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Thursday, December 6, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, December 6, 2018

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

Prayers.

[*Translation*]

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY—SILENT TRIBUTE

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

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

The Hon. the Speaker: Thank you, colleagues.

SENATORS' STATEMENTS

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY

Hon. Rosa Galvez: Honourable senators, I rise today to commemorate the tragedy that took place on December 6, 1989, at the École Polytechnique de Montreal.

Twenty-nine years ago, a man went to the École Polytechnique for the sole purpose of killing the women he blamed for the fact that he did not get into the program. That day, the lives of 14 women, aspiring engineers, were needlessly cut short far too soon.

The Polytechnique massacre in 1989 shone a light on the need to break down barriers to gender equality in the world of engineering.

Every year, we recognize December 6 as the International Day of Remembrance and Action on Violence Against Women. Every year, we remember the suffering that women endure just for being women. But most importantly, every year, we must continue to play an active role in ridding our societies of violence against women and children.

Mass shooters tend to share some commonalities. Often they are men with social issues or mental illness who unfortunately have access to firearms. That was the case at the École Polytechnique in 1989 and at the Quebec City mosque in 2017.

In the United States, there have been more than 20 school shootings in 2018 alone. A certain fatalism has descended over the Americans, who are increasingly coming to see these deaths as normal. Canada needs to react differently. After each of these massacres, the community comes together and pledges to take action to stop these fatal tragedies from happening again. Then we seem to forget it ever happened and go on with our lives, and the sense of urgency often slips away.

In order to properly honour the memory of the 14 women killed in 1989 and all victims of gun-related violence, we need to ban people with a history of mental illness, violence and criminal behaviour from obtaining guns. We also need proper oversight of firearms classification and restricted firearms ownership. The number of restricted firearms in Canada is going up. When are we going to tackle this problem? Bill C-71 is a workable response to the rise in fatal incidents involving firearms.

Honourable senators, let's not wait for another 14 women to join the victims of the École Polytechnique attack on the roll of innocent lives lost at the hands of armed killers.

We will remember them.

Thank you.

Hon. Senators: Hear, hear.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jackson Lafferty, Speaker of the Legislative Assembly of the Northwest Territories.

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

Hon. Senators: Hear, hear!

• (1340)

HIS HIGHNESS THE AGA KHAN

CONGRATULATIONS ON THE OCCASION OF EIGHTY-SECOND BIRTHDAY

Hon. Mobina S. B. Jaffer: Honourable senators, on Thursday, December 13, over 15 million Ismaili Muslims residing in 25 countries around the world will celebrate His Highness Karim Aga Khan's eighty-second birthday.

Born in 1936 in Geneva, Switzerland, His Highness succeeded his grandfather as the forty-ninth spiritual leader of the Ismaili Muslims when he was just 20 years old.

For more than six decades, His Highness the Aga Khan has worked tirelessly to make our world a better place for all. His Highness has worked for 60 years in providing education for girls and equality for women as he continues to work hard for girls' and women's well-being.

Recently I was asked how His Highness has inspired me personally and professionally. I quickly came to the realization that everything I stand for and everything I have achieved is thanks to the guidance and sacrifices of His Highness the Aga Khan.

Honourable senators, I was appointed to the Senate of Canada in 2001 by then Prime Minister the Right Honourable Jean Chrétien. When I was appointed, I was the first Muslim senator, the first African-born senator and the first senator of South Asian descent. That is a lot of firsts. I truly believe this would not have been possible had it not been for the importance His Highness Prince Karim Aga Khan, and his grandfather before him, placed on girls' education.

The Aga Khan has invested in more than 200 primary and secondary schools in Pakistan, India, Bangladesh, Kenya, Kyrgyz Republic, Uganda, Tanzania and Tajikistan. I personally received a world-class education in Kampala, Uganda, at the Aga Khan nursery, primary and secondary schools.

Honourable senators, we are all incredibly fortunate. We live in an era of the #MeToo movement and women's marches. Today, women's empowerment is something politicians campaign on and pop stars write songs about. We forget that while women's education may now be common and popular sentiment, 62 years ago this was most certainly not the case.

On the occasion of his eighty-second birthday, I would like to thank His Highness the Aga Khan for the tremendous sacrifices he has made throughout his lifetime, not only for Ismaili Muslims but for people all over the world, especially for those who are most vulnerable.

I want to say to His Highness that I personally would not have the honour and privilege of standing in this chamber had it not been for his investment and belief in women's education.

Honourable senators, I ask you to join me in wishing one of our honorary Canadians, His Highness the Aga Khan, *bon anniversaire*.

On a personal note, senators, I am, as you know, struggling, and I know that my struggle would be much harder if I did not have you all helping me. For the many calls and notes from the Speaker and all of you, and for your love today while I have been in the chamber, I cannot thank you enough. All I can humbly say is thank you for your love, your support and your friendship. It will help me in my struggle. Thank you very much.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ambassador Maeng-ho Shin and a delegation including veterans and military personnel from Korea and Canada. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

HEROES OF THE KOREAN WAR AND KOREAN COMMUNITY IN CANADA

Hon. Yonah Martin (Deputy Leader of the Opposition): "Greater love hath no man than this, that a man lay down his life for his friends." John 15:13.

It is Dr. Gale's revised King James version and his English-Korean dictionary that filled my father's heart with such promise and hope, even as a young lad oppressed during colonial rule and made to feel inferior because of his ethnicity, and allowed him to hold fast to his dreams.

Honourable senators, 2018 is the one hundred and thirtieth anniversary of the first of these unsung heroes of Canada to set foot in Korea. March 1, 2019, will be the one hundredth anniversary of the independence movement of the Korean people, who took to the streets on that fateful day, resulting in the deaths of thousands of peaceful protesters.

Dr. Francis Schofield, a Canadian who risked his life to document, through photographs and writings, what happened on that day and in the weeks that followed, is the only foreigner buried in the national cemetery, as the thirty-fourth patriot of Korea.

Honourable senators, 2018 also marked the sixty-fifth anniversary of the Korean War armistice and the fifth Korean War Veterans Day, as enacted in 2013, unanimously supported in this chamber and in the other place. We did so because it was six decades overdue to recognize Canada's unsung heroes of the Korean War and their immeasurable service and sacrifice. Through their unending love for Korea and all her people, there is hope for peace on the Korean Peninsula and the fulfillment of my father's dreams.

Today's Korea, and our robust bilateral relationship in its fifty-fifth anniversary year, is a testament to the service and sacrifice of Canadians in Korea, laying down their lives for perfect strangers, like my parents and their contemporaries, some of whom are present in our chamber today, and their descendants, like me and others present as well. We owe them a debt of gratitude for all of our lives and for what Korea is today.

Since the historic implementation of the Canada-Korea Free Trade Agreement on January 1, 2015, Canadian exports to Korea have increased more than 35 per cent, to $5.3 billion in 2017.

Under the capable leadership of Ambassador Maeng-ho Shin, with the dedicated support of the national Korean-Canadian community and its leaders, 2019 and the future is brighter indeed.

Honourable senators, please join me in recognizing our unsung heroes of the Korean War and the unsung heroes of the national Korean community across Canada. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Waterloo Region District School Board, as well as a representative from the International Women's Forum. They are the guests of the Honourable Senator Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

[*Translation*]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of guests of the Honourable Senator Boisvenu.

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

Hon. Senators: Hear, hear!

L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL

COMMEMORATION OF TRAGEDY

Hon. Pierre-Hugues Boisvenu: Honourable senators, the Canadian flag is flying at half-mast today on Parliament Hill to mark an important day in the hearts of all victims, the National Day of Remembrance and Action on Violence Against Women.

December 6 will always be a very emotional day for all the loved ones of missing and murdered individuals, especially women. It is a day filled with pain, suffering and tears. Today, for me, is both bitter and hopeful; bitter because we still have so much work to do. The families here with me today, all of whom had a loved one who was murdered, have broken their silence and regained control over their lives. They have taken the power away from the criminals. By commemorating the deaths of the victims at the École Polytechnique de Montréal in 1989, we remember all women who have been murdered because they were women.

In Quebec, every passing year sees 15 women murdered by their current or former partner. That is roughly the same number as were killed at the École Polytechnique, but few of them receive as much attention as the Polytechnique massacre.

This day is also a day of hope. It is a time for women and girls to come out of the shadows, to speak up and to demand change. Since being appointed to the Senate, I have had the opportunity to study several bills designed to strengthen victims' rights, including the Canadian Victims Bill of Rights, which the Murdered or Missing Persons' Families Association had been calling for for years. I can tell you that it was a long, hard fight. As I have often said, in addition to the violence to which victims have been subjected, they must endure long delays in the justice system and, sometimes, a lack of awareness on the part of judges. Our laws are not designed to meet victims' needs. They are designed for criminals.

• (1350)

As today is the National Day of Remembrance and Action on Violence Against Women, I invite all of you to reflect on the following. Do we listen carefully enough to victims? Do we give their views enough consideration when they tell us that they want some of our laws to be amended? Do we invite them often enough to testify before our committees? Do we seriously consider their needs when we study our bills?

Today, I say thank you to all girls and women. Thank you for carrying the torch of hope and courage. Thank you for carrying it today, tomorrow and always.

Hon. Senators: Hear, hear.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Paul Davis, former Premier of Newfoundland and Labrador. He is the guest of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. John Ajaka, President of the Legislative Council of New South Wales and Mr. Mark Webb, Chief Executive, Parliament of New South Wales.

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

Hon. Senators: Hear, hear!

CENTENNIAL COMMEMORATION OF FIRST WORLD WAR ARMISTICE

Hon. Gwen Boniface: Honourable senators, it was my great pleasure last month to join a delegation of veterans to attend the ceremonies marking the one hundredth anniversary of Canada's hundred days and the end of the First World War in Mons, Belgium.

The delegation led by the Honourable Seamus O'Regan included the veterans, youth and parliamentarians. We were most privileged to have amongst us George Barkhouse, the nephew of Private George Price. Private Price was the last Canadian soldier killed in the First World War, two minutes before peace was declared. The efforts of Canadians and Newfoundlanders during the last 100 days of the war helped bring peace to the world, but it came at a tremendous cost. Mons, Belgium, was occupied for 50 months before it was liberated by Canadian soldiers.

Canadians would have been so proud to receive the warm welcoming that our delegation received, including visiting a school where young children sang "O Canada" and released red and white balloons, to unveiling a monument in memory of Private George Price.

I had the distinct privilege of making my first, but certainly not my last, visit to the Vimy monument. The candlelight ceremony was a special tribute to Canada's fallen heroes and included an Indigenous spiritual ceremony and dance, and an animated projection of some 66,000 poppies and maple leafs in memory of the Canadians and Newfoundlanders who gave their lives during the First World War.

On the final day of the trip, the Canadian delegation was hosted to a Liberation Parade in the Grande Place while the clock tower in Mons was awash in red and white and Canadian flags hung from the balconies.

Honourable senators, it was a touching moment to be Canadian. For me, it was also a very personal experience. My great-grandfather, Edwin Grimm, fought not far from Mons for the British army. Other than a few soldiers, his entire battalion was wiped out. After the war he immigrated to Canada, but it was evident that the war never left him. It is only in the last few decades that we have come to realize the immense toll that the war to end all wars took on soldiers.

Canada lost 66,000 soldiers in the First World War. Canada and its allies lost many more to what is now known as PTSD. As I sat in the stands of a sombre remembrance ceremony in a welcoming and beautiful city, I remembered those whom we lost and those who came home lost.

May we never forget.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Caroline Stevens, Pat Moors and Carol Rydzkowski. They are the guests of the Honourable Senator Marwah.

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

Hon. Senators: Hear, hear!

[Senator Boniface]

[*Translation*]

ROUTINE PROCEEDINGS

ELECTIONS MODERNIZATION BILL

BILL TO AMEND—TWENTY-NINTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Serge Joyal, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 6, 2018

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-NINTH REPORT

Your committee, to which was referred Bill C-76, An Act to amend the Canada Elections Act and other Acts and to make certain consequential amendments, has, in obedience to the order of reference of Wednesday, November 7, 2018, examined the said bill and now reports the same with the following amendment:

1. *Clause 223, page 119*: Replace line 9 with the following:

"tivity, for advertising, for election advertising or for an election survey if the".

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

SERGE JOYAL
Chair

(*For text of observations, see today's* Journals of the Senate*, Appendix, p. 4172.*)

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

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

THE ESTIMATES, 2018-19

MAIN ESTIMATES—THIRTY-SIXTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Percy Mockler: Honourable senators, I have the honour to table, in both official languages, the thirty-sixth report of the Standing Senate Committee on National Finance entitled *Second Interim Report on the 2018-19 Main Estimates* 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 Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*English*]

CANADA-MADAGASCAR TAX CONVENTION BILL, 2018

TWENTY-SECOND REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, December 6, 2018

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

TWENTY-SECOND REPORT

Your committee, to which was referred Bill S-6, An Act to implement the Convention between Canada and the Republic of Madagascar for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, has, in obedience to the order of reference of Tuesday, November 20, 2018, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of observations, see today's* Journals of the Senate*, p. 4161.*)

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

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

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 10, 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, notwithstanding rules 9-6, 9-10(2) and 9-10(4), if a vote is deferred to that day, the bells for the vote ring at the start of Orders of the Day, for 15 minutes, with the vote to be held thereafter;

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.

• (1400)

APPROPRIATION BILL NO. 3, 2018-19

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-90, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2019.

(Bill read first time.)

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

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, JULY 7-11, 2018—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) respecting its participation at the 27th annual session of the OSCE PA, held in Berlin, Germany, from July 7 to 11, 2018.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

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

> That, for the purposes of its consideration of Bill C-86, A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures, the Standing Senate Committee on National Finance have the power to meet, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

QUESTION PERIOD

TREASURY BOARD SECRETARIAT

PREVENTION OF GENDER-BASED HARASSMENT IN THE WORKPLACE

Hon. Renée Dupuis: My question is for the Government Representative in the Senate. December 6, 2018, which is the National Day of Remembrance and Action on Violence Against Women, is one of the 16 Days of Activism against Gender-Based Violence, which take place between November 25 and December 10.

At its seventy-third session held on November 19, 2018, the Third Committee of the UN adopted a draft resolution for the General Assembly on the intensification of efforts to prevent and eliminate all forms of violence against women and girls, including sexual harassment.

Article 8 of this draft resolution states, and I quote:

> *Urges* States to take effective action to prevent and eliminate sexual harassment against women and girls and to address structural and underlying causes and risk factors, including by:
>
> (a) Designing and implementing appropriate domestic policies that are aimed at transforming discriminatory social attitudes . . .
>
> . . .
>
> (e) Developing, adopting, strengthening and implementing legislation and policies that address the issue of sexual harassment in a comprehensive manner . . .
>
> (f) Accelerating efforts to develop . . . inclusive . . . policies . . . to address the structural and underlying causes of sexual harassment . . .

