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Wednesday, June 5, 2019

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, June 5, 2019

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

Prayers.

### SENATORS' STATEMENTS

#### D-DAY AND THE BATTLE OF NORMANDY

##### SEVENTY-FIFTH ANNIVERSARY

**Hon. David Richards:** Honourable senators, in commemorating the seventy-fifth anniversary of the invasion of Normandy this June 6, Canadian Heritage took a moment to reflect on the services of the North Shore Regiment, a regiment of boys and young men from the Miramichi, from Chatham, Newcastle, Bathurst, Campbellton and the Acadian Peninsula of New Brunswick; and Major Archie MacNaughton from Black River Bridge who re-enlisted at the age of 43 because he could not leave the boys he had trained on their own.

We have all seen the carnage in clips and movies, mainly American movies about D-Day showing the heroics of American soldiers. They were heroic, but no more than any other. No more than the Miramichi men caught up on the beach or dying in the surf. In fact, one man told me that when he jumped from the landing craft he was over his head in water for the first 10 or 20 yards, struggling in the surf with his rifle and backpack. He was 19-year-old Ron Cook, a great hockey player from Bathurst, New Brunswick, who lost his left leg in the battle of Caen that July.

As soon as the men from the landing craft attained Juno, they were under a desperate attack, and men of 19 and 20 years old fell mortally wounded. Unarmed, Father Hickey of Chatham, New Brunswick went from one dying soldier to another to administer last rites. A bullet hit the chalice he had, but he was unscathed that day. He credits that chalice with saving his life. The North Shore fought their way off that beach and toward the town of Tailleville.

Major MacNaughton was with Company A and his radioman was a 19-year-old kid named Bill Savage from Bartibog Bridge. Bill Savage was walking behind MacNaughton as they entered the town. He had received a radio dispatch that the town had been cleared, but that was not the case.

The radio operator from Company B had radioed from the perimeter of the town, not the centre. MacNaughton and his men, unaware of this discrepancy, entered the main street where a company of German soldiers and two German machine gunners sat.

Two men from Company B helped a young French woman give birth that day. She was alone and went into premature labour in the midst of the fighting. Major MacNaughton and his company entered the main part of town about that same time.

Major MacNaughton had already done more than most men ever would. He had fought as a young soldier in the First World War, seeing terrible action in the trenches, and came home to the Miramichi to marry, start a family and be a farmer.

A First World War German commander put it this way: That the Canadians seemed so disorganized they didn't even look like soldiers, but they fought as fiercely as the elite Prussian guards.

Major Archie MacNaughton had a daughter who was 6 years of age when he left again at the age of 43. Which, when one reflects, might be more like 63 today. His wife said: "Archie, no one can live through two World Wars." But he felt a deep and sacred obligation to his men. He wrote to tell her this and to ask her forgiveness for not giving her the life he felt she was entitled to.

He was killed on June 6, 1944, at the age of 47, by a burst of machine gun fire. The oldest Canadian to die. The radio man behind him, Bill Savage, was also hit and lying near death, and might have died had not Bill Adair from Newcastle found a pulse.

He was evacuated out that day to a British medical tent, coming under German fire again and a bullet going through his foot. He managed to recover and live, he always told me, with the help of a pint of rum he and another wounded soldier had stolen. Bill Savage was my wife's uncle and walked Peggy down the aisle when we were married. We fished the Bartibog River and the northwest Miramichi together on many a day.

He often told me that Major Archie MacNaughton was a great man. I never, ever had a reason to doubt that.

Thank you.

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Allain Roy and Anita Landry. They are the guests of the Honourable Senator Cormier.

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

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

#### PUBLIC HEALTH

**Hon. Chantal Petitclerc:** Honourable colleagues, I rise today to express my appreciation to our public health professionals, including those of the Canadian Public Health Association, for their leadership in the field. All over Canada, these professionals are concerned about our public health systems, which are in jeopardy.

[English]

You may remember, twenty years ago, public health in Canada was in disarray. After the SARS crisis in 2003, the Naylor report led to a commitment to strengthen public health across Canada, including the creation of the Public Health Agency of Canada. Unfortunately, the enthusiasm for public health has faded over the years.

Public health professionals are alarmed, with serious concerns that cutbacks and restructuring of public health may further undermine the public health system effectiveness. We, too, should worry.

Saskatchewan, New Brunswick, P.E.I. and Newfoundland have undergone serious restructuring. We have seen cutbacks in Quebec. The Ontario government is cutting \$200 million a year from public health.

[Translation]

In a recent article, Senator Eggleton reminded us that public health receives only 3 per cent to 4 per cent of health care funding. These cutbacks and restructuring efforts only add to the burden on our already underfunded public health systems.

As many senators have pointed out, the recent measles outbreaks highlight the importance of vaccination, as well as disease prevention and health promotion in general. Disease prevention and health promotion programs often have long-term economic benefits. The sign that these programs are working is that nothing is happening. But something could always go wrong, and that is the scenario that all levels of government must avoid at any cost by listening to our public health professionals.

In closing, I want to read you another quote from the Naylor report that I think still applies today:

[English]

Public health is taken for granted until disease outbreaks occur, whereupon a brief flurry of lip service leads to minimal investments and little change in public health infrastructure or priorities. This cycle must end.

• (1410)

Thank you very much.

[Translation]

## FRENCH CANADIAN THEATRE

**Hon. René Cormier:** Honourable senators, French theatre and stage director Ariane Mnouchkine of the well-known Théâtre du Soleil said, and I quote:

The theatre is meant to stir the soul, lift the spirit and reflect changes in the world and history.

[ Senator Petitclerc ]

That is the mission that the oldest French-language professional theatre company in New Brunswick, the Théâtre populaire d'Acadie, accomplishes with professionalism and commitment.

[English]

I would like to take advantage of the presence in the gallery of the artistic director and the co-executive director of this flagship cultural institution, to salute the achievements of this theatrical company, which is celebrating its forty-fifth anniversary this year.

[Translation]

With over 130 productions under its belt, including more than 20 for young audiences, the Théâtre populaire d'Acadie, or TPA, does performances across Canada and sometimes even abroad. Whether it is an original creation, a contemporary piece or one from the classic repertoire, the TPA puts on a variety of performances inspired by many artistic trends, while giving top billing to local dramatic compositions.

[English]

Deeply rooted in Acadian culture, this company has created works by such important authors as Antonine Maillet, Herménégilde Chiasson and Emma Haché, and has drawn on the history of the Acadian people to bring to the stage some of the most important figures of our history.

[Translation]

Much like the other 14 francophone theatre companies that are members of the Association des théâtres francophones du Canada, or ATFC, the Théâtre populaire d'Acadie is a true cornerstone of francophone culture in Canada's minority communities.

About 200,000 people a year attend performances put on by francophone theatres that are members of the ATFC, located in official language communities in most Canadian provinces. These theatres offer nearly 1,300 performances a year, half of which are geared toward young audiences, from children to teens.

The ATFC, which also includes 20-or-so additional project-based theatre companies, celebrated its thirty-fifth anniversary this year.

[English]

This national art services organization has set up the Fondation pour l'avancement du théâtre francophone au Canada, which will donate nearly \$60,000 in prizes and scholarships this year to emerging, mid-career and established theatre artists from all across la Francophonie canadienne.

[Translation]

These prizes will be awarded at the National Arts Centre's Zones Théâtrales.

Honourable colleagues, if the theatre causes us to question things, challenges our beliefs, unsettles us, entertains us and celebrates who we are, is it not fair to say that it is now more vital to our country than ever? That is the invaluable role that these artists and creators play with passion in this remarkable art form in French Canada.

Long live the Théâtre populaire d'Acadie and long live francophone theatre.

Thank you.

[English]

### CONDEMNATION OF GOVERNMENT OF IRAN

**Hon. Linda Frum:** Honourable senators, it had been my hope that, before the end of this Parliament, I might have been able to move a motion that was currently sitting on the Order Paper proposed as an act of solidarity with the people of Iran who deserve to be free in thought, in religious conviction, in movement and free from compulsory hijab. Alas, as the clock ticks down on last days of the Forty-second Parliament, it pains me to acknowledge that my motion will not be moved by this chamber before we rise for the next election.

The motion's intent was to call on the Canadian government to act, to sanction the IRGC in its entirety and to apply Magnitsky Act sanctions on Iranian regime entities and individuals involved in human rights abuses against their own people. The motion also denounced the Iranian regime's perpetual calls for another Jewish genocide.

As a strong ally of Israel, it is vital that Canada speak out on Israel's behalf. We must unequivocally condemn President Rouhani and the thugs who control the IRGC for providing Hamas and Hezbollah with their tools of death and destruction.

However, the Iranian regime's murderous intentions are not limited to Israel and the West. The regime saves its harshest cruelties for its own people. Since President Rouhani's re-election in May 2017, the regime has accelerated its executions and persecution of lawyers, online activists and the brave women of the White Wednesday movement. Just this week, one of Iran's leading human rights lawyers, Amir Salar Davoudi was sentenced to 30 years in jail and 111 lashes for setting up a social media account to highlight human rights abuses in Iran. In his defence, a group of exiled Iranian lawyers signed an open letter in which they said:

He has been convicted merely for defending victims of the judiciary and security agents, political prisoners and the oppressed, as well as audaciously criticizing the corrupt, cruel and inefficient political and judicial system in Iran.

Honourable senators, as Canadian senators, we have an obligation to show moral leadership, the fight for justice and equality in Iran and the belief that the Jewish people have the

right to live securely in their own homeland are not partisan issues. They are issues that I know unite us all, and they are the values I will always consider it a sacred duty to defend.

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

### YOUTH INDIGENIZE THE SENATE 2019

**Hon. Lillian Eva Dyck:** Honourable senators, it is my pleasure to pay tribute to the eight remarkable Indigenous youth who are participating in the fourth edition of the Youth Indigenize the Senate program today.

This program brings young communities leaders from across the country to Ottawa so they can testify as witnesses at the Standing Senate Committee on Aboriginal Peoples.

The eighth youth are:

First, Christine Luza has roots in the M'Chigeeng First Nation in Ontario and lives and works in Toronto where she sits on the steering committee of Naadmaagit Ki Group, an organization that aims to improve the health of urban Indigenous families.

Second, Trevor Dubois is a two-spirited individual originally from Prince Albert, Saskatchewan, who sits on multiple boards at the local and provincial levels. Trevor holds a degree in Indigenous social work and works with stakeholders to create programs and partnerships with a goal of addressing barriers and systemic injustices faced by marginalized groups in the community.

Third, Jukipa Kotierk is a proud Inuk woman originally from Igloodik, Nunavut but now lives and works in Iqaluit for the Quality of Life Secretariat with the Government of Nunavut. She hopes to build connections and expand resources to ensure Inuit have the same opportunities as other Canadians.

Fourth, Aurora Leddy is a proud Metis woman who grew up in Edmonton, where she devotes her time to teaching Metis jigging classes and visiting schools to teach youth about Metis culture.

Fifth, Richard Lush is from Prince Edward Island where he coaches and manages four football clubs, teaches songs for a youth drumming group and works with the Music is Alive program, which organizes school visits to teach young people about the importance of traditional and nontraditional music.

Sixth is Taylor Morriveau, a proud member of the Peguis First Nation and now lives in Niverville. She is a PhD student at the Children's Hospital Research Institute of Manitoba. In 2018, she was awarded a Vanier Canada graduate scholarship to reveal how a prominent genetic variant in Anishiniwuk youth influences youth-onset type 2 diabetes and how traditional diets may attenuate diabetes development.

Seventh is Karlee Johnson, who is a fluent Mi'kmaq speaker who believes that embracing one's Indigenous language and culture is a key to success. She lives in the Eskasoni First Nation in Nova Scotia where she applies the bachelor of medical sciences she earned last year from Dalhousie University to her work as capacity development lead for cancer learning with the local tribal council, the Union of Nova Scotia Indians.

Eighth is Megan Hébert-Lefebvre, a youth cultural officer of Grand Conseil de la Nation Waban-Aki in Wôlinak and Odanak in Quebec near her region of Saint-Maurice. She develops digital media and teaches graphic design to 12 to 24-year-olds for Niona, a digital production company that promotes Indigenous culture.

• (1420)

Colleagues, we have a wonderful opportunity to listen and learn from these remarkable youth leaders. Thank you.

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

## ROUTINE PROCEEDINGS

### JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

THIRTY-THIRD 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:

Wednesday, June 5, 2019

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

#### THIRTY-THIRD REPORT

Your committee, to which was referred Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault), has, in obedience to the order of reference of May 31, 2018, examined the said bill and now reports the same with the following amendments:

1. *Preamble, page 1:* Replace lines 18 to 25 with the following:

“Whereas Parliament wishes to be made aware of seminars offered to federally appointed judges, including in respect of matters related to sexual assault law and social context, and judges’ participation in the seminars;

Whereas it is imperative that persons seeking to be appointed to the judiciary undertake training on sexual assault law and social context;

And whereas reasons for decisions in sexual”.

2. *Clause 2, page 2:* Replace lines 26 to 37 with the following:

“(b) has agreed to engage in continuing legal education in respect of matters related to sexual assault law and social context, including by attending seminars established under paragraph 60(2)(b) on these matters.”.

3. *Clause 3, page 3:* Replace lines 5 to 8 with the following:

“al assault law and social context

(i) that have been developed after consultation with persons the Council considers appropriate, such as sexual assault survivors and groups and organizations that support them, and

(ii) that include instruction in evidentiary prohibitions, principles of consent and the conduct of sexual assault proceedings, as well as education regarding myths and stereotypes associated with sexual assault complainants;”.

4. *Clause 4, page 3:* Replace lines 18 to 22 with the following:

“offered; and

(b) the number of judges who attended each seminar.”.

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, p. 4950.)

**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.)

[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, June 10, 2019, 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 any provision of the Rules, 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; and

That rule 3-3(1) be suspended on that day.

## CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL MISSION TO THE FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA AND THE REPUBLIC OF RWANDA,  
MARCH 10-16, 2019—REPORT TABLED

**Hon. René Cormier:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Africa Parliamentary Association respecting its bilateral mission to the Federal Democratic Republic of Ethiopia and the Republic of Rwanda, held in Addis Ababa, Ethiopia and Kigali, Rwanda, from March 10 to 16, 2019.

[English]

## ABORIGINAL PEOPLES

MOTIONS TO AUTHORIZE COMMITTEE TO MEET DURING  
SITTINGS OF THE SENATE—LEAVE DENIED

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Thursday, June 6, 2019, at 2 p.m., and that rule 12-18(1) be suspended in relation thereto.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Thursday, June 6, 2019, at 2 p.m., for the purpose of its study of Bill C-91, An Act respecting Indigenous languages, 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?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Wednesday, June 5, 2019, at 6:45 p.m., for the purpose of its study of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, 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?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

[Translation]

## QUESTION PERIOD

### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

#### CHINA—CANADIAN PORK EXPORTS

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate, and it's about persistent trade disputes with China. Our canola exports to China have been blocked for about three months at a considerable financial cost to our canola producers.

China also suspended two Canadian pork producers' export permits last month. We learned yesterday that the disputes have intensified and that China's customs agency plans to increase inspections of Canadian pork imports. China was one of Canada's biggest export markets for pork products in 2018. However, this market now appears to be in jeopardy.

• (1430)

Senator Harder, how is the Government of Canada responding to this new trade dispute with China? What is our government doing to help our pork producers access the Chinese market?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. It follows earlier questions from him with respect to canola, which are also referenced in the question today.

Let me just review for colleagues what the Government of Canada is doing with respect to these matters. It is no secret that the Canada-China relationship is going through a difficult period, both on the commercial and political sides, for reasons that are well known.

With respect to canola, the government, as I reported earlier, is seeking the highest level of engagement with the Government of China to deal with the matters as best we can through a more scientific and fact-based approach. At this time, the Government of China has not agreed to high-level meetings of experts to review the scientific basis for the claims being made.

Notwithstanding that, the government continues to work both directly and indirectly with stakeholders and other governments who share the concerns of the Government of Canada with respect to the trade relationship with China and, certainly, some of the root causes that are at play here.

Today, the Minister of International Trade Diversification is leading a delegation of Canadian producers and industry members on a mission to Asia to do what we need to do, and that is diversify our export markets to other countries in Asia. We have, with the adoption of the CPTPP, the opportunity, as first movers in this area, to gain marketplace, particularly in Japan, where we have an advantage over our American friends at this time, and that is one that we ought to be pursuing.

With respect to the pork issue, Canadian farmers certainly produce a very high-quality product, and it's backed in credibility by a very robust inspection system. It is true that swine fever is an issue in China but it is not an issue in Canada. The Government of Canada is making every effort to work with our pork producers and the industry to underscore the importance of the heightened quality assurance that we need to insist on so that there are no claims made with respect to the quality of our product.

We stand behind our pork producers. Our industry is world-leading. There, too, we have provided the Government of China with the assurances of our inspection system to keep the debate on the legitimate and science-based approaches.

Colleagues, this is an opportunity where Canada also needs to add to our diversity agenda in terms of market development and product placement.

[ Senator Smith ]

Finally, I would like to reference the bilateral political relationship. Colleagues will know that the Government of Canada is very pleased with Chargé d'Affaires Jim Nickel, who is performing an outstanding professional public service role in China.

The press has alerted Canadians, and I mentioned to colleagues here, that Global Affairs Canada has received confirmation from the Embassy of China that the current ambassador from China to Canada will be ending his term at the end of this month. That, too, is an opportunity for reflection on where the political situation and relationship should go from here.

**Senator Smith:** Thank you, leader.

Reflecting back, I was lucky enough to spend 10 years with a major agri-food business and travelled extensively in Asia. Regarding your answer about developing other options, I would have thought that anybody would have tried to develop other options long before sending out a group at the last moment. That is unacceptable. Just a comment.

#### DIPLOMATIC REPRESENTATION

**Hon. Larry W. Smith (Leader of the Opposition):** Yesterday, we also learned that the Chinese Ambassador to Canada will soon be taking up a new post in France. John McCallum was fired as Canada's Ambassador to China on January 25 and no permanent replacement has been named since, Senator Harder. Canada remains severely underrepresented in China at a time when we clearly need representation on the ground.

When will the government name a new permanent Ambassador to China?

**Hon. Peter Harder (Government Representative in the Senate):** I'm glad to see that the supplementary question references the material I raised in the response to the first question.

Let me first, with respect to the preamble, totally dispute the assertion that the Government of Canada — and by that, I mean successive governments of Canada — have not sought diversification strategies. That is why the previous government began and this government concluded the TPP. Actually, there are results. Look at the facts: Canada has had an increase in its export market in Asia as a result of the TPP, and Canada has had an increase in its markets in Europe as a result of the Canada-European Union Comprehensive Economic and Trade Agreement. Let's consider the facts and not the rhetoric on our diversification strategy.

With respect to Jim Nickel, he's a total professional and not to be undermined by accusations otherwise in this chamber.

#### SOFTWOOD LUMBER NEGOTIATIONS

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I'm proud to stand on the record of our previous government, which actually did a lot of the heavy lifting for both of those.



My question for the Government Leader concerns softwood lumber. Forestry companies in my province of British Columbia have been closing mills and cutting back on shifts as the industry continues to deal with the softwood lumber duties imposed in 2017 by the United States.

Last month, Tolko announced it was closing one sawmill and reducing shifts at another mill, resulting in 240 job losses. And on Monday, Canfor announced it will permanently close a sawmill, with a direct loss of 178 jobs. These cuts will be felt by families and communities across British Columbia.

Senator Harder, I have two questions. What will your government do to support those who have lost their jobs and help them get back to work? As well, what is your government doing to put an end to the roughly 20 per cent duties that have been slapped on our softwood lumber exports to the U.S. since 2017?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. It is one that has been raised in this chamber over the last number of weeks, and quite rightly, because this is a serious matter for the workers and the industry affected.

The honourable senator will know that the bilateral relationship with the United States, as a result of the efforts to renegotiate what we call NAFTA — and frankly, I still call it NAFTA because I can't get my head around the other acronyms we should be using — has been the priority.

With the conclusion of those agreements and now being in the ratification process, and with the ending of steel and aluminum tariffs that were so detrimental to that sector and a barrier to proceeding with ratification, we're now in a situation where the talks that have been ongoing throughout this period with respect to lumber are at the forefront. I want to assure all senators that the Government of Canada is doing all it can with respect to the bilateral negotiations in a spirit where a protectionist administration is seeking to use what the Government of Canada believes are unfair tools in its tariffs in this sector.

It is a sector where honourable senators will know the Government of Canada has put resources behind those affected, not only in lumber but also steel and aluminum, and will continue to do so to support Canadians engaged in our bilateral trade relationship to ensure that those jobs and industries work their way through this cyclical challenge in our bilateral relationship.

