talks about calling upon Canada to do an analysis of existing legislation to see which laws are currently inconsistent with the declaration. That's primarily what this bill is about.

I think that exercise is one Canada is going to have to go through, as are the provinces. They're going to have to look at their legislation to determine what's incompatible, inconsistent or what conflicts with the declaration before they engage in a dialogue on reconciliation which uses the declaration as a framework for reconciliation.

Even in our call to action in the TRC report, the TRC report recommended the parties implement the UN declaration as a framework for reconciliation, not for purposes at that point of simply implementing it to change the laws automatically.

It's always anticipated there would be a process of dialogue to see what legislation is going to be affected. I think what that speaks to is this particular bill probably does not necessarily call for an amendment on that basis. When the issue of the declaration and what comes out of the report and when the declaration itself is before us for consideration, that could be an issue then. I suspect it will be unlikely that the Government of Canada will ever simply pass a law declaring the UN declaration as the law of Canada. That is mainly because it impinges not only on federal law but also on the laws of the provinces. And the laws of the provinces are going to have to be considered by each provincial entity.

• (1620)

I don't ever foresee a day when that's going to happen. I think we need to talk about what the committee will report about. I think the committee and the observations of the committee, based upon the evidence of witnesses, will be of benefit to what we say to the other place about what this bill can and can't do. Thank you.

Hon. Serge Joyal: Will the honourable senator entertain other questions?

Senator Sinclair: Certainly.

Senator Joyal: I listened carefully to your answer to Senator Tannas's question. Are you of the opinion the UN declaration is compatible with the statement of 10 principles the Minister of Indigenous and Northern Affairs issued in the summer of 2017, which established the principles under which the minister's decisions and responsibilities will be exercised in the future on behalf of the Government of Canada? In other words, are the two documents totally complementary, and there's no difference of interpretation on the various principles contained in that statement of policy from the Government of Canada?

Even though it doesn't have the impact of legislation, the statement of 10 principles has not been enacted through legislation. They could be changed at the will of the government, the UN declaration being adopted or enacted eventually, if such is the wish of this chamber. Then, of course, one would take precedence over the other.

What is your view — and I don't want to play on words, senator — on the reconciliation of those two sets of principles?

Senator Sinclair: I feel like I'm a witness at a committee hearing.

I appreciate the question. I think it's a very important question.

Let me respond firstly by saying I do not consider the UN declaration to be consistent with the 10 principles. I do consider the 10 principles to be consistent with the UN declaration. It's because the 10 principles do not contain all that is contained within the UN declaration. There are elements of the UN declaration that are not discussed in the 10 principles the government has issued.

But those 10 principles are an important first step for government to utilize in its conversation with Indigenous leadership about how to move forward. It concerns me that it has, in its process of communicating those 10 principles, not discussed what its thinking is about those parts of the UN declaration not included in the 10 principles. There are quite a significant number of them.

I think the 10 principles, though, are a useful dialogue tool for Indigenous leaders, organizations and communities with which to engage with the government. I think this particular piece of legislation is also important because the one thing that's missing from the 10 principles is what this bill calls upon the government to do, which is analyzing existing legislation to see to what extent it is consistent or not consistent with the UN declaration. That's something we could all benefit from.

How do we know we have a problem here, unless we first do that analysis?

Senator Joyal: If I may ask another question. I don't want to abuse you, senator, but when I read the bill, it's quite clear in section 2 and 3, which say the declaration on the rights of Indigenous people is hereby affirmed as a universal international human rights instrument with applications in Canadian law.

This bill would make the UN declaration a Canadian law because, as you know, it is an annex to the bill. We vote on everything.

Once it is introduced in Canadian law, I am of the opinion, and that's why I seek your views on this, this bill is quasi-constitutional inasmuch as the Official Languages Act and the Canadian Multiculturalism Act are used by the Supreme Court in interpreting other acts, decisions, legislation, government decisions, programs and so forth.

My conclusion is this bill, being quasi-constitutional, will be interpreted by the court with a remedial and purposive objective. In other words, it's not just a statement; it has implications because anything we will legislate in the future could be measured on the basis of this act.

In other words, it's not just to celebrate Aboriginal peoples' month or Aboriginal peoples' day. We are doing something very meaningful, in my opinion, for all the legislative initiatives of government decisions to be taken with, as you stated a minute ago, a view to correcting what we have done in the past. It has a very vivid impact on everything we will be doing with a corrective objective for what we have done. When I say "we," I include previous governments and legislatures.

Are you of the opinion this bill is, in fact, a complement to section 35 of the Constitution Act, 1982?

Senator Sinclair: There are a number of things you said in that question I want to respond to, including the latter point.

Let me begin by saying there's no doubt the UN declaration itself, whether it's with reference in this bill or elsewhere, is going to become a tool of interpretation that will be used by courts when it comes to analyzing the issue of Indigenous rights generally and Canada's responsibility vis-à-vis as representatives of the Crown or upholding the honour of the Crown. I think it will probably always be part of our legal lexicon going forward.

I don't think that particular terminology makes the UN declaration as the law of the country. I think that particular interpretation simply says the principles in the UN declaration that enhance or recognize the human rights of Indigenous people or the collective rights of Indigenous people are the laws of the country, a simple statement, which is the case now. I have no difficulty with that particular element.

I don't think it has the potential or the risk of creating a situation where the declaration can be used to override an existing federal or provincial law. I have no difficulty with that. There are lots of legal opinions that the experts who are called to the committee would be able to provide on that point, because it's the UN international legal experts who talk about the role of international agreements, covenants and declarations, because it's a declaration. It's not a covenant and it's not an international agreement. As a declaration, it has limited legal impact. As a covenant, it would have more of an impact. As an international agreement, of course, it would be a legally binding document.

I think there we would hopefully benefit from the expertise of international legal experts who would point out those differences. This is the kind of bill which primarily says: Let's look at our laws and see what we have that's in conflict with the existing declaration.

Now I've forgotten what you said at the end.

Senator Joyal: It was about section 35 of the constitution.

Senator Sinclair: Will this make the UN declaration an element of section 35? No, it won't, because international agreements in and of themselves, before they become the law of Canada, have to be specifically adopted by an act of Parliament. That is not the case here. This is not an adoption of the declaration through an act of Parliament. That would need to be specifically done. That's not the case here.

I think the interpretation that's given to section 35 will be influenced by what's in the declaration because Canada has embraced and adopted the UN declaration.

Hon. Peter M. Boehm: Honourable senators, I rise today to provide my support for Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

• (1630)

I had planned on this bill being the first matter on which I would speak in this chamber, but as I have learned in my career in the public service and in my short time as a senator, you can't always get what you want, but if you try hard sometimes, you might get what you need.

Before I make my arguments on the importance of Bill C-262, though, I would like to introduce myself a little better to you, my colleagues.

[*Translation*]

It is my humble honour to rise to speak in this chamber today. Having spent my whole life as a keen observer of Canadian politics, first as a student, and later as a public servant, I never imagined I would be here today. About two years ago, I was intrigued by the idea of a new open selection process, so I decided to apply.

[*English*]

So here I stand, fellow senators, like all of you who have come from across our great nation, with a deep sense of purpose, duty and desire to serve Canadians. I join an institution whose members, past and present, have served with distinction, with many having made lasting contributions to Canadian society.

A common thread among all who have served, and who sit here today, is the unshakeable belief that the Senate can make a difference in the lives of all Canadians. At its best, this house plays a vital role in enhancing our country's good governance, prosperity and freedom.

It is that last point that has driven so much of my life. Like many of you, colleagues, my roots are in the ethnic fabric of our country. My parents, Michael and Anna, came to Canada as Transylvanian-Saxon refugees from what is now Romania.

They bore witness to the horrors of World War II and suffered the loss of all their family property and possessions. Over the course of just one day in September 1944, my parents and ancestors were forced to flee the place, people and things they held dear for eight centuries.

My parents met in Kitchener, Ontario, where I was born. After 65 years of marriage, they still live there to this day, in the house my father built. Knowing all that my parents had taken from them has made me that much more appreciative and protective of the freedoms we are so very fortunate to have and often take for granted as Canadians.

Colleagues, like some of you, my first language was neither English nor French. As is the case with many people from Kitchener, the first words I spoke were *auf Deutsch*. I attended German school on Saturdays where I learned to read and write in the language of Goethe and Schiller, although not nearly as well.

Perhaps it was my interest in foreign languages and in the world my parents left behind, and in Canada's place in the world, that all came together to shape my academic studies and my wish to enter the foreign service of our great country.

[*Translation*]

I spent half of my diplomatic career abroad, working in Havana, San José, twice in Washington, and Berlin. I had the opportunity to work under and alongside some passionate, talented individuals and earned more and more responsibility over time. Most notably, I twice had the honour of being an ambassador. Between assignments, there was always an interval of a few years in Ottawa. Some would call this time precious, a way to keep your head on straight and your feet on the ground.

[*English*]

Following on Senator's Dean's earlier comment, I am convinced the men and women who work to advance Canada's diplomatic, commercial, international development and consular interests abroad are among the best, if not the best, in the world. They serve their country and fellow Canadians every single day with no expectation of glory or praise, often in dangerous places. I intend to defend and promote their interests in this chamber.

This service is not without sacrifice, and it is not just our government officials but also their spouses, partners and families who adapt to changing surroundings, displacement, health and mental health issues, as well as having to confront safety and security challenges. In addition, there are the pressures placed on extended family relationships and friendships occasioned by regular moves.

I am sure all senators would agree, given the amount of time that parliamentarians must spend away from home and loved ones, that our families provide our greatest source of support.

Of the four children my spouse Julia and I have, two were born abroad. Our son Nikolas was born during our posting in Costa Rica. His autism has been one of the great challenges of our lives and has spurred my interest in mental health issues.