Government Representative, can you tell us what tangible action federal departments are taking to address the structural causes of violence against women, including sexual harassment, and to accelerate the efforts made so far through the adoption of policies and legislation to eliminate this type of violence?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's a very important one and gives me the occasion to report to this chamber those measures that not only the government has undertaken but also Parliament itself. For example, I could report the work that the Parliament of Canada has done with respect to harassment in the workplace, which is part of the continuum of, dare I say, violence that is so often visited on a gender basis.

I would also point to the commitment of this government and indeed its actions with respect to ensuring that there is a gender-based analysis on the laws that are being contemplated, debated and ultimately voted on in both chambers. This lens provides a sensitivity to those structural issues to which the question refers.

I also refer to the rhetorical and practical consequences of gender-based analysis with regard to international development assistance, in which the government has initiated and supported a number of projects internationally that are, at their core, contributing to situations that are far too frequent in international development, where women and girls, in particular, are victims of organized violence by groups from both from state and non-state actors.

That is something we have discussed on a number of occasions in this chamber. I am thinking of particular groups like the Rohingya, but there are others as well. The Minister of International Development has made those commitments on behalf of Canada.

I would also point to the legislative agenda of the Minister of Justice, where a number of Criminal Code amendments have come forward to deal with structural issues within the Criminal Code that continue to victimize women.

There are, I'm sure, others I could enumerate, but let me simply highlight those and use this occasion to acknowledge all of the work being done by senators, in particular those senators who have a passion for this issue and are encouraging governments to go further continually.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I extend my apologies to Senator Smith, but at the start of Question Period the table had not received a list of senators who wished to ask questions. As all senators know, it has been a long-standing tradition here that we go to the Leader of the Opposition first for questions. Therefore, I offer my apologies to Senator Smith.

OIL TANKER MORATORIUM BILL

CONSULTATION WITH NISGA'A FIRST NATION

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour. We are very diligent in getting our information in, and we recognize that sometimes things happen.

My question is for the Leader of the Government today concerning the Bill C-48, the oil tanker moratorium act. I think it is an important question to ask because yesterday I was pleased to meet with representatives of the Nisga'a Nation of the north coast of British Columbia, including Eva Clayton, President of the Nisga'a Lisims Government, along with four other representatives.

The representatives of the Nisga'a Nation made it clear that they do not — I repeat "do not" — support Bill C-48 in its current form. Among the concerns raised were the lack of consultation, the absence of a comprehensive environmental impact assessment, and damage to their future economic development. They also believe that by imposing the tanker ban, the federal government is overriding their treaty principles and right to self-determination, a right this government claims it supports.

• (1410)

I am not trying to be combative with this question, but I was surprised to hear this type of feedback after the honourable senators' speech the other day.

How does the government respond to the Nisga'a Nation's position on Bill C-48?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. It is a good and legitimate question to ask.

Let me repeat that the government has had extensive consultations with Indigenous groups, communities and stakeholders and has listened to their input with respect to the moratorium of tanker traffic.

I can report that since January 2016, the government held over 75 engagement sessions to discuss improvements to marine safety and formalize the oil tanker moratorium. The government is committed to continuing to work with Indigenous groups.

I acknowledge that the Nisga'a group, which is not primarily a coastal group, has a different position than those taken by the wide range of coastal Indigenous groups to which I referred and whom we welcomed in this chamber the other day.

Senator Smith: Thank you. They do have one of the largest areas, including the Great Bear Rainforest, et cetera. The issue here is that the Nisga'a representatives told us yesterday they do not understand why they are subject to a tanker ban, since there are no tanker bans throughout the world, while the coastal First Nations communities to their south and elsewhere in Canada are not. As such, they view the proposal as discriminatory, arbitrary and in direct contradiction to the assurances you provided to honourable senators in your second reading speech on the bill Tuesday.

It is the Nisga'a Nation's fear the economic door will be shut if Bill C-48 is not amended.

Why is the government drawing an arbitrary line? It appears there is a line being drawn between the south and the north coasts of British Columbia and preserving economic opportunities for the south while disadvantaging the north. That is their feeling.

Senator Harder: Again, I thank the honourable senator for the question. It gives me the opportunity to repeat what I said the other day with respect to the fact that this was not an arbitrary line that was drawn in 1985 but, rather, a line based on the science of flows and the proximity of response capacity, capability and the precarious nature of the environment of the northeast.

That voluntary moratorium, as I said in the speech and repeated several times, is one that has been observed by successive governments and one that formed the basis of a further agreement between Prime Minister Mulroney and President Reagan with respect to the concerns in that area. It is one that has been observed by successive governments.

It is the view of the Government of Canada that this voluntary moratorium ought to be entrenched because of the voices that would abrogate the long-time practice of observing the moratorium, which has been so important to their well-being.

With respect to economic development, I heard — and senators who met with the group the other day heard — of the strong economic measures that are being taken by Indigenous communities on the coast with respect to the work they are doing in the fisheries, in ecotourism and even with regard to logging,

where appropriate. It is important for us to recognize that there is a precarious nature to this marine area and it is one that we are debating in this chamber.

I look forward to the participation of the honourable senator in that debate.

Hon. Nicole Eaton: Honourable senators, my question also concerns the meeting we had with the Nisga'a. They feel that if enacted, Bill C-48 will directly affect and endanger their constitutional Aboriginal rights.

Senator Harder, in your paper last April on the role of this place, you argued that as part of our power of sober second thought, we have a duty to be even more diligent when it comes to possible infringement of constitutional rights contained in any bill that has come from the other place.

Could you shed some light for us on why you are urging your colleagues to pass this bill when the Nisga'a feel it is a threat to their constitutional Aboriginal rights?

Senator Harder: I thank the honourable senator for her question and her diligent review of an important paper.

With regard to the question being asked, it is the view of the government that constitutional rights are not being violated in this measure, the legislation is entirely consistent with the government's obligations and the support the bill has from the local Indigenous groups. That, of course, will be a matter for us to debate, to consider and to review.

My point is to ensure we hear all the voices and come to appropriate judgment after that consideration.

IMMIGRATION, REFUGEES AND CITIZENSHIP

GLOBAL COMPACT FOR MIGRATION

Hon. Peter M. Boehm: Honourable senators, my question is for the Government Representative in the Senate.

Honourable senators, next week Canada, represented by the Minister of Immigration, Refugees and Citizenship will sign on to the Global Compact for Migration, the first agreement of its kind to provide a comprehensive framework for dealing with one of the greatest challenges of our time. As the compact states, ". . . no country can address the challenges and opportunities of this global phenomenon on its own."

The document itself, under Article 7, states clearly that it is not legally binding and in Article 15 that it "reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction in conformity with international law."

With Canada set to sign the compact next week in Morocco, has something suddenly changed in Canada's immigration policy and in the manner in which we make decisions on who enters our country?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Very emphatically and clearly, no. For the first time, this global compact brings together numerous states and other important organizations to make commitments with respect to the serious migration issues we face globally. It is completely respectful of the sovereignty of nations and completely supportive of the types of programs Canada has with respect to refugee determination, overseeing of selection of refugees and regular migration through the immigration system.

It is important and incumbent upon all senators to inform themselves with respect to the importance of this measure and what it does and doesn't do.

I was pleased to note this morning, for example, that a large representative group of civil society has issued a statement to all senators. I won't put the statement on the record, but it is a diverse group from World Vision Canada, Oxfam, Save the Children, CCCI and a number of other organizations endorsing the actions being taken.

While it is not for me to determine, I would suggest the Standing Senate Committee on Social Affairs, Science and Technology might well take, as its measure, a review of this document as it is not a long compact, and hear from Canadians, perhaps even Chris Alexander, who could enlighten us all.

FINANCE

CARBON TAXES FOR FARMERS

Hon. David Tkachuk: My question concerns the Prime Minister's carbon tax and the agriculture sector.

While the government has provided some exemptions for farmers, they remain concerned that their production costs will increase as a result of the carbon tax. For example, fertilizers and transportation costs will be more expensive.

The Saskatchewan Stock Growers Association says the carbon tax will make it more expensive to get our beef to world markets, which hurts our competitiveness. As well, the Keystone Agriculture Producers of Manitoba have pointed out the federal government is not exempting space heating fuels for livestock or fuels for grain dryers.

Senator Harder, why is your government giving large industrial emitters an almost complete exemption from the carbon tax while farmers are not getting the same consideration?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question.

It is clear that the government's intent to put a price on pollution is one that is absolutely necessary for the appropriate response that Canada has committed itself to, in terms of GHG emission reductions. The honourable senator will know that there is a program in place to respect provincial authority, where it exists, to contribute to that framework, and, where it doesn't, to

ensure that the measures that are raised within the jurisdiction are returned to the jurisdiction. That is part of the bill now before us, and it is an important piece.

• (1420)

The honourable senator will also know the government has taken a number of measures to assist farmers and other smaller entities to deal with the price on pollution. It is an important measure, and it is one, as I said earlier, that is at the heart of Canada's response to GHG reductions.

Senator Tkachuk: We must be giving off a lot of pollution in this place. I don't understand how anyone can be calling CO_2 "pollution."

The Agricultural Producers Association of Saskatchewan recently announced it was seeking intervenor status in the Saskatchewan Court of Appeal reference case on the carbon tax. Yesterday, the federal government argued that the court should not grant this group intervenor status, at the same time agreeing to award such status to foreign-funded groups such as the David Suzuki Foundation and Environmental Defence.

Why does this government think that the court should not hear what farmers have to say about the carbon tax, which will hurt their ability to make a living?

Senator Harder: I think we should all agree that the courts should decide on these matters and not this chamber.

DEMOCRATIC INSTITUTIONS

PARLIAMENT OF CANADA ACT AMENDMENTS

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with the fact that the Government of Canada, on a number of occasions and on a number of platforms, has expressed its desire to revisit the Parliament of Canada Act and open it up. Even a few weeks ago, the leader of the ISG group, Senator Woo, who represents the caucus of government-appointed senators, sent a letter to me as Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament on the importance and necessity of revisiting the Parliament of Canada Act and some of the important changes that he believes need to be made. I suspect that was prompted by the government's desire to open the Parliament of Canada Act.

Can we have assurances from the government leader that the government will not proceed with opening the Parliament of Canada Act, putting it in an omnibus bill and presenting it to the Senate of Canada?

Hon. Peter Harder (Government Representative in the Senate): No.

Senator Housakos: Government leader, "no" you will not make a commitment that you will not bring the Parliament of Canada Act in an omnibus bill, or "no" you will not open the Parliament of Canada Act? You have to be more precise.

Senator Harder: What is the question?

Senator Housakos: The question is: Will the Government of Canada proceed with reviewing the Parliament of Canada Act and presenting it in an omnibus bill in the Senate of Canada?

Senator Harder: The question is entirely hypothetical. Of course, I can't answer how a government might proceed with a measure that is not yet before us.

The Hon. the Speaker: Senator Housakos, if you have a second supplementary, you will have to go to the next round, time permitting.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

SUMMER JOBS ATTESTATION

Hon. Pamela Wallin: Honourable senators, not surprisingly, my question is for the Government Representative in the Senate. I want to ask about the Canada Summer Jobs program and the discriminatory eligibility requirements for that program. We now understand that the requirements have been changed.

Could you expand upon that? We are told in media reports that additional changes have been made to the program's eligibility to disqualify any projects or summer job that tries to restrict a woman's ability or access to sexual or reproductive health services, et cetera.

I know that the details are supposed to be made public today. Can you table them here for us? I believe applications begin later this month. Can you shed any light on the matter for us now?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I will be happy to table the document once it is available. I make that commitment.

The senator will know from media reports that the government has reviewed the experience of last summer. It has learned from the feedback of that process, and it has heard from some that the attestation was confusing.

The desire of the government is clear with respect to the protection of Charter of Rights and Freedoms, and it is taking measures. You will see what is tabled, in terms of the attestation, to simplify the process, while providing that assurance.

I should also indicate that the decision of the government has been to allow the applicants for the Canada Summer Jobs program to be all youth, not only those in school.

TREASURY BOARD SECRETARIAT

PREVENTION OF GENDER-BASED HARASSMENT IN THE WORKPLACE

Hon. Marilou McPhedran: Honourable senators, my question is for the Government Representative in the Senate. Following up on the question from Senator Dupuis, I note with appreciation that you gave Gender-based Analysis Plus on all legislation as one example of what is being done by the government. That is certainly laudable. However, it is also the case that the Gender-based Analysis Plus is kept secret.

Given the established record, now, of the Senate in applying Gender-based Analysis Plus, and a number of amendments and a number of pieces of legislation, might we expect some greater transparency from the government on the GBA+ that is actually being applied to legislation?

Hon. Peter Harder (Government Representative in the Senate): Yes, indeed. In fact, when the Minister of Finance was here, he described, in the documents that he has tabled, the consequences of that review were included in the discourse of the budget material to reflect the gender-based analysis that was present in various aspects.

The point you raise is an important one. The government is seeking to find ways of being more transparent, having that material available in the face of particular pieces of legislation or actions taken by the government, while preserving the appropriate integrity of cabinet documentation and advice to government.

That is why, for example, on the international development statement by the minister, there was quite an extensive reference to how GBA+ was affecting the policy framework for international development, but it was not the document that was before cabinet as a whole. It is that balance of providing the material, while preserving the integrity of the cabinet determination system that is at play.

IMMIGRATION, REFUGEES AND CITIZENSHIP

GLOBAL COMPACT FOR MIGRATION

Hon. Linda Frum: Honourable senators, my question is for the Leader of the Government.

In response to the question from Senator Boehm, you said in reference to the Global Compact for Safe, Orderly and Regular Migration that we in this chamber should familiarize ourselves with what is and isn't in the compact.

Here is something that is in the compact. Subsection 33(*c*) states that the signatories of the compact will:

> Promote independent, objective and quality reporting of media outlets, including internet-based information, including by sensitizing and educating media professionals on migration-related issues and terminology . . .

Signatories also agree to stop allocating public funding to media outlets that adopt certain stances on immigration.

We know the Trudeau government plans to fund media outlets and is currently studying how this will be done. Senator Harder, will Canada's media outlets be required to attest that their editorial positions on migration issues match those of the UN and the Trudeau government in order to receive funding from the federal government?

Hon. Peter Harder (Government Representative in the Senate): I will have to take that specific question under advisement, because, frankly, I haven't a clue.

However, I would like to put in context section 33 of the compact. I am sure we all agree that in the context of overall global migration, even that which is relatively proximate, there is a lot of distortion in the media — I will not use the words "fake news" — and ways in which the migration issue itself is firing anti-immigration and nationalist fervour in some areas; indeed, it is fomenting persecution of minorities in various areas of the world.

Senator Frum: As we know, this compact will be signed next week. Is there a plan by this government to sensitize and educate our media on immigration issues?

• (1430)

Senator Harder: Again, the compact is being signed. Canada being a leader in the area of migration and immigration, there are a wide variety of responses that the government has already put in place that are consistent with this. . The Government of Canada will continue to find ways of implementing the provisions of the compact.