**Senator Martin:** Senator Harder, in an answer last week, you indicated that the softwood lumber duties were not a priority in our economic relationship with the United States as compared with the renewal of NAFTA, or USMCA, and the lifting of the steel and aluminum tariffs. I know that wasn't a very positive or sympathetic message to send to our forestry industry at a time when mills in my province, as I said, are closing and workers are losing jobs.

If I may, in your response to my first question, you said now that we're nearing the end, this will become a priority. Will you confirm that this government will make the resolution of the softwood lumber a priority at this time?

• (1440)

**Senator Harder:** Senator, I thank you for your question, but I believe it's a mischaracterization of what I have said in the past. It ought to be obvious that in the face of a demand for the renegotiation of the Canada-U.S.-Mexico free trade agreement, the so-called NAFTA, that framework agreement has to have high priority in the bilateral — in this case, trilateral — relationships to assure the common economic space of North America has a predictable framework for the economic relationship. That does not mean that the Government of Canada has not, throughout this period, raised the bilateral issues, whether they be lumber or other cross-border issues, with the Americans. But they are caught up in the larger discussions and negotiations.

The immediacy and the inappropriateness from the Canadian government's view of the imposition of tariffs, particularly using the national security clause, which the Trump administration did with respect to trade and aluminum tariffs, was obviously an immediate and highly challenging issue to manage and has successfully concluded, for which the Government of Canada and the industry affected are grateful. That leaves this issue as obviously an ongoing irritant in the bilateral relationship, one that is a central focus in the bilateral economic relationship.

[Translation]

## EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

### COPYRIGHT POLICY

**Hon. René Cormier:** Honourable senators, my question is for the Government Representative in the Senate.

Senator Harder, on June 3, 2019, the House of Commons Standing Committee on Industry, Science and Technology released its final report and its 36 recommendations regarding the Copyright Act. The committee recommends improving the bargaining power of Canadian creators by granting them a termination right while mitigating the impact of such a right on the commercial exploitation of copyright.

My question for you is the following: When does the government plan to respond to the contents of this report, and when will it commit to reviewing the Status of the Artist Act in order to promote improved socio-economic conditions for our professional artists in every region of Canada, whose median salary is \$21,600, which is well below the median salary for the entire population?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. Copyright is an issue he has raised from time to time in this chamber. It's because we all recognize that copyright is vital to the creative social sector and to writers and the well-being of creators in the Canadian market.

To date, I should report that the government has increased the Copyright Board of Canada's funding by 30 per cent and introduced reforms to ensure that creators are compensated fairly and can thrive in this digital economy. The government is obviously grateful to the committee for its report which, as the question indicated, has just been tabled in the other place and will be closely reviewing its recommendations.

In the meantime, I can assure you that the government has implemented important measures to modernize the Copyright Board and has obtained a cultural exemption from the United States, which gives us the tools to protect our culture on the web, which in a digital economy is particularly important to creators.

## INDIGENOUS AND NORTHERN AFFAIRS

### FUNDING FOR SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

**Hon. Yvonne Boyer:** Honourable senators, my question is for the Leader of the Government in the Senate.

I read in the news today that the government has announced hundreds of millions of dollars in foreign aid for sexual reproductive and maternal health. My question is how much of this money is earmarked to address the issue for Indigenous women who have been coerced or forcibly sterilized in Canada?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. The announcement that was made, as I understand it, is with respect to our international development assistance. As such, it is for international development assistance. If the honourable senator's implication is regarding spending or commitments for the issue with respect to Canadian Indigenous women in particular, I would be happy to make inquiries as to what the sum of funds are available. I don't want to leave the impression that it would be from the announcement made yesterday. That is for international development assistance.

**Senator Boyer:** Thank you.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### EXPORT OF PULSE CROPS TO INDIA

**Hon. Carolyn Stewart Olsen:** Honourable senators, my question is for the government leader in the Senate.

Last week, Statistics Canada reported that the net income of farmers has been cut almost in half in 2018, the largest decrease in 12 years. As well, farm operating expenses increased 6.5 per cent, the largest increase since 2012.

Trade disputes that have emerged over the last several years have contributed to the tough situation currently faced by our farmers. For example, there has been no resolution to the fumigation dispute, which has hurt our pulse exporters to India. StatsCan's report shows that lentil revenues have dropped by one third and dried peas dropped by almost 20 per cent.

Senator Harder, our pulse producers were told the situation would be fixed by now. Instead, it shows no signs of improvement.

Can your government tell our producers that the dispute with India will be resolved before the end of 2019?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. She'll know this issue has been one that has been of high concern to the Government of Canada. It has been raised at the highest levels with the Government of India now that the old government is renewed in India. It is a priority for the government to deal with those in the new administration to seek resolution of this challenge. It is one that the Canadian inspection services are very involved with, again, as in other countries. There are often scientific bases and often non-scientific bases to these issues. It is important to, where appropriate, find the science and demonstrate that our inspection services do provide the highest quality and that the challenge that is being described in some of the allegations with respect to Canadian pulse exports are in fact not valid.

That is the priority. I know it is a high commitment on the minister's behalf.

### AGRICULTURAL EXPORTS

**Hon. Carolyn Stewart Olsen:** Thank you, senator. In addition to the dispute with India, we're currently involved in a dispute with China over canola exports, as all senators are aware.

As well — and I was surprised by this — Italy, Saudi Arabia, Peru and Vietnam have all placed barriers on agricultural trade with Canada in recent years. I'm not sure what's happening, but I'm hearing all of this. I'm hearing all of these problems facing our farmers. Senator Harder, what is the government doing to help remove these obstacles for our farmers?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for the question. She'll know that the government has been very active in working with producers and the export industry in advancing the marketplace that is available to us. The Canada-Europe free trade agreement has been a significant bonus. I can produce the figures that demonstrate the way in which the market has grown for Canadian producers.

I would also point to the CPTPP as the basis of opportunity, particularly in Japan, as I referenced earlier. That is a cooperative effort with producers to husband those markets.

The agricultural sector globally is being challenged by serial tariff policies of various governments. The view of the Government of Canada is that tariffs are not appropriate and that we should work bilaterally and multilaterally to eliminate those tariffs.

In the meantime, as the senator will know, the Government of Canada, through its support of the agricultural sector, is providing ongoing support to our producers.

## PRIVY COUNCIL

## RESTRICTION OF GOVERNMENT OPPOSITION

**Hon. Leo Housakos:** Honourable senators, my question is for the non-affiliated government leader in the Senate.

Senator Harder, as I'm sure you're aware if you follow me on Twitter — and I know you do — I'm often quite critical of the media, although not nearly as critical as I am of your government.

Freedom of speech, you see, is a wonderful thing. Despite all my criticism of a free and independent media, they, along with the opposition voices in Parliament, are pillars of our democracy. It's how we hold our governments to account. Those voices should never be muzzled, no matter how much you disagree with criticism you and your government may be facing.

• (1450)

Senator Harder, how far is your government willing to go to shut down dissent and opposition? You say you believe in a free and independent media, yet here in the last couple of weeks what do we have? We have seen your leader speak about imposing a digital charter without details on exactly how he intends to censor the Internet. He has appointed Jerry Dias to a panel which will help decide which outlets receive a taxpayer-funded media bailout. Recently we learned that government officials were tipping off Irving Shipbuilding about journalists questioning their contract with the government, resulting in Irving threatening to sue those journalists. There seems to be a lot of that kind of talk going around these days.

Senator Harder, how far are you and Prime Minister Justin Trudeau willing to go to shut down criticism of the government?

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

Let me disabuse the honourable senator of any interest I might have in his tweets or Twitter accounts. I do not follow him. In fact, I don't know how to do it.

**Senator Housakos:** You actually retweet.

**Senator Harder:** I'm sorry to disappoint in that regard.

I do find social media a challenging media with respect to civility and appropriate discourse, but that too is a matter of taste.

Where I think we need as an institution of Parliament to reflect is how social media is a tool of hate and insurrection, if I can put it that way. How is it abused? In that regard, the Government of Canada, working with other like-minded governments of liberal democracies, is reflecting on how to balance that concern with respect to hate speech, hate crimes, organized crime, all of which are using social media to undermine democratic institutions. That ought to be an issue of concern to the honourable senator, and perhaps he can tweet about that some time.

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

**Senator Housakos:** Honourable colleagues, Senator Harder, I hate to remind you, but Twitter is on record. So you not only follow my tweets but also those who retweet my tweets. That's neither here nor there.

What's important to point out is that this is not about simply trying to squash the opposition in criticism. The government is not preoccupied with answering questions. You keep talking about questioning the government as being hate. Questioning the government is our right to question and it's your obligation to answer. I think we all know how far this government is willing to go. We just need to ask former Attorney General Jody Wilson-Raybould or former Minister Jane Philpott or, for that matter, Vice-Admiral Norman and his family whose lives have been made hell for the past two years. It is simply because this Prime Minister cannot handle when someone stands up and calls him out for his hypocrisy.

I ask a second time for you to answer my first question. Who in the Government of Canada has been giving information about questions coming from journalists to Irving Shipbuilding and why is that being done? That's the question.

**Senator Harder:** I'm glad to see the honourable senator has settled on one question.

Let me simply refer the honourable senator to the answer provided by the ministry, which clearly indicated that the responsibility of dealing with the media is not that of the government but of the organization that is in question — in this case Irving. The minister responsible has urged that the more appropriate response be forthcoming from the media.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

## DEFINITION OF ANTI-SEMITISM

**Hon. Linda Frum:** Honourable senators, my question is for the government leader. The International Holocaust Remembrance Alliance, IHRA, has a working definition of anti-Semitism that has clear parameters for what does and does not constitute anti-Semitism. Global Affairs Canada has adopted this definition with respect to our foreign policy. However, the rest of the Canadian government does not have a uniform definition of anti-Semitism. This week, the Organization of American States recognized the IHRA definition.

Senator Harder, why won't your government adopt the IHRA definition of anti-Semitism for the whole of government?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for her question.

I will have to take that under advisement. I was aware, of course, of what Global Affairs was doing, but I am not aware of what the Government of Canada outside of that department is doing. I welcome the OAS decision because that too gives us a common base.

I should add, in reference to my previous answer, anti-Semitism is also used in social media and ought to be condemned in the use of social media in that regard.

**Senator Frum:** Thank you.

## ORDERS OF THE DAY

### FOOD AND DRUGS ACT

#### BILL TO AMEND—DECLARATION OF PRIVATE INTEREST

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention that the Honourable Senator Tannas has made a written declaration of private interest regarding Bill S-228, and in accordance with rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

### OIL TANKER MORATORIUM BILL

#### SEVENTEENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE— VOTE DEFERRED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Transport and Communications (Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast, with a recommendation), presented in the Senate on June 3, 2019.

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

He said: Truth be known, I'd prefer this never be adopted. Nonetheless, I move the adoption of the report.

**Some Hon. Senators:** Agreed.

**Senator Tkachuk:** Honourable senators, I would like to quote from the evidence of a Transport Committee meeting that took place on May 29, 2019. As chair, I asked:

Is it agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the report, taking into consideration this meeting's discussion, with any necessary editorial, grammatical or translation changes required?

It was agreed. Over the weekend, I discovered a rather significant error in the report regarding the language characterizing the vote on the report, which was actually a vote on the bill. I wish to change the language to better reflect what happened.

I brought my suggestions to steering. Because it would delay reporting the bill until Tuesday, steering refused and I presented the report on Monday night.

The next day a point of order was raised by Senator MacDonald in committee. After some debate, I ruled in favour of the point of order and it was overruled by the committee. That is fine. What is not fine is the senator stated during that debate that the last six weeks spent on the bill has been a waste of time. It was explicitly stated.

Well, senators, during those six weeks of wasted time we had hearings in British Columbia, Alberta and my home province of Saskatchewan. We heard personal stories from employers and owners and employees in the energy industry. We heard from the new Premier of Alberta, from the Minister of Natural Resources in Saskatchewan and from local mayors of affected communities. We heard from First Nation communities in B.C., both those who support the bill and those opposed to it. This was not a waste of time. This was the Senate at its best.

I would like to read the testimony of Brian Schmidt of Tamarack Valley Energy who testified at the committee on April 30 in Edmonton. He said:

Finally, I want to point out to you how perplexing Bill C-48 is to me as a businessman. In business, we always look for win-win situations. That is the only way projects get done. When I want to expand, especially on or near First Nations territory, I need to get environmental approvals, regulatory approvals and most important, consent from First Nations. This takes time, it takes money. We are usually successful in finding a way forward where everyone is on board.

If this legislation was a business project, there is no way it would get investment and there is no way it would get regulatory approvals. It does not ensure everyone benefits. In fact, most Canadians lose out. It has not assessed and quantified the negative social and economic impacts it will result in. It has not been drafted in an evidence-based risk assessment. It does not respect First Nations rights, and we often forget this part, but the UN Declaration of Indigenous Peoples mentions economic rights seven times. It does not have social licence. It appears the voice of any opposing First Nation was ignored.

• (1500)

If Bill C-48 were an energy project, it would fail.

With that, and as Chair of the Standing Senate Committee on Transport and Communications, I'm pleased to present our report on Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

The vote on the bill was six to six. The vote on the committee report was passed on division, which means it was not unanimous. Nobody objected to the report in that committee.

As all of you know, I presented the report on Monday night in the chamber recommending that the Senate not proceed with Bill C-48. That should tell you three things: First, this is something that happens very rarely; second, it is not a decision that anyone on the committee took lightly; and third, it was well within your power here in the chamber to approve the report, or else it wouldn't be provided for in our rules. But it is. And that rule is 12-23(5), which states:

When a committee report recommends that the Senate not proceed further with a bill, the report must state the reasons for this. If the report is adopted, the Senate shall not proceed further with the bill.

That is pretty clear and unambiguous, honourable senators, and I presume it is there for a reason. Our independence is determined by our appointment to age 75. That security provides us with the ability to vote our conscience. It always has, and there is a reason for it. The Senate does not have the power and the right to defeat government bills, unless it is in exceptional circumstances. In fact, it was purposely designed to act in those rare circumstances. The committee felt that Bill C-48 was one of those circumstances.

Our report details the reasons why. I will simply summarize them for you today, but I suggest all of you read the report. Much has been made about the fact that Bill C-48 is the fulfillment of a Liberal election promise. It is not. It does not appear in the campaign platform, and while the commitment to formalize the voluntary tanker ban was made at an event in Vancouver in June 2015, it does not appear in the accompanying press release, while the other environmental promises announced that day do. Moreover, Bill C-48 does not fulfill the commitment the Liberal Party made that day in June. It is a case of bait and switch, as we said in our report.

Bill C-48 merely prohibits oil tankers that are carrying more than 12,500 metric tonnes of crude or persistent oil as cargo from mooring, anchoring or unloading that cargo at ports or marine installations located along British Columbia's north coast, from the northern tip of Vancouver Island to the Alaska border. It also prohibits loading if it would result in the oil tanker carrying more than 12,500 metric tonnes of oil. It does not prohibit transiting, so it most definitely does not formalize the tanker ban, as was promised in June 2015. To claim it does is to mislead.

The supporters of the bill argue that one accident will jeopardize their fishing livelihoods, even though most of those First Nation communities have a 25 per cent unemployment rate, far above the national average. The supporters of the bill are fearful for themselves if an accident happens, even though it is an extremely rare occurrence in Canada and even though the real risks are exceedingly low. However, what they are not concerned about is what happens and what will happen to their fellow Canadians if this bill passes. That is unacceptable.

What is also unacceptable is for a government that prides itself in science to provide so little science behind this particular bill. As we wrote in our report, there was a lack of detailed scientific

explanation or data about why this area, specifically, was to be subject to a ban on the movement of heavy oil. At best, the decision appeared to be based on outdated or incomplete information. More damningly, as Senator Simons put it, the reason the government gave for bringing in the ban was not because of scientific data but because it lacked sound scientific data.

The science it ignores is the science about modern-day tanker safety, with the advent of double-hulled ships and modern navigation systems. But that seemed to be of little importance to the government.

And while the same government advertised this bill as an avenue of reconciliation with Canada's Indigenous people, it is clearly dividing them against each other. The Nisga'a and Lax Kw'alaams are adamantly opposed to this bill, while the Coastal First Nations members are for it. The minister is using Bill C-48 to pick economic winners and losers between those on the coasts and those who see an economic opportunity in building a pipeline to the coast or exploiting their natural resources on their lands.

I want to restate what I said before: There is no pipeline to Eastern Canada. The pipeline to the south is tied up in the courts and will be threatened if there is a president from the Democratic party. The Kinder Morgan pipeline will only take oil to Washington State. The new pipeline to Burnaby, if it is ever built, will not be able to load the large super-tankers necessary when you need to export to international countries and be competitive. The port is too shallow. If this bill passes, honourable senators, there is nowhere to go.

Moreover, this bill, along with Bill C-69 and others, threatens national unity by unfairly targeting the economic livelihood of those living in Alberta and my home province of Saskatchewan. It robs the people of Drayton Valley, one of many conventional oil-producing communities in Alberta, of their future. It robs the people of Fort McMurray of their future — the tens of thousands of workers who have already lost their jobs and the tens of thousands more who will lose theirs. Many are highly skilled, working in geology, the environment, engineering, resource law and the investment community in Calgary. On the technical side are the contractors, the pipeline workers, the oil workers and the mechanical and chemical engineers. These human resources are going to flee. A community that loses them will not get them back. This bill and others like Bill C-69 and parts of Bill C-68 guarantee that it will cost all of us.

The bludgeoning of communities in Saskatchewan and Alberta will be a catastrophe, not only for those provinces but for Canada. As former Premier Brad Wall put it so well recently in the *National Post*:

Today in Alberta and Saskatchewan, feelings of alienation — and yes, separatism — are not only the purview of the usual demographic suspects. Intense dissatisfaction with the federation in these two provinces is much broader and deeper than the usual 15-per-cent cohort of self-identifying alienated citizens at any given time.

I can attest to that. He continues:

First it was the venerable Angus Reid telling us in February that over 50 per cent of both Albertans and Saskatchewanians (yes, that's a word) strongly or somewhat supported their respective province "joining a Western separatist movement." There too was the Environics poll of last month that pegged the number of those open-minded to independence (or as that survey's wording suggested, resigned to independence if things didn't change) was 53 per cent ... in Saskatchewan.

These numbers should shock you.

I can tell you that the feeling of resentment is palpable. I live there. No legislation that seeks to — if you will excuse my phrasing — pour fuel on that particular fire should be allowed to proceed.

Finally, honourable senators, with the Lax Kw'alaams having filed an injunction against Bill C-48, the Nisga'a Lisims saying it betrays the spirit of their treaty with Canada and the recent B.C. court decision on pipelines, this bill, with its attempt to land-lock the natural resources of two of our Western provinces, raises serious constitutional questions regarding sustainability.

Honourable senators, it became clear, primarily because the minister himself stated it outright at our committee, that the government was not amenable to amendments that would forge a compromised position on the tanker ban by creating either a corridor or a particularly sensitive sea area. He rejected these suggestions outright in committee. These amendments will not fly, and that he made crystal clear. So we are left with Bill C-48, an egregiously bad bill that should be stopped in its tracks.

• (1510)

Honourable senators, we have a duty to represent our provinces here in Ottawa, and that duty extends to the voters in these provinces as well. They have spoken loud and clear recently. The political landscape of the country has changed drastically since 2015, with Conservative governments opposed to Bill C-48 replacing the NDP government in Alberta and the Liberal governments in Ontario and New Brunswick. They join Conservative governments already in place in Manitoba and Saskatchewan. The mandate they gave their governments is far more recent than the one given to the Trudeau government four years ago when they made a so-called promise that this legislation does not even fulfill.

In Alberta both political parties, the NDP and the new Conservative government, have voted unanimously, asking us to reject Bill C-48. In the province of Saskatchewan, both political parties have sent a letter saying to do the same.

What happens if we defeat the bill? The voluntary ban remains in place. There is no pipeline to the West Coast, and there probably won't be for 10 years. So, there is no immediate threat to the environment of the West Coast. Nothing will change, except that some people will have hope.

[ Senator Tkachuk ]

The government no longer has the moral authority or the popular mandate to proceed with Bill C-48. If they want it, they can run on it in October. Let the people decide.

Before I close, I want to thank the clerk of the committee, Joëlle Nadeau, for all her hard and exemplary work, not just on this bill but on the Transport Committee since she arrived. It was difficult in our travels. Everything was always extremely well organized.

I want to thank the library staff, Jed Chong and Zachary Shaver, who both became fathers during the time we were studying this bill.

I also want to thank all the members of the committee who may or may not have had different view points on this bill, and who worked diligently in their study and review of it.

Last, I want to thank Conservative MPs Kelly Block and Shannon Stubbs, who have both been relentless in their efforts to oppose this bill in the house.

Thank you, honourable senators.

