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(HANSARD)

Thursday, June 6, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, June 6, 2019

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

Prayers.

SENATORS' STATEMENTS

D-DAY AND THE BATTLE OF NORMANDY

SEVENTY-FIFTH ANNIVERSARY

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, at 6:30 a.m., 75 years ago, five divisions — two American, two British, one Canadian — landed on the beaches of Normandy in an effort to end Nazi tyranny in Europe. Fourteen thousand soldiers were Canadians and of those a full 1,074 were to become casualties. It's a day that is significant in Canada's history. It inspires in me and many others a pride in what we have accomplished as a nation.

Today I would like to share the story of my uncle Sydney Valpy Radley-Walters, nicknamed "Rad," which is one of those cool nicknames that we all can only dream of being fortunate enough to have. He was a tank commander in the Canadian Army and a top tank ace of the Western Allies in World War II.

[*Translation*]

Born in Gaspé, Quebec, in 1920, Rad graduated from Bishop's College in 1940. Later that year, he was assigned to the Sherbrooke Fusiliers Regiment. He was part of the 2nd Canadian Armoured Brigade, which supported the 3rd Canadian Infantry Division during the Normandy landings.

[*English*]

Radley-Walters commanded a Sherman tank during the Battle of Normandy. Through his brave actions and effective operation of his tank, he helped Allied forces gain ground and ultimately be successful in their fight against the Nazis.

It wasn't easy, obviously. He had three tanks shot out from underneath him and was injured twice. His outstanding leadership and gallantry as a squadron commander were recognized with both the Distinguished Service Order and the Military Cross. He also earned the title "Ace of Aces" as the top shot in a tank for all of the Western Allies.

What makes it special to me, colleagues, is that it was Rad's sister, my mother, who took the time to teach him how to shoot. For me, this is confirmation that we never really know how the time we invest with our family and those close to us will have a greater impact than we can predict. And that's the story my mother told me.

After the war, Radley-Walters served in peacekeeping missions in Egypt and Cyprus. He retired after a lengthy and extremely active military career in 1974.

[*Translation*]

Our family was always proud of my uncle and his contributions, not only to the Normandy invasion but throughout his entire career. When he died in 2015, those who knew him fondly remembered his many military achievements.

[*English*]

Rad's story certainly has unique elements, but he shares a common thread with every man and woman who puts their life on the line to serve our country. I am thankful for their service and how they truly do stand on guard for Canada.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Steve Kim. He is the guest of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lynn Tremblay and Brahm Sand. They are the guests of the Honourable Senator Gold.

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

Hon. Senators: Hear, hear!

[*Translation*]

D-DAY AND THE BATTLE OF NORMANDY

SEVENTY-FIFTH ANNIVERSARY

Hon. Serge Joyal: Honourable senators, today marks the seventy-fifth anniversary of the Normandy landings on June 6, 1944, or D-Day. This was a very important date in the Second World War because it marked the beginning of the British, Canadian, French and American Allies' offensive on the eastern front, which led to the downfall of the Third Reich and the final victory. The Allied operation, code-named Overlord, was discussed at a confidential meeting between Churchill and Roosevelt at the Quebec Conference in August 1943. The planned offensive at Normandy was supposed to make people forget the disastrous retreat at Dunkirk in May and June of 1940, when the British army had to quickly evacuate the coast of France because it was unable to drive back the German offensive.

[*English*]

Under General Dwight Eisenhower, an outstanding number of Allied military forces fought on D-Day: 155,000 soldiers, 14,000 of whom were Canadian, 11,000 planes, 50,000 vehicles, and 5,000 minesweepers, battleships, landing carriers and other watercraft. The German forces were under the command of Field Marshal Erwin Rommel, better known as the "Desert Fox" since his African expeditions. The Americans were slated to take Utah Beach and Omaha Beach to the west; the British, Gold Beach and Sword Beach; and, in between, the Canadians landed at Juno Beach. The Allies intentionally deceived the Germans about the location of their operations, leading them to believe it would be at Pas-de-Calais.

Among the Canadian regiments who landed at Juno Beach were the Royal Winnipeg Rifles, the 1st Hussars, the Queen's Own Rifles of Canada, the Fort Garry Horse, the Royal Regina Rifles and the North Shore (New Brunswick) Regiment. Earlier that same day, 450 members of the 1st Canadian Parachute Battalion, among them many French Canadians, dropped behind enemy lines and were first to connect with the French resistance.

By the end of D-Day, the 3rd Canadian Infantry Division had penetrated farther into France than any other Allied force. There was, of course, a tragic human cost: 359 Canadian soldiers died and 715 were wounded or captured. Altogether, the Allies suffered 10,000 casualties of whom 4,414 were killed.

Canadian troops succeeded in establishing their beachhead and Juno Beach was their victory. Although this is a significant event in Canadian history, there is no separate monument in Juno Beach comparable to the towering monument commemorating the Battle of Vimy Ridge that is reproduced on our $20 bills and on pages 22 and 23 of your passport.

However, there is an Interpretation Centre at Juno Beach where visitors can perhaps begin to understand for themselves the hellish nature of the landing.

• (1340)

Here in the Senate, it is our duty to remember those Canadian, British and American soldiers and French combatants who put their lives at risk for our rights and freedoms, and for the existence of a free world. We owe all of them our profound respect and enduring gratitude. We shall not forget.

Hon. Senators: Hear, hear.

THE LATE VELMA DEMERSON

Hon. Kim Pate: Honourable senators, I rise today to remember Velma Demerson, a tireless advocate, author, and survivor of wrongful imprisonment and forced statelessness. Last month, at the age of 98, Velma died, still engaged in her lifelong struggle for justice for women, who, like her, were jailed at the Mercer Reformatory because of who they loved.

At the age of 19, Velma was labelled incorrigible because she was pregnant, unmarried and in a relationship with a Chinese man. Born in prison, her son Harry Jr., like too many other children — some of whom were brutally abused — was taken by the state. Sexist and racist laws such as the Ontario Female Refuges Act criminalized women for being sexually active outside of marriage, for being in relationships with other women or with racialized men. While in the Mercer, many were subjected to untold abuse, as well as medical, particularly gynecological, experimentation. Following her release, Canada's citizenship laws made her stateless as a result of her marriage to a non-citizen.

The institutional prejudice which victimized Velma and other women like her was unconscionable. Yet up until the moment of her passing last month, Velma continued her fight for justice. Not content with the individual apology and remedial action she received, she sought exoneration and compensation for the scores of women and children who were victimized at the Mercer Reformatory. As far as we know, Velma was predeceased by all of the other women. If still alive, most of their children are senior citizens: children like Robert Burke, whose arm and nose were broken while an infant in the Mercer, where he was born to his Indigenous ballerina mother who was jailed merely for being pregnant; people who deserve to have their pain and loss recognized and remedied.

The government cannot continue to stand silent on this matter. Velma's death serves as an urgent reminder of two things we need to do to honour Velma's legacy.

One, issue a public apology for once rendering her and too many others stateless because of sexist and racist citizenship laws.

Two, end the colonial vestiges of these policies that persist to this day by passing the order-in-council to bring into force the 2017 Senate amendment to eliminate sex discrimination in the Indian Act.

The time to act, honourable colleagues, is now. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Marie Boutilier, wife of the Honourable Senator Dean, as well as Cindy A. O'Neil.

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

Hon. Senators: Hear, hear!

[*Translation*]

ZONTA INTERNATIONAL

Hon. Tony Dean: Honourable senators, I rise today to mark the hundredth anniversary of Zonta clubs.

[*English*]

Zonta International is a global volunteer organization empowering women worldwide through service and advocacy for the recognition of women's rights as human rights, and a world where every woman is able to achieve her full potential without fear of gender-based violence. Zonta International has consultative status with the UN on issues pertaining to women and girls.

Founded by women in Buffalo, New York, in November 1919, Toronto became the first international club in 1929. Today there are approximately 1,200 clubs in 63 countries with over 29,000 members, including 20 clubs in Canada from B.C. to Halifax. Canadian clubs engage in service and advocacy around violence, health and women's education.