I applaud the work of Senators Munson, Bernard and Housakos, as well as that of former Senator Kirby, in drawing attention to mental health and to autism in particular. I, too, intend to carry this torch and stand with them.

But I also spent time in Ottawa where, as one of the nameless but ubiquitous senior officials, I was afforded even greater policy perspective, inevitably working more directly with ministers and indeed prime ministers. This work included bilateral and multilateral negotiations, and, of course, international summits such as the G7.

In my view, there is no greater honour for a public servant than being the personal representative, or Sherpa, of your country's leader. I was often the only Canadian in the room other than the Prime Minister in meetings with other world leaders. I proudly served our last three prime ministers in this way.

Since summit agendas are, to put it mildly, comprehensive, I learned much about the intersection of domestic public policy with our global interests. I took great pride in witnessing how our prime ministers, both Liberal and Conservative, applied their talents and served Canadians on the world stage.

I believe that such exposure has served me well in my former lives as a deputy minister, both in foreign and trade policy, and in my most recent work on international development, which included conducting a policy review.

Regarding the latter, I applaud the emphasis our colleague Senator Coyle has placed on the importance of achieving the United Nations Sustainable Development Goals.

[*Translation*]

My interests are varied and have evolved over the course of my career, with international security being one of them. I personally lived through the events of September 11, 2001, while I was posted to Washington, and I helped develop the first action plan for our border with the United States.

I also have a keen interest in global trade, international development, gender equality, the environment and climate change, inspiring youth to public service, and reconciliation with our Indigenous people, to name just a few.

[*English*]

It is that last subject area I wish to address now. Bill C-262 urges us to ensure that our domestic laws are in line with the United Nations Declaration on the Rights of Indigenous Peoples. It was adopted in 2007 by 143 UN member states. Canada was one of only four countries against, but finally adopted it in 2016 after endorsing it, but not signing, in 2010. Of course, the aim of Bill C-262 is to go somewhat further than that.

The declaration is a comprehensive international human rights instrument. It covers and affirms a collective range of political, economic, social, cultural, environmental and spiritual rights for Indigenous peoples.

While not legally binding on states as would be an international treaty, it goes beyond the aspirational to reflect legal commitments in the UN Charter, various treaty obligations and customary international law.

The declaration's articles affirm a principled framework for justice, reconciliation, healing and peace. The declaration follows the living tree doctrine, evergreen as it was. It is meant to be interpreted in pace with conditions and developments in all parts of the world that Indigenous peoples call home.

Let me be clear: The declaration is not a treaty. It is not a convention. It is not a compact. It does not require ratification by Parliament as a treaty or a convention would.

For Canada, as a nation of the Americas, the American Declaration on the Rights of Indigenous Peoples, adopted by the Organization of American States — the OAS — two years ago, is particularly relevant for me. It was my great honour, in my capacity as ambassador and Permanent Representative of Canada

to the OAS, to arrange for an invitation to then National Chief of the Assembly of First Nations Phil Fontaine to address the OAS Permanent Council in Washington in December 1998. That's almost 20 years ago. I was very young at the time. This event was historic, as no Indigenous leader had ever addressed this body, despite the fact that several countries in our hemisphere have majority Indigenous populations.

Chief Fontaine provided an impetus for enhanced discussion of an American declaration, a hemispheric one, if you will, though it took another 18 years to get it done.

So, too, went the story of the UN declaration, where the AFN, the Métis National Council, the Inuit Tapiriit Kanatami and other groups were consequential in their tireless advocacy for the declaration.

Honourable colleagues, the issue of the rights of our Indigenous peoples has shaped Canada's history. It is a part of who we are, from the arrival of the first Europeans, whether Vikings in Vinland — today's Newfoundland and Labrador — the French in old Acadia and Quebec and in their movement west, or the English on the Pacific coast and their colonization of Eastern and Central Canada.

Reconciliation, as a result of historical mistreatment, has shaped public policy discourse in recent years, with a few steps forward, some sideways and a few back.

[*Translation*]

That too has affected me personally. I played a peripheral role in Canada's negotiations at the UN and a more important role with the OAS, and during my time as Ambassador to Germany, I was often asked to explain our shared history, the wrongs of the past, and the path to reconciliation. It wasn't easy.

• (1640)

More recently, during Canada's G7 presidency, I met with Indigenous leaders from the Charlevoix region to discuss their connection to the land, its riches and the great St. Lawrence River, their concerns about the future, and the aspirations of their peoples.

[*English*]

I was asked why, as a former deputy minister of international development, I could work so hard to ensure funding for access to potable water in developing countries, but not to similar access for Indigenous communities in my own country. Again, not easy to answer. This reality was brought home to me recently in a round table with Indigenous youth organized by our colleague Senator Sinclair.

Honourable senators, the UN Declaration on the Rights of Indigenous Peoples is our sentinel as we move forward toward greater, and hopefully complete, reconciliation. It should serve to guide our policy work at all levels of government and will provide that normative legal framework to achieving reconciliation between Indigenous and non-Indigenous peoples around the world. The discussion just now in our Question Period I think was particularly relevant, and the committee work will be as well as we proceed.

In my international experience, there are only a few countries where the expectation for demonstrable results is exceptionally high, and where government actions are closely watched and even emulated by other states. Canada is one such country. Our level of moral authority is high, regardless of which political party forms our government; however, we cannot rest on our laurels, as a nation long-known around the world for being open and just.

As a representative of our great country for much of my adult life, as a senator and as a Canadian, our positive reputation is something of which I am immensely proud and which I do not take lightly. We must not take how we are seen beyond our borders for granted, honourable senators.

I therefore wish to underscore my personal support for the passage of Bill C-262 and my appreciation to its sponsor, Senator Sinclair. This is a piece of legislation which will go a long way toward setting the path for the future. Honourable colleagues, I urge you all to support this bill. Thank you. *Meegwetch.*

(On motion of Senator Christmas, debate adjourned.)

SIKH HERITAGE MONTH BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sabi Marwah moved second reading of Bill C-376, An Act to designate the month of April as Sikh Heritage Month.

He said: Honourable senators, it is an honour to rise today to speak in support of Bill C-376, the Sikh heritage month act. I will begin by thanking Mr. Sukh Dhaliwal who initiated this bill in the other place and the unanimous support he received from all political parties.

As a Sikh Canadian, it is a privilege to bring forward an act that will formalize the month of April as a time to celebrate the culture and contributions of Sikhs in well over a century of settlement in this country. The earliest reference to Sikhs in Canada is in 1897, when Sikh soldiers arrived as members of the British Army. These soldiers were well-known as loyal fighters who were an integral part of the Allied efforts in World Wars I and II. A decade later, the records show a community of 2,500 settlers of Indian origin, almost all of them Sikhs, in British Columbia.

The natural hardships faced by all settlers in Canada were compounded by other barriers. The Bowser Amendment Act of 1907 disenfranchised "all natives of India not of Anglo-Saxon parents."

In the face of isolation and financial hardship, the early Sikh settlers proceeded to build institutions that would serve the fledging community. The first was the Khalsa Diwan Society founded in Vancouver in 1907. Another was the *gurdwara*, a traditional place of worship and a social nexus, whose first permanent building was established in 1908. Today, it is the first *gurdwara* outside of India to be recognized as a national historic site.

While both were Sikh institutions, they served the broader community of settlers of Indian origin — Hindu, Muslim and Sikh. While there were forums for the social and financial issues that faced the community, these institutions were also their primary advocate for human rights.

A landmark in this story is the rejection in 1914 of the *Komagata Maru*, a chartered vessel carrying prospective immigrants of Indian origin. They arrived off the shores of Vancouver looking for safety, security and prosperity like many other immigrants that came to Canada. However, they were denied entry and were turned back, with many of them not surviving the journey back.

The rejection of British subjects by the Dominion of Canada drew international attention. It saw the beginning of an advocacy campaign by Sikhs settled in Canada for the easing of immigration barriers and for the civil rights of those already settled in Canada.

The campaign, spearheaded and sustained for decades by the Khalsa Diwan Society, gained support in the changing climate of the country, particularly after the war years. An amendment in the Elections Act of 1947 finally lifted the restrictions which had stripped residents of Indian origin, even those born in Canada, of civil rights.

In the intervening years, Sikh settlers had served as volunteers in the Canadian Armed Forces in both world wars. In fact, while Sikhs represented only 2 per cent of British India's population, they represented 22 per cent of the British Indian army. Over 80,000 Sikh soldiers died during those wars and over 100,000 were wounded.

In the years following the Second World War, a modest quota was introduced for immigrants from South Asia. A points system, along with national policy changes in the 1960s, opened the doors further. These were among the developments that would lead to the creation of a diverse society, regarded across the world today as among the unique social achievements of this country.

The latter half of the 20th century saw a steady influx of Sikhs to Canada, mainly from India. While the majority of Sikh Canadians still then were centred in British Columbia, the new settlers established roots in Ontario, Alberta, Quebec and Manitoba, and in smaller numbers in all the provinces and territories literally from coast to coast.

The earliest Sikh settlers were drawn by the vision of a land rich in opportunity with its farms, rivers and forests. They worked as farmers. They laboured in the timber industry, in the building of roads and railways, and some ventured into other trades and trading.

Today Sikh Canadians are engaged in every aspect of public life in Canada — in the fields of medicine and law, in science and engineering, information technology and even in banking. They serve in academic faculties and in the Armed Forces. They are engaged in commercial life in every sector and have taken as well to the worlds of entertainment and sport.

Their love of sports is exhibited at every Raptors basketball game for those of you who watch it, with the only Sikh superfan; and the love of hockey, where there is now a broadcast in Punjabi of "Hockey Night in Canada" watched by Sikh families all over the country, which I can assure you is as animated and exciting as any broadcast you have ever heard.