With regard to section 33, the government is continually working with the media to ensure that there is a better understanding of migration, immigration and refugee determination issues not only here in Canada but around the world. I'm thinking, for example, of the work that was done with regard to the Rohingya issue.

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-UNITED STATES-MEXICO AGREEMENT

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Under Article 19.17 of the new Canada-United States-Mexico Agreement, which Prime Minister Justin Trudeau recently signed, companies like Facebook and Google can no longer be held responsible for defamatory content they publish if they did not prepare that content themselves.

In other words, the government has quietly changed the rules of Canadian law on libel and is encouraging the spread of fake news.

Senator Harder, how do you justify this new gift the government is giving the Web giants?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. He will know that the agreement which has just been signed will have appropriate scrutiny and legislative oversight.

I would simply acknowledge, as Prime Minister Mulroney did in his wonderful tribute to George H.W. Bush yesterday, where he congratulated the modernization and improvements that had been made by the negotiators of the three parties.

[*Translation*]

Senator Carignan: Those congratulations were certainly not meant for the Trudeau government. Can you tell us whether this clause, before being negotiated, was subject to prior consultations with such organizations as the Barreau du Québec, the Canadian Bar Association and other associations regarding the exclusion of liability for Web giants?

[*English*]

Senator Harder: As the senator will know, the Government of Canada, particularly Minister Freeland and the negotiating staff, had, throughout this lengthy period of negotiation, been in close, regular and almost continuous contact with various stakeholder groups.

With regard to the provisions that the honourable senator references, I will make inquiries to determine the precise nature of those engagements.

DEMOCRATIC INSTITUTIONS

PARLIAMENT OF CANADA ACT AMENDMENTS

Hon. Leo Housakos: Government leader, I want to go back to the Parliament of Canada Act. Let's take for granted that the government will actually do what they say and move forward with reopening the Parliament of Canada Act. Can we have assurances that they will consult with the government side in the Senate and the opposition side in the Senate before they bring a bill before this chamber? Will they also consult with the shareholders of this federation, provincial and territorial leaders?

Hon. Peter Harder (Government Representative in the Senate): Again, it's the same question. The government has not made any statement with respect to Parliament of Canada Act amendments. Should they make a commitment, it will be dealt with in the normal course of legislative provisions.

With regard to the sentiment that the honourable senator raises, he will know, as all senators do, that there are aspects of the Parliament of Canada Act that have been debated both here, in committee and in other fora. Indeed, senator, I wrote you two years ago on this matter. There should be no surprise that there are issues being debated, but there are no decisions made.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

[*Translation*]

ORDERS OF THE DAY

EXPORT AND IMPORT PERMITS ACT CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Raymonde Saint-Germain moved third reading of Bill C-47, An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments).

Hon. Lucie Moncion: Honourable senators, I rise today to support the passage at third reading of Bill C-47, An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments).

I would like to point out the importance of Canada's accession to the Arms Trade Treaty and, above all, the importance of Canada joining its international partners by acceding to a treaty that already has 97 member states.

In this speech, I will be presenting the key points of Bill C-47, standing up for Canadians who want their country to commit to an ethical economy and, lastly, explaining the elements that delayed Canada's accession to the treaty by analyzing the timeline and what has brought us to hold a vote on this bill at third reading today, December 6, 2018.

The Arms Trade Treaty is the international community's response to the growing awareness that the lack of regulations on the international arms trade is partially to blame for human rights violations and the proliferation of weapons. Organizations like the International Committee of the Red Cross, Amnesty International and Control Arms have pointed to the role played by certain countries that export arms to conflict regions in which they are not direct participants. The international community, including Canada, rallied to try to solve this problem and adopted the treaty on April 3, 2013.

Canada's first real attempt to ratify the treaty was on April 13, 2017, when Bill C-47 was introduced in the House of Commons. The bill proposed stricter regulations on arms exports in accordance with the requirements of the treaty. With this bill, Canada can work with its international partners to help reduce the longevity and intensity of conflicts around the world, prevent

and stop human rights abuses, reduce the number of victims on the international scene and promote regional stability and socio-economic development.

Three studies, one by the International Committee of the Red Cross, entitled *Arms Availability and the Situation of Civilians in Armed Conflict*, from 1999, one by Amnesty International, entitled *Killer Facts: The Impact of the Irresponsible Arms Trade on Lives, Rights and Livelihoods*, from 2010, and a third produced by Amnesty International, Control Arms and Oxfam, entitled *Shattered Lives: The Case for Tough International arms Control*, establish a causal link between those problems and the unregulated and irresponsible transfer of arms.

[*English*]

As Senator St. Germain explained at second reading, Canada must comply with two provisions of the treaty to ensure that its legislative regime is consistent. First, Article 7 of the treaty lists the criteria according to which arms exports must be evaluated. These criteria include human rights, gender-based violence and peace and security. Then, Article 10 of the treaty requires state parties to regulate brokering between two foreign countries.

In terms of risk assessment, Bill C-47 sets a clear and rigorous standard for Canada to assess the risk of arms exports being used in violation of human rights and international humanitarian law and avoid exported weapons falling into the wrong hands.

[*Translation*]

With respect to brokering, Bill C-47 includes provisions to ensure that the same level of control that applies to firearms exports also applies when Canada brokers an arms transfer between two other countries. That will put Canadian authorities in a position to monitor entities serving as intermediaries between arms sellers and buyers.

Canada's international commitments under Bill C-47 will contribute to an effective and concerted approach to fighting arms proliferation and human rights violations around the world.

• (1440)

[*English*]

Amnesty International estimates that global conventional arms transfers amount to US$100 billion each year. But what is the true cost of this trade? More than 500,000 deaths a year worldwide are caused by armed violence, not to mention the collateral damage incurred by countries where conflicts exist. Bill C-47 addresses this ethical and economic dilemma inherent to the firearms trade.

The essence of Bill C-47 is at the heart of the values to which Canadians aspire. Canada can and must choose responsibly with whom it does business, particularly with respect to the export of firearms, military goods and dual-use items destined for mass destruction.

[*Translation*]

Signing arms export contracts with countries that violate human rights creates agonizing dilemmas for Canadians and the Government of Canada. I am thinking in particular about the repercussions of cancelling the $13-billion to $15-billion contract the former government signed with Saudi Arabia. It is estimated that cancelling that contract would lead to the loss of 2,000 to 3,000 jobs at General Dynamics in London, Ontario, and would cost taxpayers billions of dollars.

Then again, what about the human rights situation in Saudi Arabia? We can only imagine that the Jamal Khashoggi incident is the tip of the iceberg. The Deputy Director of Amnesty International's Middle East and North Africa Programme, Said Boumedouha, said, and I quote:

> In reality, the human rights situation in Saudi Arabia is disastrous, and anyone who risks bringing attention to the flaws in the system is described as a criminal and thrown in jail.

Bill C-47 seeks to prevent these unfortunate situations by ensuring Canada avoids such economic dilemmas.

[*English*]

I would now like to speak on the timeline of the treaty and Bill C-47 and Canada's decision in not ratifying and signing this treaty. It should be noted that Canada will be one of the last countries to sign a treaty already signed by 130 countries and ratified by 97. Canada is also the only ally of NATO and the only G7 partner not to have signed or ratified the treaty.

[*Translation*]

So what happened between April 3, 2013, when the treaty was adopted, and April 13, 2017, when Bill C-47 was tabled in the House of Commons?

The United Nations General Assembly adopted the treaty on April 3, 2013, by a vote of 154 to 3, with 22 abstentions. On June 3, 2013, the treaty opened for signature and was signed by 67 countries. On September 23, 2013, the United States became the ninety-first country to sign the treaty.

Between 2013 and 2014, while some parliamentarians were trying to find out why Canada hadn't signed the treaty yet, the government representatives in the Senate maintained that consultations had to take place before Canada could sign. A number of factors show that this delay or refusal to sign were unjustified and unreasonable.

Why hold consultations at this stage in the process? Under Canadian law, the signing of a treaty by a representative of Canada does not automatically trigger its entry into force or implementation. Signing a treaty simply demonstrates that the signatory country agrees with the treaty in principle.

As the Honourable Senator Dallaire said in this chamber on June 5, 2013, and I quote:

> I find it very difficult that, after a number of years of negotiations, concurrently with the whole long-gun registry exercise, we now hear that, when it comes time to sign it after having won this great concession, we will be consulting with Canadians before the government takes any decision.

[*English*]

Indeed, since the very beginning of the discussions, Canada has supported the founding principles of the treaty and actively participated in the negotiations. Canada had even proposed an amendment to ensure that the treaty would not apply to the domestic use of weapons to protect the use of weapons for recreational and hunting purposes.

[*Translation*]

The important amendment proposed by Canada was agreed to in March 2013 and ensured respect for the interests of Canadians who were concerned that the treaty would compromise their rights. That day, the Honourable Roméo Dallaire said, and I quote:

> It is rather interesting that we did not sign. Look at the countries that did. There were 67 that signed that day. Australia, which has the Outback and the gang that uses weapons there, signed. Belgium, which is a major arms producer, signed. Germany, France, Italy, Japan, even Mexico — and we know what the hell is going on with arms down there — have signed. How is it possible that those people looking at the content felt strongly enough to be able to sign a treaty that we modified to meet our requirement, and when it came time for us to sign, we said "no"?

At the time, it looked like Canada was going to sign the treaty, but this file was put on hold for political reasons. Because of the change in government and different priorities, today, the Senate is at third reading stage of Bill C-47, which, as I would like to remind senators, will enable Canada to reclaim its position as a world leader in human rights.

[*English*]

What is the Senate's role in adhering to international treaties?

As stated by the Supreme Court of Canada in the *Reference re Senate Reform*, the Senate is ". . . a complementary legislative body that provides a sober second look at bills." The Senate has done a thorough review of Bill C-47 to ensure a balance of interests in this debate.

[*Translation*]

Clearly, if we want to put an end to the proliferation of small arms and light weapons and to prevent them from being sold in illegal markets instead of through legitimate channels, Canada must participate in concerted international action. Canada has actively been engaged in these efforts from the beginning, but when the time came to finalize its commitment, it failed to implement the treaty provisions in its national legislation.

Colleagues, we have waited long enough to accede to this treaty. We can vote today in favour of Bill C-47, which will amend the Export and Import Permits Act and the Criminal Code, and which will allow Canada to accede to the Arms Trade Treaty.

Thank you for your attention.

[*English*]

Senator Saint-Germain: Honourable senators, it is my pleasure to speak today at third reading to Bill C-47, which amends the Export and Import Permits Act to allow Canada to join the Arms Trade Treaty.

Before I begin to speak on this bill, I would like to express my thanks to the witnesses and the members of the Standing Senate Committee on Foreign Affairs and International Trade, especially the chair, Senator Raynell Andreychuk, who made sure that many witnesses were heard and that all points of view were received with respect and consideration.

I would also like to thank the Minister of Foreign Affairs and the officials, whom I wish to commend for their expertise, professionalism and availability.

At committee, we heard a broad range of views about this bill. While witnesses spoke from many different perspectives and on many different focuses, there was one theme that certainly stood out, and that was that it is overdue that Canada accedes to the Arms Trade Treaty, otherwise known as the ATT.

This is a treaty that was decades in the making and is the result of the international community recognizing that we have a collective responsibility to contribute to a safer world by tackling the illicit trade in conventional arms.

It is right that Canada take meaningful steps to join this effort. Among all our G7 and NATO allies, we are the only country to have not even signed the treaty. Through passing Bill C-47, we would be taking the necessary steps to correct this deficiency.

I take pride in Canada's long history of working with other countries towards the goal of a safer and more peaceful world. By setting a global standard for the global trade in arms, the ATT is a key commitment towards that safer and more peaceful world.

As we heard at committee, the illicit trade in conventional arms contributes to terrible violence. Easy access to such arms fuels conflict that has devastating effects on people's lives. The ATT seeks to address this by creating a new international norm for controlling arms exports. It is important for Canada to contribute to the development and establishment of this norm.

• (1450)

As Christyn Cianfarani, President and CEO of the Canadian Association of Defence and Security Industries, said:

> ". . . accession to the UN ATT will help raise the bar globally for other countries who are not up to Canada's high standards."

Of course, Bill C-47 also changes how Canada controls arms exports on our soil. In fact, it strengthens this system.

As we heard from the Minister of Foreign affairs when she appeared before the committee, the government has committed to a higher standard for Canadian arms exports. That is why Bill C-47 was amended by the House of Commons committee to toughen the bill.

Indeed, we heard from witnesses that these changes were meaningful amendments that truly strengthened Bill C-47 and would strengthen how Canada exports its arms.

These changes were commended by witnesses from civil society organizations, including Project Ploughshares, the Rideau Institute and Amnesty International. They were also welcomed by the industry for providing greater clarity, notably, regarding risk assessment and the fact that this bill is not affecting the domestic use of firearms.

I would also like to address another critical issue that was raised in committee, which is that Bill C-47 leaves intact the current system of exports to the U.S., in which most exports do not require permits.

Some witnesses made the case that this system would not conform to the Arms Trade Treaty, while other witnesses argued that, in fact, it would still allow Canada to be in compliance with the treaty. Indeed, it was pointed out in debates in the other place that some other parties to the treaty, such as the Benelux countries in Europe, also maintain general permitting processes.

Witnesses also raised a concern that we do not collect enough data on exports to the United States. In her comments before the committee, Minister Freeland made it clear this is an issue the government is aware of and is paying attention to. The Government of Canada has recognized that transparency is an important component of the Arms Trade Treaty.

However, what was made clear by other witnesses, especially by those representing the Canadian defence industry, is that any change to this system would be incredibly damaging to Canada's role in an integrated North American defence industry and result in massive high-quality job losses.

As John Saabas, President of Pratt & Whitney Canada, explained:

> Canada's open border with the United States is fundamental to our continuing success. We rely on the frictionless movement of goods and data between our two countries.
>
> It's difficult for us to overstate the negative impact that requiring permits for export to the U.S. would have . . .

As Mr. Saabas explained, parts and components cross the Canada-U.S. border multiple times. Making a change that would affect this smooth movement would have a tremendous impact on Canadian companies' ability to compete in this highly competitive market.

Mr. Saabas also added that the imposition of licensing requirements by Canada could lead to a tit-for-tat response in which the U.S. would impose similar requirements on U.S. exports to Canada.

To directly quote Ms. Cianfarani from the Canadian Association of Defence and Security Industries:

> Requiring export permits for Canadian defence goods purchased by the U.S. government would put at risk at least $1 billion per year in Canadian defence industry business.

[*Translation*]

Another witness, James Fergusson, Deputy Director of the Centre for Defence and Security Studies in the Department of Political Studies at the University of Manitoba, explained that Canada's defence industry relies in large part on relatively free access to the U.S. market.

The procedure in place developed over decades, during which Canada and the United States developed a close and exclusive collaborative defence relationship. We are partners within NATO and the North American Aerospace Defense Command, better known as NORAD, and we are fundamentally dependent on each other in the context of our security partnership.