[Translation]

**Hon. Julie Miville-Dechéne:** Honourable senators, I rise today as Deputy Chair of the Standing Senate Committee on Transport and Communications. I am one of six independent senators in committee who voted in favour of Bill C-48 as amended. I proposed two amendments, including one having to do with a corridor, in the hope of reaching a compromise.

[English]

The committee's report on the oil tanker ban was adopted on division, as my colleague said. I decided not to spend hours trying to amend this long, partisan, biased report written by members of the committee who objected to the bill. This is why.

The day after the vote, I tried to persuade the committee chair to prepare a short, factual report. He refused. He also said no to any steering committee, as usual. We were therefore unable to decide in a collegial manner how to go about writing the report. My only priority then became to ensure that whatever report was prepared would be put before the Senate promptly so we could all vote on it.

It is paramount that the entire Senate and not just six senators ultimately determine the fate of Bill C-48. I therefore urge you to emphatically reject this 21-page report, which does a disservice to the Senate and does not do justice to the diversity of opinion among the 139 witnesses who appeared before us.

The lack of balance of this report defies the mind. It is dominated by the views of Alberta and the oil industry. It exhibits cruel insensitivity to the concerns of most of British Columbia's coastal Indigenous people, who have been calling for a ban on oil tankers for decades. Their voices are absent. Only Bill C-48's opponents are quoted.

The report's Conservative authors describe Bill C-48 as nothing but a cynical play for votes by the current government. Here is what the report says:

Your committee is worried by the cynicism of targeting one region, where the political rewards for the government of the day are few, in order to please voters in other regions of Canada — regions where the government of the day has far greater potential to win seats.

[Translation]

The partisan nature of this allegation is staggering and unfounded. How insulting to reduce the aspirations of sustainable development for First Nations to a handful of votes. We are talking about eight to 11 coastal nations, representing 14,000 Indigenous peoples. Thirty-five per cent of the population of northern British Columbia is Indigenous. Let's not forget that there are no supertankers along the coast because American oil companies that shuttle between Alaska and the west coast of the United States have been respecting a voluntary exclusion zone.

These isolated and modest Indigenous communities rely on the fishery to meet their basic food needs. During a fact-finding tour with the Heiltsuk in Bella Bella, I could see that this community was making a real effort to renew its traditions by practising sustainable fishing and mobilizing young people.

[English]

The President of the Council of the Haida Nation, Jason Alsop, said to us:

For us, a sustainable economy balances cultural preservation, economic development and environmental protection, while recognizing the connections between the land, the sea and the people. Our goal is to create long-term opportunities for community members and future generations to make a living in a way that is respectful of the territory and the beings we share it with. An oil spill would undermine these efforts and put our people's livelihoods at risk.

He continued:

As we rebuild our sustainable fisheries, we estimate it will provide 1,000 new jobs, \$12 million each year in profits and provide \$30 million in income for our nations and partners.

[Translation]

More than 80 per cent of the 55 witnesses that the committee heard from in British Columbia shared this opinion. Not only are the opinions of these Indigenous peoples not in this report, but their desire to not risk having a catastrophic oil spill is deemed unreasonable. The report merely states that there has never been a tanker accident in the moratorium area, which goes without saying since the area sees no tanker traffic. Double-hulled tankers are safer than their predecessors. So be it. However, the report misleads us in claiming that the spill risk posed by double-hulled tankers is low to non-existent. Non-existent, that is what the report states. That's incorrect. Human error happens. Between 2001 and 2010, there were 10 catastrophic accidents

around the world, causing spills of an average of four million litres. The most recent occurred in January 2018, when a cargo ship collided with the Iranian tanker *Sanchi* in the China Sea resulting in an oil spill the size of Paris. According to an expert who appeared before the committee, about 3.7 per cent of the oil shipped around the world gets accidentally spilled.

The committee heard from eminent American biologist Stanley Rice, who said that there absolutely is a risk of a catastrophic spill with uninterrupted oil tanker traffic. It is like playing the lottery: you have little chance of winning, but someone somewhere always wins the big prize. Dr. Rice has studied the long-term impact of the *Exxon Valdez* environmental catastrophe on marine life. Ten years later, there was still oil in the sediments of the intertidal zone, which was affecting salmon embryos, scallops, whales, otters and dolphins. Indigenous peoples stopped eating seafood for at least a decade. The *Exxon Valdez* was a single-hulled tanker, but Dr. Rice said that even a double-hulled tanker would've been ruptured by the impact and a spill would have been inevitable.

[English]

Another missing piece in this report are the voices of fishermen. The President of the United Fishermen and Allied Workers' Union, Joy Thorkelson, told us that her Newfoundland colleagues are also very worried about a possible oil spill. Such a spill would have different consequences on the East Coast and on the West Coast. She said:

The oil, your wave action on the East Coast is much different; your wave action will pull the oil away from the shore. It will not push it onto the shore, which is the case in British Columbia. You're working between two different shores. The fishing industry has major concerns about if there was a spill and what the impacts of that spill would be.

• (1520)

[Translation]

The report also leaves out another crucial piece of information. The industry admits that between 3 per cent to 15 per cent of oil spills cannot be removed. I repeat: from 3 per cent to 15 per cent.

[English]

Colin Doylend from HARBO Technologies explains to us why:

Our current technology out there doesn't contain quickly, so the cleanup is not about containment and then cleanup; it's just about cleanup, and then trying to contain as large as several hectares of ocean, if not larger. That's why you have such dismal recovery rates. We need to change that paradigm, on any spill. Oil tankers or anything on the water . . .

[Translation]

However, it is troubling to see that one of these coastal peoples, the Nisga'a Nation, strongly disagrees. The Nisga'a Nation is made up of 6,000 Indigenous people and has legislative power over 2,000 square kilometres of land in the Nass River Valley, near Alaska. The Nisga'a Nation was the first Indigenous nation in British Columbia to sign a modern treaty with the Crown, one that came into effect 19 years ago. Their president, Eva Clayton, believes that Bill C-48 violates the principles of self-determination that are at the heart of the Nisga'a treaty.

Representatives of at least 35 nations from inland British Columbia and Alberta strongly disagree. They believe that a pipeline passing through their land will help lift them out of poverty. Eagle Spirit pipeline developers are boasting that Indigenous peoples are championing this initiative, which is still on the drawing board.

In committee, we witnessed a clash between two diametrically opposed views of development held by these Indigenous peoples. We saw two camps, one of which believes that the long promised reconciliation involves the passage of Bill C-48, while the other believes that it involves the rejection of said bill. The Senate should not have to act as an arbitrator between these two conflicting viewpoints.

There's one big difference between the two camps, however. The coastal peoples, not those living inland, would bear the consequences of a catastrophic oil spill. The report is correct in pointing out that there's no scientific impact study justifying such a ban on oil tankers. Bill C-48 came about because the federal government chose to apply the precautionary principle and protect a pristine environment in northern British Columbia. That choice is in line with the Government of British Columbia's past conservation efforts on that coast, which the report's authors completely ignored.

To these two diametrically opposed Indigenous viewpoints, we must add the powerful voice of the oil interests that dominated our hearings in Edmonton and Regina. Bill C-48 has become the symbol of everything that's going badly in the industry and everything Albertans are going through.

However, the loss of 100,000 jobs in Alberta was due to multiple factors that had been building up for five years. Yes, the lack of new pipeline capacity is affecting the price of Alberta oil, but the global market is changing rapidly. The United States is producing more and more low-cost shale oil and exporting it to Asia. The world is being flooded with light crude. The price per barrel has plummeted. Many investors are losing interest in the more expensive heavy oil from the oil sands.

There is no denying that oil sector workers are suffering. It is also plain that the national debate over Bill C-48 could not have come at a worse time.

I want to point out that the economic viability and necessity of a northern B.C. pipeline were not demonstrated to the committee. The industry says it needs the extra capacity in the North to reach Asian markets faster.

Professor Andrew Leach of the University of Alberta sees things differently. He told the committee that global oil demand could peak within the next two to three years because of action on climate change.

According to Professor Leach, as long as the expansion of Trans Mountain, Enbridge Line 3 and Keystone XL goes through, there will be no need for another pipeline in northern B.C.

In committee we also heard that an invention called BitCrude would make it possible to export bitumen from Athabasca to Asia without a pipeline. We are now able to pour and then solidify bitumen in special containers, which can be transported by rail to Prince Rupert and then shipped without any risk of a toxic spill. This technological breakthrough could help reconcile competing interests. Representatives from BFH testified that they were in talks with 14 Chinese refineries and that the first containers would be shipped within the month. This is the future.

Bill C-48 is clearly helping to alienate Canadians in the West. This was clear at our committee hearings in Edmonton and Saskatchewan. According to a recent report from Environics, seven in 10 Albertans feel that they are not treated with the respect they deserve.

There is no way that Albertans will accept that Bill C-48 addresses the legitimate and historic environmental concerns of their neighbours in British Columbia. These concerns kept coming up throughout our hearing.

[English]

The unfortunate thing about this report is that it turns a genuine, difficult debate between two provinces' competing interests into a partisan diatribe. The Energy East proponent's decision to drop the project, Bill C-69 and the delays in the Trans Mountain expansion project are all supposedly part of a concerted attack on Alberta. The fact that the Trudeau government bought a pipeline is glossed over, even if it was obviously not for the purpose of shutting it down.

Aside from this inappropriate, unhealthy rhetoric in a Senate report, I am one of those senators who are concerned about the profound divisions being caused by Bill C-48. Moreover, despite its title, Bill C-48 is not about a moratorium because there is no end date. It is an absolute ban, forever, and this is questionable.

We, as senators, have an obligation to try to reconcile regional interests with the national interest. How can we do that in this case? Our duty, I think, is to find a way forward that will ease tensions and the feelings of betrayal in B.C. and Alberta.



In the meantime, there is no doubt in my mind that we must reject this report so that the entire Senate can have a say. What comes next is up to each senator in this chamber.

Thank you.

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

**Senator Tkachuk:** Thank you for that. I just have a brief question. You argued for a short report and you mentioned it was a 21-page report. How long was that report again? How many pages?

**Senator Miville-Dechêne:** With the translation, the one that was sent to us was 21 pages.

**Senator Tkachuk:** Right, 21 pages in French and English.

**Senator Miville-Dechêne:** Yes.

**Senator Tkachuk:** So 11 pages long.

**Senator Miville-Dechêne:** Well, it was in two columns, but I was quoting this report.

**Senator Tkachuk:** Thank you very much, Senator Miville-Dechêne.

**Senator Miville-Dechêne:** Thank you, senator, for clarifying that.

**Hon. Dennis Glen Patterson:** Honourable senators, as critic for Bill C-48, I rise today to speak on the report on Bill C-48 which, of course, is an Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

As Senator Tkachuk has outlined, the *Rules of the Senate* require that:

When a committee report recommends that the Senate not proceed further with a bill, the report must state the reasons for this.

Pursuant to that rule, your committee's report outlined several reasons, including the fact that the bill does not do what it purports to do — and I'll get into that a little later in my remarks — that the science- or evidence-based case for Bill C-48 is questionable; that the bill is discriminatory and divisive; and that the bill could raise constitutional challenges.

• (1530)

Having been privileged to travel with the committee — although I'm not a full member — I would also like to thank the clerk and committee staff for the excellent organizational work they did to make it possible to have hearings in communities, large and small, on the West Coast and in Alberta and Saskatchewan.

Having had the chance to participate in several committee hearings, I want to state that I concur with the reasons not to proceed with this bill as put forward by the committee's report.

If senators agree that the job of the Senate is to amend legislation in order to improve deficiencies in the bill that we have identified through careful study, then Minister Garneau prevented us from doing that job when he told the committee that he was not open to amendments.

We've all been at committee meetings where ministers have been asked those questions. They're usually diplomatic or respectful enough to say that they will consider amendments produced by this chamber of sober second thought.

Minister Garneau, in the brief appearance that he was available to the committee, told us that he was not open to amendments, period, without even knowing what might have been proposed. What else are senators to do when confronted with evidence of major flaws in the bill and no opportunity — or even the hint that there might be an opportunity — to provide a thoughtful remedy? Any exercise to try to amend it, according to the minister, would have been futile. I had prepared amendments at committee but decided not to proceed with them at that time, for that reason. I voted not to report the bill.

This bill, to my mind, is part of a broader agenda of this current government.

As the report points out:

Your Committee believes Bill C-48 cannot be viewed separately from other government initiatives and legislation that, taken together, are having a ruinous effect on Canada's resource industry and economy, most specifically in Alberta, home to Canada's oil sands.

And other western energy-producing provinces.

The government that introduced Bill C-48 is the same government that added so many regulatory hurdles to the Energy East project that it made it impossible for the investor to proceed, and they walked away.

The head of TransCanada pipelines is on record, before the Energy Committee, saying that the decision to include upstream costs that the company had no control over was a political decision. This happened after they spent \$1 billion in good faith on this potentially \$15.7 billion project which, by the way, would have reduced tanker traffic in the — according to Senator Miville-Dechêne — environmentally sensitive East Coast of Canada.

This is the government that failed to take action to ensure that the Kinder Morgan and Trans Mountain expansion would proceed. That project is now locked in limbo, with the government refusing to identify a date on which construction will resume. They introduced Bill C-68, which industry representatives believe will put a halt to hydro projects in this country. They also introduced Bill C-55, Bill C-81 and Bill C-88.

Having been involved with several of these bills, I can see the correlation between Bill C-48 and other bills. For instance, Bill C-55, already passed into law, establishes a more streamlined method to creating marine protected areas, MPAs,

and confers a unilateral decision-making power to the Minister of Fisheries and Oceans to “freeze the footprint” of a specified area for a maximum of two years.

On April 25, 2019, Minister Wilkinson made clear in an announcement that no oil and gas exploration would take place in MPAs, despite previously being allowed on a case-by-case basis. Senate committee amendments resulting from witness testimony aimed to ensure more cooperation with affected jurisdictions and Aboriginal rights holders adjacent to such marine protected areas, as well as more accountability surrounding the minister’s orders related to an interim MPA. Yet these amendments were rejected by the government.

Bill C-81, another of the government’s omnibus Budget Implementation Acts — yes, the same budget implementation omnibus bill they condemned when they were a third party — passed a measure that gives the Minister of Transport unilateral authority to limit tanker traffic through established MPAs. It’s not just Bill C-48 that is constricting tanker traffic to the prejudice of our energy industry.

Finally, Bill C-88, currently before the other place, seeks to give the government the authority to formally limit oil and gas exploration in the Arctic, a power it did not have when, without any consultation whatsoever, it imposed a five-year ban in 2016.

Leaving that aside, colleagues, I refer you once again to the reasons to not proceed with this bill that our colleagues on the Transport Committee presented us with.

On the first point, the bill does not do what it purports to do. The report reads:

Bill C-48 does not formalize a moratorium on crude oil tanker traffic on British Columbia’s north coast. It is not as advertised. While it will do nothing to address the risk of oil spills, it will be extremely effective in landlocking Alberta oil and preventing it from getting to ports in Asia.

It would not be factually accurate to describe this bill as simply formalizing an existing moratorium zone, as Lawrence Hanson, Assistant Deputy Minister, Policy, Transport Canada told your committee in February 2019.

He said:

The Voluntary Tanker Exclusion Zone, which has been in place between Canada and the United States since 1985, is specifically directed to laden tankers that are departing from Alaska and travelling along the West Coast to deliver their cargo to ports on the West Coast of the United States. The exclusion zone operates in a way where these laden vessels must remain west of a certain boundary line, and it goes out about 70 nautical miles from the shore at the widest end and starts to narrow as you get down into the Strait of Juan De

Fuca. The size of the exclusion zone was essentially based on scenarios of where a ship might be able to drift to and how long it would take to get response capacity.

Again, this zone is specifically about vessels that are making a continuous journey from Alaska down into the continental United States.

By contrast, the tanker moratorium is focused on vessels that will be transiting along the north coast of British Columbia and precludes them from stopping, loading or unloading beyond that certain threshold at Canadian ports or marine installations; i.e., installations that are themselves attached to the land.

They’re certainly complementary to one another, but they are distinct in their structure and intention.

The second reason was that this bill was based on questionable science and evidence. The Transport Committee’s report states:

Throughout our hearings, we were concerned to hear testimony from many expert and community witnesses about the lack of a robust and timely response capacity to deal with fuel oil spills that have already taken place in the region. There have been a series of accidents and near-misses that have polluted some areas severely and put others at serious risk. While Bill C-48 deals with the hypothetical risks of oil projects that don’t yet exist, it does nothing to address the problems caused by fuel spills from single-hulled cargo ships, tugs, ferries and cruise ships that already traverse those waters . . .

Based on nonpartisan expert findings, your Committee has come to the conclusion also that diluted bitumen can be effectively recovered from water using conventional methods.

Furthermore, the Committee notes that these findings have been clearly articulated by duly elected provincial governments representing opposite ends of the political spectrum.

However, the Government clearly indicated that it is committed to ignoring its scientists and including diluted bitumen in the schedule of banned products under Bill C-48.

The committee finds this to be indefensible.

• (1540)

While placing much emphasis on the difficulty of responding to persistent oils, which by the government’s definition include diluted bitumen, Mr. Hanson told the committee that lighter oils such as:

. . . gasoline or jet fuel eventually evaporate or are broken down by microbes.

However, it should be noted that the devastation experienced by the Heiltsuk First Nation clam fishery was the result of 100,000 litres of diesel fuel spilling from a tug boat that ran aground. To this day, the waters remain contaminated, costing this remote community \$200,000 in annual income. Bill C-48

would not prevent similar catastrophes and smaller vessels carrying similar fuels will not have the technology to help prevent spills from happening. We need a marine emergency response capacity on the northwest coast, which this government has neglected to put in place, despite touting the benefits of its \$1.5 billion Oceans Protection Plan. Protect the oceans but not the northwest coast.

The report offered an alternative solution.

There are other options the government could explore, from working with local communities, Indigenous and non-Indigenous, to increased accident response capabilities in the region, to designating specific ecological zones as “particularly sensitive sea areas” under international convention.

This, by the way, honourable colleagues, is how the very important and sensitive Australian Great Barrier Reef is protected, in a particularly sensitive sea area. It can work. It is working.

Such strategies could offer the coastline protections it needs now against real and present dangers.

I want to also point out what we detected in our travels. As Senator Tkachuk has eloquently stated, the bill is divisive.

**Hon. Patricia Bovey (The Hon. the Acting Speaker):** I’m afraid your time has expired. Are you asking for five more minutes?

**Senator Patterson:** May I please?

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

**Hon. Senators:** Agreed.

**Senator Patterson:** By land locking prairie oil, both symbolically and practically, Bill C-48 tells Alberta it has a lesser place in Confederation, that it is not an equal partner within Canada. This is not just a matter of dampening the economic interests of specific provinces. It is a nationally corrosive and divisive policy, which pits one region against another, inflaming separatist sentiment, and stoking a misplaced resentment of Indigenous Canadians.

The report goes on to describe how this bill could result in constitutional challenges, very clearly stating that:

While Bill C-48 was conceived and presented as a symbol of reconciliation, it fails to respect the treaty rights of the Nisga’a Nation, which is a signatory to a modern treaty with the Crown. The Nisga’a have argued they were not properly consulted, as per section 35 of the Constitution. They insist that Bill C-48 abrogates their right to economic self-determination and their right to develop infrastructure projects on their own treaty territory. While there are other First Nations who are divided on the bill, such as the Lax Kw’alaams, and tribes who are ambivalent, such as the Metlakatka, who favour a short-term moratorium but not a

permanent ban, the Nisga’a presented a united position in opposition to the bill. As the only nation in the region with a modern treaty, their case has a strong legal foundation.

Honourable senators, I want to make one other observation before concluding on this report. While the Senate was studying Bill C-48, it was studying intensively a new regime to modernize the regulatory process for Canada, Bill C-69, which in its over 300 pages provides a rigorous process for evaluating the impact of major projects, such as a proposed port on the West Coast. Bill C-69 will ensure a rigorous examination of all aspects of such a port project; environmental, social, Indigenous and economic impacts. Do we not have confidence that Canada’s new environmental regime will not adequately examine on a scientific basis all aspects of such a project, the risks of a spill, the impact on the fishery, social and economic impacts?

A Bill C-69 review of such a project would allow science to be applied to such complex questions, not political calculus. I won’t take issue at length with Senator Miville-Dechéne’s concerns about the risk of a fuel spill. Canada has an amazing regime, requiring double-hulled tankers, skilled marine pilots and tug escorts. The evidence is, at least in Canadian waters, it’s well managed. It’s well managed in the Atlantic, where there’s a sensitive fishery. It’s well managed in the Port of Vancouver, which is allowed to have tanker traffic. The rate and incidence of problems is sharply declining in recent years.

Honourable senators, after reading this report and having had the benefit of hearing some of the testimony firsthand, I find that the report, as passed by the Transport Committee and reported back to this chamber, is the result of an extensive and careful study of the bill. I would urge honourable senators to adopt the report. Thank you.