In summary, honourable senators, the story of the Sikh community in Canada is, in fact, just a story of Canada. It is a story of brave soldiers who fought in both world wars to defend democracy. It is a story of early settlers and pioneers who worked in agricultural lands, mines, lumber mills, and the railroads. It is a story of entrenching equality, fairness and justice in this land. It is a story of becoming contributing members in all walks of life, whether it be in business, arts, sports, media, philanthropy and politics.

It is on behalf of all Sikh Canadians that I present this bill to recognize April as Sikh Heritage Month in Canada.

In the month of April falls *Vaisakhi*, a traditional harvest festival celebrated by all communities of northern India. *Vaisakhi* holds particular significance for Sikhs, as it also commemorates the birth of the *Khalsa* order in 1699, the final stage in the evolution of the Sikh faith, a milestone celebrated by Sikhs the world over.

• (1650)

Sikh Heritage Month will be an occasion for Sikh Canadians to celebrate their history and to affirm their deep attachment to this land. It will equally be an occasion for all Canadians to better understand, through cultural projects and initiatives, the values, culture and contributions of Sikh Canadians who are part of the fabric of this great nation.

Thank you, honourable senators. I hope you will give this initiative your support.

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

Senator Marwah: Absolutely.

Hon. Ratna Omidvar: Thank you, Senator Marwah. You know that I was born in Amritsar and have a very close connection with Sikhs — as neighbours, as friends, as members of my family, and as colleagues in Canada and now here.

I wonder if you could comment on the contribution of the Sikh community to the cultural landscape of this country, particularly their wonderfully successful efforts in creating the Sir Christopher Ondaatje South Asian Gallery at the Royal Ontario Museum in Toronto.

Senator Marwah: There have been many artistic and cultural contributions by Sikh Canadians. The South Asian Gallery at the ROM is one of them. There have been many exhibitions at the Peel Art Gallery in Brampton. In fact, last year, we had *Komagata Maru* exhibition. It was recognized as one of the landmark exhibitions the Peel Art Gallery has ever had. There was an exhibition earlier this year — a photography exhibition.

There have been many such exhibitions. In fact, the largest and most-well-known was in 1999, when there was an art exhibition called the Art of the Sikh Kingdoms, brought over from the Victoria and Albert Museum. I was personally involved with sponsoring that exhibition. It turned out to be among the largest drawers into the ROM in the history of the ROM.

(On motion of Senator Plett, for Senator Ataullahjan, debate adjourned.)

SENATE MODERNIZATION

SEVENTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Moore, for the adoption of the seventh report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Regional interest)*, presented in the Senate on October 18, 2016.

Hon. Yonah Martin (Acting Leader of the Opposition): With leave of the Senate, I move the adjournment of this item in the name of Senator Housakos.

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

Hon. Senators: Agreed.

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

CHARITABLE SECTOR

SPECIAL COMMITTEE AUTHORIZED TO EXTEND
DATE OF FINAL REPORT

On the Order:

> Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Omidvar:
>
> That, notwithstanding the order of the Senate adopted on Tuesday, January 30, 2018, the date for the final report of the Special Senate Committee on the Charitable Sector in relation to its study on the impact of federal and provincial laws and policies governing charities, non-profit organizations, foundations, and other similar groups; and to examine the impact of the voluntary sector in Canada be extended from December 31, 2018 to September 30, 2019.

Hon. Ratna Omidvar: Honourable senators, I rise today in support of Senator Mercer's motion to extend the date of the reporting of the Senate Special Committee on the Charitable Sector. This past Monday was Cyber Monday. It's one of the busiest shopping days of the year. It's followed by Giving Tuesday, which I hope will one day become the biggest day for donors in Canada. As former Governor-General David Johnston said on Giving Tuesday, strong charities are everyone's business. I am so pleased that under the leadership of Senator Mercer, charities are now the Senate's business.

We have a very small committee of seven members. We have covered a great deal of ground since we started our work. But we require an extension to ensure that our final recommendations reflect the scope, depth and complexity of the work we are undertaking. As you well know, there are close to 86,000 charities in Canada, and there are 80,000-plus not-for-profits in Canada.

So how do we go about consulting with this huge sector? Should we focus on their work? Should we consult with them, based on sector — health, religion, sport, international aid, social services? Should we slice and dice them by size — small, medium or big?

I think we have arrived at a very innovative solution, which I hope will be reviewed in time by other committees. We opted to reach as many people as we could by going beyond the committee room and into the digital sphere. Our online survey has been pushed out to hundreds of charities and not-for-profits. We have already received well over 500 responses from all parts of the country, from all shapes and sizes, and from all sectors.

So not only are we reaching more people, we are also reaching them at a fraction of the cost.

Extending the committee's mandate into September 2019 will ensure that the responses to the survey are properly tabulated and analyzed by the Library of Parliament, and synthesized into our final report.

There is another reason for us to ask for the extension. The ground beneath our feet is shifting. As you well know, the Senate is examining Bill C-86, the "budget implementation act," that includes amendments to the Income Tax Act that alters the extent to which registered charities can engage in non-partisan political activities, also known as public policy dialogue.

While our special committee will not be receiving parts of Bill C-86 — I imagine they will go back to the Finance Committee when the bill is received here — we still need to be attuned to the legislative reality and roll-out of this new measure.

There were also three other measures that impact our work. The fall economic statement included the creation of a permanent advisory committee on the charitable sector within the CRA. It also announced an investment in new social finance funds. These two proposals could potentially dramatically change the sector, as they address two key problems we have heard again and again: the first is the need for a home for the sector on Parliament Hill, and the second is instruments that would increase access to capital by charities.

Further, there is a provision that will allow non-profit journalism and journalistic organizations to issue official donation receipts to Canadians who contribute through subscriptions or other funding arrangements. This means that the charitable sector is set to grow and evolve, including groups such as newspapers that have not traditionally been able to become qualified donees under the Income Tax Act.

Honourable senators, there is a great need for us to delve even deeper and take the required amount of time to present a report to you that will be meaningful, tangible and hopefully doable. I kindly ask for your support.

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

Hon. Senators: Question.

• (1700)

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division.)

[*Translation*]

THE SENATE

MOTION TO REAFFIRM THE IMPORTANCE OF BOTH OFFICIAL LANGUAGES AS THE FOUNDATION OF OUR FEDERATION IN LIGHT OF THE GOVERNMENT OF ONTARIO'S CUTS TO FRENCH SERVICES—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Klyne:
>
> That the Senate, in light of the decisions made by the Government of Ontario with respect to the Office of the French Language Services Commissioner and the Université de l'Ontario français:
>
> 1. reaffirm the importance of both official languages as the foundation of our federation;
>
> 2. remind the Government of Canada of its responsibility to defend and promote language rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and
>
> 3. urge the Government of Canada to take all necessary measures, within its jurisdiction, to ensure the vitality and development of official language minority communities.

Hon. Rose-May Poirier: Honourable senators, I rise today to speak in support of Senator Miville-Dechêne's motion. I rise in solidarity with the Franco-Ontarian community, and I also rise as Vice-Chair of the Standing Senate Committee on Official Languages, as a member of the Senate's Conservative caucus, and, above all, as an Acadian from Saint-Louis-de-Kent, New Brunswick.

Honourable senators, what happened in Ontario on November 15, 2018, was a blow to linguistic minority communities. We are here in the Senate chamber to protect the interests of minorities. We are the chamber of sober second thought of the Parliament of Canada. Our purpose could not be more clear or more necessary than it is now, in the midst of this linguistic turmoil.

It is in this chamber, honourable senators, that many initiatives to promote, protect and defend the interests of linguistic minority communities have been brought forward. Take, for example, Senator Jean-Robert Gauthier's bill to amend Part VII of the Official Languages Act in 2005, Senator Chaput's determination to make amendments to the Official Languages Regulations, or the efforts of Senator Gerald Comeau, an Acadian from Nova Scotia, to get the National Acadian Day Act passed in 2003 to designate August 15 as National Acadian Day.

However, it is not just the actions of individual senators that have made a difference. The Standing Senate Committee on Official Languages has, too. Whether it is a report on CBC/Radio-Canada and its language obligations, better practices to increase bilingualism of Canadian youth, or the current study on the modernization of Official Languages, the committee has been and continues to be a strong voice for linguistic minority communities.

When my staff met with the various members of the FCFA last Thursday, one of the representatives told us about the approach the organization is taking to the announcements. In every crisis, there is an opportunity. I believe, honourable senators, that our francophone minority communities have embraced the opportunity presented by this crisis.

We are here to reaffirm the importance of both official languages as the foundation of our federation. The importance of both languages is being affirmed from coast to coast to coast. More importantly, the announcements seem to have inspired Canadians of all ages, no matter where they are in Canada or what language they speak. To me, honourable senators, that proves that official languages are a Canadian value that crosses the political divide. It is a Canadian value that we not only all believe in, but that is also protected by the Charter of Rights and Freedoms. What's more, the Official Languages Act has quasi-constitutional status. It is therefore a cultural value, a legal value, but above all, a Canadian value.

Honourable senators, the solidarity between all the linguistic minority communities has been on full display over the past few weeks. It is clear that a blow to one is a blow to all and that they will support each other without hesitation.

We may be isolated from one another, from coast to coast to coast across our wonderful country, but we are all united by our language, our culture, our identity, and our fight. Thank you.

Hon. Peter M. Boehm: Honourable senators, it is an honour for me to speak to this motion moved by our honourable colleague Senator Miville-Dechêne.

[*English*]

I am pleased to add my voice to those of our colleagues in support of this motion, which is not just of provincial but also national importance. What needs to be said has been said, and eloquently so. I will be brief. I believe some of the key points need to be repeated because they go to the heart of one of Canada's defining features, its official bilingualism.

Colleagues, whether your first language is English or French, or like me and a few of us, none of the above, we all have a huge stake in this.

[*Translation*]

Every one of us was appointed to the Senate to accomplish one of its fundamental objectives: To protect and defend the rights of minorities. Language rights and the equal status of English and French, as enshrined in the Charter of Rights and Freedoms, certainly fall into that category.