Here are a few examples. Zonta clubs raise funds for women's employment training, support for women in precarious housing, immigrant and refugee women's organizations, and assembling birthing kits and shipping them to the Democratic Republic of Congo. In Toronto, Zonta partners with the White Ribbon campaign to raise awareness of violence against women, and just last week were found fitting men on Bay Street into high-heeled shoes for the Walk a Mile in Her Shoes annual event.

Zonta funds dozens of scholarships for women worldwide, but today I wish to focus on the Amelia Earhart Fellowship for women pursuing doctoral studies in aerospace science and engineering. The Amelia Earhart Fellowship was established in 1938 in honour of the famed pilot and Zontian, Amelia Earhart. Let's stop and think about how visionary that was back in 1938.

I am pleased to report that this year, Canadian Katherine Kokmanian from Montreal won for her work on supersonic flows which, as the name suggests, travel faster than the speed of sound.

In 2018, local Ottawa woman Emily Gleeson won the award for her work on navigation and control techniques needed to explore Mars. Ms. Gleeson's "wings" were awarded to her by the President of the Toronto Zonta Club, a former Amelia Earhart winner herself, my neighbour and good friend, Holly Anderson.

Honourable senators, please join me in congratulating these award winners, the Zonta organization and its two representatives in the gallery as it celebrates its centennial year.

Thank you.

THE NORTH SHORE (NEW BRUNSWICK) REGIMENT

Hon. Carolyn Stewart Olsen: Honourable senators, today, on the seventy-fifth anniversary of D-Day, I want to recognize the service of New Brunswick's North Shore Regiment. You heard some of it from Senator Richards, and I think that, as it stands in history, you should know about this fabulous and dedicated regiment.

The history of the unit dates back to Confederation where it originated in Chatham as the 73rd Northumberland Battalion. It perpetuates the service of many militia units from the War of 1812 and saw action in the First World War. If you remember, these are some of the people who marched to Niagara Falls through the winter during the War of 1812 to fight the battle there and participate in driving back the Americans. Today, I will take you back to a cold, windy June day 75 years ago.

In the early hours of June 6, 1944, the men of the North Shore braved a rough channel crossing. Waves, some five and six feet tall, rocked the fragile landing crafts as they charged towards Juno Beach. At 8:10 a.m., the regiment landed at Nan Red sector near Saint-Aubin-sur-Mer. The fighting was bitter.

The German defenders hunkered down in well-made fortifications that were supposed to have been destroyed by the heavy bombing the night before. As Lieutenant "Bones" McCann recalled, "things weren't going as planned and . . . worse they got for there we were with nothing heavier than Bren [light machine guns] with which to attack . . . ."

Footage of the men landing under fire became one of the most used depictions of the D-Day landings. It was reportedly the first such film to be seen by Eisenhower, Montgomery, Roosevelt and Churchill.

The cost was heavy. As Norm Kirby, then a corporal in the regiment recalls, "I was the only one of the 10 men in my section to survive [the war]."

Honourable senators, not everything was dark. The men had moments of levity in the midst of this enormous struggle. Mr. Kirby, one of the few men not originally from New Brunswick, has a great story from his time training in England:

> An officer walked into the barracks and asked those from the North Shore to put up their hands. I did. I didn't realize he was talking about the north shore of New Brunswick.

Kirby was from British Columbia.

Canadians from coast to coast faced the ultimate test on that day 75 years ago. Every single one of our men who landed was a volunteer. They chose to take the enormous leap from a safe home far from war into peril in defence of their country and our values. The valour of the North Shore Regiment lasted well beyond D-Day. These New Brunswick men ended their war on German soil after many more hard fights and cemented their place in history.

We must never forget the great sacrifices made by these souls. It is our responsibility to remember and ensure that others remember lest it should ever happen again. Thank you.

• (1350)

[*Translation*]

CANADIAN NATIONAL RAILWAY

ONE HUNDREDTH ANNIVERSARY

Hon. Dennis Dawson: Honourable senators, I would like to take a moment to take a trip back in time. Imagine it is June 6, 1919, in this very chamber, and new adventures are on the horizon for the Canadian National Railway.

[*English*]

It was on June 6, 1919, that Canadian National incorporated and started its journey to become the longest railway system in North America. For Canada's regions that are far and wide, our rail system has been at the root of forging communities, moving Canada's economy and physically connecting us as a country. CN over 100 years has taken this role seriously.

[*Translation*]

If you ask people who work for CN, they will tell you that their objective is to ship goods from point A to point B, but it's much more than that. All along its network of 20,000 miles of track are municipalities where CN is part of the community.

[*English*]

CN's 25,000 employees play a key role in fostering the community they serve. To put it simply, if you eat it, it drive it and use it, chances are they had something to do with it. However, it is more than that. CN's employees and retirees are encouraged to contribute to society through CN's community.

Honourable senators, today is the one hundredth anniversary, and CN will be commemorating the anniversary. On June 6, from here on out, it will be the day that CN employees dedicate themselves to their community on behalf of their company.

I want everyone to celebrate the fact that these have been a very good one hundred years and the best is yet to come.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

BUDGET IMPLEMENTATION BILL, 2019, NO. 1

THIRTY-FIRST REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Douglas Black: Honourable senators, I have the honour to table, in both official languages, the thirty-first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the subject matter of those elements contained in Divisions 1, 5 and 26 of Part 4, and in Subdivision A of Division 2 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

NINETEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER TABLED

Hon. Lillian Eva Dyck: Honourable senators, I have the honour to table, in both official languages, the nineteenth report of the Standing Senate Committee on Aboriginal Peoples, which deals with the subject matter of those elements contained in Division 25 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

TWENTY-FIFTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Gwen Boniface: Honourable senators, I have the honour to table, in both official languages, the twenty-fifth report of the Standing Senate Committee on National Security and Defence, which deals with the subject matter of those elements contained in Divisions 10 and 21 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

EIGHTEENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ON SUBJECT MATTER TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the eighteenth report of the Standing Senate Committee on Transport and Communications, which deals with the subject matter of those elements contained in Divisions 11, 12, 13 and 14 of Part 4, and in Subdivision I of Division 9 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

SEVENTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON SUBJECT MATTER TABLED

Hon. Diane F. Griffin: Honourable senators, I have the honour to table, in both official languages, the seventeenth report of the Standing Senate Committee on Agriculture and Forestry, which deals with the subject matter of those elements contained in Subdivision C of Division 9 of Part 4, insofar as it relates to food, and in Subdivision J of Division 9 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

[*Translation*]

THIRTY-SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON SUBJECT MATTER TABLED

Hon. Chantal Petitclerc: Honourable senators, I have the honour to table, in both official languages, the thirty-sixth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of those elements contained in Divisions 15, 16, 18, 19 and 20 of Part 4, and in Subdivisions C, K and L of Division 9 of Part 4 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Pursuant to the order adopted on May 2, 2019, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

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

> That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Wednesday, June 12, 2019, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*English*]

ABORIGINAL PEOPLES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING 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 today, Thursday, June 6, 2019, at 2:30 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.

QUESTION PERIOD

VETERANS AFFAIRS

SUPPORT SERVICES FOR VETERANS

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On this day, when we remember and honour the sacrifice and courage of veterans on the beaches of Normandy 75 years ago, my question concerns our modern-day veterans.

• (1400)

Under the new Pension for Life program at Veterans Affairs Canada, injured veterans entering the system after April 1 will receive less money than those who were already in the system at that date. A report from the Parliamentary Budget Officer released in February also showed that some recent veterans will be worse off under the new pension system.

Senator Harder, why is the government treating our veterans unequally and providing less money to some disabled veterans through the new Pension for Life program?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. Before I get to his question, I think we all would be in alignment with the honourable senator and other senators who spoke on the commemoration of today's events. It is entirely appropriate that the Senate do so, in recognition of the contributions made by our veterans, their families and their subsequent generations.

I watched some of the ceremony this morning and couldn't help but be touched by the wheelchairs being wheeled to the beach and the attention being paid, quite rightly, to those who survived, most of whom joined under or close to adult age.