**Hon. André Pratte:** Honourable senators, as I explained at second reading, I am opposed to Bill C-48 in its current form. It is a sweeping measure that pits one region against another. It is inconsistent with another important government bill, Bill C-69, and inconsistent with the government’s Oceans Protection Plan. It ignores the national interest, which is clearly to allow for natural resources, including oil, to reach world markets in a manner consistent with environmental and safety considerations.

However, my opposition to Bill C-48 will not lead me to vote in favour of the Transport Committee’s report. In fact, I will vote against the report for at least three reasons.

One, the report’s tone is overly partisan and inflammatory. It is simply an all-out attack on the current government’s policies. In the committee’s view and in the committee’s words, Bill C-48 “is a nationally corrosive and divisive policy,” “inflaming separatist sentiment,” “is explicitly and avowedly divisive,” “meaningfully harmful, unscientific, discriminatory.” The Transport Minister is “blasé,” and his statements beggar disbelief. Moreover, according to the report, the bill is “motivated above all else by partisan political considerations.”

• (1550)

How do these words square with the testimonies of the many witnesses who spoke in favour of the bill or with the fact that the committee was split in equal halves on this issue? The report speaks of “your committee” but, in fact, this is half the committee speaking.

Colleagues, partisan and excessive language does a disservice to the Senate, which for years has been known for the rigour and wisdom of its committee work. The Senate’s duty is not to foster division but to point the way toward negotiation and compromise. Our motto is one of sober second thought. According to the *Oxford English Dictionary*, “sober” means serious, sensible and solid. This report is the very opposite of that.

Second, the report distorts the facts and caricatures reality. For example, according to the report, the Liberal government’s policies are basically responsible for the sluggishness of the Alberta and Saskatchewan economies. Yet the data show the regional economies were hit well before the Liberals came into power in the fall of 2015. For instance, in Alberta, private non-residential investment fell to \$97.8 billion in 2014 to \$75.7 billion in 2015, a precipitous decline that was essentially caused by the sharp decrease in the price of oil, from \$105 to \$53 at the end of 2015; and by the formidable growth of shale oil in the United States, a development that has shaken the oil economy worldwide.

The unemployment rate in Alberta went from 4.5 per cent in January 2015 to over 7 per cent in the fall of 2015, before the Liberals were elected. The unemployment rate reached its apex of 9 per cent in November 2016, months before Bill C-48 and Bill C-69 were even introduced. Since then, the unemployment rate has been slowly decreasing.

The committee’s report criticizes the government’s inability to get pipelines built, as if court decisions and the lack of social licence have not played a crucial role, and as if the previous government had not been faced with the same serious difficulties. If we are to believe the report, this government’s policies are the sole reason why the Energy East and Northern Gateway pipelines were not built.

What about the strong opposition from numerous Indigenous communities? What about Quebec’s firm stand against Energy East, which I personally regret, as I’ve already said in this chamber, but which appears insurmountable at this time?

It’s very hard to reconcile the document we have in front of us with the same committee’s prudent and wise document regarding pipelines published a little more than two years ago, which advocated that, “Environmental concerns should play a more significant role.” To continue from that report: “Indigenous communities must also be more closely involved.” Such observations paved the way for the drafting of Bill C-69, and this is the kind of report, honourable senators, that the Senate is legitimately proud of.

[Translation]

The third reason I am voting against the report on Bill C-48 is that the subject matter is so important for the country that we cannot leave the study and final decision around this bill in the hands of a single committee, especially when that committee is deeply divided, contrary to what the report would have us believe.

Honourable senators, if we vote in favour of the report, we give up the opportunity to have a substantive debate on Bill C-48 in the Senate, where we are meant to discuss matters of national interest. We also forego the opportunity to study and consider possible amendments that might provide us a way forward.

Again, I oppose the bill in its current form. As you know, our country was built on compromise. It can only survive if every region in the country and every political party is open-minded enough and has a strong enough sense of nationhood to have the courage to compromise.

The great leaders of our country were visionaries. They did not compromise their integrity, but they did make compromises. Their principles and their objectives remained intact even though, to achieve their ends, they had to take into account the vast geography, the extraordinary diversity, and the highly complex political reality that define Canada.

Is there a way forward for Bill C-48, a possible compromise? We have to find it.

[English]

Our nation was built on compromise and depends on compromise to succeed. From the BNA Act to the 1982 Constitution, our great leaders, from Sir John A. Macdonald to Brian Mulroney, and from Wilfrid Laurier to Pierre Elliott Trudeau, all had to forge compromises in order to govern this complex and diverse country. Compromise is not a weakness. Laurier liked to quote the political philosopher Edmund Burke, who said:

All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter.

In Canada, particularly, compromise is not a political strategy. It is a principle of government.

Brian Mulroney, for his part, asserted:

... there are times when it’s important that we set aside politics and come together as colleagues who can help the country ...

Colleagues, this is such a time for the Senate.

With Bill C-48, in my opinion, the government is wrong to choose the interests of British Columbia over those of the oil-producing provinces. However, the Senate Transport Committee is mistaken in wilfully ignoring British Columbia’s interests for the benefit of Alberta and Saskatchewan. The Senate’s role is to seek balance.

It is true, as the committee notes, “that a primary of the Senate is to defend Canada’s regions.” This is “regions,” with an “s.” It does not mean defending one region to the detriment of the others. Indeed, the Senate’s duty is to defend the interests of regions, yes, with an eye on the national interest. We should not play the same role as provincial or territorial governments. We are part of the national Parliament of Canada.

If we, the house of sober second thought, fail to find and propose a way out of this quagmire, if we are content to serve as the province’s loudspeakers, then we are of little use to this country. Yes, we must make sure that regions are heard in Ottawa. However, we must also work together, from all regions and on both sides of the alley, so that the national interest can be served. And in Canada, the national interest can only be achieved through compromise.

By defeating this report, we give ourselves one more opportunity to find a pathway to compromise that would protect the northern coast of British Columbia while accommodating the country’s need — not only Alberta’s need but the country’s need — to provide our oil resources an access to world markets.

If we find this way forward, then it will be for the government to seize the opportunity — or not. Whatever its decision, it will be the government, the elected government of the nation, that will reap the political benefits or costs of its decision.

But if we fail in the Senate, our failure will serve as a reminder to many Canadians that the Senate is unwilling and unable to play a useful role — a nation-building role.

Honourable senators, what this report lacks in rigour and accuracy it sadly makes up for in excessive partisanship. For our sake, for the sake of all regions concerned but most importantly for Canada’s sake, we should reject it and begin our search for a balanced solution that is in the national interest. This is the responsibility and duty the principle of sober second thought confers upon us. Thank you.

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

**Senator Patterson:** May I ask a question?

**The Hon. the Acting Speaker:** Senator Pratte, will you accept a question?

**Senator Pratte:** Of course.

**Senator Patterson:** Senator Pratte, I admire your very thoughtful approach to issues of the day, but you have tantalized me this afternoon. You advocated compromise. I endorse that. I believe politics is the art of compromise. That has been my approach throughout my political career, especially in the North where we don’t have parties to really make things divisive.

• (1600)

Can you tell us, please, give us a hint, what is the basis for compromise going forward? What do you have in mind? Do you have in mind making amendments to a bill that the minister has rejected? Take us a little further along your intellectual journey, please.

**Senator Pratte:** Thank you for the question. I will keep the scoop of my other eventual amendments for later because I’m working and many other senators are working to try and find this pathway. Amendments were proposed in committee where there are good ideas and other ideas are possible.

Whether the minister has announced in committee that he would entertain amendments or not is not our concern for now. Our job is to try to find the compromise. We can’t just stop and say it is over, that the committee has not been able to find a compromise and has asked us to reject the bill, so therefore we won’t do anything. No. All senators here, with their wisdom, intelligence and experience can try to find this pathway to compromise and then propose the compromise to the government. It will then be the government’s decision to accept this compromise or take another position.

I think we would abandon our role if we decided to stop here without giving this chamber an opportunity to work together to find a compromise position that will be good for the northern coast of British Columbia’s environment, while giving our oil resources access, eventually, to world markets, which is extremely important for the whole country.

[Translation]

**Hon. Josée Verner:** Senator Pratte, continuing along the same lines as the question asked by my colleague Senator Patterson regarding compromise, I think it’s clear that all our colleagues in this chamber appreciate the virtues of compromise, and I also believe that everyone wants to do a good job. I want to echo the comments we heard from the committee members who were at the hearings. When Minister Garneau appeared before the committee, he was very clear, indicating that he was not willing to entertain any amendments. I understand that you want to keep the “scoop” to yourself, as you just said in journalistic jargon. That said, at some point we have to persevere and always try to reach a compromise, but to what extent should a statement made by a full minister not have some consequences? If he says at the outset that he won’t accept any amendments, we simply shouldn’t bother proposing any.

**Senator Pratte:** Thank you for your question. I will reread the transcripts, since I didn’t attend every meeting, but I’ve already read most if not all the transcripts. If memory serves correctly, the minister said he would not accept any amendments on a corridor, but he would be open to amendments proposed by the Senate. In any case, the same minister said he wouldn’t accept any amendments to Bill C-49—

[English]

**The Hon. the Acting Speaker:** Senator Pratte, your time has expired. Are you asking for five more minutes?

**Hon. Senators:** Agreed.

[Translation]

**Senator Pratte:** —on rail transportation. The Senate proposed a number of amendments, and he agreed to some of them. All I’m saying today is that it’s too soon to toss this bill in the trash and say that a 6-6 tie means the committee opposes it. As I see

things, it's the Senate's responsibility, our responsibility, to try to find a solution and, if we find one, to propose it to the government. Then the government, not just the minister, will make the decision it has to make at that point.

[English]

**Hon. Michael L. MacDonald:** Toward the end of your remarks, you made the point that even though you were against this bill in principle, you had trouble with the partisanship of the report. Yet on the Transport Committee, the Conservatives are a minority and the ISG are the majority. Where does the partisanship come from if the Conservatives do not control the committee?

**Senator Pratte:** I did not mention in my remarks any political party. I can see and read with my own eyes that this report is an all-out attack on all the government's policies, not only C-48, but all of the government's policies. I think it is exaggerated. It is not based on facts. It is based on ideology and I don't think that's — I was not part of the committee, so I don't know who controls what. I am just stating what I think is a clear fact. That kind of report is not a credit to the Senate, and it's very rare, in my short experience here, that we find such language in a Senate report.

Be that as it may, if the Senate rejects the report, which I wish, the report will be gone. It will be in the past. At third reading, we have an opportunity that I think we should seize. We can decide to just reject the bill, but I believe in compromise. As I said, and I may be idealistic, but I think there may be ways to both protect the interests of the environment of the northern coast of British Columbia and those of Alberta and Saskatchewan. If we in the Senate, a national chamber with people from every region, cannot find such a pathway and reach a compromise, frankly, I wonder what we are here for. We are supposed to be wise and intelligent people at the top of their professional career. If we can't find that compromise across all regions and across the alley, I would be disappointed and I think many Canadians would be disappointed, too.

**Hon. Peter Harder (Government Representative in the Senate):** Thank you for your comments, senator.

Can you confirm that on May 16, the minister said, "We are open to constructive amendments from senators that are consistent with the spirit of the bill"?

**Senator Pratte:** That is exactly my recollection of the transcripts I read. The minister did say that he thought an amendment on a corridor would defeat the purpose of the bill, but for the rest he would be open to amendments proposed by the Senate.

**Hon. Scott Tannas:** In the spirit of finding a solution that is consistent with the bill — and I'm sure we all accept the fact that the bill is not a punch in the face to Alberta's oil workers or the province of Alberta but is about the safety of beautiful shorelines — I would like to know whether you think the idea of extending the tanker ban to include the beautiful shores of the St. Lawrence and all of the Atlantic Coast would be a sufficient compromise?

**Senator Pratte:** I'm getting extremely worried because you obviously have read my third reading speech. It's part of that.

I have consulted with biologists from both British Columbia and Quebec, and I think arguments can certainly be made in favour of better protecting the St. Lawrence River, which is a beautiful river. If you have been in the estuary of the St. Lawrence, it's absolutely beautiful. That is one of the reasons I am against the tanker ban on the north shore of British Columbia.

Again, the fact that I'm against this bill does not change the fact that we have to find some kind of pathway. We cannot simply reject the bill. If we reject the bill at this stage, I think we would have relinquished our duty and our responsibilities.

**The Hon. the Acting Speaker:** Senator Pratt, your time has expired.

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

• (1610)

**Hon. Richard Neufeld:** Honourable senators, I rise today at report stage to speak to the Seventeenth Report of the Standing Committee on Transport and Communications that deals with Bill C-48, the Oil Tanker Moratorium Act.

I am not a regular member of the committee, but I did participate in some of the hearings on this bill and I was also happy to travel to Edmonton and Regina in late April during the committee's public hearings. As a Senator for British Columbia, one who actually lives in the northern part of the province and outside of the lower mainland, I have taken a keen interest in this bill.

Let the record show that I do not support the bill. It was a bad and careless idea when the Liberal leader made such a promise during a pre-campaign stop in B.C. in June 2015. Four years later, it is still a bad idea.

In my view, the current government gets a gold star for successfully managing to frustrate and alienate Western Canada. The apple certainly didn't fall far from the tree.

I commend the Transport Committee, its able chair and its members for giving this bill the attention it rightfully deserved. On the surface, this bill is rather straightforward and simple.

But what this bill really is is polarizing and divisive. It has more or less pitted one part of the country against the other, one province against another and one group of First Nations against another. I find it hypocritical and, quite honestly, insulting how the Prime Minister constantly accuses Conservatives across the country, including our federal leader, of engaging in divisive politics.

The Prime Minister brags about bringing people together. In February, at a Liberal fundraising breakfast at a posh downtown Toronto hotel, he predicted that the next election campaign will be negative and divisive but that they, the almighty Liberals, would have to stay positive. He argued that they:

... need to make sure that everything we do as a political party, as a government, is focused on bringing people together, not increasing that division, increasing those wedges.

Let me tell you, as a Western Canadian, I think the Prime Minister has done an outstanding job at dividing us. I remember the National Energy Program that his father introduced in 1980. I also remember the results of the 1984 general election, when the Liberals were shown the door and Brian Mulroney's Progressive Conservative Party won a landslide majority.

If the current Prime Minister continues to divide us and thinks he can conquer us, he has another thing coming in the fall. I hope Canadians will see Bill C-48 and Bill C-69 for what they really are — a blatant attack on our oil and gas industry — and that they will remember that when they head to the polls in the fall.

The divisiveness the Prime Minister has created in our country was also reflected, in some ways, in the committee's work. As you all know, the vote not to proceed with Bill C-48 was a nail-biter. We had most ISG Senators and a Liberal Senator vote in favour of an unfair tanker ban on the West Coast of Canada, while all Conservative senators voted against the bill.

Alberta Senator Paula Simons was the deciding and final vote that tipped the scales in our favour. And when I say "our favour," I am not referring to Conservatives. I am referring to Canadians, because this was the right thing to do for Canada.

I thank Senator Simons for standing up for her province — the province where I was born and raised. As she rightfully pointed out on Twitter the evening of the vote in committee:

... I was appointed by this prime minister to be independent and to represent Alberta to the best of my abilities. He may not agree with my vote. But I feel I lived up to the trust that he, and you, placed in me.

I appreciate how difficult it may have been for the senator to cast that final and deciding vote against a bill that sought to fulfill a 2015 Liberal election promise. It goes to show you how complicated and multifaceted being a senator really is.

Indeed, we are all appointed to represent our regions, but we are also Canadian senators and, as such, we must always consider the negative or unintended consequences of all legislation on Canada as a whole.

On Twitter, Senator Simons also said:

I looked at the facts and the evidence. I weighed all the passionate and knowledgeable witness testimony. ... I voted my conscience, knowing I wouldn't please my critics, on either end of the debate.

Many senators may feel compelled to vote against this report and, ultimately, vote in favour of the tanker ban based solely on the fact that this was a Liberal campaign promise. I appreciate some may argue that Senate convention highly encourages us not to defeat bills that legislate campaign promises or that we should defer to the will of the other place.

Allow me to remind you what Senator Harder wrote in his compelling discussion paper on the constitutional role of the Senate.

He argued that:

What is beyond dispute is that there exists a principle of democratic deference to the government's election platform that is — appropriately — a determining factor when senators cast a vote. What is also not in question is that, should the Senate defeat a bill implementing a key electoral pledge, the political consequences for the credibility of the institution would be grave. Canadians expect the policies they voted on, and that the House of Commons passed, to be implemented.

Of course, any Government Leader in the Senate, regardless of political stripes, would argue in favour of these basic tenets. It's their job to advance the government's agenda in the Senate.

Senator Harder found an ally in our former colleague, Senator Hugh Segal, who recently wrote in *The Globe and Mail* that the Senate's role is:

... to review legislation, point out flaws, listen to Canadians' views, recommend changes, append observations and, if needed, provide amendments for consideration by the House of Commons ...

The Senate, as the unelected body, is expected to defer.

He goes on to say:

Killing a government bill that was part of an election platform that elected a majority government, and which was passed in the House with multiparty support, is simply not in the Senate's job description — not as long as Canada is a parliamentary democracy, premised on the British model, as specified in our very Constitution.

I don't disagree with the overarching principles that both Senator Harder and former Senator Segal defend. However, it would be foolish ever to suggest that the Senate does not have the authority or powers to defeat a government bill. If we, as senators, believe this bill is wrong, then I believe we, as senators, have a responsibility to vote against it. As defenders of our minorities and regional interests, it is incumbent upon us to do so.

As Senator McCoy eloquently reminded us in her *The Globe and Mail* op-ed last week, the Senate is there to protect regional interests. As she said:

It's exceedingly rare for the Senate to veto bills that have been passed by the House of Commons, but Bill C-48 is the kind of extraordinary circumstance that requires the Senate to step up and fulfill its role as a regional counterbalance.

In his discussion paper, Senator Harder further addressed the general principle of democratic deference with respect to clearly outlined election platform promises. He used Bill C-45, the cannabis legislation, as an example, arguing that the principles of legalization, taxation and regulation, as defined in the act, should be left intact by the Senate, even though some senators have serious reservations about them. He continued:

However, the Senate nonetheless has an important role to play in the review of Bill C-45 and in bringing forward amendments that would improve upon the current version of the bill. The concerns of senators should inform that work.

But what happens when the government has clearly indicated that they are not open to amendments?

As Senators know, there were many discussions in committee and among senators on all sides about proposing some amendments to make this bill better, if that is even possible. It was made clear when Minister Garneau appeared before the committee on March 20 that he was not willing to entertain a Senate amendment allowing for a northern corridor exception to the moratorium that would allow for a terminal on the most northern part of the coast.

Two months later, on May 14, the minister appeared before the committee again and said, point-blank, in response to a question from Senator Black (Alberta), that he would not entertain any amendment that would allow the carriage of oil products on water from Prince Rupert or Kitimat in a specific corridor to the open Pacific.

As the minister said, allowing a corridor would be like:

. . . having a cafe where you have no smoking but you allow one table in the middle to do that.

• (1620)

While this analogy is cute and makes for a great media sound bite, I reject it wholeheartedly. As a legislator with some 28 years of experience in the provincial and federal levels of government, I know full well — and you all know — that acts of Parliament often have exceptions in their provisions for various reasons. The minister knows that too. Not everything is always black and white.

I don't care whether or not this was a campaign promise or that the Liberals were elected with a majority on the premise of this commitment, or even if it was passed by the elected house. This is a discriminatory piece legislation and as a senator for B.C., I will not support it.

I think it would be foolish for senators to base their vote on that argument. Even the ruling Liberals have turned a blind eye to many of their campaign promises. Whatever happened to running modest deficits of less than \$10 billion and returning to a balanced budget in 2019-20? Certainly lived up to that. What about ending first-past-the-post voting system? Certainly lived up to that. What about ending the practice of using omnibus bills to reduce scrutiny of the legislative measures? And what about modernizing the National Energy Board and ending the practice of having federal ministers interfere in the environmental assessment process? All great promises. Promises made, not kept.

We all know what happened to that last promise. The Liberals are not modernizing the NEB. Instead, they are destroying it completely with Bill C-69 and creating a brand new entity. Of course, as most senators are aware, Bill C-69 did nothing to end the practice of having federal ministers interfere in the environmental assessment process. Thankfully, we tried to fix that with our suite of amendments on this bill in committee.

If the government doesn't even take its own election promises seriously then why should we bend the knee to the ruling Liberals if we know the bill is misguided?

The committee did some outstanding work in hearing from expert witnesses on both sides of issue, and I think the government would be wise to accept the committee's recommendation. Based on the testimony I have heard in committee and transcripts I reviewed, an oil tanker moratorium on the West Coast is simply unjustified. Quite honestly, when you think about it, this sends a message to all Canadians that Bill C-69 and its new impact assessment agency is unable to properly assess projects.