[*English*]

While we do not nor should have the power to reverse decisions by the Government of Ontario, we do have the power — and indeed, the duty — to use our collective voice to show our steadfast support for our fellow Canadians in the Franco-Ontarian community. This strong and proud group comprises some 600,000 people, 145,000 of whom call this very city home.

As our colleague Senator Cormier said during last Tuesday's sitting with regard to the Université de l'Ontario français:

[*Translation*]

> The decision by the Government of Ontario to cancel the establishment of this first autonomous francophone university . . . represents a significant setback for the Franco-Ontarian community, the Canadian francophonie and the country as a whole.

[*English*]

These cuts — from La Nouvelle Scène theatre to the Université de l'Ontario français to plans to abolish the Office of the French Language Services Commissioner, which has now been reversed, and to French-language services more broadly — are indeed harmful to all Canadians of all linguistic backgrounds.

[*Translation*]

Colleagues, the Government of Ontario did indeed reverse its decision to abolish the French Language Services Commissioner and is transferring it to the provincial ombudsman's office, but it did so only in response to the justified and ongoing outcry. I have my doubts about the true intent behind the proposed solution.

Even a government member expressed disappointment and frustration at the cuts. Amanda Simard is to be congratulated for condemning her own party's decision, especially since she was only just elected. Her decision was a principled one.

Unfortunately, the Université de l'Ontario français will not be so lucky. The Attorney General — and, since Monday, Minister of Francophone Affairs — the Honourable Caroline Mulroney, blamed the decision to scrap it on "the fiscal realities of our province's finances."

[*English*]

Colleagues, Canada is revered the world over for many reasons. One of the biggest is our long-standing efforts, which have not been without difficulty over the years, to ensure our two official linguistic communities have equality of status. Thus its people are not superior to the other.

The world looks to us, to Canada, for guidance on this matter. We cannot choose to be short-sighted.

Honourable colleagues, this is not a French Canadian issue; it is a Canadian issue, period. I will proudly and strongly support this motion. I urge you all to do the same. Thank you.

[*Translation*]

Hon. André Pratte: Honourable senators, I want to begin by thanking all the senators who have contributed so far to the debate on this motion. Frankly, it's comforting to hear such solidarity with our Franco-Ontarian brothers and sisters being expressed in this chamber. I was especially moved to hear anglophone senators delivering much of their speeches in French, as an expression of that solidarity.

I have decided to speak to you today in both French and English, our two official languages, as I always do. I made that decision to demonstrate that this matter, as Senator Boehm just said, is not a French Canadian issue, nor should it be. The decisions made by the Government of Ontario affect all Canadians, because what we are talking about here is the very essence of Canada. If we turn our backs on francophone minority communities, Canada will lose part of its soul, and a country that loses part of its soul could lose part of its future.

Honourable colleagues, as Senators Moncion and Joyal reminded us on Tuesday, in June 1912, the Government of Ontario adopted Regulation 17, which abolished French as a language of instruction in the province's schools. Combined with conscription, Regulation 17 triggered a deep resentment in Quebec and in francophone communities across the country.

• (1710)

[*English*]

In that explosive context, in May of 1916, a young Liberal MP, Ernest Lapointe, moved a carefully worded motion to respectfully ask the Government of Ontario to not interfere with, "the privilege of the children of French parentage of being taught in their mother tongue." Here is what Lapointe had to say during the debate on his motion:

> My greatest desire is that this resolution and that this discussion, instead of dividing more profoundly the two races of this country, should bring them closer together and cement their union for the defence of liberty based upon law.

Unfortunately, Lapointe's motion was defeated.

Colleagues, I hope Senator Miville-Dechêne will succeed where Lapointe failed, that this chamber will stand united in defence of generous sentiments and the protection of minority rights and needs, while, as Lapointe's motion asserted, "fully recognizing the principle of provincial rights." It would be a tribute to the senator's non-partisan approach and to her determination. Most of all, it would be a tribute to this chamber's conscience of its national and moral duty.

Indeed, exercising sober second thought, we understand that the decisions of the Government of Ontario, while they are within the province's jurisdiction, have a national impact. Honourable senators, each time the rights and the needs of an official language minority are ignored or trampled upon, Canada's purpose is eroded and our union is weakened.

I am deeply moved that Senator Miville-Dechêne's motion is receiving the support of so many senators representing different regions and different parliamentary groups. I am moved but not surprised. The truth is that since history put together French and English on the same continent, each time prejudice showed its ugly head, Canada could count on some of its most prominent leaders to courageously argue for moderation, tolerance, rights and unity. So it was for Sir John A. Macdonald, who, in 1890 — another low point of anti-French prejudice in the federation — asserted:

> I have no accord with the desire expressed in some quarters that by any mode whatever there should be an attempt made to oppress the one language or to render it inferior to the other. I believe it would be impossible if it were tried, and it would be foolish and wicked if it were possible.

I could quote many speeches of our great leaders who, throughout our history, called for the majority to respect the minority.

This is the legacy of Wilfrid Laurier, who during the Ontario controversy in 1916 said:

> When I ask that every child of my own race should receive an English education, will you refuse us the privilege of education also in the language of our mothers and fathers? That is all I ask today; I ask nothing more than that. Is that an unnatural demand? Is that an obnoxious demand? Will the concession of it do harm to anybody?

This is the legacy of Pierre Elliott Trudeau, who during a debate on the rights of French-speaking Manitobans in 1983 stated:

> I believe this is a very important day for us in this Parliament, that the three parties in this place have agreed that they will make this joint statement to say that no matter how old, how forgotten, and no matter how few people were protected by it, the Constitution must stand if, indeed, we are to continue to exist as a civilized society.

This is the legacy of Brian Mulroney, who during the same debate said:

> The issue before us is one that must be approached in a spirit of conciliation. It is also one of simple justice. There is no painless way to proceed. There is no blame to be apportioned. There are no motives to be impugned. There is only the sanctity of minority rights.

This is the legacy of Stephen Harper, who in 2015 wrote:

> Canada was born in French, when Samuel de Champlain founded Québec more than 400 years ago. Naturally, it is a source of great pride. And it should also be an inspiration for our future.

Inherited from the great men and women who built Canada, our duty as federal legislators is to do the utmost to protect minority rights in all the nation's regions and to preserve and promote the spirit of mutual understanding and compromise that has made this country possible.

As the American historian Mason Wade once wrote, the history of the French Canadians is "of concern to all North Americans, and indeed to all mankind, for only by the acceptance of diversity, through the understanding and reconciliation of cultural differences, can the great world problems of our time be solved." This is even truer today than it was when Wade penned it.

[*Translation*]

Honourable senators, the French language is beautiful in its clarity, in its infinite nuances, in its innumerable accents, and even in its complexity. Of course, French is not better than other languages, but it is my language. It is the first language that millions of Canadians hear in their mother's womb, the first language they learned first from their parents and then at school and college, by reading Victor Hugo, Félix Leclerc and Daniel Poliquin, and by watching the plays of Molière, Michel Tremblay and Antonine Maillet.

As Yves Duteil so aptly sang, but I will not:

> It's a beautiful language with exquisite words
> That tells its history through its accents . . .
> It returns to sing of its sorrows and hopes
> To tell us that in that country of snow

It faced the winds blowing from all over
To impose its words even in the colleges
And our language is still spoken there . . .

Colleagues, nothing can replace a mother tongue. It is the language of love, the love between mother and child. It is the language that allows us to think and express our joy, pain, wishes, ideas and dreams with a million nuances that we can only produce with early and continued use. For me, that wonderful and unique language is French. For others in this chamber and across the country, it is English, Italian, Greek, Ukrainian, Spanish, Mandarin and countless other languages.

We never lose our unique spiritual connection with our mother tongue, no matter what it is. The loss of one's mother tongue is a tragedy, to be mourned individually and collectively forever. It is equivalent to losing one's roots, as the great American novelist of French-Canadian origin, Jack Kerouac, so dolefully described:

[*English*]

. . . I cannot write my native language and have no native home anymore . . . . All my knowledge rests in my "French-Canadianness" and nowhere else.

[*Translation*]

French Canadians built a new nation on this continent. After the conquest, the country was radically transformed, but francophone Canadians have never given up the fight to preserve their ancestors' words, their mothers' sayings, the language they have carried with them from east to west and north to south all across America, often in partnership with Indigenous peoples.

That fight helped shape Canada, making it the diverse and accepting country it is today. It did not come easily, however. For decades after Regulation 17 took effect in Ontario, francophones engaged in a constant struggle to hang onto French education for their children. They won epic battles — sometimes in alliance with the Government of Canada, often with the help of the courts, and eventually with the support of the provincial government, but mostly due to their own efforts, as Senator Moncion related — to establish their own institutions, such as schools, which are keeping the French language alive. It became increasingly possible for people to be educated, be entertained, love, converse, debate, do business, and just generally go about their lives in French. French was no longer confined to the home.

Education is the key to this success. The culmination of this success story was the very recent establishment of the Université de l'Ontario français, which would have enabled thousands of young francophones to complete all of their studies in French, from kindergarten to university, in French institutions. That is what the Ontario government has just destroyed with a quick stroke of the accounting pen. Similarly, by eliminating the position of French Language Services Commissioner and cancelling a grant that was promised to La Nouvelle Scène theatre, the Ontario government seriously crippled resources that are essential to the Franco-Ontarian community.

The Ontario government has backtracked a little since then, but that partial reversal seems like a purely tactical move and does nothing to dispel serious concerns about the future. The future of the Université de l'Ontario français remains at the mercy of Queen's Park's budgetary and political prejudices.

• (1720)

[*English*]

The Government of Ontario is perfectly within its jurisdiction to manage its finances as it wishes. It is not for us, federal legislators, to intervene in such matters. However, when a provincial government patently ignores the rights and needs of its official languages minority, it can expect Parliament to react. Why? The survival and development of these minorities is in the national interest. If we let the French Canadian culture wither outside of Quebec, the founding principle of this country will be threatened and Canada risks becoming a weaker, darker nation, a country built on indifference and intolerance rather than diversity and acceptance.