With respect to the question of our support to veterans today, all senators would agree that veterans deserve the appropriate support for their service. That is why the Government of Canada initiated a number of reforms to its support to veterans, including opening up offices across the country that had been closed in order to ensure that veterans' services would be offered more directly and waiting times could be reduced. It made commitments with respect to the Pension for Life program that have been fulfilled. It continues to look for ways in which our veterans can benefit from other programs, including a broad range of medical services.

That is the objective. I think it's shared by all senators. It certainly has been reflected in the budgets of this government over the past four years.

Senator Smith: *The Globe and Mail* reported in January that Veterans Affairs did not go through the usual consultation process before introducing the Pension for Life program. For example, there was no public comment period after the regulations were published in the *Canada Gazette*, Part 2, in August of 2018. The department told *The Globe and Mail* that the specific reason for exempting prepublication is protected under cabinet confidence.

The government promised Canadians openness and transparency, a promise it has routinely broken.

With that in mind, will the government be open with our veterans and state why it didn't want to hear from them on this matter?

Senator Harder: I thank the honourable senator for the question. I will bring it to the attention of the minister for a more detailed response.

I think it's not unusual for confidentiality in respect of certain kinds of consultations. That doesn't undermine a commitment to transparency but rather to ensure that consultations can be done in a meaningful fashion.

COMMEMORATION OF KOREAN WAR

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is also for the Government Leader in the Senate.

Along with the coverage of the seventy-fifth anniversary of D-Day ceremonies taking place, honourable senators may have also seen a story on *CTV News* of Diane Claveau, who served our country as a member of the Canadian Armed Forces for eight years. I know all honourable senators would sincerely thank her for her service to Canada. She lives out of her van in the parking lot of a large box store, one of an estimated 3,000 to 5,000 homeless veterans in our country. This is an issue that deserves our attention on this day of remembrance.

One proposal that seems to have a lot of support involves a housing voucher or stipend for veterans through the National Housing Strategy. It is a similar one to the American program that has been met with success in the U.S.

Senator Harder, what is the government's position on a housing voucher for homeless veterans?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question and her interest in this particular case. With respect to the broader policy, I'll bring it to the attention of the minister and be happy to report back.

Senator Martin: Thank you.

Just as we should not forget veterans like Ms. Claveau, I want to, once again, underscore that we cannot forget Canada's third bloodiest war, the Korean War. As I was watching the commemorations, I was very moved, as others were, watching this morning when I attended the ceremony. Many of the World War II veterans also served in Korea, but in the coverage, I couldn't help but notice that the mention of the Korean War was forgotten. Afghanistan veterans were mentioned.

In our consciousness and Canadian education systems, this is something that we still need to highlight.

Senator, these commemorations are a multi-year process. The seventieth anniversary of some of the key battles during the Korean War will be taking place in a year or two years' time. Then, 2023 is the seventieth anniversary of the armistice.

I have met with the new Veterans Affairs Minister, but would you follow up and check with the department officials whether they are already working on this important commemoration for the seventieth anniversary of that war?

Senator Harder: I thank the honourable senator for her question. She has raised the commemoration of events in Korea over the period of my time here and, indeed, has participated, or at least been invited to participate, in events in Korea that are completely appropriate for Senate representation. I would be happy to make inquiries to ensure that the events that one can anticipate during the anniversaries in the next number of years are well coordinated. I'd be happy to report back.

[*Translation*]

INDIGENOUS AND NORTHERN AFFAIRS

NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Leader of the Government in the Senate. The Truth and Reconciliation Commission of Canada issued 94 recommendations. On December 15, 2015, your Prime Minister promised to implement the suggested measures. It's been three years, and only about 10 of the calls to action have

been implemented. That's a pretty poor showing. The report of the National Inquiry into Missing and Murdered Indigenous Women and Girls contains 231 recommendations.

Government leader, by the end of the session, will we get a serious time frame from the Prime Minister for implementing the recommendations, or will this be bundled into another flurry of campaign promises for the next election? We know how easily your Prime Minister makes promises he can't keep, like the balanced budget and electoral reform.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I missed him in Question Period yesterday. I'm glad to see he's returned to ask me questions.

Let me make a couple of points. There is before the chamber right now a number of bills, some of them private member's bills, that deal with TRC recommendations. It would be nice if the honourable senator would cooperate with all corners of the chamber to advance this so he, too, can celebrate what this Parliament is able to accomplish in respect of TRC recommendations.

Some Hon. Senators: Hear, hear.

Senator Harder: With regard to the recommendations having been made earlier this week by the National Inquiry into Missing and Murdered Indigenous Women and Girls, the government has made a commitment to review, study and appropriately go forward with respect to the recommendations. I think he would want appropriate consultations and a government to be in a position to implement those recommendations that he feels are a priority. Barely a few days into it, I think we owe the government time for reflection.

[*Translation*]

Senator Dagenais: Thank you, leader. As you say, I wasn't here yesterday to ask questions, but I couldn't let you leave for the weekend without taking a question from me. I should warn you that I've done the math. Indigenous people will have to be patient, because at a rate of 10 promises kept every three years, they'll have to wait 77 years for the 231 promises to be kept.

[*English*]

Senator Harder: I thank the senator for his observation. I hope we can wait only hours or even days for Bill C-91 and Bill C-92 to have his support and achieve two very significant commitments of the TRC. There are other bills I could reference in private business that I hope he supports as well so that the average that he's suggesting that this Parliament has achieved could be enhanced.

• (1410)

PRIVY COUNCIL

USE OF THE TERM "GENOCIDE"

Hon. Linda Frum: Honourable senators, my question is for the government leader. Leader, yesterday I asked you about the necessity of having a uniform definition of anti-Semitism across the Government of Canada. It seems that after this week the government also needs a uniform definition of the term "genocide."

Let me quote Prime Minister Trudeau when he was asked if the atrocities committed by ISIS constituted genocide. On September 22, 2016, the Prime Minister stated:

> This government recognizes that acknowledging genocide should be done on the basis of extraordinary facts and wise counsel internationally, not just on political grandstanding . . .

On June 14, 2016, he stated:

> . . . we feel that determinations of genocide need to be done by objective measures and through proper research on the international stage. We will not trivialize the importance of the word "genocide" by not respecting formal engagements around that word. . . .

Also on June 14, 2016, he said:

> We do not feel that politicians should be weighing in on this first and foremost. Determinations of genocide need to be made in an objective, responsible way. That is exactly what we have formally requested the international authorities to weigh in on.

Senator Harder, why did the government change its position on the definition of "genocide"?

Hon. Peter Harder (Government Representative in the Senate): The government has not.

Senator Frum: I do note that the Prime Minister says he accepted the findings of genocide in the report on missing and murdered Indigenous women, so it seems he has changed his definition.

Let me ask you about something that former Foreign Affairs Minister Stéphane Dion said in 2016. He said about genocide that the determination should be, first, a legal one, completed by a competent court, and not a political one.

Do you agree with Minister Dion?

Senator Harder: It is not for me to agree or disagree with a former minister of the government, and now an ambassador; it is for me to answer questions of honourable senators with respect to the government's position. Let me say that the government's position on genocide and the consequences of genocide is in

accord with international law, and that the comments made with respect to the recent report were carefully chosen and should be acknowledged as such.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

NO-FLY LIST

Hon. Salma Ataullahjan: Honourable senators, my question is for the representative of the government in the Senate.

Senator Harder, during its study of Canada's Passenger Protect Program, commonly known as the "no-fly list," the Senate Committee on Human Rights heard testimony that despite numerous requests from people concerned about the issue of false positives, the government has refused to disclose the exact number, nor any statistics. We heard concerns that it might be as high as 100,000, while some said maybe 200,000. Canadians who have been flagged as false positives on Canada's no-fly list continue to suffer the trauma of being falsely flagged on that list.

Senator Harder, can you please tell me why the government refuses to disclose this important information?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know that the bill, giving some comfort to the Canadians on the no-fly list, was passed in this chamber and is now in the other place, with amendments. Therefore, the government will have to review and return the bill with a message to this place.