The government has so little faith in the new agency that it has taken the arbitrary and discriminatory step of proposing a bill banning oil tankers on the West Coast. Why would you not allow a proposed pipeline or an oil tanker marine terminal a fair shot at undergoing an impact assessment? This seems completely unfair to me.

I want to conclude with one last quote from Senator Harder:

While election promises should — in principle — be passed by the appointed Senate once approved by the House of Commons, one could reasonably maintain that certain rare cases should not be sheltered by such a convention given key features of the Senate's core mission as a safety valve against potential excesses of majority rule.

Bill C-48 is excessive, it is unwarranted and, quite frankly, a deliberate assault on Western Canada which is why I will vote in favour of the committee's report and urge all senators to do so. This is one of those rare cases where we need to flex our parliamentary muscle and say, "No."

Thank you.



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

[Translation]

**Hon. Éric Forest:** Would Senator Neufeld take a question?

[English]

**Senator Neufeld:** Sure.

[Translation]

**Senator Forest:** I have the report in my hands. Several senators indicated that the minister clearly stated that he would not accept any proposed amendments. I'd like to verify that with you because I have before me a quote from an exchange between Senator Simons and the Minister of Transport, Mr. Marc Garneau. In the committee's report, Minister Garneau is quoted as saying:

We will receive any amendment that is proposed by the Senate and look at it very carefully. It is certainly my hope that we will be able to go forward with the Bill C-48 because it's in my mandate letter. We will look at it very carefully before the next election.

Do you believe this means that—

[English]

**The Hon. the Acting Speaker:** I am sorry to interrupt, but Senator Neufeld, your time has expired. Are you asking for another five minutes?

**Senator Neufeld:** Yes, five minutes.

**Hon. Senators:** Agreed.

[Translation]

**Senator Forest:** Senator, my question is simple. Does the committee's report inaccurately relay what was said word-for-word during our hearings, or is the report accurate and the minister did say that he was prepared to accept certain amendments?

[English]

**Senator Neufeld:** As I understand it, the minister is open to amendments as long as it doesn't change the essence of the bill, and the essence of the bill is no tanker traffic on the West Coast. That's the way I interpret the minister's cute little answer to a question.

[Translation]

**Senator Forest:** That means that the content of the committee report is accurate?

[English]

**Senator Neufeld:** Not attending all of the meetings — I was not on the Transport Committee — I assume that the committee thought very carefully before they actually put that in their report and looked at the transcripts to put it in correctly.

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

**Senator Tkachuk:** The other committee had a chance.

**Some Hon. Senators:** Oh, oh.

**Hon. Elaine McCoy:** Honourable senators, I am rising to ask my colleagues to support and adopt this report from the committee. The Senate's fundamental job is to review legislation while respecting its regions. In that sense, it is a unique part of Canadian Parliament. The Senate is a built-in safety valve to protect regional areas against the majoritarian impulses of the elected chamber. It ensures that all parts of this diverse country have a meaningful voice in decisions that affect them. The principle of regional representation is an essential part of our Parliament that holds our Confederation together.

Rarely has that principle been tested as much as it has with Bill C-48. As you all have heard, the bill promises to ban oil tankers in ports along the central and northern coast of British Columbia. Never mind the fact that a voluntary tanker exclusion zone has been in place since the 1970s or that existing spill risks from hundreds of ferries and tugs, as well as cruise ships and container ships, remain unaddressed.

It's clear that the bill is a backdoor effort to prevent any new pipelines to transport Canadian oil to foreign markets. The message to Western Canadians is clear: There is no future for developing our natural resources. It's not surprising then, that many senators are now standing up and calling for a halt on the bill.

It is exceedingly rare for the Senate to veto bills that have been passed by the House of Commons, but Bill C-48 is the kind of extraordinary circumstance that requires the Senate to step up and fulfill its role as a regional counterbalance.

If you talk to people from Western Canada, you will sense immediately how visceral this issue is. Bill C-48 is not only a matter of public policy discussion; it is, to us, an existential threat. It is true that most elected members of Parliament voted for this bill, but does that make it right? Not when it threatens national unity. No vote in our national Parliament should target a single region so directly and so adversely. Western Canada's economic future is not on offer.

• (1630)

Some say the Senate has no choice but to vote for the bill because of the Salisbury convention, a British practice that requires the House of Lords to accept any measures that formed part of the government's election platform. This attempt to graft onto Canadian parliamentary practice, a British convention from the 1940s, is totally out of place in our system. Beyond the fact that the House of Lords does not have a regional representation

function, we shouldn't blindly set aside our own unique political evolution to follow what was an extraordinary case of who has more power in the British Parliament.

Recently, a person from Central Canada wrote in one of our national newspapers about the Senate and seemed to dismiss the Senate as an unelected relic. He failed to understand, and others who think like him, how essential a regional counterbalance is for those of us from other parts of the country. It is as much the glue holding us together now as it was when Confederation came together more than 150 years ago.

That's why I say we need to say "no" to Bill C-48. Passing legislation from the House of Commons should not be a perfunctory practice carried out even when the evidence shows that lasting damage may be done.

I am sympathetic to the argument that we should find a compromise. That compromise was not found at committee. If we get to third reading and we suggest compromise, I will truly congratulate you. What I'd like from you now, Senator Pratte and others who are thinking of doing just that, is your solemn promise to reject any message from the House of Commons that refuses to accept your compromise, because that's been the practice I've observed most of you take here in this Senate. You'd be giving away your power. In so many cases, you don't stand up to the House of Commons on their messages. In so many cases, that has been the case.

I'm from Alberta. I can't rely on that sensibility. I believe the Senate needs to fulfil its role and stand up for the constitutional rights of Canadians now. It's time to stop Bill C-48.

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

**Hon. Percy E. Downe:** Senator McCoy, will you take a question?

**Senator McCoy:** Yes.

**Senator Downe:** Thank you, colleagues. In my question to Senator McCoy, I want to just touch briefly on what has become conventional wisdom that somehow the Senate is over the line if it defeats government legislation, particularly if it was an election commitment. It's not normally done, but it's not the exception.

For example, in the 1993 election, the then-Conservative government promised the Pearson Airport bill. It was announced after the Liberal Party platform, the Red Book, had already been printed. During the campaign, the then-Liberal opposition leader, Jean Chrétien, said during the campaign:

I'm warning everyone involved: if we become the government, it will be reviewed, and if legislation is needed (to overturn the deal), we will pass the legislation.

Colleagues, what happened? Mr. Chrétien won the election, the Liberals formed the government, he reviewed the deal, the House of Commons passed the legislation and it was defeated in the Senate. That was as clear an election promise as you can find anywhere.

So, honourable senators, remember what Sir John A. Macdonald said — and this is my question to Senator McCoy — about the role of the Senate and the importance of us not becoming a rubber stamp. The key word, Senator McCoy, would be — Sir John A. Macdonald said:

There would be no use of an Upper House, if it did not exercise, when it thought proper, — I emphasize those words, "when it thought proper" — the right of opposing, amending or postponing the legislation of the Lower House. It would be of no value whatsoever were it a mere chamber for registering the decrees of the Lower House.

Do you agree with that statement of Sir John A. Macdonald, one of the founders of Canada?

**Senator McCoy:** Yes, I do. I recall the example you just gave about the Pearson Airport. That was over a principle of contract and the rule of law. The Senate of the day felt it was one of those instances where the tyranny of the majority should not prevail.

I'm saying that we have a principle of national unity, and that should prevail. I think that the majority should, therefore, defeat this bill.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a question for Senator McCoy.

Just with what you said — the principle of national unity and how that should prevail — I remember one of the most profoundly moving speeches was made by our colleague Senator MacDonald, who talked about the East Coast and how, as a Cape Bretoner, he grew up on the East Coast and loves that coast. He said: "What I know is that it's not my East Coast; it is Canada's East Coast."

Given what you said, do you think it's important for us to see the entirety of our nation? I'm a British Columbian. I am a West Coaster. I don't live in the north of the province, but I know Senator Neufeld does and would know this firsthand. I sort of feel like that speech — in that moment, I was able to step back and look at our country.

Do you think it's important for us, on this principle of national unity, to really hear what Albertans and Saskatchewanians are saying, and to know that it is B.C. coastline — and I love our coastline with all my heart, but I see it as Canada's West Coast.

Do you think this perspective is really important as we deliberate on this report and the bill?

**Senator McCoy:** Thank you. Let me say this: They have a valid point. I think we all wish that a response to their needs had been met. When I was talking to one person about this bill and what it does not do, it does not give any environmental protection. There are no tankers there. It does not enhance their fisheries. It just doesn't do a lot of things. It's an empty flag-waving exercise.

In fact, I started calling it the "orphan coast." The minister said in the committee words to the effect that, "Well, there are not many people up there, so I'm putting most of the Oceans Protection Plan money in Southern Canada."

One person said to me, “Well, Bill C-48 is shooting at the wrong duck.” I said, “Exactly, you got it in one.” That’s the difficulty.

Of course we should be proceeding to have this declared internationally a PSSA, like the Galápagos, the Florida Keys and the Australian Great Barrier Reef. Why we haven’t done it before now is surprising to me.

There are some Marine protected areas and some marine refuges there. There are some things they need and do not have, like an adequate marine spill-response capacity. There are spills. They have already adversely affected their fisheries and their businesses onshore.

I could go on, and I will if other people wish to ask questions. I’m telling you, the bill is not a solution; it’s an illusion.

**The Hon. the Acting Speaker:** On debate, Senator Galvez.

[Translation]

**Hon. Rosa Galvez:** Esteemed colleagues, I rise today to speak to the report presented by the Chair of the Transport Committee. I will be brief. I will focus on the irregular and dysfunctional manner in which our committee carried out its work, and then say how it came to present this report, which I unfortunately cannot support.

[English]

• (1640)

I, too, have colleagues and friends in Alberta who are right now suffering with forest fires. I’m going to a wedding next month in Alberta. I also have dear friends in British Columbia who care a lot for their pristine and unique environment.

I think that the work in the committee —

[Translation]

I think that the work in committee was bungled. We didn’t get a chance to do our job. As my colleague, Senator Pratte, said, the unpleasant atmosphere was one of the reasons that the committee’s resourceful members weren’t able to reach a consensus on proposed amendments.

[English]

Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia’s north coast, addresses a commitment made by the government to protect the north coast of B.C. from increased risk of crude oil spills and other harms to the marine environment as a result of increased tanker traffic through the Dixon Entrance and along the Hecate Strait. It is the federal government’s duty and responsibility to regulate shipping routes and safety to prevent spills, wrecks and destruction of the marine environment.

The bill was presented as part of the mandate of the Honourable Marc Garneau, Minister of Transport. I was there when Minister Garneau said, “We will receive any amendment that is proposed by the Senate and look at it very carefully.”

At the beginning of our study of this bill, I had in mind three amendments concerning the annex of products that cannot be transported, but I got discouraged because of what was going on in the committee.

Although Bill C-48 directly affects a particular region in the province of British Columbia, the committee decided to travel to other regions that would be indirectly affected by the ban, including Edmonton and Regina. The committee heard from 138 individuals on behalf of 121 organizations of which industry represented more than one third.

In committee, senators discussed nine amendments that addressed the consideration of alternative protection measures, the potential of a corridor exemption for certain crude oil products and amendments with respect to reconciliation with Indigenous people. At the end, only the Independent Senators Group presented amendments to improve the bill. Out of the three amendments presented, just one was passed by the committee. Each individual clause of the bill carried, except for the schedule, which was defeated by a vote of 6 to 6. Finally, the bill itself was defeated because of a 6 to 6 tied vote.

Unfortunately, from the beginning of this project, as I said —

[Translation]

Bill C-48 was clearly used as a lever to exert political pressure. The committee chair made his position clear when he said the following to a crowd of people in front of Parliament:

[English]

I know you’ve rolled all the way here, and I’m going to ask you one more thing: I want you to roll over every Liberal left in the country.

[Translation]

According to political commentators, the bills that the committee chair was referring to were Bills C-48 and C-69. Can you imagine holding committee hearings after making that kind of statement? Lastly, the report contains frequent, gratuitous references to Bill C-69. The committee’s work did not go smoothly. On the contrary, it was plagued by delays, last-minute changes to the agenda, numerous points of order, motions that were ignored and that the members did not get to vote on, confusion over public hearings and in camera meetings, interruptions to testimony, and a witness list that was decidedly imbalanced and unmistakably biased.

The chair turned down requests to meet with the Subcommittee on Agenda and Procedure and made most of the decisions unilaterally. The study leaves out the valuable testimony that could have been provided by a long list of witnesses, like the Shipping Federation of Canada and the British Columbia Coast Pilots Ltd., to name just a couple. Instead, the committee seemed

to favour private corporations and foreign interests. We heard from more mayors of indirectly affected regions than mayors of directly affected regions. We talked a lot about division and separation.

[English]

So when did this division start? I think it started early on during our committee discussions.

[Translation]

Overall, I got the feeling that our work was being undermined and even sabotaged. Rather than conducting an in-depth analysis of Bill C-48, of its weaknesses and limitations, so that we could suggest amendments and make observations that could be effective in improving it, we created a hostile and aggressive atmosphere that prevented the legislation from being studied in the best interests of Canadians. I don't think I will ever forget the way my colleague, Senator Simons, was harassed when it came time for the final vote. The chair of the committee said, and I quote, "... the report was written by the majority, those senators who opposed Bill C-48 . . . ." The committee analysts indicated that they didn't participate in the drafting of the report that you read, but the final vote was six against six, so neither side won out. What is the point of paying analysts if we don't use their services? In my opinion, that is a waste of taxpayers' money. It is also a waste that committee members travelled to three cities only to return without amendments or observations. I am sure that the results of the cost-benefit analysis for the examination of Bill C-48 would be appalling. What is more, the report, as it was presented, was a patchwork of tangents and irrelevant information and testimony that wasn't heard in committee. It also completely misrepresented what was said by Minister Garneau, as I just mentioned. The report suggested that holding more consultations with Indigenous peoples, better examining the social and health impacts and relying on sound scientific evidence would impede pipeline construction. What is that all about?

Do the phantom report writers believe that dealing with social and environmental impacts and including Indigenous peoples are barriers to development? The report contains factual inaccuracies. For example, it states that the minister discounted his own department's ability to clean up oil spills even though witnesses told us that Transport Canada is responsible for public safety and that clean-up is contracted out to third parties, usually private companies. That's an unforgivable mistake. We heard testimony from those oil spill response groups. Lastly, the report writers chose to quote primarily ISG senators in the report and not Conservative senators even though Conservative senators made some fairly harsh remarks. Why quote only ISG senators in this report? Maybe the writers were biased and wanted to blame the ISG for the potential failure of the committee's study and even for the defeat of Bill C-48. Part of the report calls the bill discriminatory and divisive, but I must say, honourable senators, that the very approach to studying Bill C-48 is what's divisive. I hope to have the opportunity to debate this bill at third reading and to share my research on the two camps that oppose Bill C-48. I encourage you to join me in opposing this report. Thank you very much.

[ Senator Galvez ]

• (1650)

[English]

**The Hon. the Acting Speaker:** Senator Galvez, will you accept a question?

**Senator Galvez:** Yes.

**Senator Tkachuk:** Thank you, Senator Galvez. That was quite illuminating.

Just so it's clear, because you didn't make it quite clear when you were talking about the report, the vote on the bill was 6 to 6. Could you tell me what the vote on the report was?

**Senator Galvez:** It was adopted —

**Senator Tkachuk:** If you could stand, please.

**Senator Galvez:** It was adopted, on division.

**Senator Tkachuk:** It was adopted, on division. That's correct, which means that it was not unanimous. But it was adopted, on division.

Did you suggest any changes to the report during the committee meeting on the report?

**Senator Galvez:** Yes. It took a long time to get a copy of the draft and there was a secret around this report. I asked you directly who wrote this report. I asked you the name of the senators who wrote this report and you didn't answer. You said this report was initially confidential and then later I got it through Senator Miville-Dechéne.

It was a strategy to let you put the report forward as it is because we preferred to discuss it in the chamber rather than doing a dissident report.

**Senator Tkachuk:** Isn't it true, Senator Galvez, that — and I think that Senator Miville-Dechéne alluded to it — you didn't present a minority report nor did you wish to make changes because you wanted to more speedily move the report and the bill into the Senate? Isn't that what happened?

**Senator Galvez:** What happened was there were a lot of delays. As I mentioned in my speech, the agenda said something and the agenda was modified many times at the last minute. It was at a point where patience is gone.

**Senator Tkachuk:** You can't make allusions like that unless you have evidence of that. You might want to specifically tell me when agendas were changed at the last minute without good reason.

**Senator Galvez:** Without good reason? That is relative. On the last day we had witnesses to talk about the budget. They were there and there was a change in the agenda to accommodate — I don't know if it was a motion or point of order. There was no identification, but we discussed it for 20 minutes in front of four or five witnesses who were there. That was not on the agenda.

Today you said you knew this from the day before because you had discussed it. Why didn't you put it on the agenda?

[Translation]

**Senator Miville-Dechêne:** I have a question for Senator Galvez. First, I want to thank her for talking about the difficult climate in our committee since we started our study of Bill C-48. As Senator Galvez pointed out, there were a number of delays. I'll start from the beginning, when we weren't able to sit during the two available weeks—

[English]

**The Hon. the Acting Speaker:** Senator Galvez has 30 more seconds in her time. Could you please give her the question and may she answer quickly?

**Some Hon. Senators:** Five more minutes.

**The Hon. the Acting Speaker:** Senator Galvez, are you asking for a further five minutes?

**Senator Galvez:** Yes, please.

**The Hon. the Acting Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

[Translation]

**Senator Miville-Dechêne:** I'd like to get back to the issue of delays. Senator Galvez, is it true that we started studying Bill C-48 long after the study on Bill C-69? Is it true that I had to move two consecutive motions so that we could extend the sittings and allow the committee to sit a bit longer? We shouldn't need a motion every single time we want to do something. Is it true that I had to move motions to get the steering committee to sit because we couldn't get the members to meet? Did all of these delays unduly prolong the study of this bill?

**Senator Galvez:** Yes, that is true.

[English]

**Hon. Frances Lankin:** Thank you very much. I appreciate your speech and those other senators who contributed. It's been an interesting deliberative process, particularly Senator Neufeld and Senator Pratte who both opposed the bill but put forward different views on how to deal with the report stage. I've found this afternoon very interesting.

Senator Galvez, I have a question. With respect, I want to suggest perhaps you might have misstated something. I just want to clear the record. You said at one point in time that the ISG were the only amendments that were put forward. I would like to ask for clarification because my understanding is that a number of members of the committee who belong to the ISG — not all, but a number — who worked together and put forward a package of amendments that they collectively supported. As a member of the ISG, I was not part of those discussions. I didn't agree with the amendments. In fact, our group does not practice in that way.

I think your statement gives an incorrect impression. I'm wondering if you would agree that was a misstatement and correct the record, please.

**Senator Galvez:** Yes, thank you very much. Thank you for giving me the opportunity to clarify that.

We are independent senators. Each one of us has amendments. I have amendments, Senator Simons had amendments, Senator Miville-Dechêne had amendments, Senator Cormier had amendments. We got together as ISG senators and members of the Transport Committee, to discuss which amendments had the best chance to pass.

**Senator Tkachuk:** You killed every one of them yourself.

**Hon. Scott Tannas:** I have a quick question. If a 6 to 6 tie vote kills a bill, wouldn't that same 6 to 6 vote kill a report? Could you have not killed the report or amended it however you wanted? Killed it and then amended it? What was the thinking that you would let a report go, not do your job in the committee and then come here and slag the report? I don't understand. How did that happen, given that you could kill the report in committee?

**Senator Galvez:** As I mentioned to Senator Lankin, we are independent senators; we don't whip each other. We don't ask, "how are you voting? Vote this way." We don't do that.

**The Hon. the Acting Speaker:** Order, please.

**Senator Galvez:** When you say you can do this, it's not true. We don't know. Sometimes we can do things together, sometimes we can't. You saw yesterday in the chamber that there were amendments and there were abstentions; there was for, there was against. That's where we are. You want to believe what you want to believe. I cannot change that. That's the situation.

**The Hon. the Acting Speaker:** On debate, Senator Sinclair.

**Hon. Murray Sinclair:** Honourable senators, I rise as well to speak to the question of the report. I want to begin by stating that I too am not in favour of adopting this report. I'd like to share my questions and concerns as to why that is so.