This is why, even if the Government of Ontario is now attempting to say save face, the Senate must express its concern and insist the Government of Canada, whatever party is in power, continue to protect the rights of French language minorities and support their development. This is and always will be an endeavour of pressing national importance.

[*Translation*]

Because this undertaking is so important, I agree with what Senator Maltais said last Thursday. It is essential that this issue be addressed in a non-partisan manner. Last week, I wrote an opinion piece for the *Toronto Star* that was seen as partisan. That was not my intention, and I am sorry about that.

[*English*]

The truth is no political party, federal or provincial, can claim it is without reproach when it comes to the rights of French Canadian minorities. Moreover, all parties count amongst their ranks great Canadians who have fought and are fighting today for these rights. Consequently, no party should try to score political points one way or the other on the backs of French Canadians.

As Canadians and as federal legislators, whatever our partisan or ideological stripes, we all have a sacred duty to defend the rights and needs of these minorities.

First, it is a human and moral duty. Second, it is a constitutional duty. Third, it is a national duty.

Indeed, the preservation of French on our soil from sea to sea to sea is not only a matter of history, it is a condition of our future. It is a constant test for our success as a nation.

[*Translation*]

Honourable senators, long live francophone Ontario. Long live Canada. Thank you.

[*English*]

Hon. Judith G. Seidman: Honourable senators, I rise today in support of my colleague Senator Miville-Dechêne's motion to reaffirm our commitment to the importance of Canada's two official languages as a foundation of our federation.

A third generation Montrealer and member of Quebec's English-speaking minority language community, this is an issue I care deeply about.

Shaped by the facts of Canada's rich history and development, bilingualism has always been at the core of our nation's identity. It began with Jacques Cartier in the early 1500s, who sailed across the Atlantic Ocean to discover the beautiful Gulf of St. Lawrence and the shores of the St. Lawrence River. He set his eyes upon present day Quebec City and Montreal and proudly declared it as his home. It continued with Samuel de Champlain in the early 1600s, the father of New France, who established the first French settlement in Canadian territory.

From early on, in the late 15th century, French and British voyageurs explored, fought for and created present-day Canada. And over these centuries elements of Indigenous, French and English culture and language have combined to shape our rich Canadian identity. Today, we recognize and honour their legacy in establishing Canada, a nation we deeply cherish.

Honourable senators, linguistic duality is the thread that binds Canada and its genesis can be traced back more than 150 years. Our Fathers of Confederation recognized the importance of including measures in the Constitution Act that would protect the right of English and French speakers to communicate in the language of their choice. It is because of their efforts the Constitution Act of 1867 includes section 133, which guarantees legislative bilingualism; that is, establishing the right to use English and French in federal Parliament, the legislature of Quebec, the courts in the province of Quebec and the federal courts.

Section 133 remains in effect today.

In 1969, history was made again when the federal government enacted the Official Languages Act, designed to be the cornerstone of institutional bilingualism. This act solidified the equal status of Canada's two languages, English and French. It inspired English and French-speaking communities across Canada not only to coexist but to complement one another, to foster mutual understanding.

The official languages minority communities, both English and French, have played such a positive role in Canada, now a country strengthened by our linguistic and cultural duality.

To quote our new Commissioner of Official Languages, Raymond Théberge:

> To maintain linguistic duality in Canada, we need two key ingredients: respect and recognition. And that means equality of both official languages. We must allow the use and visibility of both languages. Doing so is part of our Canadian identity and international reputation.

I speak today as a proud member of the English-speaking minority language community in Quebec, a minority community within a francophone population that itself is a minority in North America. Our experience is unique and it comes with its own set of challenges, its own special context.

However, it is important to understand while there may be both similarities and differences in how our two official language minorities may experience their realities and challenges, their special needs must be taken into account. Ultimately, both strive for the vitality of their communities. It is only when we understand this that we can find real solutions to the needs of linguistic minority communities.

I would be omitting something important just now if I do not, here, refer to the work we did as members of the Standing Senate Committee on Official Languages in 2010.

That report was titled *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*. Witness testimony taught us about the realities my own community was experiencing. It gave us a new understanding of the challenges of living as an English-speaking minority community in Quebec. Our communities focus not on language preservation and transference but on economic, social and political inclusion within our majority.

Honourable senators, although the challenges experienced by the English-speaking and French-speaking minorities in Canada may sometimes differ, I strongly believe their battles must be fought together. As senators, we must recognize the importance of our leadership in upholding the Official Languages Act, in preserving the duality of French and English, the two languages upon which our nation was built.

What's more, it is our particular role as senators to speak for minorities, to give voice to those who are often not heard. In my inquiry on the Senate's role in the protection of regional and minority representation introduced in May 2016, I spoke of how our founding fathers recognized the fundamental need to accommodate for differences within the federation.

Sir John A. Macdonald was clear the Senate was not meant to be a "house of the provinces" but rather "one house of the federal parliament occupied by members who contribute a perspective that is, at once, regional and national."

Thus, it is perfectly appropriate for us, as senators, to remind the Government of Canada of its responsibility to defend and promote language rights, and to urge the Government of Canada to take all necessary measures within its jurisdiction to ensure the vitality and development of official language communities.

The particular formation of Canada has helped shape our nation into an inclusive and multicultural place where Canadians are united, whichever official language they may speak.

[*Translation*]

Hon. René Cormier: Honourable senators, I rise today to speak unequivocally in favour of the motion that Senator Miville-Dechêne moved on November 22, 2018. I want to thank all my

anglophone and francophone colleagues who have taken the time to speak on this topic. I read your eloquent speeches carefully, and I must admit they made me somewhat emotional.

• (1730)

Your speeches were sound and forceful. I'm sure they comforted Franco-Ontarians and all linguistic minority communities and gave hope to all Canadians across the country.

[*English*]

In your speeches, you reaffirmed the defence of official languages is not only the responsibility of official languages minorities or of a particular cultural group. You stated with conviction it is the responsibility of the governments, and each and every Canadian citizen, to stand up for our common values.

[*Translation*]

What more can I say, after all of your wonderful words, dear colleagues? What more can I do to convince certain elected officials and Canadians of how important official languages are to our country's future?

[*English*]

What else can we say?

[*Translation*]

How many statistics do we need to cite? How many studies do we need to do? How far back into our history do we need to go to explain and to make people understand how much official languages, bilingualism and linguistic duality have contributed to the creation, continuation and development of the Canadian federation?

[*English*]

As a country, are we missing something in the way we are educating our people? Have we forgotten to tell our fellow citizens what it means to have the privilege to live, be educated and work in a country where the English and French languages are indeed part of our heritage? Even more so, they are the best tools we have to live together in peace.

[*Translation*]

What do we have to do, colleagues, to dispel the myths surrounding the allegedly excessive cost of bilingualism and linguistic duality in Canada? What are we supposed to say to those who claim that francophones and anglophones in minority communities are privileged because they have access to funding to protect their culture? How can we counter polarizing speeches that spread false information about linguistic duality and divide the Canadian public?

Maybe we need to think back on the findings of the Royal Commission on Bilingualism and Biculturalism, better known as the Laurendeau-Dunton commission, one of the most influential commissions in Canadian history. Struck in 1963, this commission spent several years inquiring into three main aspects of our country: the extent of bilingualism in the federal government, the role of public and private organizations in promoting better cultural relations, and the opportunities for Canadians to become bilingual in French and English.

The commissioners used the guiding principle of equal partnership, in other words, equal opportunity for francophones and anglophones to be part of the institutions that affect their lives. The commissioners were also tasked with reporting on the contribution of other cultural groups and on ways to preserve that contribution and promote multiculturalism in Canada. André Laurendeau, co-chair of the commission, said at the time, and I quote:

> The Constitution formally recognized both French and English in 1867. . . . However, it has become evident to us that this recognition was incomplete in many respects and often disputed where the French language was concerned. If the principle of equality is accepted . . . the equal status of the two languages must be established without shadow of doubt. The implicit must become explicit.

Honourable colleagues, governments elected after this commission completed its report have made significant advances. However, it is obvious that much work remains to be done.

[*English*]

Upholding and recognizing bilingualism, linguistic duality and our two official languages in Canada remains a work in progress. A work which we must complete, honourable senators.

I am rising today as a senator from Canada's only officially bilingual province, New Brunswick. A province which is currently going through a challenging time where people are calling into question the importance and value of our two official languages as drivers of our region's social, economic and cultural development and vitality.

[*Translation*]

Considering what's happening in my home province, and in Manitoba and Ontario, it's clear that some of our leaders have forgotten that French and English enjoy equal status in Canada. Honourable colleagues, while respecting provincial jurisdictions, and without analyzing the current situation through a partisan lens, I would still like to say that the recent decisions by the Ontario government are completely unacceptable and fly in the face of Canadian values and the foundation of our federation.

Using economic reasons to challenge the importance of the Office of the French Language Services Commissioner, the need for the Université de l'Ontario français and the relevance of artistic and cultural institutions like La Nouvelle Scène is a sign of sad and truly unfortunate short-sightedness. The recent announcement that the Office of the French Language Services Commissioner will come back under the ombudsman's office is simply not good enough.

As the name suggests, the French Language Services Commissioner plays a very different role from that of ombudsman. The ombudsman is there to act as a last resort. Like a commissioner, the ombudsman receives and follows up on

complaints. He ensures that complaints are admissible and investigates problems identified by the commissioner, but in order to take action, he must wait for a complaint.

The role of the French Language Services Commissioner goes much further than that. He makes the public service aware of Ontarians' expectations, promotes the importance of services in French within the public service and Ontario, and works with the public service to develop projects and programs in French.