I would hope that at that time all of us can agree that the message ought to be received and accepted so that we can, as a Parliament, give some quick comfort to those parents and children on the no-fly list, in particular.

With respect to the specific question, as the honourable senator will know, there are obviously security issues involved in identifying or enumerating the numbers. I'm happy to bring to the attention of the minister concerned the honourable senator's interest in a particular number; however, I think the more important thing is to get the bill passed and implemented.

IMMIGRATION, REFUGEES AND CITIZENSHIP

FAMILY REUNIFICATION PROGRAM— OUT-OF-COURT SETTLEMENT

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Family Reunification Program.

Earlier this year, lawsuits were filed on behalf of families who were not able to access a spot during the online application process when it was closed after reaching capacity in just a matter of minutes. It was recently revealed that the federal government settled these lawsuits in secret by providing at least 70 spots for these families to sponsor their loved ones into Canada.

Senator Harder, why does your government believe it is appropriate to offer residency spots in our immigration system as part of a legal settlement? Will your government commit to not granting residency spaces as part of future court settlements?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Obviously, no government — this one included — would want to put itself in the position of not agreeing to court-imposed settlements. We are a country of the rule of law, and it would be peculiar for a government to say it wouldn't pay attention to court direction.

Senator Ngo: Senator Harder, could you please also make inquiries and let us know exactly how many spots in this program have been provided by the federal government as part of an out-of-court settlement?

Senator Harder: I will make inquiries and be happy to report. It should be acknowledged by all senators that in the course of the last four years we've had significant growth in our immigration system and a shortening of wait times for all classes involved, which ought to be congratulated — and, in particular, the public servants around the world who work feverishly to ensure the immigration system is as efficient and structured as possible in safeguarding Canada's interests.

[*Translation*]

CANADIAN HERITAGE

MEDIA SUPPORT

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. TVA Group was forced to cut 68 positions across its operations. TVA described the cuts as follows:

> [This] is the result of government inaction and the failure to modernize the system in order to keep businesses based in Quebec and the rest of Canada competitive.

Since being elected in 2015, the Trudeau government has been dragging its feet, especially when it comes to heritage. Some of the decisions it has made, such as the Netflix agreement, are questionable.

Does your government recognize that electronic media, and not just daily papers, are in crisis at the moment and need the government to take swift, comprehensive action?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the senator for his question. He will know that the priority of this government has been with respect to the written media. I will take the honourable senator's representation to the attention of the minister.

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Paul E. McIntyre: Honourable senators, my question is for the government leader. It concerns fighter jets for the Royal Canadian Air Force, which I have raised previously in Question Period.

Recently, the Macdonald-Laurier Institute released a report that looked into the replacement process for this aircraft. The report revealed two pieces of correspondence from the U.S. Department of Defense to our own Department of National Defence, raising serious concerns that this process has discriminated against the F-35.

For example, one American official wrote in August 2018 that the procurement process "would be fundamentally and structurally prejudicial to any F-35 bid."

Leader, in light of the findings of the Macdonald-Laurier Institute report, would this competition remain open, transparent and fair, as claimed by your government?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I'm not familiar with the report to which he refers, but I would like to reiterate the government's commitment to acquiring the equipment our Armed Forces need to protect Canadians, while maximizing the economic benefits of such procurement, which is a significant procurement to Canadians.

In 2017, the government launched an open and transparent competition to replace the fighter fleet with 88 advanced jets. Since the launching of this process, the government has had ongoing engagement with suppliers to seek their feedback and has afforded them the opportunity to ask questions, raise concerns and provide suggestions.

• (1420)

The government has been working hard to address as much of this feedback as possible to ensure a level playing field and a fair and open competition with as many eligible suppliers as possible. That is the objective of the government's procurement process, and I am sure that any one particular interest will always argue that it is being disadvantaged until this process is concluded.

Senator McIntyre: Leader, I have previously asked about the timeline associated with this competition. Could you please tell us if it is still the government's intent to release the final request for a proposal this summer? And can you please confirm by what date the envisaged replacement aircraft will achieve full operating capacity?

Senator Harder: Again, I thank the honourable senator for his question. I'm unaware of any change of the commitments of time frames that the government has already stated. I'll be happy to make inquiries and report back.

DEMOCRATIC INSTITUTIONS

ELECTIONS CANADA—ELECTION INFLUENCERS

Hon. Linda Frum: Honourable senators, yesterday we learned that Elections Canada retained the services of 13 so-called "influencers" as part of a campaign to raise awareness about the upcoming election. Elections Canada admits that these individuals mostly target younger voters. This brings a few questions to mind. Senator Harder: First, why does Elections Canada refuse to name those influencers? Second, what were the criteria used to choose them beyond the fact that they were not politically involved? Third, why didn't Elections Canada consult with the major parties before launching such a campaign? And finally, Elections Canada says that these influencers will sign agreements pledging to remain politically neutral in their public comments during the campaign and for one year afterwards, but what if such an agreement is broken? What are the consequences?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. As the honourable senator will know, Elections Canada is at arm's-length from the government so it is not for me to answer, but I will make inquiries and seek answers to the questions being asked.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

DETENTION OF CANADIANS IN CHINA

Hon. Leo Housakos: Honourable senators, my question is for the Government Leader in the Senate, and it goes back to a number of questions I've had on this issue about the two illegally detained Canadians in China over the last few months. It is very concerning. The time is passing. We don't seem to see any movement on the file. We have the Canadian Prime Minister who so far the only action he's taken is to call out to the Trump administration and to our friends and allies around the world for help. I think that highlights the ineptitude of this government to take a strong stand and take a stand as Canadians against the Chinese and demand that these illegally detained Canadians are freed.

Now, around the corner we have a G20 Summit coming. Can we have the commitment of the government that Prime Minister Trudeau will make an attempt for a bilateral with the Chinese President and clearly state the Canadian position unequivocally and set guidelines and timelines and show some leadership on this issue?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question, I think. Let me reiterate that the Government of Canada takes this matter extraordinarily seriously. He will know that the Prime Minister has made exactly the commitment that he's asked for with respect to the upcoming G20 Summit. This is a matter of great significance. There are Canadians at risk. I will be very careful in answering the question but want to assure the

honourable senator and all Canadians that the Government of Canada is working publicly and otherwise to seek the release of the Canadians who are being held.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Lobsang Sangay, President of the Central Tibetan Administration. He is accompanied by Sherap Therchin. They are the guests of the Honourable Senator Ngo.

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

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

FISHERIES ACT

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Christmas, seconded by the Honourable Senator Busson, for the third reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, as amended.

Hon. Thomas J. McInnis: Honourable senators, I rise today to offer a few observations on Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

I support the objective of this bill, which is to protect fish and their habitats, but I have a few concerns. As some of you may know, I've had the honour of being a member of the Standing Senate Committee on Fisheries and Oceans for some time. I might add, as was referenced by Senator Gold last week in one of our meetings, it is a wonderful committee. It's a committee whose members work well together. It's a committee that has completed a number of effective studies, and the relationship is wonderful and it's a pleasure to be on it.

Senator Manning, don't get your head too swollen over this, but you do actually run a very good committee.

After hearing from a number of witnesses at the committee, it seems obvious to me that this bill will place a number of additional constraints on our resource sectors without the desired outcome of increasing — sorry.

The Hon. the Speaker: I apologize for interrupting, senator.

Senator Plett was attempting to rise on a point of order when Orders of the Day was called. As senators know, points of order cannot be heard during Routine Proceedings, and I omitted to call upon him. My apologies, Senator McInnis. We will return after the point of order and you will have the balance of your time.

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Donald Neil Plett: Your Honour, I apologize for the confusion. But as you know, there are only certain times when we can raise a point of order. I am raising one today, Your Honour, in regard to some social media again. You have warned us in the past about social media and sowing seeds of discontent. I want to speak briefly about a few tweets that Senator Sinclair sent out that I read, one last night and one this morning.

Before I read the exact tweets, I want to reiterate some of what I said in this chamber a week ago about an agreement that I felt I had with Senator Sinclair on a piece of legislation, Bill C-262. And, of course, Senator Sinclair at that time said that wasn't a deal, but he did agree it had been a condition of my agreement.