Let me begin by saying that from my reading of the report and from my knowledge of the circumstances that were going on behind the writing of the report, as well as what's going on here today, it is apparent to me that the committee that gave rise to this particular report is a pretty dysfunctional committee. It has caused me a great deal of concern to hear some of the comments here today about how this process all came about. I think we need to be concerned about the fact that members of the committee —

• (1700)

**The Hon. the Acting Speaker:** Senator Martin, point of order.

**Senator Martin:** I want to question the use of the word “dysfunctional.” It is unparliamentary. I will purport that it’s unparliamentary, in terms of passing judgment on a committee that worked very hard, whether or not the process was difficult.

I would ask the senator to withdraw that statement.

**Senator Sinclair:** I am going to, of course, seek a ruling from the Speaker. My view is that it is not an unparliamentary term at all. In fact, the term “dysfunctional” is considered to be quite an acceptable term in describing the way events go on. It’s appearing to me, from being here, that this committee did not function properly and did not function in a collegial matter. I therefore consider it to be a dysfunctional committee.

**Senator MacDonald:** Were you there?

**The Hon. the Acting Speaker:** Honourable senators, I will remind colleagues of comments that Speaker Furey made recently. Please respect the work that we each bring to this place, respect each other and the work committees are doing.

Senator Sinclair, I am going to ask you to continue, please.

**Senator Sinclair:** Thank you.

I think the report therefore reflects the fact that the committee did not appear to be able to get along very well in its work and deliberations, and that causes me concern because now we are being asked to be parties to this report as members of the chamber.

I have to say that in the future, as people look back on this particular day, I want it to be clear that I do not want to be connected to the contents of this report. I have a great deal of concern about the tone and tenor of the report, as was enunciated by our colleague Senator Plett. It reads like a political diatribe. I’m concerned about the fact that it doesn’t contain a lot of information that I think the report should have contained and told us about.

I also want to talk a bit about the fact that the report characterizes the process in a way that is not quite reflective of what I think actually took place.

As I understand it, when the final question was put by the chair to the members of the committee as to whether the bill, as amended, should carry, the motion — if that’s what it was properly called — was defeated on a six to six tie. Normally, in parliamentary procedure, that means the motion is not considered as having been passed. It has now been described in media reports, as well as publicly through debate, there was a decision made by the committee not to allow the bill to proceed when, in effect, no decision was made by the committee. I think the report should have properly reflected the fact that the committee failed to or did not come to a decision as to proceeding further with the report. That should have left it to the chamber to make the decision.

If the rules in fact allow this kind of process to continue or this kind of a description to stand, then I think we need to review our rules carefully to ensure that in the future when committees are unable to agree on a decision, the committee’s report should reflect that they did not agree and therefore the chamber is free to do as it sees fit.

There is no mention in the report about any amendments that were considered, no reflection in the report of the Indigenous testimony that was heard, other than a few references to those who were supportive of the bill. There is no comment or discussion about the long history of moratoriums and restrictions that have been in place with regard to tanker bans in the area, and the fact that it has almost been 50 years since there has been either voluntary or involuntary bans in place.

There is no discussion about the fact that Canada is not alone in the world in considering such moratoriums. In fact, according to a recent document that was publicized in the newspapers in New Brunswick, at one time the government was considering a regulation for New Brunswick to ban tanker traffic in its jurisdiction. The B.C. government asked for a ban on tanker traffic. The United States has bans on tanker traffic. The government of Australia has a ban on tanker traffic.

There is no discussion at all in the report about the potential costs of an oil spill, only the potential costs of unemployment in the area.

The fact of the matter is that I think this should be considered for debate on third reading by all members of the chamber. I too have concerns about the bill because it does constitute what appears to be an absolute ban on tanker traffic in an area, for good reason that might be applicable today, but I’m not so sure it will be applicable in the future. It doesn’t mean that because it might be in the best interests of the communities today who want it that we should continue to have an absolute ban forever. We should consider the possibility there might be improvement in technology, in shipping techniques, a change in the economic interests or political will of the community involved. It should allow them to be able to change their minds about having such a ban in their jurisdiction.

When it comes to how we can improve the bill, one of the options I want to talk to the chamber about is whether we might consider allowing for communities to change their minds at some point in the future and if they all agree that the ban should be lifted, then we would allow the bill to say so.

At this point in time, I can say that this particular report does not permit us to do that. This particular report also contains language that I do not want to be associated with, and I don’t think this chamber wants to be associated with. On top of that, I think that it is merely reflective of the thinking of a very few people in the overall debate and not the thinking of the overall country. I want to hear from all of the senators who are representative of all jurisdictions of this country to see what we should be doing about it.

Thank you, senators.

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

**Hon. Pamela Wallin:** Senator Sinclair, will you take a question?

**Senator Sinclair:** Absolutely.

**Senator Wallin:** Could you clarify exactly what you meant when you said that if this ban was in place and the communities changed their minds then we would overturn it? How would that work exactly? Mayors are going to write us a note and say, "Change it?"

**Senator Sinclair:** It would not be the first time that public dialogue around the question of whether a moratorium is to be maintained that no longer has public support was allowed to be the background by which legislation or bans such as this would be lifted.

It has been the case in other jurisdictions where a temporary moratorium is put in place until there is an opportunity for the community to express their will and to do it in a way that perhaps the legislation itself can describe.

However, the fact that an absolute ban is put in place on a permanent basis would be a question that I think we need to visit as part of the discussion during third reading of this bill.

**Hon. Carolyn Stewart Olsen:** Senator Sinclair, would you take a question?

**Senator Sinclair:** Certainly.

**Senator Stewart Olsen:** I am concerned by your remarks. I subbed into the committee several times. I saw people dealing with a piece of legislation that had a good many flaws. You yourself have pointed out a flaw. Would you reconsider some of your remarks which seem to defame the whole process of the committee? Senator Galvez did her very best in a difficult situation. There were tons of people to manage, all with very passionate views on this piece of legislation.

• (1710)

I really think everyone worked very hard, and they did their best. Just clarify: You're not criticizing the committee, per se — perhaps the report — but the committee worked hard on this legislation. It was difficult. People are passionate about it, and I would really like you to clarify your remarks.

**Senator Sinclair:** Thank you.

I'll clarify it this way: I was not talking about the committee that Senator Galvez chairs; I was talking about the committee that Senator Tkachuk chairs.

**Senator Stewart Olsen:** I'm sorry.

**Senator Sinclair:** Thank you.

**Some Hon. Senators:** Oh, oh!

**Senator Tkachuk:** You had made some criticism of the committee, and I was wondering where you got your information. Were you at the committee? Did you follow the committee? Did

you talk to any members of the committee? You didn't talk to me. I don't know whether you talked to any members on our side. What was your understanding of the committee?

**Senator Sinclair:** Thank you for the question, senator.

I don't think I had to talk to anybody, quite frankly. I could have just gone by what I've heard and observed here today. I think that tells me enough.

**Hon. Leo Housakos:** Honourable senators, I did not participate on the committee, either, though I have some views on Bill C-48.

I also want to engage in the debate in regard to what I have seen here today. What I have seen here today, I have seen on a number of occasions over the last couple of years. We have the right as colleagues to get to our feet and to criticize legislation. We have the right to get to our feet and support legislation. We have the right to criticize reports and to support reports. But I've seen a trend over the last little while, and I see it again today: We are criticizing the result, and we are trying to turn over a result by impugning the motives of our colleagues.

I've seen a number of instances of colleagues getting up in this chamber on debate and everyone rising with points of order because we are impugning motives. In a political house of debate, that's what we do. We challenge each other and question each other. We challenge the veracity of the information one side produces vis-à-vis the other side, and sometimes debate crosses the line and becomes personal.

In this particular instance — and I speak not only as a senator but as Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament — I see a committee that was duly constituted by this chamber and properly constituted by the Selection Committee. They were given a mandate by this chamber in a proper fashion.

This committee not only reviewed and carried out its procedural responsibility, but it went coast to coast. It actually reached out to Canadians and gave them the opportunity to engage and to speak on an important piece of legislation. I challenge colleagues here to find another instance where a piece of legislation was scrutinized so diligently, so carefully and so far and wide by the Canadian public as Bill C-48 was.

I also see that people, in the process of not appreciating the result, have to accept that this committee had the opportunity to speak and voice itself on the legislation and on amendments. They voted 6-6. This chamber has a responsibility to be respectful of the fact that they respected the procedures and processes. No one has come up with any procedural reason to question the validity of the workings of that committee. If anybody has anything valid to say, please say it, and we will deal with it appropriately.

If we didn't like the results of what the committee came up with, we have the right to challenge that. Every senator in debate has the right to challenge that, but we don't have the right to call out colleagues on those committees who duly respect the process, procedures and rights of this chamber by saying it is dysfunctional. We are being dysfunctional when we do that

because we discredit the structure we put in place and the rules we have to follow. So I caution colleagues that we have to be careful when we do that.

The only other thing I want to say in finishing my comments is that every committee has the right and, in my opinion, in this instance, the responsibility to put forward a minority report. To my knowledge, I have not seen or heard a minority report, which is well within the confines of your rules, rights and privileges.

I encourage you, if you feel so strongly and so vociferous about the fact that this committee wasn't diligent enough and you do not agree with the report, you could have tabled a minority report.

So, colleagues, let's be respectful of the rules and procedures within which we work. If we don't do that, we discredit all work — work with which we agree and also work with which we do not.

Thank you.

**The Hon. the Acting Speaker:** Senator Housakos, will you accept a question?

**Senator Housakos:** Absolutely.

**Hon. Nicole Eaton:** When I hear the words “collegial,” “consensus,” “dysfunctional,” I wonder if there is not a misunderstanding of the Westminster system. You have a group that represents the government and supports government legislation, and you have a group in opposition whose job it is to oppose that legislation to the best of their ability. It comes out by the number of people who vote for or against it.

I don't think we're supposed to be a collegial, consensus-building system. We're here to support the government legislation or to oppose it. Would you agree, or do you think I've got it all wrong?

**Senator Housakos:** I agree with the general premise, and I agree that's how Parliament should function.

In this particular instance, we can take it a step further. The government, in this chamber, has appointed a majority number of senators. Right now, the government and the Liberal governing party has a majority number of Liberal and ISG senators on committee. There is no committee where there is a Conservative — a minority in this chamber — majority..

It even better validates this report, because a 6-6 result at that committee means somebody who is not a member of the official opposition in the Senate voted a certain way. We have to be even more respectful of that choice and of those individuals.

You are absolutely right: The Westminster model works with government and opposition. But our fundamental independence comes from the fact that when we strongly believe something, we have the right to question our own caucus or government and stand up to do so. I assume, without knowing because I wasn't there, somebody must have done that in an independent fashion.

Somebody is laughing. They are laughing at a colleague who was appointed to this place and has the right to express himself at committees and in this chamber.

Again, I wasn't there, so I assume they did it at that particular committee, and we have to respect that.

[Translation]

**Senator Miville-Dechêne:** Would Senator Housakos take a question?

**Senator Housakos:** Absolutely.

**Senator Miville-Dechêne:** Senator Housakos, my question has to do with what you said about the minority report. As deputy chair of the committee, I was closely involved in this issue.

Indeed, it is a dysfunctional committee and I must say that Senator Sinclair's comment is entirely appropriate. Let me explain why. Everyone told me that when we draft a report, the first thing to do—

**Some hon. Senators:** Ask the question!

**Senator Miville-Dechêne:** Yes, the question. I thought about the issue of the minority report. I talked about it with the committee chair, who told me that in the case of a minority report, he must absolutely answer exactly the same question, which is: reasons why the Senate should not proceed with the bill.

After I was told that, which makes no sense, I understood—

**Some hon. Senators:** The question!

**Senator Miville-Dechêne:** Okay, this is my question. Was that not a way of telling me that if we draft a minority report, we will spend hours, maybe even days, disputing that minority report in committee and preventing the Senate from voting?

**Senator Housakos:** Senator Miville-Dechêne, sadly you were misinformed.

In future, I recommend that you consult senators with more experience in this chamber. They will give you better advice.

**Senator Miville-Dechêne:** It was the chair himself who advised me, so to speak, and explained that a minority report would very likely be out of order.

• (1720)

**Senator Housakos:** Madam senator, I wasn't there for that conversation so I don't know what the question was. I can't tell you what Senator Tkachuk said in response.

[English]

**Hon. Douglas Black:** Honourable senators, I will be short because I have not a lot of say in addition to what has been added today and also, as perhaps you can hear, I have my grandson's cold.



On Bill C-48, I had the privilege, I would say, of attending the committee meetings. I didn't learn second-, third- or fourth-hand about what happened because I went to the meetings.

I have also informed my point of view because I've had the privilege of chairing a committee. I chair a committee currently in this Senate. I understand the challenges of being a chair, whether it's Senator Tkachuk, Senator Galvez or Senator D. Black. It's not an easy job to balance all the interests.

But to suggest this particular committee, from my point of view, was dysfunctional or unduly aggressive is just not a fair characterization. Was it spirited? You bet it was spirited. Was it hard fought? You bet it was hard fought. Let me tell you why: because the stakes are so high. We are not talking about parking passes at the University of Calgary. We are talking about the economy of a region in this country.

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

**Senator D. Black:** That's why, today the tensions are so high. And that is why in the committee they were so high. We should not be personalizing this or making more of this than it is. This is what we do. We make legislation. The process can at times be very aggressive, unpleasant and isolating. I want to observe that's what happened there, from my point of view, and I think we should drive on.

I would like to drive on quickly because I only have two points to make.

The first point is we need to recognize that, since 1996, there are only five examples in the history of this chamber where this chamber has overridden or not accepted a report of a committee. That's five times, and I'm bad at math, so whenever 1996 is, that's a long time.

Why is that? The reason for that is, as I think Senator Pratte and a number of my esteemed colleagues have indicated, our best work is done in committees. We all know that. That's what brings and keeps many of us here. That's where the work is done, and the Transport Committee is no exception. They had 52 meetings. They visited three provinces. They heard from more than 140 witnesses. They saw and they heard not only the factual testimony but the emotion behind that testimony on both sides of the issue.

We have to be very careful as senators when a committee report comes in, just because we don't like the result or the result was close, to think that we can turn the apple cart over. It's not a good precedent. That's why, since 1996, it has only happened five times. That's the caution, I would say.

Let me just say specifically why emotions are running so high in this legislation. It's because there is absolutely no doubt that this legislation is a hammer blow to my province. The reason that we hear the stats we're hearing about the anxiety in Alberta, investment fleeing Alberta, people leaving Alberta and 53 per cent of people in Alberta supporting separation — is because Bill C-48 has become a symbol. I would say to you, without any drama, that I think we need to be cognizant of that.

There is a region of this country that is proud of the fact it supports this country and has for over 100 years. We are being put in the position now that we cannot export our main product.

The purpose of the tanker ban is to ensure that we cannot send to Asia through a pipeline product from the oil sands. That's the purpose. And indeed, it was me who asked Minister Garneau about compromise, because I am a compromiser. I look for solutions. I built my career on looking for solutions and working with other groups. I want a solution. I was very proud of the fact that Senator Miville-Dechéne did so at the committee, because she was the first committee member to raise the prospect of a compromise. I complimented her both publicly and privately because that's the right place to go if you can go.

I asked Minister Garneau two specific questions on whether he would entertain corridors, and you can read the transcript, and I think it's in the report: the answer is no. He indicated, as I think Senator Harder pointed out, that he is prepared to consider amendments in the spirit of the bill. But as Senator Neufeld has indicated, the spirit of the bill is to prevent oil tankers from moving on the West Coast of Canada. Ergo, there are no amendments possible here.

We can play it out. We cannot accept this report today and work through a process of days, and, strategically, maybe the best thing, from my point of view, is to eat up another week with a series of amendments and run the clock out.

I don't think that's the right thing to do because then the bill will come back from the House of Commons if we are not successful today. There are going to be no significant amendments. Then we are going to have this debate as to whether this legislation is appropriate. In my view, senators, it is not appropriate, I think a number of you share my views and I think we need to put this legislation to an end today.

That's what I would hope, that's what my province hopes. I think it will show to Canadians we worry about them saying that the Senate is not doing its job. What I hear, what I see and what people tell me is I think Canadians will say you did your job.

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

**Hon. Marc Gold:** Will you take a question?

**Senator D. Black:** Of course.

**Senator Gold:** Thank you, senator. You mentioned it's rare that the Senate rejects committee reports. Can you tell us how many times in the past the Senate has adopted a committee report that had the would-be effect of killing a government bill that was enacted pursuant to an electoral platform before it even gets to the floor of the chamber for third reading debate?

**Senator D. Black:** Thank you very much. I would acknowledge that of the five examples, none of them had the effect of killing the bill. I would also say that in all of the cases — and I have them here and can provide them if you wish — in my humble submission, there was no bill. We have heard from 10 of our colleagues today. This bill is unusually bad. This is an unusual circumstance for an unusually bad bill, in my submission.

**Senator Gold:** You have been clear about your point of view from the beginning. Would you agree, Senator Black, especially for those of us who followed as citizens and senators with interest but were not part of the process, that it would be useful for those of us to hear the benefit of your point of view, as well as those of others who may have different views, and those like Senator Pratte — and I join him in spirit — who would hope to find a consensus for the benefit of all Canadians? Would it be better for Canadians if all of us had the benefit of a full and healthy debate so we can give it our last best shot to reach something that would truly be in the national interest?

**Senator D. Black:** You know I don't agree with that. The way I see the structure here, that's why we have committees.

• (1730)

Senator Gold, if you had those views, which undoubtedly you did, you could have done exactly as I did which is attend committee meetings. The chair was extremely accommodating at all times to all points of view. That is precisely why we have committees and that is precisely why we should trust our committees.

**Senator Lankin:** Senator, will you take another question, I hope?

**Senator D. Black:** For sure.

**Senator Lankin:** Thank you for your speech today and for the views you have put on the table. I, too, am a person who looks for compromise where compromise is possible or actually building solutions that are better than compromise, found by putting all our heads together.

I am not of the same opinion as you with respect to not going to third reading. I want that chance for compromise.

You talked about Minister Garneau's refusal to accept amendments that might lead to a compromise, like a corridor amendment of some sort. I was very disappointed to hear that. I would note that this minister, on numerous occasions on other bills, has said the same thing. I find it a difficult dynamic that he has established in working with this chamber.

Do you recall other bills from this minister where he has said the same thing and, in fact, at the end of the day, the government — whether or not it was this minister — accepted amendments? That might be the case here as well.

**Senator D. Black:** I have certainly heard about that. I wasn't directly involved. I suppose hope springs eternal. If we don't accept the committee report, I suppose we can send it down the road and find out what they're going to do. Fortunately, I'm not a betting man — or maybe I should be a betting man; I suspect I could make a lot of money betting that they will not accept any of our compromises. I've already tested privately, in the bureaucracy, the minister's comments. I have no reason to believe there's any willingness whatsoever for him to accommodate what needs to be done, which is to get oil tankers to bring oil from Alberta to Asia.

[Translation]

**Hon. René Cormier:** Honourable senators, as I rise in turn to speak to the seventeenth report of the Standing Committee on Transport and Communications that deals with Bill C-48, obviously I now have the benefit of the well-informed submissions and interventions of my colleagues and as a result, more than ever before, I am filled with two entirely conflicting emotions. On the one hand, I'm profoundly outraged by the language used and the one-sidedness of the report. On the other hand, I do feel some degree of hope in light of the debates I've heard in this chamber this afternoon, debates that are enough on their own to justify rejecting the report, so that this chamber can continue to examine the bill at third reading and reach some compromises that might be more acceptable to all Canadians.

That said, as an active member of that committee, it is my duty to ensure that the report presented to you corresponds in every respect to the committee's study of the bill and the conclusions it reached.

That is the purpose of my intervention. Beyond the recommendation that the Senate not continue its study of the bill, I believe it would be relevant to convey to everyone here how the report as submitted does not adequately reflect all the work done by the committee.

You will hear certain points that have already been expressed in this chamber this afternoon.

The debate on Bill C-48 brings to light an issue that is vitally important for society today and for decades to come, namely, striking a balance between economic development and environmental protection.

Although these two notions may seem incongruous, they are inextricably linked in all our discussions. This is the issue of the century.

Every witness who participated in our study explained their position in earnest, and we must point that out.

It is disappointing to see, upon reading the report that is before us, that not all the positions articulated received the same consideration. Esteemed colleagues, how can we call ourselves the chamber of sober second thought if we draft reports that do not represent fairly all the positions presented? That is disconcerting.

On the one hand, the position of the vast majority of witnesses from Alberta and Saskatchewan, as well as the oil industry, receives a great deal of attention in this report. I cannot contradict the fact that we heard many witnesses say that there was a lack of sound evidence in support of the bill and the potential economic consequences for the future, and that there was strong criticism of the use of the term "moratorium." Not only did we hear them, but we responded to their concerns and took the time to listen carefully to their comments.

On the other hand, as Honourable Senator Miville-Dechéne pointed out, we also heard a number of witnesses talk about the devastating consequences British Columbia's coastal communities could face and the environmental damage a spill would cause.