In a way, the commissioner is a great ally of the Ontario public service and a public protector. The commissioner's independence and investigative power also make it possible for him to study issues of importance to the province, as he did in 2012 when he conducted a study on the French-language university programs on offer. This is what led to the creation of a French-language university in Ontario. That is why the government's decision to postpone funding for the Université de l'Ontario français is so detrimental.

[*English*]

This decision by the Government of Ontario could be costly down the road. Each year spent waiting for the first class of this French-language university, the harder it will be to fill thousands of bilingual positions in the Greater Toronto Area and in the province. The need for this highly qualified labour is already there in Ontario and elsewhere in Canada.

Senators, when a factory is closed in this country, we rightly rise to its defence. When a proposed post-secondary institution or arts centre, sources of innovation and creativity, which can boost our country's social, economic and cultural progress are threatened, we also have a duty to stand up and speak out.

[*Translation*]

That is what Franco-Ontarians are doing with dignity, and I applaud them for getting involved. I also want to express my great admiration for MPP Amanda Simard, for her courage and determination in standing up for Franco-Ontarians.

Honourable senators, although the situation in Ontario is disappointing, we can see the mobilizing effect it has had on the entire country. We can be grateful for civil society's response to the cuts and applaud the fact that francophones and anglophones from across the country have stood up to proclaim how important they think linguistic duality is in maintaining a strong and prosperous Canadian federation.

• (1740)

[*English*]

Moreover, as chair of the Standing Senate Committee on Official Languages, I cannot ignore the wealth of testimony we have heard for months as part of our important study on the modernization of the Official Languages Act.

[*Translation*]

Canadians from all regions, all sectors, all age groups and both of this country's main language communities spoke to us with passion, dedication and a vision of the value of bilingualism and Canada's linguistic duality.

They reminded us loud and clear that Canada's two official languages are what make it unique. They clearly articulated their expectations regarding the Government of Canada's leadership role, starting from the very top, in protecting, developing and promoting the equal status of French and English in Canada.

[*English*]

Dear colleagues, I am sure you have all read with enthusiasm and dedication both of our preliminary reports that state the aspirations and the precise proposals we have received from our witnesses for a modernized act. These reports show a clear desire of all witnesses that this quasi-constitutional act be fully respected and seen as a great source of pride for Canadians.

During our hearings, we were very pleased to find a lot of areas of common ground in the proposed changes we heard from both French- and English-speaking communities. We heard the principle of linguistic duality is at the heart of Canadian identity and that this act recognizes the official language minority communities are an integral part of Canada's social contract.

The core value has social and economic dimensions for all Canadians and is central to the vitality of official language minority communities.

[*Translation*]

In order that these values are upheld, the witnesses we heard proposed that the role of the Commissioner of Official Languages be strengthened and that the mechanisms for implementing and monitoring the act be revisited. They were unequivocal in saying that a modernized Official Languages Act must be anchored in the principle of real equality for both communities.

[*English*]

That is why it is so important for the federal government to modernize the Official Languages Act as soon as possible and to work with provinces and territories to ensure it is respected and implemented in all regions of our country.

Honourable colleagues, we still have many problems to solve in Canada and a lot of reconciliation to do in this country. We must ensure First Nations, Metis, and Inuit languages are protected, preserved and promoted so they may be spoken now and in the future.

We must also recognize and celebrate the many different languages spoken in our country as they are the heritage left to us by generations of immigrants who chose to make this country their home.

[*Translation*]

That said, honourable colleagues, we have two official languages in this country, two languages that are inclusive and welcoming of different cultures, and that allow everyone to live together in harmony. Much like English, the French language in Canada has a lot of history and a bright future, which is a powerful testament to our ability to live together. French is a modern language spoken by millions of people around the world, and it allows Canada to do business, engage in strong cultural diplomacy, and fully participate in international fora on major global issues.

When we protect, promote and celebrate linguistic duality and our two official languages, we recognize that the people who make up this Canadian mosaic have the huge privilege of communicating with each other in both French and English, our two official languages.

[*English*]

I would like to conclude my speech on this motion with two messages.

One, with my colleagues, Senators Gagné, Moncion and Forest-Niesing, I have called for an open and honest dialogue on official languages. I very much hope you will all continue contributing to this conversation we must have, and continue to have, in Canada. I believe we must stand up to the rhetoric of austerity when it comes to guaranteeing constitutional rights and freedoms.

Two, I wish to call for solidarity among all peoples and communities and among the majority and all minorities. It is together we can stand and build an inclusive nation that we wish Canada to be. This, I believe, begins by adopting this motion unanimously.

[*Translation*]

The Hon. the Speaker *pro tempore*: Senator Cormier, your time has expired.

[*English*]

Senator Cormier: One minute, please?

[*Translation*]

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

[*English*]

Hon. Senators: Yes.

[*Translation*]

Senator Cormier: A number of senators, both francophone and anglophone, contributed to the drafting of the motion moved by Senator Julie Miville-Dechêne. I am delighted that she, a senator from Quebec, was the one to move it in this chamber. The solidarity among the Quebecers, Acadians, Franco-Ontarians, Franco-Manitobans, francophones and anglophones of this country is remarkable and inspiring to us and to all Canadians. The motion is a clear, strong and inspiring call to action. I call on the Senate to vote on this matter now. I call for a vote on the motion. Thank you.

Hon. Thanh Hai Ngo: Honourable senators, I too wish to express my strong support for this motion, because I feel compelled to speak to this issue as an Ontario senator.

In Vietnam, French was the language of my elementary and secondary education, and I continued learning in French in my post-secondary studies at the Université Paris-Sorbonne in France. I also taught the language of Molière at Emily Carr School in Orleans for over 30 wonderful years. I am proud to say that this official language is an integral part of my identity as a Canadian, a Vietnamese and an Ontarian.

French made it easier for my family and me to integrate here. When we arrived as refugees after the fall of Saigon on April 30, 1975, knowing French gave me a huge advantage because I was able to interact with the community and with immigrant services. That is why French and English schooling for my four children and nine grandchildren is so valuable and remains a priority.

Protecting language rights, especially for official language minority communities, is essential here, as we learned when Regulation 17 was in effect from the 1910s to 1927.

In 1997, the francophone community came out against the closure of the Montfort Hospital. In 1999, the Ontario Divisional Court ruled in favour of the hospital. Finally, in 2001, the Ontario Court of Appeal confirmed that the Montfort Hospital is protected under the Constitution. I would point out that the Montfort Hospital remains open to this day and provides health care services to over 1.2 million people in eastern Ontario, no matter what language they speak.

Let's imagine what a French-language university could accomplish.

Colleagues, it is our duty to protect linguistic equality in status and under the law for anglophones in Quebec and for francophones in Ontario and across Canada. Linguistic duality is essential to our Canadian identity.

I speak today on behalf of the French-speaking newcomers who will arrive in Ontario between now and 2023, as a result of the federal promise to increase the number of French-speaking immigrants that was announced on November 19. This federal initiative needs the support of the province to help French-speaking newcomers settle, integrate and remain in Ontario.

Honourable colleagues, it warms my heart to see such solidarity among the provinces in support of the two official languages as the foundation of our federation.

• (1750)

I also hope that Senator Miville-Dechêne's motion will go beyond this chamber and will support the linguistic vitality of Franco-Ontarians. Thank you.

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): Honourable colleagues, I would first like to thank Senator Miville-Dechêne for having moved the motion. Although I find it incomplete, as I will explain in greater detail, this motion is an excellent opportunity to reflect on the question of linguistic duality in Canada.

We're really touching a nerve here, one that, for over 200 years, has been at the very heart of the political debates that shaped our country. I would like to quote Chartier de Lotbinière — the subject of a magnificent painting by Charles Huot that hangs in the Quebec National Assembly, the Blue Chamber — during the famous language debate of January 21, 1793. He explained at the time that since most of the citizens represented by the members spoke French, the proceedings should be produced in both official languages:

> . . . we are obliged to depart from the ordinary rules and forced to ask for the use of a language which is not that of the empire; but, being as fair to others as we hope they will be to us, we should not want our language eventually to banish that of His Majesty's other subjects, but we request that both be allowed . . . .

[*English*]

Honourable colleagues, 225 years ago, Canadian parliamentarians were insisting on the fact French and English should be treated equitably in our country. We are not inventing anything in our debate on this motion.

The decisions of the Ontario government, which are at the heart of this motion, are regrettable. However, we must applaud the fact the government has decided to reverse some of these decisions. In particular, I was pleased to read this morning that Minister Mulroney said the project of a francophone university in Toronto is not dead. We have to respect the ability and independence of each level of government in our federation to make the decisions it feels necessary within its jurisdiction. However, that does not mean that we, as senators, as part of our role in Parliament to defend minorities and our regions, do not have the right to express our views on those decisions.

[*Translation*]

We must remain vigilant. Protecting minority language rights is an ongoing battle.

The good that came from the events of the past few days is that the fate of the Franco-Ontarian minority and the importance of French in Canada are in the spotlight.

Radio-Canada, which never talks about Ontario's francophonie, is suddenly passionate about it. Many Quebec commentators who for years wrote off francophones outside Quebec were quite vocal in their criticism of the loss of the complaints commissioner position. Honourable colleagues, it has been quite the display of hypocrisy. Let's hope that this sudden interest in linguistic minorities in the Montreal media lasts more than a week or two.

Speaking of hypocrisy, what about Minister Mélanie Joly? She lost her position this summer for incompetence, and has really latched onto this story. The Trudeau government, with Minister Joly leading the way, has done nothing for three years for francophones outside of Quebec, and Franco-Ontarians in particular. The only thing louder than the minister's cries is the weakness of her actions these past three years. I want to provide some interesting statistics raised by the Minister Responsible for Francophone Affairs, Caroline Mulroney. Dear friends, the federal government pays just $2.78 per French-speaking Ontarian under the Canada-Ontario Agreement on Official Languages, while New Brunswick receives $7.31 per francophone and Manitoba receives $35.71. In the past five years, the federal government has invested $7 million, and the Government of Ontario has invested $13.2 million. It is all well and good to send out angry tweets and make grandiose statements, but you have to follow that up with concrete action.