As the Minister of Foreign Affairs clearly indicated before our Foreign Affairs Committee, the special relationship between Canada and the United States is unique in the world and even recognized in our respective national laws. We must not compromise this essential relationship by taking measures that will not significantly contribute to the objectives of the Arms Trade Treaty, which, let's not forget, seeks to combat the illicit trade of arms and promote responsible arms trade.

Honourable senators, in conclusion, we are seized with a strong bill that will help Canada contribute to the international fight against the illicit arms trade. This bill has been strengthened by the amendments made during the clause-by-clause study in the other place. Bill C-47 strikes the right balance between the government's commitment to a higher standard for arms exports and consideration of the particular domestic situation of Canada and its closest ally.

Colleagues, I hope that you will join me in affirming that any effort that helps create a better, more prosperous and less violent world is worthwhile and important. That is why we should adopt Bill C-47 in its current form without further delay. It is high time that Canada became a party to the Arms Trade Treaty to help strengthen a regime that seeks first and foremost to reduce human suffering and foster international peace, security and stability. Thank you.

[*English*]

Hon. Leo Housakos: Honourable senators, I rise to speak one final time on Bill C-47, An Act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments).

This bill was examined quite thoroughly in committee over the past number of weeks and the committee heard from many witnesses on all sides of the issue.

I have to assume that most individuals who support this bill do so for the best of reasons, as Senator Saint-Germain highlighted.

I think the Minister of Foreign Affairs likely supports this bill for what she believes are the best of reasons, as well.

However, having heard from many knowledgeable witnesses on this matter, I am left asking what, in practical terms, this legislation will actually accomplish.

Its purported purpose is to prevent the flow of arms to conflict zones. Yet, it is evident on the basis of Article 7 of the Arms Trade Treaty that states that are party to the treaty will police themselves and their own level of compliance.

My colleague Senator MacDonald posed a question to Professor James Fergusson at committee. Professor Fergusson is an expert on international arms transfers and the Canadian-American armed defence relationship.

Senator MacDonald asked what practical impacts this treaty is likely to have on the flow of illicit arms to conflict zones when states self-determine whether they are complying with the treaty.

Professor Ferguson said:

> The answer is that it won't. . . . It's as simple as that.

That should be sobering for all of us.

Colleagues, when the minister spoke before our committee a few weeks ago, she noted with some pride that Lebanon had ratified the Arms Trade Treaty and that, as a result, the Hezbollah terrorist group, which is represented in the Lebanese Parliament, walked out of that chamber.

She heralded this as a victory.

Does anyone seriously believe that arms trafficking between Lebanon and Syria — for instance, since Hezbollah today operates on both sides of that border — will even be slightly impacted by the Lebanese parliament's ratification of this treaty?

I understand the noble motivation that many supporters of this agreement have, but we should not be naive about the treaty's real, everyday impact. When we act naively, we end up taking superficial steps believing that we have actually solved something.

Beyond that, I believe we will be limiting the impact of the Arms Trade Treaty. I also have concerns about the impact that this legislation may have in Canada on our defence and security firms.

Minister Freeland stated before the Senate committee that she is determined to "raise the bar" when it comes to the export of Canadian defence and security equipment.

We heard evidence before committee that her department has already begun to slow the process of permit approvals when it comes to Canada's own defence and security exports.

• (1500)

Perhaps some greater and more careful review is warranted in the current international climate, but it nevertheless does cause me some concern when witnesses before committee are suggesting that the slowing of approvals may be occurring for the wrong reasons.

We heard no evidence at committee that Canadian companies are at all complicit in the illicit trafficking of arms — zero evidence, not one bit of testimony. There may be disagreement about which countries Canada should sell defence and security equipment to, but we heard nothing to suggest that Canadian firms are complicit in international arms trafficking. Therefore, I believe it would be a grave mistake to needlessly complicate regulatory and permit requirements for Canadian firms just to make it look like the government is doing something.

Ms. Christyn Cianfarani is President of the Association of Canadian Defence and Security Industries. When she appeared before our committee, she said:

> We've already noticed a shift in the export permit approval process. The number of permits for military goods and services that didn't meet the government's own processing service standard of 40 days has increased from 65 permits in 2016 to 228 permits in 2017. If the number of permit applications that fail to meet the government's service standards continues to grow over several years, it could have a lasting negative impact on Canadian industry and on Canada as a nation with which to do business.

She pointed out that 90 per cent of Canadian companies operating in the security and defence area are small- and medium-sized enterprises. These companies do not have the resources and leeway to suddenly be encumbered by needless new regulations.

I see a pattern here. Just as the government is doing in relation to resource development and just as it did in relation to the taxation of small businesses, in the security and defence sector as well it is tinkering with the imposition of new regulatory burdens largely for reasons of optics. I fear that it is Canadian businesses that will be forced to pay the price for the government's desire to virtue signal internationally.

In conclusion, I will again quote Professor James Fergusson who succinctly described Bill C-47 as "a solution looking for a problem." Canadian defence and security exports, he stated, are not the problem when it comes to international arms trafficking. Canada largely sells military and security equipment, or the components of such equipment, to its own allies or to other states on a case-by-case basis, usually accompanied by considerable public debate. Yet, despite the fact that Canada has taken a historically responsible approach, this government has

nevertheless decided to make this issue one of its legislative priorities. I simply hope that in doing so, it is not going to further compound the burdens and costs for Canadian businesses in this sector in the same way that it is imposing similar burdens on so many other sectors. Colleagues, that is why I oppose this bill.

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?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

NATIONAL SECURITY BILL, 2017

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gold, seconded by the Honourable Senator Moncion, for the second reading of Bill C-59, An Act respecting national security matters.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Bill C-59, An Act respecting national security matters.

Before I begin, I would like to thank Senator Gold for his informative speech as the bill's sponsor. His speech summarized the changes that Bill C-59 will be making to our national security system. I believe that the goals and objectives of this bill, as Senator Gold outlined, are important.

When Bill C-51, the Anti-terrorism Act, was passed in 2015, many people spoke out against how it undermined the balance between our security and our rights. Instead of keeping us safe, many parts of the Anti-terrorism Act made many Canadians fear the national security agencies that should be protecting us, especially since they were given the power to violate our fundamental rights with little accountability.

For minority communities, this fear was amplified. After Bill C-51 was passed, I received countless calls and emails from Canadians who were worried that CSIS would unfairly label them as extremists and target them. It is not hard to see why.

Between CSIS's disruption powers and what many call Charter breach warrants, and the lack of accountability mechanisms for these new powers, many believed that CSIS could now act with near impunity. Something needs to be done, and Bill C-59 shows that our government is trying to right this wrong.

Honourable senators, as we study this bill, we have to ask ourselves, does the text of the bill match its spirit and goals? As senators in the chamber of sober second thought, this is one of the most important questions that we can ask.

If a bill has loopholes that undermine its purpose or has provisions that go against its spirit, we senators have the power to bring it back to its intended purpose.

The reason I am speaking today is that I do not believe that Bill C-59 completely matches its goal of undoing the harm done by the Anti-terrorism Act. Instead, the current form of the bill leaves serious loopholes that leave our rights vulnerable.

While I would like to cover each of the problems that I have found in Bill C-59, I cannot do this in the 15 minutes that I have today. The bill is 160 pages long, and I am certain that many of you will be speaking on issues that you found of concern in this bill. Instead, I will use my time to speak about two parts of Bill C-59 which I believe are particularly problematic.

The first of these issues deals with a part of CSIS's disruption powers that is commonly known as Charter breach warrants. Simply put, under the Anti-terrorism Act, if CSIS wishes to use its disruption powers in a way that could violate a Canadian's Charter rights, they need to apply for a warrant to do so. The fact that these kinds of warrants exist is already worrisome, especially since these warrants are given to CSIS through closed proceedings. This means that a CSIS agent could be given the power to violate our rights and we would never know about it. In fact, we would not even have a special advocate at the proceedings to argue for the protection of our rights. While many of us have called for Bill C-59 to limit these Charter breach warrants, both CSIS and the government have insisted that they are necessary to preserve our national security.

The second major problem with Bill C-59 can be found in its definition of "publicly available information" and "publicly available datasets" that the Communications Security Establishment and the Canadian Security Intelligence Service will be able to gather and retain. At first glance, this provision may seem harmless. However, what is considered "publicly available" may surprise you.

For example, if hacked information is put online, that information is considered publicly available. If you have an account on any website and the website is hacked, any information that goes online is considered publicly available and can be gathered and retained. In other words, online banking information, your credit card information from online shopping or your emails could all be at risk. Any information that can be purchased or subscribed to by the public also falls under this category. In other words, the massive amounts of information

that companies like Facebook sells, like facial imagery, posts, photos, videos, relationships and location data, could very easily qualify under this definition.

Worse yet, websites like Facebook often allow apps to collect information about users and their friends. Unlike Facebook, there is little stopping these apps from selling that information without consequences, and thus making that information publicly available.

Finally, if information was public at any point in time, it can be retained. In other words, if you accidentally post something and erase it soon after, the CSE or CSIS could retain it.

This overly broad definition worries me, and I am far from the only person to be concerned about it. When Bill C-59 went to the committee stage in the other place, the Privacy Commissioner submitted a letter where this was listed second among all his concerns about the legal standards created by the bill. In fact, Commissioner Therrien even created two recommendations on the subject, which I would like to share today so that we can consider it as this bill goes on to the committee stage.

• (1510)

First, Commissioner Therrien recommended that measures related to the gathering of publicly available information should be limited to what is reasonable and proportional, and that they consider potential effects on the privacy of Canadians. Second, he recommended that the definition of "publicly available information" should be changed to specify information that was legally obtained. Neither of these changes were adopted in the other place. Instead, they only changed the definition of "publicly available" to prevent the CSE from gathering information where Canadians have a "reasonable expectation of privacy." While this may seem like a good change at first glance, this change has two massive loopholes.

First, what we consider to be a "reasonable expectation of privacy" is just as vague as the definition for "publicly available." In fact, Canadians surrender their "reasonable expectation of privacy" almost constantly without realizing it. When you agree to give information to sites such as Facebook in the long term and services that almost no one reads, you are surrendering your "reasonable expectation of privacy." If you send something through a courier service, you are surrendering your "reasonable expectation of privacy" to that service. If you send an email through a work account, you have surrendered your "reasonable expectation of privacy" to them.

Simply put, a "reasonable expectation of privacy" is hardly a protection for Canadians at all. Worse yet, this change does nothing to change the definition for CSIS, which can still gather publicly available data sets, since it only affects the CSE. In fact, this is even more worrisome, since CSIS's mandate allows it to target Canadians, unlike the CSE.

Even with these changes, "publicly available information and data sets" is just as big a problem as ever.

With the way Charter breach warrants are being handled and the new power to access "publicly available information and data sets," I see a worrisome trend in Bill C-59. While this bill should solve the problems found in the Anti-terrorism Act and protect the rights of Canadians, large loopholes still leave Canadians vulnerable to having their rights violated.

This brings me back to the question I asked when I began my speech: Does the text of Bill C-59 match? Currently, I believe the answer to that question is no. I do not believe that loopholes that jeopardize Canadians' Charter rights were part of the government's goal when they drafted Bill C-59.To quote Prime Minister Trudeau, the goal is to "repeal the problematic elements of Bill C-51, and introduce new legislation that better balances our collective security with our rights and freedoms." However, the answer to that question does not have to remain as a "no."

Honourable senators, it is for this reason that I urge you to consider these problematic sections of Bill C-59 when it goes to committee.

Honourable senators, when I first came to the Senate, in 2001, I was sworn in one week after 9/11. At that time, we were studying the Anti-terrorism Bill. I can tell you that it was not a pleasant experience, as the first Muslim senator, to have just arrived and to have an anti-terrorism bill studied, with a lot of fingers pointing to the Muslim community.

Whenever I go to a mosque, people come to me and ask, "What shall I do? CSIS is knocking at my door. I am not an extremist." I always tell them, "Answer the questions, and you will be fine." However, the fear that is created in the community is not healthy. I remind senators that we are here to ensure that the Charter of Rights and Freedoms is protected for all Canadians — and I mean all Canadians. That is our first job as senators.

We are also here to protect the rights of minorities. I can tell you that, with the terrorist bills, minorities live in fear of CSIS. Many tell me they no longer feel safe in our great country. Our job as senators is to ensure that the Charter of Rights and Freedoms is not breached.

Honourable senators, I humbly ask that when we are studying Bill C-59, we ensure that everyone in our community feels safe. Thank you very much.

(On motion of Senator Martin, debate adjourned.)

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Pratte, for the second reading of 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.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to 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.

Colleagues, several aspects of this huge bill concern me; however, for this speech I shall limit my remarks to three: the removal of the standing test, the lack of clarity around decision-making, and the meaningful inclusion of Indigenous peoples in the assessment process.

When Senator Pratte touched upon this subject, he stated that he believed the standing test was removed "so that any interested Canadian can participate in the project." He quoted the 2017 report by the Expert Panel on the Review of Environmental Assessment Processes, which stated:

> The exclusion of individuals or groups from the assessment process erodes any sense of justice and fairness.

However, my interpretation of the key recommendation of that section differs from that of our honourable colleague. I believe the key issue is that many respondents felt as though their contribution to the process made no impact and was not appropriately reflected in the final decision. Indeed, the report states that, for any assessment:

> A participation plan collaboratively designed with input from the public should clearly establish the objectives of public participation and specify rules for the public, including how input will be recorded, responded to and incorporated in decision-making. If the role of the public is established and agreed upon early in the process, future misunderstandings and frustrations could be avoided.

This is not accomplished by eliminating the two-stage standing test that currently exists. The test, I believe, ensures that those directly affected by the project are given the biggest voice, and then goes on to provide an opportunity for experts and other qualified individuals with relevant information on a proposed project to participate.

In her speech on this bill in the other place, the honourable Member for Lakeland shared an example that arose during consideration of the Enbridge Line 9B Reversal and Line 9 Capacity Expansion proposal that I would like to share with this chamber. She said:

> After receiving 177 applications to participate, the NEB granted 158 applicants full participation rights, and asked 11 applicants to submit a letter of comment. The board only denied eight. One of them appealed, so the courts examined her application and the board's decision. Her application was aimed at the second prong of the standing test, to contribute based on her expertise.

The judicial decision stated:

> She stated that she had a specified and detailed interest in the matter . . . based on her religious faith. In her view, a spill from a pipeline, even far away from her home, is "an insult to her sense of the holy."

Colleagues, I would argue that this was an effective use of the standing test to ensure that only relevant information entered the discussion. In practice, these are the same principles applied in Nunavut. Those communities that would be directly affected by projects are consulted. Public hearings are set up in the community, and active outreach and engagement are initiated by the regulator and the proponents.

• (1520)

Comments from outside witnesses can be received, but those from outside the community that would like to participate in the public hearing must apply for intervenor standing.

I do not agree with taking away this discretion from the regulating body.