Yesterday Senator Dyck asked for leave for the Aboriginal Peoples Committee to sit while the Senate was sitting. I think all honourable senators know that I have been fairly consistent in my beliefs about committees sitting when the Senate is sitting.

Yesterday our caucus, a caucus of 30 people, had for a two-hour period of time 17 senators out of this chamber because they were at committee meetings. That left us with 13 senators if everybody is in the chamber. Many times that creates a problem where we are down to eight or nine. I'm a firm believer in dealing with government business as much as we can, and so it was not with any ill intent, other than that I pretty much have done that, as other senators, as I've said, have noted that I am fairly consistent. I did deny leave yesterday to Senator Dyck.

Yesterday evening, in response to a tweet that Chief Perry Bellegarde sent out, Senator Sinclair responded. I don't need to read the chief's tweet. I had a very cordial conversation with the chief this afternoon, and we certainly were largely on the same page on a number of issues.

Senator Sinclair responded to that, and this is only the first of two tweets. The second one I find more offensive than the first. But Senator Sinclair said:

> Senator Don Plett used his authority as Conservative Whip to deny leave to the Aboriginal Peoples Committee to sit and finish Bill C-262 tonight. Delayed again.

Senator Sinclair knows very well I did not use my authority as a whip to deny leave.

• (1430)

Today, one of my colleagues denied leave. Any senator in this chamber can deny leave. You do not have to be a whip. So I most certainly did not use my authority as the whip, even though I may have denied the leave. The honourable senator is well aware of this.

The second tweet I find much more troublesome, Your Honour. It is a tweet in response to a tweet from the CBC, which reads as follows:

> Former Harper-era minister doubles down on calling MMIWG inquiry report 'propagandist'

In response, Senator Sinclair tweeted:

> Shameful....but social Conservatives have a long history of antagonism towards Indigenous people, and an equally long history of homophobia, transphobia and misogyny. That has a found —

— I suppose that might be a typo —

— its way into the Conservative Party of Canada.

Misogyny, homophobia, transphobia and antagonism towards Indigenous peoples by social conservatives. Honourable colleagues, I am a social conservative. I am not antagonistic towards Indigenous people. I have spent most of my adult life working with Indigenous people. I have relatives, brothers-in-law, nephews and nieces who are Indigenous. I have had many employees, wonderful people, working for me that were Indigenous. I had an Indigenous lady manage an office for me in northern Ontario.

I spoke to Senator Sinclair about emails I was getting on Bill C-262 from Mennonites. And you all know that I am from the Mennonite community.

Senator Harder: Hear, hear.

Senator Plett: My cousin Harder.

I'm proud to be from the Mennonite community. I will not read these letters, but I will read excerpts of some letters that I have received. They are letters supporting Bill C-262 and people that Senator Sinclair has, in all likelihood, worked with, because he said, "I get copies, Don, of all the emails that you get on this. So I'm well aware of the pressure that is being put on you in our own community on Bill C-262."

I will read a short piece of the first one, Your Honour and honourable senators:

> Dear Honourable Mr. Plett. I am a White Mennonite woman from Winnipeg. I live in the heart of the city. I am here to ask you, as many others are, why do you want to stop Bill C-262 for the rights of Indigenous people across this incredible nation?

Another one:

> As a lifelong Conservative supporter, I wish to add my voice to those who are contacting you to return this legislation to the House of Commons where it can be passed into law.

Of course he's speaking about Bill C-262. He goes on for a while, but I won't read the rest of it.

> Thanks for your work and your service. Herb Sawatzky, Pastor. Bethany Mennonite Church.

I suspect Pastor Sawatzky is a social conservative, if he is a conservative, and he says he is. Is he misogynistic? Is he antagonistic towards the Indigenous community? I don't think so.

> Senator Plett, I write to appeal to you to pass Bill C-262 immediately. The tactics your party are using to delay the passage of this bill is offensive to many Canadians.

I'm sorry he feels that way.

> Stop playing political games.

Tim Thiessen, another Mennonite, likely a social conservative and another supporter of Bill C-262 and, I'm sure, Senator Sinclair.

This is the last one. I have many.

> Dear senators, I am a carpenter and a father of three children living in Winnipeg, Manitoba. I am writing to you to express my support for Bill C-262 and my strong desire to see it passed into law.

He goes on. It is signed Jeffrey Thiessen. He is another Mennonite and likely a social conservative.

These people probably didn't know what Bill C-262 was a year ago, but Senator Sinclair has made them well aware of it.

I have no issue with that. But I'm wondering whether Senator Sinclair is calling all of his supporters that have a social conservative value misogynistic.

Your Honour, I don't know whether this is a point of order. You will decide whether it is.

An Hon. Senator: It is not.

Senator Plett: Thank you. There you go, Your Honour. You have some advice. Senator McPhedran is happy to advise you on this.

I am offended, and I am in this chamber because Senator Sinclair says it's shameful. The most shameful part was the tweet. I am calling on Senator Sinclair to stand and apologize not to me but to every social conservative that he has offended — Christian people that support the Indigenous community that are working with Senator Sinclair to get Bill C-262 passed. That is the appreciation that Senator Sinclair has shown them? I call on Senator Sinclair to apologize to them.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Do any other senators wish to speak on this point of order?

Hon. Frances Lankin: Honourable senators, I want to reflect on whether or not this falls in the area of a point of order. I'm sure the table officers will advise you, and you will take it under advisement and determine.

I think the issue that Senator Plett raises about social media and the kind of commentary that takes place on social media by members of this chamber and staff of members of this chamber that we can all look to and read and see is entirely inappropriate commentary and brings disrepute on the Senate. I believe that this type of commentary arises from the language used in this chamber in defining others, their motives and needlessly diminishing other honourable members of this chamber. And there has been a trend.

I have raised this in points of order before and I have spoken to you, Your Honour, and suggested that perhaps it is time for Senate leadership from all groups to reflect upon how we conduct ourselves in this place and to call to order members of their caucuses for the kind of language that is used in this chamber, because I believe much of the rancour created here spills over into the world of social media which someone referred to today as the "hate-o-sphere." There is much good that comes from multiple lines of communications and multiple media, but there is danger too. I think we have contributed to it.

I leave it to others to resolve a dispute or a difference of opinion that has taken place outside this chamber. Here in this chamber, I would say we have much to do to repair our behaviour. There are certain senators whom I have, on a number of occasions, stood up and raised points of order about their language. I have not heard one apology or one retraction of a statement from any of them. I think it's an opportunity for reflection for all of us. Thank you very much.

Hon. Yonah Martin (Acting Leader of the Opposition): I have a few points, honourable senators and Your Honour. I'm not Twitter. I was, but I'm a digital immigrant and there was a time a few years back when something mushroomed and went in many directions and it scared me a little bit, so I removed myself from that platform.

• (1440)

What I noticed with all social media and what is sent out into the public sphere about what happens in the Senate, be it in this chamber or in committee, is a misrepresentation that may be based on a misunderstanding of what really is allowed under the *Rules of the Senate* and how we conduct our business.

As deputy leader, sometimes, if certain sponsors or critics are not in the chamber, we take an adjournment. It's a pro-forma move and so our names are attached to many bills.

I have received emails from constituents who are angry at me and they are directing that anger, but we can clarify that.

Regarding the Twitter message about Senator Plett wielding some power, he represents us to a certain extent, along with the other leadership members, and he at times may be the one person to say no, but there may have been a discussion, and I had a discussion this morning with him.

In the moment, there is a reason that we may deny adjournment and deny leave, and Senator Plett has explained his reason, but any person in this chamber can say no. Asking leave of anything within our rules is something that the entire chamber must agree to. Every single senator in this room has that right.

I too am a social conservative. I will say that. I don't think I have said those words per se in this chamber. People may already assume that based on the way I vote and the things that I say.

When I was first seeking public office, as an ethnic Canadian, people assumed I was, perhaps, with one party. I was a member of the teachers' federation and others assumed I should be with another party. When I read the policy of the Conservative Party for the first time when I was contemplating my entry, I felt myself very much aligned, not with everything, but with the policies of the Conservative Party.