The House of Commons adopted a motion calling on the Trudeau government to present a plan this week for the Franco-Ontarian community. We'll soon see whether Minister Joly has more to offer than lip service.

Colleagues, let me explain why this issue is so important to me. Why would an allophone from Montreal care so much about Franco-Ontarians? French is my third language. I don't speak it perfectly, as you can hear, but I always try hard. Like many of you, I am also a francophile. To quote Yves Duteil:

> It is a beautiful language to those who know how to defend it
> It offers treasures of untold richness
> The words we lacked to be able to understand one another
> And the strength required to live in harmony.

My parents immigrated to Canada from Greece. They joined the descendants of those who founded this country. They knew they were going to a country where people spoke English and French, where two cultures lived side by side, were united in history, politics, the law and the arts. I am the product of that Quebec and that Canada. I am proud to belong to this country, where we can talk, debate, sing, laugh and cry in two languages.

French is the official language of 29 countries and the fifth most common language on the planet, with 274 million speakers. It is estimated that in 2060, there will be 767 million francophones, 85 per cent of whom will live in Africa. Our membership in La Francophonie gives Canada privileged access to all those people. English is the *lingua franca* of the world, allowing us to do business everywhere and export our culture. Linguistic duality is a treasure for Canada, my friends.

[*English*]

However, it is more than a tool that would help Canada on the international scene. In an interview on September 10, the Commissioner of Official Languages, Raymond Théberge, declared that linguistic duality was part of the Canadian identity, as our colleague Senator Seidman pointed out. I am in agreement with him. I would say linguistic duality is an essential part of the Canadian identity. Canada would not be Canada without this identity. It is the main difference with our neighbours to the South. It is part of Canada's international brand. As I said earlier,

this equilibrium between the languages of our two founding peoples is at the core of what Canada was, what Canada is, and what Canada will always be.

This is one of the points where I have a disagreement with the text of the motion — a small disagreement, but essential nonetheless. At the heart of our federation is not that Canadians use two languages; it is the principle of linguistic duality. For example, Spain has many languages spoken, but it does not recognize the principle of linguistic duality like Canada does.

[*Translation*]

The other point on which I disagree with the text of the motion is the idea that this linguistic duality is just the foundation of our federation. On the contrary, I firmly believe that linguistic duality is more than just a constitutional concept. It is a fundamental characteristic of the fabric of Canada, which goes beyond legislation. Duality between French and English does not exist in Canada because it is recognized by the Official Languages Act or the Constitution. It exists because it's an essential component of our identity. Colleagues, 225 years have passed since the language debate in Quebec City.

[*English*]

The Hon. the Speaker *pro tempore*: Senator, I'm sorry; I must interrupt you.

Honourable senators, it is now six o'clock. Pursuant to rule 3-3, I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, not to see the clock. Is it agreed not to see the clock?

Hon. Senators: Agreed.

[*Translation*]

Senator Housakos: Thank you. Canada has had a variety of political regimes, but the principle of linguistic duality remains intact. Is that not proof that it is part of our identity?

[*English*]

As I said, the fact a great number of Canadians are fluent in both English and French is precious for our country. It allows us to communicate with billions of people across the world.

However, the fact the rights of linguistic minorities must be defended goes way beyond the simple number of users for each language. By using only math and demography, you get frivolous arguments like those we read in the last few days: There are as many people using Mandarin in Ontario as there is French, so why would the French language be treated differently? The answer is simple: because of the history of our country.

• (1800)

[*Translation*]

In 2004, the government celebrated the four hundredth anniversary of Canada because, according to our official history, the creation of our country dates back to when Samuel de Champlain settled Port-Royal, as Senator Pratte pointed out. British settlers, whether from England, Scotland or Ireland, came to settle in Canada. They are the ones who founded our country, sometimes in harmony with the First Nations and, unfortunately, sometimes not. It is because English and French are the two languages of our founding peoples that they should have a special status in our country, like indigenous languages. The importance of a language to a country cannot be determined based exclusively on the number of people who speak it. Linguistic duality is at the very heart of the pact between those two founding peoples.

[*English*]

In fact, this idea that the Quebec English minority must be protected because of our history was defended by none other than René Lévesque at one of the first conventions of the Parti Québécois, when he stated that even in an independent Quebec, the public English school system would continue to be fully funded because of the historical contribution of that community.

Before I conclude, I want to underline the fact that I used all through my speech the concept of linguistic duality and not bilingualism. Contrary to what the motion says, what is part of the Canadian identity, of its fabric in history, is linguistic duality. It is the fact that Canadians may communicate in either English or French. Bilingualism, only gradually institutionalized throughout our history, is a result of the fact that Canadians recognized that linguistic duality was such a part of their identity. Bilingualism is an obligation for institutions or a gift to certain individuals. But it is not what Canada is. Not every Canadian is expected to be bilingual, but every Canadian is expected to respect the language of his or her neighbour.

[*Translation*]

Colleagues, I believe that the first point in the motion before us is not clear or explicit enough. I would be remiss if I were too hasty and failed to mention that. For that reason, I believe that an amendment is required. I invite you to support that amendment to clarify the main motion, which certainly deserves to be adopted.

MOTION IN AMENDMENT

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended by replacing point 1 with the following:
>
> "1. reaffirm the importance of the linguistic duality, French and English, given to us by our two founding peoples as the cornerstone of our federation and an essential part of our Canadian identity;".

[*English*]

Thank you, colleagues.

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Housakos, seconded by the Honourable Senator Mockler, that the motion be not now adopted but that it be amended by replacing point 1 with the following:

"1. reaffirm the importance of the linguistic duality, French and English, given to us by our two founding peoples as the cornerstone of our federation and an essential part of our Canadian identity;".

Are senators ready for the question?

Some Hon. Senators: Question.

Senator Joyal: I move the adjournment of debate in my name.

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

[*Translation*]

Hon. Julie Miville-Dechêne: Given that I moved this motion eight days ago and that Senator Housakos is now surprising us with an amendment, which, however, is on the right track, I feel that we must support it. I don't believe that our motion claimed that bilingualism was the path to follow. On the contrary, our motion spoke of the importance of both official languages as the foundation of Canada. I believe that we were reflecting the spirit of our country by stating that both official languages are the foundation of Canada. However, it is true that linguistic duality is also a fundamental characteristic of our country. In the interest of unity, I am tempted to accept this amendment.

I must say, however, that I was particularly disturbed by Senator Housakos' speech, given that this motion was made following significant cuts by the Government of Ontario. Paradoxically, his comments focused on the federal government's alleged mistakes in this area. I would remind senators that a motion was adopted in the other place asking that there be negotiations between the Government of Ontario and the federal government. Moreover, there was a meeting of the party leaders.

I want to reiterate that when my colleagues and I wrote this motion a week ago, we did so with care. Francophones outside Quebec and many other people contributed to drafting this motion. Every word was weighed carefully to ensure that this motion was not perceived as partisan. It is in that spirit that we moved it in the Senate. We even submitted draft copies to the caucus leaders and reached out to senators. The goal is to have the Senate speak with one voice to defend this issue that is so important for our country.

As far as I'm concerned, this amendment is receivable. However, it arrived at the last minute, after we had patiently waited a full day to see how Senator Housakos would contribute to the debate on this motion. It would have been better if we could have discussed all this a bit sooner. However, given his choice of words, the motion seems acceptable to me. I regret the context surrounding everything that's happened in the past eight days. There have been some rather lengthy delays. In fact, the other place addressed this issue before us. By making us wait so long, Senator Housakos made me feel as though he wanted to keep his cards close to his chest.

We were transparent throughout the process. Now it is time to vote.

I want to reiterate that the Senate must present a united front. We must set politics and partisanship aside, because what matters is that francophones in minority communities are entitled to real services, from daycare through university. Going to university in French is not a luxury. For the past few days, we have been hearing students say that if they can't study in French at university, they gradually lose their language. Anglicization is everywhere. We see it happening in Ottawa, in Ontario, and across Canada.

I hope that the Université de l'Ontario français project will be revived and that it will even receive funding from the federal government. Let's hope that this project comes to fruition. Thank you.

Hon. Ghislain Maltais: I thank Senator Miville-Dechêne. We are all Canadians in this chamber. Canada was built around two cultures. We are all Canadians, with different languages, races and cultures. This is what our country was founded on. When the topic of language comes up, even the slightest thing can trigger a heated debate. As you've heard in this debate, everyone is passionate about this topic. Any talk about English, the language of the First Nations, French or other languages makes everyone emotional.

However, we must be prudent and avoid being overzealous. Let us stay calm. In my opinion, Senator Miville-Dechêne's motion, with Senator Housakos's amendment, is a good reflection of our country in this place.

• (1810)

We must set an example. When we leave this place, we'll have a lot to think about. I urge everyone to stay calm, because fanned flames sometimes cause much bigger fires than intended. It's really easy to get fired up about languages, and I'm speaking from experience, believe me. When the time comes to vote in just a few minutes in this chamber, let's all simply be Canadians voting on behalf of this great country. We are injured, because a member of our extended family is suffering. The senator's motion urges the federal government to use the powers it has been given to help that community. Let's stand in solidarity, continue to work with the federal government and try to work with the provincial government, but please, let's not fan these particular flames.

Thank you and happy voting.

[*English*]

Senator Sinclair: Actually, what I want to do, Your Honour, is to adjourn debate in my name.

The Hon. the Speaker *pro tempore*: Before you adjourn it, Senator Cormier, please.