The lack of clarity around the decision-making process is another issue that I feel necessitates further discussion and careful examination. We currently have, under section 22(1) of this bill, no less than 23 different factors that must — and I emphasize the inclusion of the word "must" — be taken into account during consideration of a project. These factors include community knowledge, comments received from the public, the intersection of sex and gender with other identity factors, Indigenous knowledge and so on.

I question how all these factors will be weighted. Will the voice of someone in Ontario who is ethically opposed to a project in B.C. bear the same weight as a First Nation member living in the immediate area? This is not clear to me nor is it clear to stakeholders that I have had the opportunity to meet with. In the case where substitution is granted to another jurisdiction, be it a provincial or Indigenous assessment agency, would these factors be weighted the same way? Is the weighting of the various factors left to the discretion of the agency or panel conducting the assessment where substitution is granted?

Honourable senators, I suggest that these are dangerous questions to leave unanswered but, ultimately, regardless of which jurisdiction conducts the actual assessment, and regardless

of who is or is not able to participate, the federal minister retains the ultimate authority. As this bill is currently written, the minister can choose to proceed or not proceed with the project even before an assessment is conducted. That minister can decide whether the risks are too great without having to justify their decision due to a lack of set criteria in this bill.

Colleagues, reconciliation is one of the key themes of this legislation. The preamble of the proposed impact assessment act clearly states this bill is meant to reaffirm Canada's commitment to respecting the rights of Indigenous peoples as defined in section 35 of the Constitution Act, 1982, striving to work in partnership with Canada's First Peoples and "implementing the United Nations Declaration on the rights of Indigenous Peoples."

However, I believe that Bill C-69 creates high expectations and falls short of delivering a truly collaborative process. Is it indeed a partnership if the minister holds such executive powers?

The Assembly of First Nations, in their brief to the committee studying this bill in the other place, wrote of their concerns stating:

> The bottom line in the draft Act is that, even if environmental processes are carried out, the Governor in Council always retains the power to infringe constitutionally-protected inherent and Treaty rights of First Nations, as long as it provides reasons for such decisions.

Again, I would point to the lessons that can be gleaned from comanagement in the North. Though not a perfect system, comanagement in Nunavut provides clear guidelines as to whether a project can or cannot proceed.

Step one: Does it conform to current land use plans? If yes, it proceeds to the Nunavut Impact Review Board, the NIRB. They then engage with community members, experts and other interested parties in an open and transparent manner. It provides for oral submissions from elders and integrates traditional knowledge into its determination. The NIRB factors in social and economic impacts as well as potential environmental impacts and, after a series of public hearings, makes its determination to the responsible minister. The minister can then choose to accept, reject or ask the NIRB to take a second look. The latter two options must be justified based on a set of explicit criteria outlined in the Nunavut Planning and Project Assessment Act.

This, honourable senators, is a codeveloped system. This is a system that would be the envy of many First Nations in this country.

Every step of the way, Inuit are active participants in leading the assessment process. They are more than a token guaranteed seat on a review panel or advisory board, such as is set out in this bill. They are the chairs, the leaders. There are clear timelines and equally clear guidelines for proponents and decision makers, significantly reducing the potential for arbitrary political decisions. Certainty for today's economy is something I believe we can all agree on.

How we arrive at that certainty is the point of contention. I believe that we achieve certainty by clearly defining the rules.

One way suggested by Jack Mintz, the President's Fellow at the University of Calgary's School of Public Policy, is that we can address this crisis by "revamp[ing] Bill C-69 to model it after best practices found in other countries, such as Australia, that separate specific project approvals from social and political issues."

Colleagues, this is a large and complex bill that leaves me with many questions I hope will be seriously addressed and answered during the committee's deliberations. With these questions left outstanding, I cannot support this bill.

(On motion of Senator Martin, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Jim Munson: Honourable senators, may I ask Senator Martin when she will speak to the third reading of Bill S-244? My sincere hope is that you will speak to it before Christmas. Many groups are waiting in this country.

• (1530)

Hon. Yonah Martin (Deputy Leader of the Opposition): Yes, Senator Munson, we discussed this item this morning at scroll. I believe I've conveyed to certain senators that I will speak on Tuesday, most likely, which is the next opportunity to deal with this other business on the Orders of the Day.

Senator Munson: Thank you.

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gold, for the second reading of Bill C-344, An Act to amend the Department of Public Works and Government Services Act (community benefit).

Hon. Ratna Omidvar: Honourable senators, I rise today to speak on Bill C-344. I would like to thank the sponsor of the bill, MP Ramesh Sangha, of Brampton Centre. I'd also like to thank Ahmed Hussen, who first introduced this bill in the House before being appointed as a minister of the government.

I'm particularly pleased to be shepherding this bill through the Senate for three reasons.

First, it is a short bill. It is, I believe, a modest bill, but it has far-reaching impact. I hope my speech, too, will be appropriately modest, short but far-reaching. The bill has only four clauses whose purpose is to introduce community benefits into the federal procurement space.

Second, it is grounded in principles of shared prosperity, ensuring that when the federal government chooses to invest in infrastructure procurement, it leaves a legacy where the local community benefits, whether it is a community located around the new Government Conference Centre, a government building or a retrofit.

Third, although a very modest start, the potential for positive and rippling impacts across our country are significant for the labour market, business, employers, workers and inequality.

What are community benefits? Usually, these are economic and social benefits that accrue to a local community and that last beyond the lifetime of the actual construction project. In most cases, it is an infrastructure project. There is not only a community benefit during the build and during all the activity, but there is a legacy long after.

During the build, there are knock-on impacts through hiring; and opportunities for apprenticeship, training and small business start-ups that emanate from the construction. People who have potential but were often shut out of employment get an opportunity. I think particularly of young people, who could have a reasonable chance of entering a labour market with good wages that is destined to grow.

I think of small business that may be able to find its feet during the build but flourish long after. And I think of the new relationships that accrue to business and will provide a future fertile ground for recruitment downstream, into the future, particularly into communities that were previously hard for business to tap into.

Honourable senators, the bill seeks to make changes to procurement pursued by the federal government. It only applies to federal construction and repair projects tendered by Public Services and Procurement Canada.

First, Bill C-344 seeks to inject the language of community benefits into the purview of the minister. It gives the minister the ability to ask bidders to provide information on the community benefits to be derived from a project, should they be awarded the contract. These could include hiring local people, buying locally, building a community playground or planting trees.

Second, this bill also allows the minister to ask for an assessment from the contractors as to whether the community benefits were realized at the completion of the project. It essentially allows the minister to check and see if the stated aspirations turned into reality. This "check and see" mechanism will be an important evaluative tool to signal future direction.

Third, Bill C-344 will ensure transparency. The minister will provide to Parliament a report on an annual basis that highlights the overall community benefits provided by construction, maintenance and repair projects.

Finally, Bill C-344 defines community benefits as:

> . . . a social, economic or environmental benefit that a community derives from a construction, maintenance or repair project, and includes job creation and training opportunities, improvement of public space and any other specific benefit identified by the community.

Although short, this bill lays out the framework to initialize community benefits within the federal government procurement space. I think of it as a first step and a modest start.

Tim Coldwell, President of Chandos Construction, of Edmonton, said:

> "As a B-corporation, we believe that business can (and should) be a force for good. Chandos supports Bill C-344 and welcomes transparency relating to the community benefits derived from public projects in Canada."

This bill does not place any obligation on provinces to include community benefit agreements in their infrastructure projects. It does not impact any efforts that come through the Ministry of Infrastructure or the new infrastructure bank. It does not have quotas or targets. It does not have any requirements on which type of labour is used, either union or nonunion.

If the bill passes, through my urging, the government has already committed to engaging with industry during the regulatory period. They will strike an advisory council at a deputy minister level with industry to ensure that everyone buys into the process and that it will create an open, transparent and fair process for bidders.

Let me now fill in the picture a bit more. When I was a child, I remember I used to do painting by numbers, and I think I have to do a bit of the painting by numbers. I am not new to the language and concepts of community benefits. I came across them some 10 years ago in my previous life at a private foundation that was dedicated to reducing poverty. We were intrigued by examples of community benefits from other jurisdictions. We wondered if there was a potential for application in Canada. We conducted informal research on these projects, and looked at how they were being implemented and applied. Consequently, after looking at the evidence, we promoted their use and application in Toronto, Ontario. Now I find myself here, promoting the idea in Canada.

Let me give you a few real-life examples that draw on the work of provincial community benefit agreements. These are what I would call mature community benefit agreements. In Toronto, there is a massive $8.4 billion infrastructure investment that is building the Eglinton Crosstown LRT. This is a partnership between the Province of Ontario, the city, community groups and, of course, the consortium of construction companies who are responsible for the project.

Projects of this size are not new to this country. What is new and somewhat unique is that a certain portion of all trade and crafting hours needed for the project will be performed by apprentices and journeymen who live along the transit corridor and who are challenged in finding a foothold in the labour market.

I think in particular of the York-Weston corridor in Toronto, which is a dominantly working-class neighbourhood. At the beginning of the project, it was understood that no one, single stakeholder could deliver on the community benefits. Rather, they needed to work together. The construction consortium, the private sector, the local community, the nonunion and unionized labour, the provincial and local governments — all working together to deliver this massive infrastructure project. Build a subway, relieve our traffic jams, but also ensure a legacy beyond the life of the project itself.

• (1540)

The construction consortium, consisting of EllisDon, SNC-Lavalin, Aecon and ACS–Dragados said this about their participation in the project after five years of experience in this space:

> We are committed to our work in the community. We have a solid plan to build infrastructure, as well as people . . . .
>
> . . . Our intent is to provide continuity of employment for the historically disadvantaged and equity-seeking apprentices and journey persons on the project. Our priority is the development of the Toronto workforce and the growth of the individuals who work with us.

So not only will Toronto realize the benefits of the LRT system, but the local community will benefit as well. This will not only change the lives of the much-beleaguered transit rider in Toronto and of the LRT but the lives of the local tradespeople that now have a foothold into this labour market.

Let me go west to give you another example. The Vancouver Island Highway Project, built in the 1990s, included a project agreement to boost the representation of diverse groups in the development. An evaluation report concluded:

> The degree of success was impressive. In 1994, Indigenous peoples, women, people with disabilities and visible minorities worked just eight per cent of the total hours on the project, and by 1998 this had risen to just over 22 per cent . . . .

In addition, because the project was hiring locally, they saved project costs because workers came from the local market as opposed to being sourced from outside of Vancouver and indeed outside the borders of our country.

CBAs have also been deployed at the municipal level. During the construction of the Vancouver Olympic Village, $42 million was spent in purchasing from local businesses and 120 local workers were hired in various construction jobs.

In Los Angeles, where it is really the most mature, CBAs have been around for 20 years. Their existence and their work has led to the hiring of over 8,000 local, disadvantaged workers.

Another way of looking at the impact is in the assessment of reinvestment in the local economy. In Wales, 35 projects worth £465 million were studied, and it was determined that 85 per cent of the value was reinvested into local and small businesses. And for every £1 spent, there was around £1.8 worth of benefit to the community.

Honourable senators, beyond the here and now, community benefits can also help our country tackle some very pressing problems of the future.

First, we know that globalization and free trade have benefited our economy greatly. Open markets and free trade have resulted in millions of jobs across the region, and I hope that these will continue to be secured and indeed grow under the new USMCA. I believe that Canadians overwhelmingly support free trade.

But we also know that free trade and globalization create winners and losers. One of the reasons, and this is found on all sides of the political spectrum, is that free trade does not benefit everyone equally. The benefits that accrue are not shared at the community level equitably and not experienced in that way.

Think of the growth of the tech and digital services sector, on the one hand, and the hollowing out of the manufacturing sector on the other. So we are divided into two groups of people: those who are economically empowered and those who face immense obstacles. This growing disparity between those who have opportunities and those who do not is an "unignorable reality," as Daniele Zanotti of the United Way has said.

Perhaps it's time to inject some localism into globalism. Governments, businesses and communities will flourish with strategic infusions of localism into the economy, and that can, in part, be done by community benefits. And there is never — I will state that again — there is never any one, single route. We have to deploy many routes to get to our objectives.

A second very important and very practical reason to support community benefits is the future of the labour market, in particular the construction industry. Even today, shortages are being felt and the industry must often reach out to temporary foreign workers to meet demand. Those of you who may have any idea about the paperwork and the processes that an employer must go through to satisfy the standards, to tap into labour that is not in Canada but coming from overseas, understands and appreciates the pretzel shapes that employers have to twist themselves into to access temporary foreign workers. How much better to tap into local talent.

But this shortage is only predicted to get worse. According to BuildForce Canada, more than 250,000 construction workers are expected to retire in 10 short years. That is almost a quarter of their workforce in all disciplines: heavy equipment operators, electricians, masons, sheet metal workers, welders. They will all see massive shortages. This is a looming crisis which needs solutions.

To meet this growing need for employees, CBAs can start the process today by connecting new and underrepresented demographics into the skilled trades, and the industry knows this. Bill Ferreira, CEO of BuildForce Canada, said:

> With increasing competition for a shrinking pool of young people, it will be necessary to . . . attract greater numbers of new Canadians, women, and Indigenous people to Canada's construction workforce.

Robert Blakely from Canada's Building Trades Union told us today in the Social Affairs Committee that in order to plug the gap in the labour market, the trades sector will need to recruit 500,000 individuals in order to fill the gap of 250,000 because it will take two apprentices to graduate one.

Women only represent 4 per cent of the construction workforce. I believe there is room for lots more. The construction industry has indeed worked diligently to tap into new labour streams and should be commended for it. I met with them, and they presented a really excellent proposal which would encourage the hiring of women into STEM industries in the construction trades. And I would support it. However, as I said, there is never one single route to Rome, but many. CBAs are one of the many tools in the toolbox that will help us connect demand with supply.

The Boards of Trade in Montreal, Vancouver and Toronto have all stated that CBAs are a good economic model to build local economies and to tackle the looming labour shortages. The Toronto Region Board of Trade has said:

> Government, business, labour, non-profit and other organizations can advance social and economic prosperity in their communities through the expansion of the use of social procurement [CBAs]. . . .

Honourable senators, community benefits maximize the potential of companies and communities. They take public and private dollars that are already earmarked and use them in a way to deliver a double, triple, quadruple bottom line. They train and hire talented people from communities that have difficulty accessing the labour market and whom the labour market, in turn, has challenges in reaching, such as veterans, newcomers, youth, women and Indigenous peoples.

They support local business by targeting opportunities and investment for local suppliers, including social enterprises and small- and medium-sized companies.

For construction companies, a CBA can speed up approval processes and reduce red tape because it creates and sustains allies across the community before any shovels hit the ground. Concerns are addressed early on in the process, which prevents project delays and, I imagine, expensive lawsuits. It also helps, of course, build the company's corporate brand as community champions.

Further, implementing this will not lead to excessive spending by the government.

• (1550)

The City of Toronto, which has a very mature social procurement program, billions of dollars, has hired only one extra person to lead their social procurement strategy. Essentially, CBAs are a change management practice and a change management exercise for governments and businesses similar to when health and safety practices were introduced in the 1980s.