On March 19, members of the Heiltsuk First Nation told the committee about the devastating impact of the 2016 *Nathan E. Stewart* spill on their community. We also looked at the findings of the David Suzuki Foundation and biologist Stanley Rice with respect to the impact of a spill on the region's unique fauna and flora, but this report leaves that information out and merely discusses hypothetical spills that are unlikely or highly unlikely to occur.

The goal is not to pit the groups and individuals who participated in the committee's extensive consultations against each other. The goal is to provide a factual account that represents and respects all of the witnesses' viewpoints.

Also troubling is the fact that the report includes all kinds of remarks and opinions on various bills that weren't part of the committee's study, that were never discussed, and about which the committee made no pronouncements.

It goes on in detail about Bill C-69, which was never studied by our committee. It is therefore inaccurate to claim that the committee took a common position on this issue. For example, I will cite an excerpt of the report, which states:

Bill C-69 would require significantly more consultation with Indigenous communities, more consideration of the social and health impacts of energy infrastructure, and rigorous scientific studies of environmental impacts for new projects.

It seems to me that the committee was not tasked with studying Bill C-69.

Making assumptions and statements claiming that this is the majority opinion of a committee is highly problematic. I'm referring specifically to the findings of the report and all the comments on the current government's interest in so-called political rewards, which I feel no need to repeat here.

As a member of that committee, I'm very uncomfortable with the presence of arbitrary findings on topics that were never discussed. Through these findings, I find that the committee report goes well beyond the mandate the committee was given to study Bill C-48.

Furthermore, this report describes the bill's impact on national unity. It is true that Bill C-48 will not please everyone. But claiming that the current government's ultimate goal is to hurt a specific province, as the report alleges, is just as detrimental to Canadian unity and adds to the toxic atmosphere surrounding the study of this bill.

Some of you may be wondering why we agreed to adopt this report without amendment, circumstances being what they are.

I can only answer that question for myself. As I read the draft report with growing consternation, I found myself on the horns of a dilemma. Should I fight tooth and nail to get a respectful report

that reflects the extensive consultations that were held and the monumental amount of work done by the witnesses, even if it could delay the bill's progress in the Senate? Or should I use other mechanisms at my disposal to communicate all the opinions we heard and improve the bill without holding up the debate?

I concluded that the second option was the one our constituents would expect us to take in such a situation. They would expect us to rise above partisan squabbling and be as efficient as possible in the performance of our duties as informed lawmakers.

Like many senators, I believe that the bill before us is not perfect. I myself presented an amendment in committee in order to improve it. However, is imperfection a good enough reason in and of itself to stop examining the bill altogether, particularly at a stage where we still have the opportunity to make amendments to improve it? No. Imperfection alone does not justify completely shutting down the study of a bill of this magnitude. It is our duty to work together, as much as possible, to improve it. It is our duty to work toward becoming united rather than creating division with so-called partisan speeches.

• (1740)

This bill is a hot button topic across the country. Our email inboxes are a testament to that. It therefore deserves to be given special attention by everyone in this chamber. A tie vote in committee should not decide the future of this government bill.

I therefore encourage you, honourable colleagues, to reject the report of the Standing Senate Committee on Transport and Communications on Bill C-48 so that we can work together on possible solutions and compromises that could move this bill forward in the interest of all Canadians.

[English]

**Senator Tkachuk:** Senator Cormier, will you take a question?

[Translation]

**Senator Cormier:** Of course.

[English]

**Senator Tkachuk:** Would you explain why you raised no issue when the report was discussed and adopted on division? Did you raise any issues in committee when we were discussing the report and passed it, on division?

[Translation]

**Senator Cormier:** I believe I was very clear in my speech. Time was running out and it was important to get back to the issue of examining this report as quickly as possible so that we can continue examining the bill here in the Senate with the participation of all senators.

[English]

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

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** I'm sorry. Senator Manning, on debate.

**Hon. Fabian Manning:** Honourable senators, it has been a very interesting afternoon. It has also been a very interesting experience as a member of the committee for the past number of months. At times it's been a difficult climate because all sides are very passionate about this bill and our concerns. In my view, I think it's unfair to think that it is not on both sides of the equation. We all have our opinions.

I sat back and listened and watched this afternoon. I did the same thing at committee, and I contributed to the discussion that we had. Regardless of the bill's intent at the beginning, from my conversations and experiences there are two concerns. We have a concern from the environmental side of the equation and we have a concern from the economic side of the equation.

That voluntary ban has been in place for many years. I believe, from the discussions we've had, that this bill doesn't do anything to improve the environmental concerns that are out there which we all have. I think a concern with an absolute ban, as Senator Sinclair and others touched on this afternoon, is a concern down the road and for the future. What does the future hold? I think we all understand the concerns of a massive oil spill. As Canadians, each and every one of us is concerned about a massive oil spill.

I live in the small fishing community of St. Bride's in Newfoundland and Labrador in the largest bay in our province called Placentia Bay. It's certainly a great place to visit, but it is an even more wonderful place to live.

If we go back to the disaster of the *Exxon Valdez* — and we all know the story of what happened there — the Ministry of Transport at the time brought forward a study called the Bradner Smith report. He commissioned a group of people to look at the possibilities of oil spills across our country, where they could happen and the effects, offer improvements and suggestions on how we could alleviate spills, where possible. We operate in a risky environment when we're on the East or West Coasts of the country.

The Bradner Smith report stated that the most likely place in Canada for an oil spill was Placentia Bay in Newfoundland and Labrador — where I look out my living room window and I see that bay. It is the most likely place in the country for an oil spill. Why? Because we have increased tanker traffic. We have a lot of activity in Newfoundland and Labrador in relation to the oil and gas industry. We have over a thousand fishing vessels in

Placentia Bay that ply the waters and operate. We have more than 365 islands in Placentia Bay. The possibility of an accident of any type is very concerning. I don't necessarily like to say this, but it is the truth — we have 200 days of fog, on average, each year in Placentia Bay.

It is high risk. What we have to remember is that 66 per cent of Canada's total trade in oil is moved in Atlantic Canada, and 96 per cent of Canada's crude oil imports are received by major energy ports in Atlantic Canada. Needless to say, I'm very concerned about the possibility of what an oil spill would do to my own province of Newfoundland and Labrador but indeed to Canada as a whole. When you look at our fishing and tourism industries, which is built around the water, that raises some concerns.

Despite having the third-largest oil reserves in the world, each year we import into Canada \$14.4 billion worth of oil. I think we need to find a way to reduce our reliance on foreign oil in whatever way we can. I think that's what we need to look at.

Honourable senators, I support the report, but I don't support the bill for the simple reason that I don't think it does anything to improve the environmental protection that people are looking for. I think we already have that in the voluntary ban in place now. It has worked in the past. One of my largest concerns is that I believe the passage of this bill as it exists today will be detrimental to Canada's economy.

I say that in all honesty for the simple reason that, as I mentioned before, we have in Newfoundland and Labrador thousands of people who have travelled to places like Fort McMurray, Calgary and Saskatchewan to find employment in the oil and gas industry. When I was 17 years of age, I hopped on a plane and went to Alberta for a couple years and spent time there. Many other provinces, other than Newfoundland and Labrador, find economic activities in provinces such as Alberta, Saskatchewan and other places.

I believe we have to be very careful of what we do when we look at the downturn in the oil industry, the loss of jobs and revenue. It's a Canada-wide concern, in my view. I believe we need to find ways of addressing that. We heard from witnesses who told us investment has dropped almost 50 per cent in the oil industry in Canada. That's a concern for each and every one of us. We're here in this place, in this city talking about trying to find ways to develop a drug program for the country, home care programs, all different types of government services. The bottom line is somebody has to pay for it. How you pay for that is you create employment opportunities and economic activity, and from the work of that economic activity we pay taxes, and through the taxes we deliver the programs. You don't have to be Einstein to figure those things out. This is a common, one-step process, one after the other.

I'm concerned about the division that the bill is causing in Canada. To be honest, I'm concerned about the division the bill is causing here. We collectively come here to find a way to improve the economy and to bring bills forward. We're going to have opposition and we're not going to agree on everything. That's not what we're here for. If we all sang from the same hymn book, there would be no need for us to be here. That's the purpose — we raise concerns.

I've been around 26 or 27 years, and politics is the art of compromise. We have to find a way. That's not saying we will all agree and personalities take over.

I've chaired a committee in this chamber now for many years. I chaired a committee in the House of Commons when I was there. We have to try to find compromise where we can.

• (1750)

The bottom line is we're going to have people who disagree with each other and people who vote one way and others who vote another way. At the end of the day, we have to find a way to address the concerns.

The concerns we have here are environmental and economic, in my view, on both sides. I'd be very surprised if we don't get this bill to third reading. Hopefully, when we get there, we will find a way to address those two concerns.

Environmentally, I don't believe this bill, as it is written today, does anything more than what the ban already does in regard to addressing the environmental concerns in British Columbia. I really believe it's detrimental to the economy of the country and to our cohesiveness as a confederation, and I think we all need to be careful about how we proceed with these things because we should all be here for Canada.

**Hon. Peter Harder (Government Representative in the Senate):** I wonder if the senator would take a question.

**Senator Manning:** I'm not sure, but I'll try.

**Senator Harder:** Senator, you referenced that we have nothing to worry about because we have the voluntary moratorium in place. Do you recall that in the debate with Senator Wells he indicated that it was the position of his party — your party — that the moratorium ought to no longer continue?

**Senator Manning:** I'm not going to speak for Senator Wells. I'm sure he'd speak for himself.

Believe you me, although I may not fall under the heading of "independent," I am. I do not remember in my time here being forced to vote. I hear both sides of an issue and make my own decisions.

I believe we have a ban in place there now. It's been in place for many years. It seems to be working. I'm not going to say I'm an expert on that, Senator Harder. If someone would like to pose a contrary argument to that, I'm open to hearing from them. The ban seems to be working.

What we are talking about with this bill, as I understand it — and I've listened to others — is that it is an absolute. We have to be very careful in changing the economy we have in Canada for anything that is absolute, that we lock ourselves into something we cannot move away from.

That's my biggest concern. I'm very concerned with the environment. I'm surrounded by water in Newfoundland and Labrador. I fought the battles a few years ago in relation to oily

seabirds in our province, but we have to find a way to address these concerns. I don't think going to the absolute end of the equation is where we should be.

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** Senator Tannas, on debate?

**Senator Tannas:** Honourable colleagues, I've listened to the discussion this afternoon, and I want to add a few things.

I attended the Edmonton hearings on Bill C-48 with the Transport Committee. I thought the committee functioned very well. There were excellent witnesses, and I thought we had an excellent discussion. I think senators who were there would agree.

We had an interesting group of witnesses there. We had a couple of very good representatives from the energy industry. Well-respected senior statesmen of the energy industry, Mac Van Wielingen, is no longer active in oil and gas, but he supports a huge amount of philanthropy and also a research institute out of his own pocket. He came and gave what I thought was an excellent primer for all of us on the energy industry and some of the key fundamentals.

We heard some academics from the university who talked about very interesting things. They were process experts on how a chunk of bitumen becomes oil well enough to be able to go through a pipeline.

They raised an interesting issue that those of you who are worked up about GHGs might want to think about, which is that Canada gets halfway to its Paris goals by having the oil sands electrify with nuclear energy. That was something that came out of the hearing. It was fabulous.

We heard from some people who didn't get on the agenda out on the B.C. coast and who drove all the way to Edmonton to testify, some lovely ladies who have an environmental interest group. They came and gave a presentation. We had another fellow who came from the oil industry and we had some people who were workers. I think we had one of the mayors, too, the Mayor of Fort McMurray.

All of them took the time to say how grateful they were to have a chance to speak. They thanked us. At the end, as we were setting up for the next witness, they all told us, no matter which side they were on, that they felt like they had been heard by the committee.

That was an important thing that we did. We almost didn't do it, if you recall, but we did it and it was the right thing to do.

I'm emotional about this. I don't get angry about very many things, but I'm angry about this. Albertans are outraged about this. Albertans are hurt about this.

I heard Senator Pratte talk about how we should not be the loudspeakers for the provinces. I have to say that in the six and a half years that I've been here, I have come to admire and respect Quebec senators for being the best loudspeakers for their province.

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

**Senator Tannas:** There is no question that Quebec senators are the best at watching out, listening, checking every nuance to make sure that their province is on the right side of whatever is happening. You know what I would tell you? Albertans know that. There has been a historic unity between Quebecers and Albertans on so many issues going back to constitutional discussions, trade discussions, and it is because we are so much the same. We get emotional about things.

I would say the one thing we share is the want of sovereignty, of independence, of being able to get done what we want to get done in our lives and in our businesses without somebody from somewhere else sticking their face in it for no good reason. That is what is going on here.

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

**Senator Tannas:** I would say this, as I know I'm coming to the end of my time. The committee is the forum for finding compromise. That is what we delegate them to do.

Senator Simons has said she agonized over this. If she thought there was a compromise, she searched — I watched her search for a compromise. We all watched her search for a compromise. There isn't one. We know it. We were told it by a minister who we might think told it to us a little arrogantly. The fact of the matter is that there is no compromise, and I think we all know it.

One of the problems that we have in this country is that we're too nice. We're told that by lots of different people. I'll tell you what being too nice and not wanting to get down to the brass tacks gets us sometimes; we go off on great adventures of hypocrisy in order to not face up to the truth. If we're going to do it, let's call it what it is. But to not pass this report, in my humble view, is yet another act of Canadian hypocrisy, and Albertans will see it and know it.

• (1800)

How much time do I have left?

**The Hon. the Speaker:** I'm sorry, Senator Tannas, but it's now 6 p.m. and pursuant to rule 3-3(1), I am required to ask colleagues if they agree not to see the clock.

Is it agreed, honourable senators?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear a no, therefore the sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

[ Senator Tannas ]

• (2000)

**The Hon. the Speaker:** Honourable senators, resuming debate on the report on Bill C-48.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald, that the report be adopted.

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

**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 to the motion will please say "nay."

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker:** I see two senators rising. Is there an agreement on the bell?

**Senator Plett:** Deferred until the next sitting of the Senate.

**The Hon. the Speaker:** The vote is deferred to the next sitting of the Senate.

[Translation]

## THE ESTIMATES, 2019-20

### VOTE 1 OF THE MAIN ESTIMATES—THIRD REPORT OF JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Francis, for the adoption of the third report of the Standing Joint Committee on the Library of Parliament, entitled *Main Estimates 2019-20: Vote 1 under Library of Parliament*, tabled in the Senate on May 30, 2019.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

[English]

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Margaret Dawn Anderson:** Honourable senators, I would like to recognize and acknowledge that we are on the unceded territory of the Algonquin, Anishinabek.

Today, June 5, marks 35 years since the Inuvialuit Final Agreement was signed between the Inuvialuit and Canada at the Mangilaluk School in my hometown of Tuktoyaktuk, Northwest Territories. This historic event is known and celebrated each year as Inuvialuit Day. Inuvialuit Day honours the strength, resilience, vision and self-determination of our Inuvialuit ancestors, elders and communities.

None of this would have been possible without the Committee for Original People's Entitlement, COPE. On January 28, 1970, in response to increasing oil and gas exploration and other pressures, a group of Inuvialuit elders and youth came together to form COPE. Ultimately, COPE represented the Inuvialuit in negotiating a land claim agreement with the federal government. The Inuvialuit feared that unless action was taken, they would have no input in resource development. They were also concerned that the benefits from any development would flow south.

Negotiations between COPE and the Government of Canada began in 1974 and lasted 10 years. On June 5, 1984, the Inuvialuit Final Agreement, IFA, was signed. Through the agreement, Inuvialuit agreed to give up our exclusive use of our ancestral land in exchange for guaranteed rights and benefits to land, financial compensation, wildlife management, and social and economic development measures, as well as shared

responsibility for implementation. It was the first comprehensive land claim agreement signed north of the sixtieth parallel and only the second in Canada at that time.

Today, celebrations are planned in all six communities across the Inuvialuit Settlement Region. This includes Aklavik, Paulatuk, Sachs Harbour, Tuktoyaktuk and Ulukhaktok, with a large event being held in Inuvik. Inuvialuit Day will include drum dancing, northern games, a BBQ feast to share country foods and the launch of the Inuvialuit Digital Library. A key highlight of this Inuvialuit Day will be the presentation of the Wallace Goose Awards to recipients in recognition of their significant contribution to Inuvialuit culture and language.

Inuvialuit have a long, rich history in what is now referred to as Canada's Western Arctic. My ancestors stem from the Kitigaaryungmiut, a specific group of Inuvialuit. Historically, the Kitigaaryungmiut gathered at Kitigaaryuit, or Kittigazuit, at the mouth of the East Channel of the Mackenzie River. This is believed to have been the largest permanent Inuvialuit settlement before contact with the Tan'ngit, or others. In the summer, the people of Kittigaaryuit gathered there to hunt beluga whales. In the winter, they gathered again and participated in games and festivities, and discussed issues of governance. Archaeological research has proven that the Kitigaaryungmiut occupied Kitigaaryuit for at least 500 years.

However, as early as the 1890s, colonialism began to leave an indelible mark on the Inuvialuit. The encounters with Tan'ngit, the whalers, Hudson's Bay Company, fur traders, missionaries, RCMP and the subsequent imposition of government programs and policies have altered our history, land, culture, language, spirituality, water and animals

In Kitigaaryuit, the influx of Tan'ngit exposed the people of Kitigaaryungmiut to a number of epidemics, including measles and tuberculosis. In 1850, the number of Kitigaaryungmiut estimated to be living in Kitigaaryuit was 1,000. This number rose in the summer to as much as 2,100. As a result of epidemics, by 1905, the population was reduced to 259, and by 1910 to only 130. The survivors moved away from Kitigaaryuit, with the majority moving to Tuktoyaktuk, Northwest Territories, where I am from.

It is a small hamlet with a population of 900, located on the shores of the Arctic Ocean. Tuktoyaktuk is the anglicized name. The Inuvialuit name is Tuktuyaaqtuuq. It looks like a *tuktu*, the Inuvialuit name for caribou. It was formerly known as Port Braybant, a trading post.

My *daduk*, or grandfather, is Joe Nasogaluak; his Inuvialuk names were Nasogaluak, Angupsuk and Mannak. To the government, he was known as W3-776, his disk number. My grandfather lived a nomadic lifestyle and travelled to Smoke River, Mason River, Avvak, Anderson River, Baillie Island, Sachs Harbour, Herschel Island, Kittigazuit and Stanton.

My *nanuk*, or grandmother, is Susie Anghik Ruben. To the government, she was known as W3-777.

In August 1940, they settled in Tuktuujaqrutuq, Northwest Territories, with their 11 children. Their first language was Inuvialuktun, the Sallirmiutun dialect.

My *ammung*, or mother, Sarah Nasogaluak Anderson, was born Sanikpiak, Kousalgana and Mamayauk in Baillie Island, or Avvak, Northwest Territories. To the government, she was known as W3-779. She grew up raising her own dog team and having her own trapline, as her family was reliant on hunting, fishing and trapping for survival. She worked as a nursing assistant, substitute teacher and as an Inuvialuktun teacher at the Mangilaluk School for 22 years.

Honourable colleagues, in the space of three generations, the Inuvialuit way of life has been transformed. I have lived through and heard stories of the impact of colonization, and I am still learning about how these changes came about and the role the government played.

I recently learned about the Eskimo Affairs Committee, which operated between 1952 and 1962. Despite its name, there were no Indigenous or Inuit members involved in the EAC until 1959. The committee was established to address major public issues affecting the barren lands of the Northwest Territories, which at the time included Nunavut. The committee was made up of civil servants, the Hudson's Bay Company and church representatives. While it did not have any executive power, it did influence government policy, which brought about dramatic social change to all Inuit.

It is important to note that the issues currently facing the Inuit and discussed in the Senate today are the same issues discussed by the EAC in the 1950s. At the time, areas of concern included housing, language, education, food insecurity, decline of the caribou, employment, health and well-being, and income assistance. These issues have been compounded by government policies and legislation over the last 100 years.

• (2010)

Through reading the minutes of the committee, I was introduced to *The Book of Wisdom for Eskimo*, which was distributed to all Inuit in the Northwest Territories and Nunavut and in circulation right through to 1962. It came from Canada, the Department of Mines and Resources, the Bureau of Northwest Territories and Yukon Affairs, Ottawa. I would like to share an excerpt from the book on family allowance:

The King is helping all the children in his lands. He is giving aid to the Eskimo children also and has instructed His servants the Police to proceed in this way.

All parents and foster parents must register with the Police all children up to 16 years old giving their names, identification numbers, ages and relationship to the head of the household such as son, daughter, adopted, et cetera. The Police will then arrange that every child will receive help from the trader when it is needed.