[*Translation*]

Hon. René Cormier: I just want to comment briefly. I am concerned about this last-minute amendment, and I just want to make a quick comment. I think you're right, Senator Maltais. We have to stay calm, and we have spent the last week working

together in solidarity and non-partisanship. I was very moved to see all of the federal party leaders come together over this issue yesterday.

Of course, I respect Senator Housakos' opinion and point of view, but I am concerned about what I felt was his partisan tone just before he proposed the amendment. I can say in all sincerity that I am quite concerned. Even so, I understand the notion of linguistic duality. It is part of our lives, something we express openly. I just want to say that this intervention changes the tone and, when we are talking about official languages, linguistic duality, and our official language minority communities, I find that quite troubling. Thank you.

Senator Housakos: Would the senator be willing to take a question?

Senator Cormier: Of course.

Senator Housakos: Senator Cormier, do you agree with me that a senator has the right and privilege to present an amendment at any time during a sitting of the Senate? You can't say, as Senator Miville-Dechêne asserted, that I presented the amendment at the last minute. Who decided that it was at the last minute? In our Senate process a senator has the right to rise at any time to speak and to participate in the debate. That's called democracy.

Partisanship isn't just about criticizing the federal government because it didn't do enough to protect linguistic duality and respectfully promote the French language. If that's partisanship, fine, it's a label I can live with. But is it not partisanship to rise in this place and criticize a government that was democratically elected in Ontario? Partisanship and politics is what we do here.

[*English*]

Colleagues, I would be pleased if Senator Cormier could reflect and answer some of those questions.

[*Translation*]

Senator Cormier: Thank you for your question, Senator Housakos. Of course I respect the fact that we can propose an amendment in this chamber at any time and I would never question that. I have been in the Senate for two years now. I chair the Standing Senate Committee on Official Languages and I am very pleased to hear you speak to this important issue. I think that it is important for all senators to be able to speak to this issue since the Official Languages Act is quasi-constitutional. It concerns the Standing Senate Committee on Official Languages and I believe that it matters to all of us, and not just because there is a problem in Ontario right now.

I think that this issue of respecting official languages and our country's linguistic duality is an issue that should be part of ongoing discussions in this chamber. In that sense, I applaud the fact that you are taking part in this, Senator Housakos. You have every right to do so.

As for partisanship, of course, we could talk about that all day. As I said before, none of the speeches that I'd heard so far in this chamber condemned any action or inaction on the part of a government. They were calling on a government to take action. That's what those speeches were doing. As I said in all sincerity, I detected a change in your tone. Of course you're free to take any tone you wish to express yourself. There's my answer.

The Hon. the Speaker *pro tempore*: Senator Pratte, on debate.

Hon. André Pratte: I'll be very brief because I know it's late. At first glance, I liked the text of the amendment. I would, however, like to point out that, when we drafted this motion — and I say "we" because I participated a little but I didn't really play a key role — the expression "two founding peoples" was carefully avoided because we believe that Canada has more than two founding peoples. Perhaps that is the problem with moving this motion so late in the debate. Perhaps if we could have worked together, we would have come up with a motion that we could have voted on tonight. It's already late in the game since this subject has been in the news for a while now and the Senate should have already made its position clear. No matter what happens, I invite people to try to work together to come up with a text that everyone in this chamber feels comfortable with.

[*English*]

My hope is that we can vote on this motion as soon as possible. The Senate is sometimes a little bit like a sausage. What goes on before the final result is not always beautiful to see, but in the end, what counts as a result is that we stay united on the objective of protecting official language minorities in Canada.

[*Translation*]

Hon. Percy Mockler: Honourable senators, I listened carefully to the debate. I reread Hansard a number of times and, perhaps because of what I just heard, I too would like to speak. I would like to quote two well-known people who helped to modernize Canada since 1867, more specifically starting in 1967-68. The first is Louis Robichaud, who said the following on March 28, 1968, and I quote:

[*English*]

> Here we are being asked to use the special values and experience of our New Brunswick history in the cause of Canada's greater unity. Here we are being asked to make a venture provincially that will materially advance the fundamental purpose of our national Confederation.

[*Translation*]

I would like to quote someone else. I will sit down after doing so because we should take some time to think about what we're doing and saying before making a decision. Premier Richard Hatfield said, and I quote:

[*English*]

> They built not in haste but from the heart.

[*Translation*]

Let's follow in the footsteps of the Fathers of Confederation and these two great premiers from New Brunswick, the only bilingual province, Louis Robichaud and Richard Hatfield.

• (1820)

The Hon. the Speaker *pro tempore*: Would you take a question, Senator Mockler?

Senator Mockler: Certainly, Madam Speaker.

[*English*]

Senator Housakos: Senator Mockler, you come from a province where it's officially bilingual. And the dynamics of the two founding peoples of Canada, we see them coexist there for years and years. My understanding, having grown up in this country and studied Canadian history, which was compulsory when I studied it in Quebec and at McGill University, my understanding was the Canadian Federation, the Canadian nation was founded by the two founding peoples, the British and the French. And I have heard in this chamber now one of our colleagues say that's not necessarily the case.

I'd like to know, Senator Mockler, if your view of history is the same as mine. I know you might not be as old as I am. I would like to know your perspective on that.

[*Translation*]

Senator Mockler: This question is a matter of debate, and I don't want to get into this debate. Earlier, I heard honourable senators talk about Senator Miville-Dechêne's motion, which I support. Senator Housakos, a part of the motion was flagged for potential review, and I seconded that motion. I also heard some senators say that perhaps we should take some time to think about it, and in the meantime, another senator moved the adjournment. This certainly puts us in a delicate situation.

[*English*]

I want to come back to the issue. We've come a long, long way, and I am one of those that we should never, never shy away or tremble when it's defending official languages in Canada. We should never hesitate to stand up and we should always stand up. In New Brunswick, in Canada, from coast to coast to coast, we have demonstrated the fight for minorities. We have seen our history. That's why we are here and that is why, Senator Housakos, we're the best country in the world.

[*Translation*]

On that note, maybe we should take a little time before moving the adjournment and then coming back later. It's better to take time to be part of the debate than to provoke division, since that is not the objective of our debate.

[*English*]

Senator Pratte: Very briefly, on a point of clarification. Senator Housakos quoted me as saying that I don't believe there are two founding peoples. That is not what I said. I said some people might not agree and we have to be sensitive to this. And this is why I think it may be a better thing to take a bit more time to reflect on the content of the motion.

[*Translation*]

The Hon. the Speaker *pro tempore*: Senator Miville-Dechêne, do you have a question?

Senator Miville-Dechêne: Yes, I have a question.

The Hon. the Speaker *pro tempore*: Who is your question for?

Senator Miville-Dechêne: Senator Mockler.

The Hon. the Speaker *pro tempore*: I'm sorry, senator, but it's too late. Senator Pratte already had the floor.

[*English*]

Senator Sinclair, did you wish to take adjournment?

Senator Sinclair: Yes, I still want to take the adjournment. Your rulings are confusing me, Your Honour.

The Hon. the Speaker *pro tempore*: Senator Mockler had answered the question. I gave the floor to Senator Pratte who got up for a clarification.

Senator Sinclair: I thought the honourable senator had wanted to ask a question of Senator Mockler.

The Hon. the Speaker *pro tempore*: Senator Mockler is finished. He sat down. I moved on to Senator Pratte. The time to ask questions is right away before I recognize Senator Pratte.

Senator Sinclair: I'll take the adjournment in my name.

(On motion of Senator Sinclair, debate adjourned.)

[*Translation*]

PRESERVATION OF INDEPENDENT ASSESSMENT PROCESS RECORDS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator McCallum, calling the attention of the Senate to the importance of preserving the Independent Assessment Process (IAP) records of those Indian Residential School survivors who claimed compensation for historic physical and sexual abuse, pursuant to the 2006 Indian Residential Schools Settlement Agreement (IRSSA).

Hon. Murray Sinclair: Honourable senators, I move that debate be adjourned for the balance of my time until the next sitting of the Senate.

(On motion of Senator Sinclair, debate adjourned.)

[*English*]

ARCTIC

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Dennis Glen Patterson, pursuant to notice of October 30, 2018, moved:

That, notwithstanding the order of the Senate adopted on Wednesday, September 27, 2017, the date for the final report of the Special Senate Committee on the Arctic in relation to its study on the significant and rapid changes to the Arctic, and impacts on original inhabitants be extended from December 10, 2018 to September 30, 2019.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES

Hon. Sandra M. Lovelace Nicholas, for Senator Dyck, pursuant to notice of November 20, 2018, moved:

That, notwithstanding the order of the Senate adopted on Friday, December 8, 2017, the date for the final report of the Standing Senate Committee on Aboriginal Peoples in relation to its study on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal peoples of Canada be extended from December 31, 2018 to September 30, 2019.

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

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS

Hon. Diane F. Griffin, pursuant to notice of November 27, 2018, moved:

That, notwithstanding the order of the Senate adopted on Thursday, February 15, 2018, the date for the final report of the Standing Senate Committee on Agriculture and Forestry in relation to its study on how the value-added food sector can be more competitive in global markets be extended from December 21, 2018 to June 28, 2019.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE POTENTIAL IMPACT OF THE EFFECTS OF CLIMATE CHANGE ON THE AGRICULTURE, AGRI-FOOD AND FORESTRY SECTORS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Diane F. Griffin, pursuant to notice of November 27, 2018, moved:

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between December 3 and December 21, 2018, a report relating to its study on the potential impact of the effects of climate change on the agriculture, agri-food and forestry sectors, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY

Hon. Rosa Galvez, pursuant to notice of November 28, 2018, moved:

That, notwithstanding the order of the Senate adopted on Monday, June 11, 2018, the date for the final report of the Standing Senate Committee on Energy, the Environment and Natural Resources in relation to its study on the effects of transitioning to a low carbon economy be extended from December 31, 2018 to June 30, 2019.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 6:29 p.m., the Senate was continued until Monday, December 3, 2018, at 6 p.m.*)

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