In the short term, community benefits are an innovative and cost-effective way of achieving multiple benefits through public expenditures without increasing procurement costs. In the long term, they can go a long way to mitigating the festering problems of globalization and global supply chains and will ensure that the needs of the labour market are met by workers here in Canada.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. David M. Wells: Would Senator Omidvar take a question?

Senator Omidvar: Gladly.

Senator Wells: Thank you for your speech, Senator Omidvar.

I would like a clarification. I think I heard you say it but I want to be sure.

This measure will relate only to federally driven infrastructure projects, not ones that are fed-prov directed or federal money going to provinces that — okay. Thank you.

Would you take two more questions? They are very short.

Senator Omidvar: Senator, I believe body language is —

The Hon. the Speaker: Sorry, Senator Omidvar.

Were you finished asking your question?

Senator Wells: I do have another question.

Senator Omidvar: I want to answer the first question —

Senator Wells: Oh, I'm sorry.

Senator Omidvar: — because I believe I should do it, as opposed to not doing it, I should say no, for the record.

Senator Wells: I have another question, Senator Omidvar.

Senator Omidvar: Absolutely.

Senator Wells: Would the community benefits requirement be a condition of the funding or simply part of the application and reporting?

Senator Omidvar: Thank you, Your Honour. I'm so eager to answer all the questions that Senator Wells will have for me and others.

It will be part of the application process. It is not a condition of funding.

Senator Wells: Would you take one more question, Senator Omidvar?

Senator Omidvar: Of course.

Senator Wells: Thank you. It seems to me this is just a lot more red tape. If it's not a condition of the application, it's simply a matter of reporting. The requirement for community benefits assessment or statement, couldn't this simply be added to the condition of funding or investment in infrastructure rather than a law? We're considering a law to add something to an application for funding. Could this not simply be a condition of the application?

Senator Omidvar: Let me address the red tape question first, which I think you referred to.

I believe CBAs will actually reduce red tape because community buy-in will be secured upfront in the project. In fact, imagine the red tape that will be reduced for business because they will have connections to labour pools that they did not have previous connections to. I think that's an enormous benefit for businesses.

Your second part of the question was: Why do we need a law? We need a law because this is a way of encouraging government and business to think differently, to think outside the box. Thank you, Senator Mercer. We're all in our own boxes and I think change management helps us to think outside the box in that way.

I think we need a law because it could well lead us into a new direction. As I said, there will be annual reports, and these annual reports, these check-and-see measures, will help the government understand whether this is worth pursuing in the longer term and in which way.

Hon. Donna Dasko: Will the senator take another question?

Senator Omidvar: Yes.

Senator Dasko: I greatly appreciate your Toronto examples, senator.

You mentioned in your speech that if the bill passes the minister is going to strike a panel with industry representatives at the deputy minister level. Can you tell us what that will accomplish, the goals of that and how it will work? Is it project-specific? Is it an overall panel to deal with general regulations? What's the purpose of it? Thank you.

Senator Omidvar: Thank you for that question, Senator Dasko.

This advisory panel is incredibly important, and I have urged the government and, as I said, they have agreed to do this.

Community benefit agreements are applicable in certain contexts and in certain situations, scope, size, scale, stage, timing. I think these are the kinds of questions the minister and the government will have to sort out with industry stakeholders so that they understand where they can ask — and it's just an ask — for community benefit statement of what would be in the community benefits. They can't apply to every federal procurement project. I hope that answers your question.

Hon. Mary Coyle: Would Senator Omidvar take another question?

Senator Omidvar: Yes.

Senator Coyle: Thank you very much for your speech. This is a very interesting effort, which I welcome. Earlier this week, I was attending the all-party anti-poverty caucus, and we were talking about the financial situation of newcomers to Canada. It was mentioned at that meeting that this measure was coming soon to the Senate of Canada, so I'm very happy to see that it's here.

You mentioned that there's a good body of work that we can go on in terms of experience in various places in the U.S. and in Canada, and I would hope that this would be structured after the best practices that are experienced elsewhere.

I have a very specific question, and that is on what is meant by the word "community." You've mentioned the word "local" at the same time. I hear "community" and I hear "local." I'm sensitive to this because I've just been learning through our work with the Arctic Committee — and this is a different story, these are private companies that have impact-benefit agreements with communities and peoples in the North — that sometimes in those benefits agreements the local people are actually not benefiting. There is no adjacency requirement in a community benefits agreement. I'm wondering what the interpretation of "community" is in this instance?

Senator Omidvar: Thank you, Senator Coyle, that is a most interesting question. Perhaps that is a question that could be posed to witnesses who can answer with greater clarity than maybe I can.

My understanding is that whereas "community" is not specifically identified, it is meant, I think, as a local community, but I understand where you're coming from. There could be communities that are not local that could perhaps be attached to a certain project. My imagination is limited because I'm thinking of the LRT and it's all local for me there, but maybe there is an opportunity. If this bill goes to committee, as I hope it will, I hope that question will be answered.

Hon. Frances Lankin: In the interest of time, I'm going to wrap my two questions together, senator. Like all good speakers, you answered most of my questions as you went through your speech.

I'm left with two questions. I would comment to you that I met recently with the Canadian Construction Association and they were quite supportive of community benefit agreements.

My first question is with respect to your citation of Los Angeles and 20 years' experience. You said at the beginning of your intervention that this is modest. It will have long-term impacts. I wondered if you could tell us from the point of view of Los Angeles what some of those benefits have been, the long-term impacts have been?

The other question actually builds on Senator Coyle's question about local benefits. You spoke of both globalization and localization. Some of us are very concerned that we not take measures that erect interprovincial trade barriers. If you have any comment on that, or perhaps that's something that could be addressed at committee, as to whether or not the reliance on local would preclude something that we should be aware of. I'm welcome to leave it for the committee if that's where it is better placed.

Senator Omidvar: The first question about Los Angeles, my memory is a little fuzzy about it, but I can remember a demographic profile of the 8,000 or so workers.

• (1600)

They weren't 8,000 at the time; they were about 5,000. They were primarily women and, because of the demographic makeup of Los Angeles, they were primarily Hispanic women.

They found employment in the local hospitality and tourism industry and the Hollywood production association — I forget their name — was at the table. It was in their interest to ensure that the Los Angeles hospitality industry was inclusive of the workforce. This was, in fact, interestingly enough, a subtle demand that came from big Hollywood personalities who said, "When we stay in a hotel, we want to make sure that the people who work in this hotel represent the community and are paid a decent wage."

Those are some of the kinds of really good things. I urge you to remember that this came downstream after efforts at the front. We can't imagine that right now because we are literally dipping our little toe into some water.

The second question was interprovincial. That is a question that should be answered at committee.

Hon. Tony Dean: Senator Omidvar, will you take another question?

Senator Omidvar: Yes.

Senator Dean: Thank you for your sponsorship of this bill. As you said, the government spends billions of dollars every year on infrastructure with little social benefit and social progress outcomes.

Proponents of this idea, and others that involve generating a social impact from private and government spending, tell me they started similar discussions with officials under the previous government. I understand their ideas found favour and, in fact, were seeded there.

For that reason, this is a discussion with a long trajectory that crosses governments. We can be grateful for our public servants for helping the crossing of those boundaries.

You mentioned labour shortages in the construction sector. I believe that constructors have acknowledged that workers from nontraditional groups such as veterans, newcomers, Indigenous peoples and women will be necessary to fill the labour shortages that we know we have and that will worsen.

Could you give us more information on how community benefits would help to fill those gaps with those people?

Senator Omidvar: Yes. Thank you, senator, for your question.

I think you actually know more about designing and implementing community benefit agreements, because you were the head of the Ontario Public Service and Ontario has a more mature history than anyone else.

The way Community Benefits Agreements would work, if there is a hiring or training aspiration attached to them, is typically as a construction consortium. In this case, let me give you the example of the construction consortium in Toronto, SNC-Lavalin and AECON, et cetera.

They worked with local community groups such as the residents association in the Jane-Finch corridor. Through that association, the community in Jane-Finch was asked to identify people who could be interested and ready for training.

It is up to the community to do that work and develop some kinds of mechanisms and criteria to present and work with the consortium, who then finally decides who is trainable and employable. That is how it goes.

However, it goes beyond the hiring or training of a single individual. All of a sudden, this construction consortium has links to the Black community, where there is a huge pool of underemployed and, I would say, frustrated young people, because they don't have access to opportunities the way other communities do. That is a wonderful example.

Thank you for your question, senator.

(On motion of Senator Wells, debate adjourned.)

THE SENATE

MOTION TO CALL ON THE GOVERNOR IN COUNCIL TO APPOINT CLERK OF THE SENATE UPON RECOMMENDATION OF THE SENATE—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> That, in the interest of promoting the autonomy and independence of the Senate, the Senate calls on the Governor in Council to appoint the Clerk of the Senate and Clerk of the Parliaments in accordance with the express recommendation of the Senate.
>
> And on the motion in amendment of the Honourable Senator Saint-Germain, seconded by the Honourable Senator Housakos:
>
> That the motion be not now adopted, but that it be amended by adding the following before the period:
>
> "; and
>
> That it be an instruction to the Standing Committee on Internal Economy, Budgets and Administration that it consider and recommend to the Senate, no later than the fifteenth day the Senate sits after the adoption of this motion, a process by which the Senate could submit to the Governor in Council its recommendation on the nomination of a person or list of persons with the skills and capacities required for the position of Clerk of the Senate and Clerk of the Parliaments".

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, this is a motion of the Honourable Senator Housakos and seconded by the Honourable Senator Martin. In the interests of promoting autonomy and independence of the Senate, the Senate calls on the Governor-in-Council to appoint a Clerk of the Senate and Clerk of the Parliaments in accordance with the express recommendation of the Senate.

The amendment that has been proposed to this by Senator Saint-Germain is refining how the recommendation would be made. In effect, there would be a process for the Senate to make a recommendation. I support both of those motions.

I will speak briefly on why. Technically, I am speaking on Senator Saint Germain's amendment, because that is what is currently before the chamber.

Let me begin by acknowledging that the appointment of the Clerk of the Senate and the Clerk of the Parliaments is a Governor-in-Council appointment. Section 130(b) of the Public Service Employment Act provides that:

> The Governor-in-Council may appoint and fix the remuneration of . . . the Clerk of the Senate . . .

There is no requirement in the act for any consultation with anyone. The Governor-in-Council can go ahead and make that appointment.

However, as Senator Housakos has said, the government has been promoting the autonomy and independence of the Senate. In these circumstances, it would be logical for this independent and autonomous Senate to have a say in the selection of its senior administrative official.

Senator Housakos proposes that the Governor-in-Council — in other words, cabinet, or the government — appoint the Clerk of the Senate:

> . . . in accordance with the express recommendation of the Senate.

What Senator Housakos is proposing as a formal process is what has occurred informally, on occasions in the past. There is actually a long history on this particular issue in the Senate.

• (1610)

Perhaps the best way to delve into it is by reading into the Senate record some of the letters that have been exchanged over the past while on this matter, because it helps us understand what some senators are thinking.

In his remarks, Senator Housakos referred to this same correspondence. Since the selection of the Clerk of the Senate is a matter that affects all of us in this chamber, we should be all aware of the details of what has been going on and the ideas that have been exchanged.

Last summer, we heard through the Speaker that the government was intending to establish a selection process for the new Clerk of the Senate. In response to that news, on July 27, 2017, Senators Smith, McCoy and I sent a letter to the Speaker and Senator Harder expressing our views. I will give you some of the highlights so you understand what was being proposed:

> We wish to thank . . . the Speaker, for advising us that he plans to institute a competitive process for recruiting and hiring a new Clerk of the Senate. . . . Senators themselves should play a leading role in the process. . . .
>
> . . . We therefore propose that the selection panel be comprised of the Speaker, and one senator representing each of the political caucuses, parliamentary groups and the government in the Senate.

That is the selection committee that we had proposed. We pointed out that in 1994 — and this is some of the history:

> Mr. Paul Bélisle was recommended to the Prime Minister to be the new Clerk of the Senate by the Government Leader, Senator Joyce Fairbairn, with the full support of the Leader of the Opposition, Senator Lynch-Staunton. And most recently, when Charles Robert was named Clerk of the Senate by the Prime Minister, it was on the recommendation of the then Speaker, Senator Nolin, supported by the Leader of the Government, Senator Carignan, and the Leader of the Opposition, Senator Cowan.

That was the history that I referred to earlier, colleagues.

As explained in that letter, there were indeed at least those two precedents and examples where Senate leadership made a recommendation to the Prime Minister about who should be the new Clerk, and that advice was accepted and followed — first by Prime Minister Chrétien and then by Prime Minister Harper. This was well before there was any declaration by the government that it wished the Senate to be truly independent and to act independently.

On September 7, 2017, the Speaker responded to our July letter. I won't read the entire letter from the Speaker, but he agreed that". . . the Government should embrace an open and competitive framework for the appointment that will include consultation with the leadership." He also correctly noted that since it was a GIC appointment, it was thus a matter "of government policy that fall[s] outside the scope of the office of the Speaker of the Senate."

The next day, on September 8, 2017, Senator Harder responded to the three of us and our earlier letter of July 27. I will now give you some of the highlights of his letter of September 8:

> As you are aware, pursuant to the Public Service Employment Act, the appointment of the Clerk is ultimately made by the Governor in Council . . . .

Then he talks about the policy, the same as the Speaker had, about this being a matter of government policy as to how to handle GIC appointments. The government is ultimately accountable and, therefore, the GIC appointment process is an important one that the government follows closely. They follow a rigorous approach to GIC appointments, one that is competitive, transparent and merit-based. We agree with all of that.

The letter continued:

> In addition, although not required by statute, I would anticipate that the forthcoming selection process [for the new Clerk] will involve a component of consultation with the Senate's leadership.

That is where we were left. Needless to say, at this time Senators Smith, McCoy and I were more than somewhat disappointed with the response.

Although there was talk of consulting us, there was no mention of having senators on the selection committee. Often what happens is that the selection committee is created and makes a recommendation of one or a number of individuals. Then that goes to the Prime Minister. On its way there, it says, "By the way, do you have any objection to any of these names?" That is not being part of the selection process. That was the reason for our disappointment.

On September 22, the three of us wrote to Senator Harder. This is a rather extensive letter, but it does have quite a few of the points that we had been making along the way. We pointed out the Paul Bélisle appointment as the Clerk and the Charles Robert appointment were recommended to the Prime Minister by the Senate leadership and that that his letter to us contained no commitment that senators themselves would be on the selection committee.

We pointed out as well in our letter that a modern approach to a GIC appointment is what was done with the Senate Ethics Officer. The appointment of the Senate Ethics Officer, pursuant to section 20.1 of the Parliament of Canada Act, requires prior "consultation with the leader of every recognized party in the Senate."