I want to stand in support of Senator Plett to say I feel that the social platform and what we say publicly, and potentially misrepresenting what happens in this chamber based on our differences — and perhaps you had a misunderstanding of the rules — leads us to these types of moments. I wanted to stand in support of Senator Plett, who I know cares very deeply about what happens in this chamber and in our country, and stands very strongly.

He does it quite often and very well. Today I stand with him to say that I do believe that what he read into the chamber on what was on social media is something that also offends me.

Hon. Percy E. Downe: Honourable senators, I'm not sure if it is a point of order either. Obviously, the Speaker will make that decision.

I think it's important, as we consume more and more time about comments made not only inside but outside the chamber. It slows down the procedures here.

I'd like to relate a couple of things from my personal experience. When I first came to the chamber, the Speaker at the time used to indicate to us that the carpet here is red, not green, meaning we are less partisan and less sharp in our attacks than the House of Commons. That's how I understood it.

Second, when I came here as a new senator and looked around — and I throw this out for others to consider because we're all responsible for our own conduct — I came from a highly partisan background. I realized those who opposed what I was saying were not terrible people, they just had a different point of view. When I came to that realization, I looked closely at other senators who were here, and I liked the style at the time of Senator Rompkey, who always talked about the policy and not the person, and always talked about the issue and never the personality.

When he was attacked, he would defend himself in the most useful way. I remember once, of all people, when Senator Segal was heckling him, and he rarely heckled, and Senator Rompkey said, "I can't hear you, Senator Segal, because I'm reading my speech." That was the end of that.

I think we all have to be careful about our tone and concentrate on what we're doing. There is no doubt many were hurt and offended on all sides with what happened the other day, but this is a place of great success and great disappointment. Senator Munson and those who worked on the accessibility bill had great joy a couple of weeks ago when that passed, but there are all kinds of disappointments.

My bill on overseas tax evasion was defeated in the House of Commons, notwithstanding that the Senate sent a message urging the House to do its job. That's the nature of the chamber. Am I finished? Of course not. I will pick it up after the election and carry on and I'll look for your support.

There are setbacks and advances but we have to be conscious that it's a long road. The reason we're here for a long time is we have a corporate memory and can do ongoing things. These individual slights slow that down because we're all human. We all resent when something happens to us. We just have to set that aside and focus on the greater good. That's what Senator Rompkey taught me, and I pass it on to those who want to consider it.

[*Translation*]

Hon. Lucie Moncion: I would like to raise three points. The first has to do with bullying. The Senate implemented a harassment policy, but I believe it doesn't go far enough when it comes to the bullying on various social media platforms. In your deliberations I would like you to study the issue of bullying as well as the motives and intentions of the people who use these platforms.

Lastly, I find it extremely disruptive that sometimes when we are in committee, there are people listening to our deliberations and tweeting while we are discussing matters that are not yet finished because we are in public.

I would therefore like you to look at these issues and possibly establish guidelines on how we should proceed in this chamber. When I say platforms I mean Twitter, Facebook and also YouTube. There are some senators who used information and posted offensive things on YouTube.

I would therefore ask you to address these issues. Thank you.

[*English*]

Hon. A. Raynell Andreychuk: I am pleased that Senator Downe spoke first because he shortened my speech.

I think we learn from each other. When we come in here we have been given good advice. We should follow it. Senator Downe has talked about one senator who came to him. Senator Rompkey and I had our conversations, but so did so many others who taught me caution. That's really what they taught me. Don't speak until you're absolutely certain you can defend it.

I usually take a night off and, therefore, you don't see me tweeting because I think about whether I really need to say it. I want to restrict most of what goes on here in this chamber, because I think that's the important debate, so that we can hear each other and enter into debate.

But thank you for that, Senator Downe.

Your Honour, I'm sure you and I have had those conversations about decorum here. The point that I would wish you to consider is something I have raised over and over again and that the Ethics and Conflict of Interest Committee has struggled with, and that is the platforms that we have here. We had traditional ways of communicating through letters, correspondence and debate here, and we knew the rules.

The question is that we have our personal equipment and we have Senate equipment. I wanted the Internal Economy Committee to look at to what extent, when we speak using Senate equipment, do we taint or support the Senate? I think that it would be timely somewhere, though perhaps not in this judgment but elsewhere, that we consider, when we receive a BlackBerry, an iPhone and the capacity to use servers within the Senate, that we have an obligation and that we are, in fact, somehow speaking on behalf of the Senate.

We knew the rules as to what we say here and we knew that when we wrote outside there was no parliamentary privilege. On the House of Commons side, you can hear that they will say, "Step outside and say the same thing," because the rules are different. I'm not sure we're clear on what the rules are. I think there is collective corporate responsibility to address whether we are using our personal devices or Senate-given devices. I've been waiting for an opportunity to say that. Perhaps this is not the right time. But I think it will lead us into a lot of problems if we don't take some corporate responsibility.

• (1450)

Hon. Paula Simons: I rise as somebody who considers myself a digital native. I spend a great deal of my time on Twitter and Facebook. They are extraordinary vectors for us to reach out to Canadians to explain the work we do in the Senate. I think, used responsibly, they can be a powerful tool for us to make the Senate relevant to younger Canadians who don't understand the work of this assembly.

My colleague Senator Frum, for example, does an excellent job on Twitter of being both an outspoken advocate for her own point of view, but of also engaging Canadians in conversation. I would greatly regret if a few intemperate remarks from some of us in this chamber would forever taint the reputation of the platforms and the capacity they have to do real good for the Senate and for democratic discourse in this country.

I am proud of my Mennonite roots. Most of the Mennonites I know would not define themselves as social conservatives but as social progressives. I think of the extraordinary work done by the Edmonton Mennonite Centre for Newcomers, which has been at the vanguard of sponsorship, not just of Syrian immigrants in this latest round, but of Vietnamese immigrants before them, and of my Mennonite relatives who would count themselves as social justice warriors long before the term was prevalent.

While I'm aware that Senator Plett took some offence to Senator Sinclair's comments, which I don't think were designed to invoke that response, I would offer to the senator the opportunity that he might have to apologize to me for a tweet in which he said that I was selling out my province and that my actions were shameful. It took 20 hours for that tweet to come down. There has never been any apology tendered for the allegation that I was selling out Alberta or that my actions in defence of my province — in the full-throated defence of my province — were in any way shameful. I do not apologize for my vote on Bill C-48, and I stand here proudly as an Albertan. I am greatly offended at the bold-faced statement that I am a sellout to my province.

Also remaining online is Senator Plett's retweet of a prominent, well-known Twitter troll who accused me of taking payment to vote for the way I did on Bill C-48. The tweet ends that it's time for me to vote or resign.

I don't know if it's a typical protocol for senators to call for one another's resignations. I'm not the only senator who is a member of the ISG who has been targeted by Senate staff. Others here have had Senate staffers call for their resignation for the most ridiculous and flimsy of reasons.

I say again to all of you here, it is a waste of an extraordinary opportunity that we have with Twitter, Facebook, YouTube and Instagram to show the Senate at its best, to demonstrate democratic discourse at its best. If we cannot model good behaviour on social media, how can we model proper democratic behaviour for the country?

It's like Prometheus with fire. It is a great tool. Used badly, it can be immensely destructive, but it has extraordinary potential for creative outreach. I call upon us to embrace the better angels of our nature and to make the best possible use of the 21st century technology we have, because returning to a world where we only answer paper letters with envelopes and stamps is not appropriate going forward in the 21st century.

Some Hon. Senators: Hear, hear.

Hon. Denise Batters: Honourable senators, I want to make a brief comment on this matter in support of Senator Plett's point of order.