In the past you have had years of scarcity and this has caused much hunger and sickness to the children. Now the King is giving a monthly allowance to each child under 16 years old. But this is to be controlled and only when in real need must an Eskimo mother or father ask to draw this allowance that year and it will be saved for you and issued

only when there is a dire need for it. When you do not use all the allowance it will be saved for the child who will receive it at the age of 16 years.

The traders are working with the Police to help you and your families and the King has instructed them to issue goods only when it is necessary. He does not wish you to become lazy and expect to receive goods anytime. You are to continue to work hard at hunting and trapping, teaching your children to be good hunters and workers. . . .

Every Eskimo should have a disc bearing his identification number. Do not lose your disc. You will need it to obtain the King's help.

Within my culture, naming of a child is a complex tradition. Names are given to a newborn child usually through an elder. The name or names a child is given hold special meanings and is tied to spiritual belief and customs. It could be the name of a family member, or someone that has held desirable traits that the child would emulate. Gender does not figure into the naming of a child. The child in turn is treated like their namesake, being called or honoured as their namesake. For example, my eldest son's name is Angupsuk. He was given it by my *daduk*. My mother referred to him as father or as dad, always. A child's identity, therefore, is shaped by a meaningful process that connects the child directly with their ancestors. This practice remained intact and unbroken until the Eskimo identification process.

The Eskimo identification numbers were a government policy stemming from the 1930s. Inuit identity across Canada was erased and names were replaced with numbers — a small reddish-brown tag, with a crown, laden with the words "Eskimo Identification," and their unique identifier number. Inuit were made to wear, sew on and/or carry this tag with them at all times. W3-776, W3-777, and W3-779 — my *daduk*, Joe Nasogaluak, my *nanuk*, Susie Anghik Ruben, and my mother, Sarah Nasogaluak Anderson were a part of this policy, as well as countless Inuit across Canada. They experienced an erasure of their identity and disregard for their culture, traditions and language — replaced by what was commonly referred to as a dog tag. Eskimo Identification continued until the 1970s.

In 1968, the Northwest Territories initiated Project Surname to reinstate Inuit names. While a step in the right direction, this has not fully rectified the problem. When we were given Christian first names, our Inuit names became anglicized surnames. This caused confusion about family connections. Birth certificates, marriage certificates and other government documentation, which were made out at different times, contain different names. This makes it difficult for individuals and especially elders to obtain proper identification. Another unintended result of this is that immediate family members now have different last names. For example, my *daduk* and his brothers became Joe Nasogaluak, Paul Ettagiak, Sam Anikina, and Kelly Ovayauk.

Undoubtedly, colonialism has had a huge impact on not just Inuit, but all Indigenous people — including First Nations and Metis within Canada. It will continue to shape our future in unforeseen ways. Our elders knew this to be true long before the IFA was signed.



According to Inuvialuk Elder Randal Pokiak:

The elders, the ones that speak Inuvialuktun, said “What’s going to happen? I don’t have much longer to live. What am I leaving behind?” Oil companies were just going offshore, they went from the Delta to the mainland, and into the Mackenzie Basin, building artificial islands, and then the government gave them rights in the deep-water seas. COPE was trying to help get what they wanted for their children and grandchildren. The elders had so much hope, they were going after a dream.

Today, as we celebrate the IFA, we continue to chase this dream.

I would like to congratulate and send my warm wishes to the Inuvialuit Regional Corporation on this historic anniversary as well to all ISR communities and all Inuvialuit outside the ISR.

Since I cannot be home in Tuktoyaktuk to celebrate with family and friends, I rise today to ask you, honourable colleagues, to carefully consider the decisions we take in this chamber. The active recognition of the inherent rights of Indigenous peoples and the full implementation of our land claims agreements, self-government agreements and historic treaties is the foundation of reconciliation. This requires meaningful consultation, participation, and consent of Indigenous peoples in the legislation, policies and processes that affect us. The policies we help put in motion in this chamber will resonate into future generations in ways we cannot predict but we hope we can be proud of.

*Quyanainni.* Thank you.

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

(On motion of Senator Bellemare, debate adjourned.)

[Translation]

## THE SENATE

### STATUTES REPEAL ACT—MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of June 3, 2019, moved:

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33 (2<sup>nd</sup> Supp):

-Parts II and III;

2. *Contraventions Act*, S.C. 1992, c. 47:

-paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following provisions of the schedule: sections 1, 2.1, 2.2, 3, 4, 5, 7, 7.1, 9 to 12, 14 and 16) and 85;

3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;

4. *Preclearance Act*, S.C. 1999, c. 20:

-section 37;

5. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

-sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;

6. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-subsections 107(1) and (3) and section 109;

7. *Marine Liability Act*, S.C. 2001, c. 6:

-section 45;

8. *Yukon Act*, S.C. 2002, c. 7:

-sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;

9. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:

-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

10. *Assisted Human Reproduction Act*, S.C. 2004, c. 2:

-sections 12 and 45 to 58;

11. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:

-Part 18 other than section 125;

12. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:

-subsection 27(2), section 102, subsections 166(2), 239(2), 322(2) and 392(2);

13. *An Act to amend the law governing financial institutions and to provide for related and consequential matters*, S.C. 2007, c. 6:

-section 28, subsections 30(1) and (3), 88(1) and (3) and 164(1) and (3) and section 362;

14. *Budget Implementation Act, 2008*, S.C. 2008, c. 28:

-sections 150 and 162;

15. *Budget Implementation Act, 2009*, S.C. 2009, c. 2:

-sections 394, 399, and 401 to 404;

16. *An Act to amend the Indian Oil and Gas Act*, S.C. 2009, c. 7:

-sections 1 to 3; and

17. *An Act to amend the Transportation of Dangerous Goods Act, 1992*, S.C. 2009, c. 9:

-section 5.

She said: Honourable senators, this is a very serious motion. I rise today to move Motion No. 277 to resolve that one complete act and certain provisions of other acts not be repealed, pursuant to section 3 of the Statutes Repeal Act. I've been moving this motion in this chamber for several years now.

Thus, I hereby call on the Senate to ensure that this act and its provisions, which have not come into force since their enactment, are not repealed pursuant to the Statutes Repeal Act.

Before I go any further, I would first like to remind you what this motion is all about.

This motion, technical in nature, stems from a bill introduced by Senator Banks, Bill S-207, the Statutes Repeal Act, which received Royal Assent in 2008 and came into force two years later. The bill seeks to clean up federal legislation by repealing any act or provision of an act that has not come into force for 10 years.

[English]

Section 2 of the Statutes Repeal Act requires that the Minister of Justice table an annual report before both houses of Parliament on any of the first five sitting days in each calendar year. This report would list the acts of Parliament or provisions of acts of Parliament not yet enforced that were enacted nine years or more before December 31 of the previous calendar year.

The annual report of this year, the ninth since the Royal Assent of the acts, was tabled on February 1, 2019, in the House of Commons and February 22, 2019, in the Senate.

• (2020)

This report listed a total of 18 acts or provision of Acts of Parliament assented to nine years or more before December 31, 2018, and not in force on that day. To make something short, this bill, when you have after nine years a provision of a bill that is

not enforced, the bill of Senator Banks proposed that in the next calendar year this bill or part of the bill is erased, is abrogated without any debate.

Under this bill, the Minister of Justice writes to each minister to say, this bill or provision of the bill is going to be abrogated, do you need it? If the minister raises his hand and says I need it, it's in the motion. There is a report and then there is the motion.

This report listed a total of 18 acts or provisions of Acts of Parliament assented to nine years or more before December 31, 2018, and not in force on that day.

Under section 3 of the Statutes Repeal Act, any act or provision listed in the annual report, as I said, will be repealed on December 31 of the year the report was tabled. The repeal is done automatically by the operation of the Statutes Repeal Act.

However, these acts and provisions can be saved from repeal if they are brought into force before that day or if one of the Houses of Parliament adopts a resolution to exempt them from repeal. One of them — the House of Commons or the Senate. Indeed, the motion before you deal specifically with the latter case that a minister recommends that an act or a certain provision of an act be deferred.

[Translation]

You may recall that I moved such a motion in December, and you are no doubt wondering why I'm doing so now, so early in the year. The reason is quite simple, which is that Parliament will very soon be dissolved, the election will be called and we don't know when we will be back. We may be back in December, but we may not come back until January. If we return after December, in January, the acts slated for repeal will have been repealed before the ministers were able to introduce legislation.

[English]

This year, the motion is moved earlier with the goal of adopting a resolution before the adjournment of Parliament in the summer. Given that Parliament may not convene this fall due to the upcoming election, proceeding early with the Statutes Repeal Act motion will help to ensure that these important deferrals will happen before the December 31 deadline.

I will say that the scroll, because I will be repeating more of the items that I spoke of last year, I said at scroll that maybe you would like me to give a little speech. But the answer was unanimous from all the groups that I should do a complete review of all the items. In the motion there are more items than last year. Last year there were 14 items, this year there are 17 items. I'll shorten the items, but I had the agreement at scroll that we should go through a speech which will talk about the items, because some are interested in them.

So the first item is related to —

[Translation]

With respect to Crown-Indigenous relations, the Minister of Crown-Indigenous Relations is, for the first time, recommending a deferral of repeal of certain provisions of the Act to Amend the

Indian Oil and Gas Act, which significantly amends the Indian Oil and Gas Act of 1974 and which sets out a full legislative framework for the exploration or exploitation of oil and gas situated in First Nation lands.

The minister is recommending a deferral of repeal of these provisions so that the regulations can be completed. The 2009 legislation is expected to come into effect shortly after.

The Minister of Finance recommends that certain provisions in these two acts be maintained. The first act is An Act to amend certain Acts in relation to financial institutions. The provisions in question amend the definition of “solicitation” in the Banking Act, the Cooperative Credit Associations Act, the Insurance Companies Act and the Trust and Loan Companies Act.

A deferral of repeal is recommended in order to finish ongoing work to modernize the governance of federally regulated financial institutions.

[English]

The second deferral recommendation concerns provisions of An Act to amend the law governing financial institutions and to provide for related and consequential matters.

Section 28 of this act relates to the Bank Act Special Security regime. A deferral of repeal of section 28 is recommended in order for the department to develop regulations in this technical and complex area.

The remaining not in force provision of the act amends parallel sections of the Bank Act, the Cooperative Credit Associations Act and the Trust and Loan Companies Act to create a requirement for financial institutions to attempt communication with unclaimed balance holders via email, in addition to the current requirement of sending a notice to the persons recorded address.

Deferral of repeal of these provisions is recommended until the review of the federal financial sector framework is completed.

[Translation]

The Minister of Foreign Affairs recommends the deferral of the repeal of one complete act and one provision of another act.

The first recommendation concerns the Comprehensive Nuclear Test-Ban Treaty Implementation Act. This act could come into force when the Comprehensive Nuclear Test-Ban Treaty is in effect. However, this treaty must be ratified by 44 specified countries before coming into force, and eight of them have yet to ratify.

The second recommendation concerns section 37 of the Preclearance Act, which implements a bilateral treaty on air transport preclearance.

In March 2015, a new preclearance agreement was signed by Canada and the United States.

In December 2017, Bill C-23, Preclearance Act, 2016, received royal assent and was presented as making legislative changes required to implement the agreement. When the new Preclearance Act, 2016, goes into effect, it will nullify the obligations under the current act and repeal it, including section 37. The deferral of the section is therefore recommended until this bill comes into effect, which should be later this year.

[English]

The Minister of Health is recommending a deferral of sections 12 and 45 to 58 of the Assisted Human Reproduction Act as a result of a Supreme Court of Canada ruling which clarified the federal government's role in the area of assisted human reproduction. A deferral of repeal is recommended until those provisions are brought into force, which is expected to be in 2019 for sections 45 to 58, and in spring 2020 for section 12.

The Minister of Intergovernmental and Northern Affairs and Internal Trade is recommending a deferral for certain provisions of three acts. The first recommendation concerns Part II, labour standards and Part III, occupational health and safety coverage in parliamentary workplaces, of the Parliamentary Employment and Staff Relations Act.

On October 25, 2018, Bill C-65, Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1, received Royal Assent. Part 2 of Bill C-65 amends Part III of the PESRA, which is the Parliamentary Employment and Staff Relations Act.

A deferral of repeal of Part III of this act is recommended should the amendments not be brought into force by December 31, 2019.

• (2030)

In addition, Bill C-86, the Budget Implementation Act, 2018, No. 2, which received Royal Assent on December 13, 2018, enacts the Pay Equity Act to establish a proactive process for the achievement of pay equity in all federally regulated workplaces.

A deferral of the repeal of Part II of the Parliamentary Employment and Staff Relations Act is also recommended in order to maintain the possibility for the government to address other labour standard matters at a future time.

The second recommendation concerns sections 70 to 75 of the Yukon Act, which will allow the Yukon Government to appoint its own Auditor General and cease to use the services of Canada's Auditor General. The Government of Yukon needs to establish a position of Auditor General before these provisions can be brought into force.

The other provisions of the Yukon Act for which a deferral of repeal is recommended are consequential amendments to other acts that should be brought into force when the federal Yukon Surface Rights Board Act is repealed and the Yukon Legislature enacts legislation in its place. To date, the territorial legislation is not yet in place.

The third recommendation, which is the first time that a repeal of appropriation was recommended, concerns sections 401 to 404 of the Budget Implementation Act, 2009, which amends the Federal Public Sector Labour Relations Act to include references to the Public Sector Equitable Compensation Act.

Sections 401 to 404 of the BIA 2009 were meant to support the implementation of the PSECA, but the recent BIA 2018, No. 2, enacted the Pay Equity Act as a replacement for the PSECA. A deferral of repeal is thus recommended until the PEA comes into force and the PSECA is repealed. The PEA is the Pay Equity Act, as you will recall.

[Translation]

**The Hon. the Speaker:** Senator, your time has expired. Would you like five more minutes?

**Senator Bellemare:** I hope to have enough time to finish my speech.

**The Hon. the Speaker:** Is leave granted?

**Some Hon. senators:** Yes.

**Senator Bellemare:** The Minister of Justice and Attorney General of Canada is recommending a deferral for certain provisions of three acts. The first concerns certain provisions of the Contraventions Act, which offers an alternative to the summary conviction procedure set out in the Criminal Code for the prosecution of federal offences designated as contraventions.

The Department of Justice has entered into agreements with most provinces to implement the federal contraventions regime through existing provincial penal schemes, but it is still in negotiations with Saskatchewan and Alberta. In the event that agreements cannot be reached with the remaining two provinces, the department may need to implement an autonomous federal penal scheme in those provinces by bringing into force the remaining provisions of the act, which is why a deferral of repeal is recommended.

The second recommendation concerns three outstanding provisions of the Modernization of Benefits and Obligations Act. The provisions in question would authorize a regulatory scheme to allow payment of parental benefits under the Employment Insurance Act, in the event of an unconstitutional exclusion caused by a determination of parentage under provincial and territorial laws. A deferral of repeal is recommended to allow the Government of Canada to complete its review of family-related laws.

The third recommendation, which is new this year as well, concerns clause 399 of Budget Implementation Act, 2009, which amends the Canadian Human Rights Act to provide that the Canadian Human Rights Commission does not have jurisdiction

to deal with pay equity complaints made against an employer within the meaning of legislation that has never come into force, namely the Public Sector Equitable Compensation Act.

As I said earlier, Budget Implementation Act, 2018, No. 2, enacts the Pay Equity Act by replacing the Public Sector Equitable Compensation Act, rendering clause 399 null and void. Accordingly, deferring the repeal of clause 399 of Budget Implementation Act, 2009 is recommended to allow for it and the Public Sector Equitable Compensation Act to be repealed simultaneously.

[English]

The Minister of National Defence is recommending a deferral of repeal for certain provisions of two acts.

The first recommendation concerns certain provisions of An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts. These amend the Canadian Forces Superannuation Act and relate to supplementary death benefits and elective service rules. They cannot be brought into force before the accompanying regulations are made. Hence, a deferral of repeal is recommended.

The second recommendation concerns section 150 of the Budget Implementation Act, 2008.

This provision amends the Canadian Forces Superannuation Act to provide authority for the Governor-in-Council to make regulations for the payment of interest when refunding amounts paid by a contributor that are in excess of amounts required under the Canadian Forces Superannuation Act. This provision cannot be brought into force before the supporting regulations are made.

[Translation]

The Minister of Public Safety and Emergency Preparedness recommends deferring the repeal of a single provision of one act.

[English]

**The Hon. the Speaker:** I'm sorry to interrupt you, senator, but your time has expired again.

**Some Hon. Senators:** More!

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

**Senator Bellemare:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Bellemare:** I told you I would have written a shorter speech, but everyone agreed at scroll that they wanted me to do the long one.

[Translation]

That provision is clause 162 of Budget Implementation Act, 2008, which amends the Royal Canadian Mounted Police Superannuation Act to provide for the payment of interest on the

reimbursement of an overpayment by a contributor to the RCMP pension fund and gives the Governor in Council the power to make regulations respecting the circumstances in which interest is to be paid. This provision cannot come into force until regulations are made, so deferring the repeal would enable the RCMP to complete its consultations.

The Minister of Public Services and Procurement and Accessibility recommends deferring the repeal of certain provisions of part 18 of Budget Implementation Act, 2005, which amends several provisions of the Department of Public Works and Government Services Act to provide the minister with exclusive authority to enter into contracts for services, as she currently does for goods.

Delaying would provide the time needed to hold government-wide consultations.

[English]

The Minister of Transport is recommending a deferral of repeal for certain provisions of two acts.

The first concerns section 45 of the Marine Liability Act. That provision will give effect to the Hamburg Rules, which is an international convention on the carriage of goods by sea adopted by the United Nations in 1978. However, the Hamburg Rules have not been ratified by Canada's major trading partners.

• (2040)

In 2017, the Department of Transport completed a report including recommendations on modernizing Canada's carriage of goods by water. A deferral of repeal is recommended to allow for the review and modernization of Canada's legislation to continue.

The second recommendation, another novelty, concerns section 5 of An Act to amend the Transportation of Dangerous Goods Act, 1992. This amendment was meant to address transportation security clearance, and more specifically, a U.S. security clearance requirement that requires licensed commercial motor vehicle drivers who are transporting dangerous goods into and within the U.S. in truckload quantities to have a security clearance.

Even though there is a temporary agreement in place, a long-term TSC program still needs to be implemented for Canada. A deferral of repeal of section 5 will allow time to conduct analysis, hold stakeholder consultation, recommend a cost-effective approach and obtain cabinet approval and financial support.

[Translation]

The President of the Treasury Board and Minister of Digital Government is recommending a deferral of repeal for certain provisions of the two acts.

The first recommendation has to do with certain provisions of the Public Sector Pension Investment Board Act that address supplementary death benefits for the Canadian Armed Forces. These provisions amend the Canadian Forces Superannuation Act

to permit regulations to be made prescribing the amount of supplementary death benefits payable and the amount of premiums.

Given that these provisions cannot be brought into force before the necessary regulations are made, a deferral is recommended.

The second recommendation, which is new, has to do with clause 394 of the Budget Implementation Act, 2009, which enacts the Public Sector Equitable Compensation Act or PSECA.

As I mentioned earlier, Budget Implementation Act, No. 2, includes provisions to repeal PSECA, which has been replaced by the Pay Equity Act. PSECA will be repealed once all of the pay equity complaints filed under section 11 of the Canadian Human Rights Act, or CHRA, have been fully dealt with. The repeal of this provision is necessary so that the complaints filed under the CHRA can be dealt with.

[English]

To conclude, under the Statutes Repeal Act, repeal deferrals are valid for only one year. Any act or provision of an act whose repeal is deferred this year will be included in the next annual report. Next year it won't be me.

It is important that we adopt this motion because if we do not adopt it before this Parliament ends —

**Senator Wallin:** All this is for nothing.

**Senator Bellemare:** No, worse than that. All of the acts and provisions that I just listed will be repealed, and that could lead to inconsistency in federal legislation and we'll have to adopt them again. The repeal of certain provisions could even result in federal-provincial-territorial stresses and impact Canada's international relations.

[Translation]

I therefore encourage you, dear colleagues, to adopt this motion quickly.

[English]

**Hon. David M. Wells:** I don't think you heard, Your Honour, because of the revelry, but we called "on division" on that.

**The Hon. the Speaker:** It will be recorded as "on division."

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

**Some Hon. Senators:** Agreed.

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

(Motion agreed to, on division.)

colleagues that, as she indicated, we won't be able to deal with this until December 2020. Would there be a sentiment in the chamber that we have a provision that allows us to table the report and discuss it as opposed to totally read it?

**Some Hon. Senators:** Agreed.

**BUSINESS OF THE SENATE**

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, in comment to "on division," I know it will be disappointing for Senator Bellemare and all

*(At 8:46 p.m., pursuant to the orders adopted by the Senate on February 4, 2016, and May 9, 2019, the Senate adjourned until 1:30 p.m., tomorrow.)*

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