However, in addition to this statutory requirement for consultation there was an assurance given by Senator Jack Austin, who was Leader of the Government in 2004, that the name of any proposed candidate for the Senate Ethics Officer position would originate in the Senate. Senator Austin stated:

> . . . on behalf of the government, I now make a commitment that prior to sending the Senate the name of any person to be proposed to the Senate to be a Senate ethics officer, the Leader of the Government in the Senate shall be authorized to consult informally with the leaders of every recognized party in the Senate and with other senators, and shall be authorized to submit to the Governor-in-Council the names of such persons who shall, in the opinion of the Leader of the Government in the Senate, have the favour of the leaders of every recognized party, as well as the support of the majority of the senators on the government side, and the majority of the senators on the opposition side.

• (1620)

That is what Senator Austin, Leader of the Government in the Senate at the time, said here in this chamber, thus recognizing the importance of senators participating in this selection process for the Clerk.

It is noteworthy that this process, with the name of the proposed candidates originating in the Senate, is essentially the process that was followed in the GIC appointments of Paul Bélisle and then Charles Robert as Clerk of the Senate, and as interim Clerk.

We also noted in our letter that, though, that ministerial undertaking — and this was a ministerial undertaking; Senator Austin was also a minister — cannot legally bind future governments. We recognized that. Senator Austin recognized that and stated:

> This government believes that this undertaking has the power of being a good, workable, appropriate approach to this issue. For that reason, we believe that future governments will see fit to follow it. It is the government's hope that, with time, it will develop into a convention.

In our letter to Senator Harder, we wrote: "We believe that when Senator Austin was speaking on behalf of the Liberal Government of Prime Minister Paul Martin, and gave his undertaking, he was laying out a thoughtful and workable formula for dealing with GIC appointments that primarily affect the Senate."

That is an important aspect of GIC appointments that primarily affect the Senate. That is what we are talking about here. There shouldn't be a formula — and that was the statement earlier in the letters that I read to you, of a policy on GIC appointments. There shouldn't be a formula that is always the same because the Senate shouldn't expect to be involved in a selection committee for a GIC appointment for something that doesn't affect the Senate. It is that aspect I want to emphasize.

In our letter, we continued by saying: "We would appreciate knowing whether the new Liberal government sees fit to follow this approach. . ." that Senator Austin outlined or whether it was being abandoned. We didn't know but we wanted to know, because if they were following the same process for everything then it was a concern.

The government's policy on Governor-in-Council appointment states:

> Selection committee membership is based on. . . who can bring a perspective on the needs of the organization.

That is the policy on who should be appointed to the selection committee.

We concluded our letter of September 22, 2017, as follows: "Needless to say, if the government insists on treating the Senate as an 'organization' for the purpose of GIC appointments, it is difficult to understand why it would wish to leave the impression that it believes that parliamentarians who actually serve in the Senate are not the individuals best placed or even qualified to bring 'a perspective on the needs of the organization.'"

I point that out to honourable senators because last year, when the selection committee was created by the government to find a new Senate Ethics Officer, it consisted of one person from the Prime Minister's Office, one from the Privy Council Office, one from the Senate Government Leader's Office and one from Senate Administration. That is it. That is the selection committee that the government created following its new policy with respect to GIC appointments. There was no senator involved.

I wanted you to be aware of that. I suppose it was felt that those four individuals — none parliamentarians — would have a perspective on the needs of the organization. I find it disappointing that the government believes that bureaucrats and political staffers are all more qualified to bring a perspective on the needs of the Senate than senators themselves.

Honourable senators, I urge you to support Senator Housakos' motion and the motion in amendment of Senator Saint-Germain.

If the government is serious about wanting a more independent Senate, it should respect the precedents established in years past — Paul Bélisle and Charles Robert. It should respect those precedents and the undertaking given by former government leader and minister, Senator Jack Austin, which recognized that independence. We should not be going backwards on this matter, colleagues.

(On motion of Senator Bellemare, debate adjourned.)

[*Translation*]

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—MOTION IN AMENDMENT—VOTE DEFERRED

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.
>
> And on the motion in amendment of 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;".

Hon. Marc Gold: Honourable senators, I rise today to support Motion No. 410, which was originally moved by Senator Miville-Dechêne, and to oppose the amendment proposed by Senator Housakos.

I support the original motion because I strongly believe that fair treatment of francophones outside Quebec is a matter of national importance and a constitutional obligation. As a member of Quebec's anglophone minority, I understand the tremendous importance of access to education and social services in our mother tongue and of retaining control of the institutions that are crucial to our community's future. I know how important that is to anglophones in Quebec, and I know it is even more important to francophones outside Quebec.

Another reason I support the original motion is that it was something all senators were on board with, or so I thought. That is why I cannot support Senator Housakos's amendment. The amendment would replace the reference to Canada's two official

languages by a reference to, quote, "the importance of the linguistic duality, French and English, given to us by our two founding peoples . . . ."

I don't know what motivated Senator Housakos to propose this amendment after so many senators, including many of his Conservative caucus colleagues, spoke so passionately in favour of the original motion. I also don't know why the text of his amendment was not shared with Senator Miville-Dechêne or any of the members of the Independent Senators Group until he presented it in the chamber last Thursday. What I do know is that it took us all by surprise.

In any event, I want to focus on the terms of his amendment and explain why I cannot support it.

Words count. As Senator Pratte indicated in his remarks in this chamber, every word of the original motion was carefully considered with a view to achieving consensus in this chamber. The text was shared with members of every parliamentary group in order to achieve that consensus, regardless of our political ideology, or our ethnic, religious or linguistic backgrounds.

• (1630)

If the speeches on the motion are any indication, it seems clear that these efforts ended up uniting us on this fundamental issue of national importance.

[*English*]

The motion went through many drafts. In its final version, it anchored itself on the fact that French and English are the two official languages of Canada. By reaffirming this incontrovertible legal fact, the motion connects us to our role as senators, summoned to this chamber to defend the Constitution and ensure respect for minority rights.

Senator Housakos believes that his amendment improves the motion. It does not. What it does is change from a motion that reaffirms an undisputable legal fact about Canada's two official languages to one that asserts a claim of historical fact that Canada was created by "Our two founding peoples."

Honourable senators, we are parliamentarians, not historians. If we're going to act as historians, at least let's get it right.

Like Senator Housakos, I was taught Canadian history in the public schools of Quebec. As Senator Housakos rightly stated, we were all taught that Canada was the product of two founding peoples, the French and the English. To be sure, our grade school history books did not completely ignore the presence of Indigenous peoples in the story of Canada, but they were incidental characters in the stories we were taught: traders at best, savages at worst, playing their bit part in the heroic adventures of *les coureurs des bois*, like Radisson and des Groseilliers.

But since those years, my understanding of our Canadian history has evolved and changed. I now read those childhood history books through adult eyes. I now understand much better, though still incompletely, how rich and diverse were the civilians of the many nations who inhabited this land long before the Europeans arrived. I am still learning about how the Indigenous peoples of Canada were organized politically and how developed were their legal traditions and practices, I might add, that are very much a part of Canadian law by virtue of our Constitution.

The plain fact is that our country was not created by two founding peoples. Our country was here before the French and the English arrived. When they arrived, our country was shaped by their interaction with the First Nations who already occupied the land. That is the true story of Canada. The amendment proposed by Senator Housakos falsifies that story and takes us back to a time when we were either blind or indifferent to the real facts of Canada's history.

This recognition of our true history does not detract from the importance of protecting and promoting the rights of French- and English-speaking minorities in Canada. On the contrary, the better we understand the complexity of our history and the challenges we all face in forging a Canadian identity that is inclusive and respectful of all of our differences, the more we will appreciate the fundamental role that French-speaking Canadians have played and continue to play in the evolution and development of our country.

The original motion introduced by Senator Miville-Dechêne was drafted to unite us in the Senate and unite us as Canadians. The amendment proposed by Senator Housakos divides us. And for what purpose?

Honourable senators, I will vote against this amendment. I urge you to do the same.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Do you have a question, Senator Housakos?

Hon. Leo Housakos: Would Senator Gold take a question or two?

Senator Gold: Of course.

Senator Housakos: Senator Gold, you claim in your speech that the original motion that was tabled by Senator Miville-Dechêne, which was so designed to unite the chamber, was circulated in advance to the opposition members and so on and so forth.

Will you concur that the information I have from our leadership is that the motion was presented to us 15 minutes after it was tabled in this chamber and not before?

Senator Gold: Thank you for your question, Senator Housakos. I said that it was shared with members of all groups. I stand by that statement. I have no knowledge of the other facts that you refer to.

Senator Housakos: If you have no knowledge of the other facts I allude to, you shouldn't be alluding to the fact that somehow what I did was out of the ordinary in this chamber because what I did was follow the process, which is tabling an amendment, which all senators have the right to do at any point in time. You had adequate time to review that amendment, a number of days, almost a week.

Again I go back to your premise that somehow your amendment was circulated more in advance than mine. Can you explain to me when was the case where it was circulated in advance of it being tabled?

Senator Gold: Thank you again for your question. Let me repeat and try to be even clearer than I was.

I stated that the text of the amendment that was originally introduced by Senator Miville-Dechêne was shared by members from all parliamentary groups in an effort to reach a consensus. I did not say anything about the appropriateness or inappropriateness of the fact that you followed, as you describe, the usual procedures. I simply said it took us by surprise.

I would add, for the benefit of those who are in this chamber and who may be following this discussion, that requests were made to you on numerous occasions once it became clear earlier in the day that you had an amendment that you were going to propose. You were asked to share that on more than one occasion. You exercised your privilege not to do so. I stand by what I said in my statement and by my answers to you.

Senator Housakos: Another question I have for you, Senator Gold, is in regard to the history of this country. I had never, ever in my amendment attempted to downplay the founding people or the fact that they're First Nations people or the fact that they were the first people on this land.

What I simply articulated and reinforced in the amendment is what we all know as Canadians that the country of Canada, the federation of Canada, the Constitution and the BNA Act was all founded based on the accommodation and the deal made by the two founding people at the Quebec Conference, and in Charlottetown. If our institutions, our parliaments, our two founding languages are what they are in this Confederation, it's based on the historical fact that Canada, as a nation, was founded by people of British and French descent.

Do you not recognize that the entity of Canada was founded by those two founding people?

Senator Gold: Senator Housakos, the amendment you proposed to the motion introduced an element that had been carefully considered and studiously avoided in the efforts to reach a consensus among all members of this chamber.

I do this far too often and you must be tiring of the constitutional hat that I put on, but Canada, if we want to be technical, was the creation of an act of the British Parliament, to in no way deny the importance of English and French people who, by that time, had dominated the political structures of pre-Confederation Canada.

But your amendment, as I said, is not one that is historically accurate nor is it one that is in the spirit of the original motion that was intended to unite us, and one week later, we are still debating something that we should have been able to resolve a week ago.

[*Translation*]

Hon. Raymonde Gagné: Honourable colleagues, I want to explain why I will vote against Senator Housakos's amendment.

First, I want to say that I rise today, two weeks after supporting Senator Miville-Dechêne's original motion, to speak to an amendment. This motion, to which a number of senators contributed, called for the unanimous support of this chamber and sought to send a message to all those who were in shock and unable to understand this violation of their language rights. I sincerely believed that, with such a carefully drafted motion, we could have expressed ourselves clearly and promptly, considering what is currently going on.

• (1640)

Honourable colleagues, the upper chamber's strength lies in its diversity, its many voices, all of which represent this great country in their own way. Unanimous support for any motion, bill or amendment is never a given and must be warranted.

It should be noted, honourable colleagues, that this motion was drafted, worked and reworked by Senator Miville-Dechêne and others in order to put forward a strong and inclusive message. It had to be reworked for a few reasons, namely to ensure that provincial jurisdictions are respected, to take legal terminology into account, and to consider the interests and sensitivities of francophone, anglophone and Indigenous communities. In short, it warrants the unanimous support we were seeking.

The support shown and expressed in this chamber, not only by independent senators, but also by government representatives and by my Liberal and Conservative colleagues, led us to believe that we could say, "mission accomplished." Successive speeches demonstrated this spirit of unity, this commitment to the values we all share and the desire to express them unequivocally and openly. In short, we had a motion that could have been and should still be unanimously supported by all members of this chamber.

I don't see anything particularly new in Senator Housakos' amendment. With all due respect, it is essentially a rewording that offers no added value. I would also note that, unlike the original motion that received the unanimous support of the 21 senators who commented on it, the language in the amendment before us is less inclusive and, regardless of its intention, appears to exclude Indigenous peoples from the founding of our country.

For these reasons, I cannot compromise the original motion by supporting an amendment that does not have the unanimous support of this place. I would point out that the original wording of the motion received nothing but support from all sides of this chamber and from people across Canada. I believe that, without the amendment, members of this chamber will support it unanimously, giving us all an opportunity to reaffirm the importance of both official languages as the foundation of our federation and our unwavering support for ensuring that all Canadians can exercise their language rights.

Thank you.

Hon. Senators: Hear, hear!

[*English*]

Senator Housakos: Would Senator Gagné take a question?

[*Translation*]

Senator Gagné: Yes.

[*English*]

Senator Housakos: Members of the other side keep alluding to the spirit of cooperation, and somehow I worked in a vacuum with presenting my amendment, and somehow the motion put forward by Senator Miville-Dechêne was a collaborative effort.

Again, does the member opposite know that four hours before the morning of the motion of Senator Miville-Dechêne was tabled, our leadership made an overture to Senator Woo's office in order to have a joint statement made and to have a cooperative debate, and that was refused?

[*Translation*]

Senator Gagné: I regret that my colleague Senator Housakos heard things in my speech that I did not say. I talked about content, I didn't talk about process.

Senator Housakos: You alluded to the fact that, for one reason or another, my amendment was offensive to Indigenous peoples. What do Indigenous peoples have to do with a debate on Canada's official languages? What do Indigenous peoples, their culture and their contribution to our country have to do with bilingualism in Canada?

Senator Gagné: In the context of the amendment, what I do know is that it is far less inclusive, since it states "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 . . . ." This is not inclusive, and I believe that the motion, as moved, is inclusive.

Senator Housakos: Senator, would you agree that Canada's two official languages were given to us by the two founding peoples of our country? Yes or no?

Senator Gagné: We have two official languages here in Canada. That is explicitly stated in the Canadian Charter of Rights and Freedoms and in the Constitution. In this context, you are saying, "our two founding peoples as the cornerstone of our federation." That is the problem.

[*English*]

Hon. André Pratte: Your Honour, a point of order.

Senator Housakos has a couple of times now alluded to the fact that Senator Miville-Dechêne's motion was not shared with the Conservatives. I can state, as far as I'm concerned, that I sent an email to Senator Smith early on Wednesday morning, that I spoke with Senator Smith around noon on that day, Wednesday, and that the text was sent at the request of Senator Smith's office at 1:20 Wednesday afternoon.

The Hon. the Speaker: Honourable senators, I would consider that statement more a point of clarification than a point of order.