I want to draw the attention of this particular tweet to you, Your Honour. Senator Sinclair also retweeted a very offensive remark regarding this matter in the same time frame. There was a tweet sent out in response to Perry Bellegarde's tweet from last night and then a man — I'm assuming you never know online — Darth Shwa @Blaiserboy made a comment:

> Obviously the Conservative Senators are working in tandem to enable genocide..... and this needs to be an issue in the forthcoming election! #cdnpoli

That was tweeted out last night and Senator Sinclair unfortunately retweeted that. I would ask you to consider that post as well in your deliberations on this matter, because obviously that is highly offensive to all of us on the Conservative side.

[*Translation*]

Hon. Raymonde Gagné: I must admit that I believe the problem is not Twitter but our conduct. We must remember that, as senators, we have certain obligations under the *Ethics and Conflict of Interest Code for Senators*. The code states that "a Senator's conduct shall uphold the highest standards of dignity inherent to the position of Senator" and that a senator "shall refrain from acting in a way that could reflect adversely on the position of senator or the institution of the Senate." The code also states the following:

> A Senator shall perform his or her parliamentary duties and functions with dignity, honour and integrity.

Once again I would say that it is not necessarily the tool that is to blame, but our conduct. I urge senators to be civil and respectful of our colleagues in this chamber.

Some Hon. Senators: Hear, hear!

[*English*]

Hon. David M. Wells: I wasn't aware that there was going to be a point of order today. Certainly I wasn't prepared to speak on it, but now I am.

I'm a proud member of the Conservative Party of Canada. I'm offended at the suggestion of antagonism towards Indigenous people by not those in our party but by our party, because that's what the reference is, not just homophobia, transphobia and misogyny which is equally offensive, but towards Indigenous people.

Many people don't know my personal history. I know Senator Sinclair knows my direct link with the Peguis First Nation because he and I have talked about it. To suggest there is antagonism towards Indigenous people is highly offensive.

If you are on social media, and perhaps even if you're not, you get trolled. I'm not on social media a lot and I don't attack at all. When I am attacked, I take it for what it is when it's the trolls.

Senator Simons mentioned the trolls and she is correct: "@wellsdavid I sincerely hope you have a miserable summer filled with pain and misery." There is a hashtag with a couple of things I wouldn't mention in this chamber. "@wellsdavid You are the worst of what the Senate has to offer."

When we hear from trolls, we accept it because they are trolls and we know what social media is. But honourable senators must be held to a higher standard. When I see what Senator Sinclair has written, I am far more offended than what @chrishall says about me.

I really don't have much more to say on that, just that I find it highly offensive.

Senator Plett: I want to address what Senator Simons said. Let me take the lead on something here.

First of all, Senator Simons, I was absolutely of the belief that the tweet had been taken down within 2 hours, not 20 hours. Trust me, I already texted and you are correct. I found out that it was within 20 hours. That is to some extent neither here nor there.

Let me take the lead on this, Senator Simons, and unequivocally apologize to you for sending the tweet.

Some Hon. Senators: Hear, hear.

An Hon. Senator: First time.

The Hon. the Speaker: I would like to thank all honourable senators for their input into this very important subject. I will take the matter under advisement.

• (1500)

We will now return to Orders of the Day. Senator McInnis, due to the long interruption for which I apologize, we will reset the clock if you wish to restart your speech.

FISHERIES ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Christmas, seconded by the Honourable Senator Busson, for the third reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, as amended.

Hon. Thomas J. McInnis: Thank you, Your Honour. It's a very important subject, and it's no problem at all. This is going to be a riveting speech —

Senator Mercer: That would be new.

Senator McInnis: You never listened to my speeches in Nova Scotia, Senator Mercer.

I am speaking on Bill C-68. I was saying that, in principle, I support the bill, but have some concerns.

Bill C-68 reverses amendments made to the Fisheries Act under Bill C-38 back in 2012, mainly those concerning the protection of fish. It creates new ministerial powers, new administrative requirements for project approval, a new regime for habitat banking and makes the minister the main authority to maintain owner operator and fleet separation policies in Quebec and Atlantic Canada, something that is very important.

Any project can be classified a "designated project" at the minister's discretion. Any project given this designation must apply for an additional permit, to be granted by the minister. The minister is authorized to enter into agreement with other jurisdictions, defined as provincial governments, Indigenous governing bodies and all bodies established under a land claims agreement.

The 2012 act increased the protection of fish by focusing federal efforts on the sustainability of fisheries, not fish habitats, and on the management of key threats; i.e., invasive species. At the same time, the previous government created the Recreational Fisheries Conservation Partnerships Program. This program provided matching funding to local groups undertaking conservation work, which resulted in 800 successful fisheries enhancement projects.

Unfortunately, the current government has allowed this program to, as they say, sunset.

The act will require the minister to take into account Indigenous knowledge and expertise when it is provided, and all decisions must take into account the possible impacts on Indigenous rights. Indigenous knowledge may be protected from being revealed publicly or even to project proponents without explicit permission from the Indigenous community. Bill C-68 defines laws to include the bylaws made by an Indigenous governing body, which gives greater power to Indigenous groups and may increase regulatory uncertainty for Canadian industry.

We must also acknowledge that this bill will severely impact farmers. The key issue for farmers is that drainage ditches and sections of farms that occasionally flood could be considered fish habitat. In other words, every body of water that could support fish will be deemed to be fish habitat and subject to all corresponding requirements, regulations and restrictions. It will not matter whether the body of water is naturally occurring or man-made.

The system which was in place pre-2012 is being reimplemented and imposed on farmers without all that much consultation. According to the Grain Growers of Canada, a grain farmer would be prohibited from moving a drainage ditch or filling in a reservoir that is no longer needed, even if there has never been a single, solitary fish in it. They acknowledge that in theory, permits could be issued, but that is likely to be a "burdensome and expensive permitting process."

Senators, a final point of concern I want to raise is what the committee heard on consultation. Those who are directly affected by this bill need to be consulted. Many of the witnesses who presented at committee noted that there needed to be more time to be sure of the impact of this bill and voiced concerns to their future operation. I know we as parliamentarians can understand and appreciate the necessity for proper consultation.

Joseph Maud, Director of Treaty 2 territory, said at committee that:

> The Department of Fisheries maintains that the new fisheries act reflects what we heard over hundreds of meetings with partners, stakeholders and Indigenous groups. However, there are Nations within Treaty 2 territory that are dependent on fish and their habitats. We are unaware and have not had meaningful consultation on the amendments, nor we were advised on the advanced stage of the revisions, although this bill has affected our inherent rights.
>
> The department states in its media releases that the proposed act would strengthen the role of Indigenous peoples in project reviews, monitoring and policy development. While there are some very positive points in the bill, we find little in the bill which would strengthen the role of our people with regard to our fisheries and our rights and involvement in project reviews, monitoring and policy development.

Finally, with respect to the issue of consultation, during a previous career with experience in introducing legislation, I did so normally prompted by interest groups, individuals or as the public service implementing government policy. It was always wise before the introduction of any legislation to consult, to the extent possible, with all of those who would be affected by legislation. I sometimes get the sense that we have moved away from this process. In this instance, farmers, ranchers, hydro companies, the Canadian Electricity Association and the Mining Association of Canada all voiced concerns as to how this bill will affect their operations. Many, if not all of those who appeared before us, had no input or consultation.

Senators, that is not to say that those who appeared before the Fisheries Committee were opposed to the principle of the bill. However, when you relocate a drainage ditch or put a pond in a field without egress or ingress of water and certainly not a fish habitat — nor a sign of a fish — all of a sudden, you require a permit and whatever that brings. You can understand that bit of frustration.

Could all of this have been corrected in advance by consulting with these large associations and memberships? I think so.

Senators, I hope these thoughts are helpful. With respect, I do, in principle, support this bill.

Some Hon. Senators: Hear, hear.

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

I want to thank Senator Christmas for his meaningful contributions as sponsor of Bill C-68. I believe his three amendments, which passed in the Fisheries Committee, will strengthen the legislation. They provide additional clarity regarding section 35, Aboriginal and treaty rights. Specifically, Nunavut Tunngavik Incorporated, NTI, had concerns with where the wording proposed in the bill is to ensure that Indigenous rights are not abrogated or derogated from. In particular, clause 2.3 of the original bill was seen not to have been worded appropriately. The issue with that clause is that it does not say that the statute cannot abrogate or derogate from the rights of Indigenous peoples but only from the protection provided for those rights through their recognition and affirmation under section 35 of the Constitution Act, something that it would arguably not be able to do.