Hon. David Tkachuk: Honourable colleagues, it's interesting that we're debating this issue in the city of the largest bilingual French-English university in the world. Established by the Oblates, it became a college when the government at that time of the two Canadas was led by John A. Macdonald in 1861, I believe, and it is now known as the University of Ottawa and became one in 1866, when John A. Macdonald was part of the co-government of the two Canadas.

I can only speak as a senator who is neither French nor English. I, as you know, am of Ukrainian descent and come from the Prairies where we have in the past been unfairly tarred with being anti-French.

The source of that belief, I surmise, is the surveys taken by eastern research companies in the 1960s and 1970s that showed there was little support for speaking French out West. Of course, that was a survey of people who had never had a need to speak French. What they did not ask in those surveys is: Do you favour your children speaking French? If they would have asked that question, and a number of them did, they would have found general acceptance.

We have had a French elementary school in our city of Saskatoon since the 1960s. There were so many immigrants who had just learned English. My parents insisted that I speak without a Ukrainian accent because they wanted me to fit into the new country that we were so privileged to enjoy.

But my wife and I decided that we would send our two children to French schools. They were born in 1973 and 1976, beginning with kindergarten. We were strong Conservatives and so was our province at that time, and we believed in the duality of the country. We were not alone. Bilingual education and French schools had strong support in Saskatchewan, and there were many of them.

During our children's school years, we lived in various places, Kelowna for a year, Ottawa for a year, and Regina for four years. Our children never missed a beat in language education.

When we lived in Ottawa, our daughter was seven years old. Whenever we went to Montreal, in order to help her French, she was our translator, assisting us with the French language. Of course, we lived in Ottawa for a short time. We never understood why you would spend the weekend in Ottawa when you could be in Montreal. But being from the Prairies, it seemed a short drive. We spent a lot of time there. My daughter would order food for us in restaurants and help us communicate when we were not able to find English speakers.

• (1650)

My son attended bilingual schools until Grade 10, and my daughter graduated and majored in French and English in university. After college, she moved to Vancouver where her French suffered, as it always does when you have little opportunity to use it. She still savours the third culture she adopted. She now lives in the United States, adding a fourth culture to her resume.

Brian Mulroney appointed me to the Senate. He was as staunch a defender of francophones as we have had as prime minister. I remember when he stood in Manitoba and defended the historical nature of Quebec when there was a real language issue, not this trumped-up one we are dealing with now.

It would have been brave if Trudeau had stood up for Ontario's rights to make its own financial decisions. Yes, a French university is not being built. Three English universities are not being built, either. Former Premier Wynne should not have promised universities when she knew she didn't have any money for them. The Ontario Liberals had 15 years to build a French university. They did not. I guarantee you that if she had still been in power and cancelled them, as she would have had to, we would not have had this motion.

This is about economics. You wouldn't know that because you can always count on certain politicians to use issues to divide the country. It's a dangerous game, because this kind of exploitation of an issue will make it more difficult to fight real prejudices and real attacks on French language, should they come.

I support the amendment, and I support the motion. I do so without any malice toward the Premier of Ontario and the gargantuan job he has before him in restoring the health of a province that was once the economic engine of Canada. I reserve that malice for those who see division as an opportunity rather than a healing moment. We do not advance the linguistic rights in other parts of Canada by this unseemly rush to accuse Conservatives of not understanding the realities of our country.

I want to close by reminding us of what Brian Mulroney said during the real language crisis in Manitoba, a crisis that this Prime Minister's father also tried to exploit for his own political purposes.

Before I quote his words, let me thank the *Toronto Star* for reprinting the parts of his speech from 1983, and, of course, reminding me of that, even if the article on this story, written by Senator Pratte, is of the usual partisan nature, characteristic of the *Toronto Star* when it comes to the great Conservative Party. Prime Minister Mulroney said:

> We are all children of our environments. We bring to given problems the judgment that has been shaped by the realities to which we have been exposed in our lives.
>
> In Canada, particularly in the area of language, these differ widely according to individuals and regions because of our sense of history. We must seek to understand these differences and consider them not as obstacles but as guides to the elaboration of sensible and realistic policies which will enhance rather than lessen the attractiveness of such policies in the minds of all Canadians.
>
> The issue before us today 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. There is no obligation more compelling and no duty more irresistible in Canada than to ensure that our minorities, linguistic and otherwise, live at all times in conditions of fairness and justice.

Some Hon. Senators: Hear, hear.

Senator Pratte: Will the honourable senator take a question?

Thank you. I would like the senator to explain how the original motion would be divisive — if I heard him correctly — if at least four members of the Conservative caucus lauded the motion. Senator Maltais lauded it, specifically, because the motion was nonpartisan.

Senator Tkachuk: I support the motion. I support the amendment, and I support the motion.

Senator Pratte: You stand corrected that you support the original motion, even if it is not amended by Senator Housakos's amendment?

Senator Tkachuk: I'll give that some thought.

Hon. Murray Sinclair: Honourable colleagues, I rise to speak on the amendment proposed by Senator Housakos, calling upon this chamber to reaffirm the importance of the linguistic duality of French and English given to us "by our two founding peoples as a cornerstone of our federation" and as an essential part of our Canadian identity.

In this chamber, there is no doubt we all recognize that Canada has two official languages, as enshrined in section 16 of the Charter, at present. I would remind all senators that at the time this Confederation was created in 1867, our duality in terms of languages was not enshrined in the Charter; it was first entrenched in a constitutional document, in the Manitoba Act of 1870.

The Senate as an institution has a role to ensure that the rights and interests of society, minority groups and vulnerable groups are represented and protected, including the official languages of minority communities. I support that steps must be taken to preserve these languages, because language and culture are keys to personal identity.

This is one of the most prevalent themes that came out of the work of the Truth and Reconciliation Commission of Canada. One of the key findings of the TRC was that residential schools were a systematic government-sponsored attempt to destroy Aboriginal cultures and languages, and to assimilate Aboriginal peoples, forcibly, if necessary, so that they could no longer exist as distinct peoples.

In fact, Canada had tried at various points in our history to do the very same thing to French-Canadians, until their language was enshrined within our Constitution.

Language and culture are keys to personal identity. Personal identity is key to a sense of self-worth. Spiritual and mental wellness hinge on one's sense of self-worth. Identity also gives one a sense of being valued and worthy, if one's language and culture are considered valuable and worthy. If the language you speak and the culture you follow are denigrated or otherwise portrayed as unworthy of respect from your neighbours, disrespect is reciprocated, and the tension between you is inevitable.

Everyone wants to feel worthy and to belong to something valid. Education is the key by which we make our society and our membership within it seem valid.

The TRC felt so strongly about the connection of language and culture to identity that five of our calls to action to ensure the support and preservation of those were identified within the final report.

It's for this reason that I cannot support this amendment as presented. It falls short, by recognizing only two groups as founding peoples of this country. Technically, from a constitutional perspective, Confederation was an agreement between four provinces. This amendment perpetuates historical amnesia and the colonial narratives that Canada was founded only by two groups. It fails to recognize that, through the treaty-making process between Indigenous peoples and the Crown, a process has been created to validate this country as a nation state in the eyes of the international community.

I referenced that in my previous speech relating to Bill C-262. The pre-Confederation treaties, the numbered treaties, the modern-day treaties and the Treaty of Niagara that references the Royal Proclamation of 1763 are nationally and internationally recognized agreements between nations. They also define and shape the identity of Canada.

Canada has committed to renewing the relationship between Indigenous peoples and all Canadians. Prime Minister Trudeau has directed the Minister of Immigration, Refugees and Citizenship, for example, to make changes to the oath of Canadian citizenship to reflect the Truth and Reconciliation Commission calls to action.

• (1700)

Call to action No. 93 calls upon Canada to reflect a more inclusive history of the diverse Aboriginal peoples of Canada, including information about the treaties and this history of Indigenous peoples, including that of residential schools.

Provinces are undertaking to update their curriculum so it is more inclusive and reflective of the history of Canada, warts and all. This amendment signals the need that perhaps Parliament should act to do the same.

As an Indigenous senator, I have a duty to take an opportunity when a window opens to talk about how the relationship and recognition of Indigenous peoples can move forward. This amendment has provided an opportunity to talk about the founders of Canada in an inclusive way.

The TRC recommended that Canada should renounce the doctrine of discovery, which in the past provided a basis for European explorers to claim Aboriginal lands. It also calls upon Canada to develop a Royal Proclamation and a covenant of reconciliation, and that part of the proclamation should repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the doctrine of discovery and *terra nullius*.

It will soon be time to recognize formally that Canada actually has three founding peoples: Indigenous people, the French and the British. This amendment only recognizes two founding groups. For that reason, I cannot support it. I ask you to consider, for these reasons also, not to support it either.

Senator Housakos: Would Senator Sinclair take a question?

Senator Sinclair: With pleasure, senator.

Senator Housakos: I listened attentively to your remarks. You pointed out a number of things about the history of our country. I want to highlight, honourable senators, that I am of neither British nor French extraction. I am the son of immigrants who came to this country and neither French nor English are my first language. As a matter of fact, they are my second and third languages. Don't you agree, senator, with the bilingual nature of this country, the two official languages and the history of our country as founded by the founding fathers as a nation — I am not talking about who founded the land but who founded this Confederation, this Constitution, these institutions — were our British and French ancestors of this country? Isn't that a source of pride that needs to be reiterated by our Parliament and defended at every turn and corner?

Senator Sinclair: Thank you very much for that question, senator.

I would point out that during the debate around the Manitoba Act of 1870, which was a British proclamation, and the entry of Manitoba into Confederation, there was a great deal of concern raised over the question of French language being included in the Constitution of Manitoba. Sir John A. Macdonald, who was Prime Minister at the time, was not supportive of that particular provision.

A lot of our history as Canadians over this question has not been made available to many Canadians throughout our history as a country.

I want you to know that I am quite supportive of recognizing the duality of the French and English languages as a cornerstone of Confederation. I pointed out that wording is in the original motion and I was prepared to support it. I am not, however, prepared to acknowledge that only two nations created this country. The settler population who came here would not have been allowed to stay if they had not first recognized the validity of Indigenous people who were here at the time as occurred when the first arrival happened in the 1490s.

[*Translation*]

The Hon. the Speaker: I am sorry, Senator Maltais, you have already spoken to the amendment and you cannot speak to it a second time.

[*English*]

Are honourable senators ready for the question?

Some Hon. Senators: Question.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

Senator Plett: If you want to defer the vote, I will refer to Senator Mitchell as to whether or not he has a motion.

The Hon. the Speaker: Senator Plett is invoking rule 9-10 to defer the vote to the next sitting. Do you have something to add to that, Senator Mitchell?

Senator Mitchell: I further defer the vote to the sitting that follows the next sitting.

The Hon. the Speaker: Pursuant to 9-10(4), Senator Mitchell is deferring the vote to the sitting following the next sitting, which means the vote will take place Monday night with a 15-minute bell.

MOTION TO CALL ON THE GOVERNOR IN COUNCIL TO APPOINT CLERK OF THE SENATE UPON RECOMMENDATION OF THE SENATE—MOTION IN AMENDMENT ADOPTED

Leave having been given to revert to Other Business, Motions, Order No. 328:

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:
>
> That, in the interest of promoting the autonomy and independence of the Senate, the Senate calls on the Governor in Council to appoint the Clerk of the Senate and Clerk of the Parliaments in accordance with the express recommendation of the Senate.
>
> And on the motion in amendment of the Honourable Senator Saint-Germain, seconded by the Honourable Senator Housakos:
>
> That the motion be not now adopted, but that it be amended by adding the following before the period:
>
> "; and
>
> That it be an instruction to the Standing Committee on Internal Economy, Budgets and Administration that it consider and recommend to the Senate, no later than the fifteenth day the Senate sits after the adoption of this motion, a process by which the Senate could submit to the Governor in Council its recommendation on the nomination of a person or list of persons with the skills and capacities required for the position of Clerk of the Senate and Clerk of the Parliaments".

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I will be brief and begin with an apology. I was unavoidably out of the chamber when this motion was first debated this afternoon. As it is a motion on a subject I am keenly interested in, I had asked Senator Bellemare if she would take the adjournment. I was unaware at that time there had been an agreement amongst the parties to call the question and I certainly don't want my adjournment to officiate that agreement.

I will be brief in saying there are aspects to the motion and the amendment which I wanted to speak to in order to raise some of the challenges dealing with the Governor-in-Council appointment process and the way in which the Prime Minister's prerogative for Governor-in-Council appointments must be respected, and that we shouldn't move in a fashion that would undermine or potentially create issues around the appointment process itself.

Suffice it to say, for today, I am happy to have the vote on the motion and I can speak more substantially on it when and should this motion be adopted and it comes back to the chamber.

I would call for the question.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion in amendment of the Honourable Senator Saint-Germain agreed to.)

The Hon. the Speaker: On the main motion, are honourable senators ready for the question?

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Senator Harder: On division.

(Motion as amended agreed to, on division.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Carolyn Stewart Olsen, pursuant to notice of November 28, 2018, moved:

That, notwithstanding the order of the Senate adopted on January 27, 2016, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the present state of the domestic and international financial system be extended from December 31, 2018 to September 30, 2019.

She said: I move the motion standing in Senator Black's name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1710)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE POTENTIAL BENEFITS AND CHALLENGES OF OPEN BANKING FOR CANADIAN FINANCIAL SERVICES CONSUMERS

Hon. Carolyn Stewart Olsen, pursuant to notice of November 28, 2018, moved:

That, notwithstanding the order of the Senate adopted on September 27, 2018, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the potential benefits and challenges of open banking for Canadian financial services consumers, with specific focus on the federal government's regulatory role, be extended from February 22, 2019 to September 30, 2019.

She said: I move the motion standing in Senator Black's name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES PERTAINING TO THE MANAGEMENT OF SYSTEMIC RISK IN THE FINANCIAL SYSTEM, DOMESTICALLY AND INTERNATIONALLY

Hon. Carolyn Stewart Olsen, pursuant to notice of November 28, 2018, moved:

That, notwithstanding the order of the Senate adopted on October 17, 2017, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on issues pertaining to the management of systemic risk in the financial system, domestically and internationally, be extended from December 28, 2018 to September 30, 2019.

She said: I move the motion standing in Senator Black's name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES

Hon. Gwen Boniface, pursuant to notice of December 5, 2018, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 26, 2016, and Thursday, December 14, 2017, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on Canada's national security and defense policies, practices, circumstances and capabilities be extended from December 31, 2018 to October 31, 2019.

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES CONCERNING VETERANS' AFFAIRS

Hon. Gwen Boniface, pursuant to notice of December 5, 2018, moved:

> That, notwithstanding the orders of the Senate adopted on Thursday, January 28, 2016, and Thursday, December 14, 2017, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study on the services and benefits provided to members of the Canadian Forces; to veterans; to members and former members of the Royal Canadian Mounted Police and their families, be extended from December 31, 2018 to October 31, 2019.

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 5:11 p.m., the Senate was continued until tomorrow at 9 a.m.*)

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ORDERS OF THE DAY