Senator Christmas's amendment strengthens the non-derogation clause in the bill and improves languages in the act around respecting the rights guaranteed, recognized and affirmed in section 35 of the Constitution. This is important because Nunavut fisheries currently generate over $127 million annually. NTI has been working toward new Nunavut fisheries regulations since 1999 in an effort to make regulations consistent with the Nunavut Agreement. Over a 20-year period, they've had 17 drafts of these regulations and have sat on no less than 14 different working groups. I would like to see continued collaboration in working together on fisheries regulations.

• (1510)

Additionally, I would like to thank our colleagues on the Standing Committee on Fisheries and Oceans for their work in studying Bill C-68. I was glad to see that subsection 2.2, dealing with the definition of water flow in the bill, was removed. At second reading, some concerns with Bill C-68 were also raised; namely, that it could restore the uncertainty to potential proponents of major development, while making no substantive change to the protections afforded in the bill.

I noted that changes made in 2012 to the Fisheries Act not only supported the conservation of fish but ensured man-made structures being built on or around bodies of water that do not support fish were not subject to the massively bureaucratic and cumbersome process of regulatory approval.

A concrete example, colleagues, is the earthen ramp that is built every year to allow trucks to have easier access to Tibbitt Lake at the beginning of the 200-plus mile ice road in the Northwest Territories that supplies three diamond mines. That minor aid to a smooth transition from the shore to the ice for trucks should not be subject to environmental review, especially as it happens on a regular basis.

According to the Canadian Cattlemen's Association, artificial man-made structures are typically not of the scale that would impact fish habitat relevant to a fishery or create an impact on fish populations but could be deemed habitat. The Canadian Cattlemen's Association, the BC Cattlemen's Association and the Canadian Federation of Agriculture felt strongly that these vital agricultural structures should be exempt from prohibitions.

Moreover, the CCA has urged the government to fulfil its commitments to clearly defined provisions for agricultural exemptions under the regulations and that these exemptions apply to small and routine farm projects. This is to say that the legislative authority to accomplish this task already exists and that what the Canadian Cattlemen's Association is asking for is that the government engages with interested stakeholders in the regulation-making process and does so in a specific way. It is hoped that consultations on these regulations would clearly define agricultural exemptions.

When my colleague Senator McInnis raised this issue at the Standing Committee on Fisheries and Oceans, he was told by the Department of Fisheries and Oceans:

> You're absolutely correct that the act currently has something called codes of practice that allow the department to develop standards for things like agricultural practices that would not require proponents to seek authorizations or permits under section 35. You're also correct that there are regulation-making authorities that can exempt certain types of activities from the general prohibition.
>
> In terms of the government's intention to develop such regulations, we do have that intent to do so, but I cannot give you specifics in terms of timing. That's not within my power and control. This is the direction we've been given by the minister to advance these things, to advance codes of practice and to address the very issue that you have raised. . . . The intention is to develop this within the first year of coming into force.

I think it's important to put that on the record. I think we can all agree that fisheries protection policy should focus on the habitat that supports Canada's fisheries and not on farmers' fields and floodplains. My concern with leaving the exemption of man-made agricultural structures up to regulations is that it will continue not to progress and that there will be inadequate consultation.

As noted by the Saskatchewan Mining Association's brief to the Senate Fisheries Committee:

> The Department of Fisheries and Oceans has identified to stakeholders that government is not planning to allow a consultation period. That is, no *Canada Gazette* Part 1 review period for proposed changes to the applications for authorization under paragraph 35(2)(b) of the Fisheries Act regulations.

For a government that campaigned on being transparent — and it was a welcome pledge — I'm disappointed to see this lack of meaningful consultation on such important regulations.

I would like to note that I was also pleased by my colleague Senator Poirier's amendment to section 34.3(2), which allows for a minister to take a variety of actions, should the minister feel it is necessary to ensure the free passage of fish or the protection of fish or fish habitat. Particularly, hydro stakeholders raised concerns with the proposed section that gives the minister broad powers to act when an obstruction in a waterway affects fish passage or the ability to protect fish or fish habitat. Under this provision, the minister can order the removal of an obstruction — that is, a dam — or order a specific flow regime. The minister would have the power to require the owner of an obstruction to maintain the characteristics of water upstream of an obstruction.

Several stakeholders said that it is largely unrealistic in many cases, as the owner of an obstruction will not have the ability to regulate water characteristics upstream of the obstruction. This upstream language was removed from the bill due to Senator Poirier's amendment.

While overall such amendments have strengthened the bill, I remain concerned that this bill will create uncertainty. We heard that mining groups are concerned by the designated projects section of the bill, which will require an even more complex and cumbersome permitting process. The Saskatchewan Mining Association recommended a full repeal of the designated projects section.

At a time when other regulatory and legislative changes are already threatening Canada's competitiveness, I worry about what Bill C-68 — as well as other bills we have before us — will do to further persuade proponents from investing and doing business in Canada. Thank you.

Hon. A. Raynell Andreychuk: Honourable senators, if there are no other speakers, as the critic, I will rise to speak.

I rise today to speak on Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

When I was approached by my leadership to take on this bill, I took an interest in the legislation's implications for the farming and resource sectors in my home province of Saskatchewan. I was very aware of the fact that it was the Fisheries Act and the wealth of knowledge and understanding about the fisheries that was somewhere other than in my capacity. Nonetheless, I thought I would take it on and at least put the Saskatchewan perspective on the record.

The reach of Bill C-68 extends far beyond my own province. The bill touches many regions, industries and sectors across Canada, from the fisheries to the hydropower sector, from coastal to Indigenous communities. In my view, the review of this legislation has greatly benefited from the vast knowledge and expertise of the senators in this chamber.

I would like again, as other senators have, to take the opportunity to acknowledge the work of the Standing Committee on Fisheries and Oceans. Senators on the committee worked diligently to give voice to the unique and diverse regional perspectives of their constituents with respect to Bill C-68. I, for one, learned a lot about this country and how, in fact, one region influences another and how the national interest should play for the benefit of all of us.

I want to add my voice to thank the expertise of the senators, how they operated together, the compromises they made, and the diligence with which they represented their constituents.

• (1520)

The committee's work stands as a testament to the Senate at its best. Amendments were adopted to strengthen the bill. I welcome the amendment adopted at committee to repeal subsection 2(2) which designated water flow as a fish habitat.

Honourable colleagues will recall that this was an amendment carried by the committee tasked with the review in the other place. The committee was advised that under this new provision, any body of water, be it natural or manmade, could be deemed a fish habitat.

Concerns were raised by those directly involved — in other words, the stakeholders across various sectors — that this change was overly burdensome and unnecessary. I wish to thank Senator Poirier for advancing further amendments to respond to industry concerns.

The definition of fish habitat was further clarified and the requirement for project proponents to manage water flows upstream of a facility were eliminated, a key cause of concern.

I wish to thank Senator Christmas, who brought forward amendments to clarify and strengthen provisions related to Indigenous rights in his capacity as the sponsor of Bill C-68.

Additional amendments were adopted to allow for third-party habitat banking. I thank Senator Wells for his leadership on this matter.

As noted by others in this chamber, portions of Bill S-203, Ending the Captivity of Whales and Dolphins Act, and Bill S-238, the Ban on Shark Fin Importation and Exportation Act, were incorporated into Bill C-68 through government-sponsored amendments.

Notwithstanding all this, I do remain troubled by certain aspects of Bill C-68. I note concerns raised by the agricultural sector that there needs to be a streamlined regulatory process in place for low-risk projects.

On behalf of the Canadian Cattlemen's Association, Fawn Jackson, Senior Manager, Government and International Relations, noted:

> . . . the absence of progress for streamlined regulatory processes for small- and low-risk projects is concerning to the CCA. It is important that the regulatory burden reflects the scope of the risk. We are eager to continue to work with DFO to determine whether a code of practice or other methods could be implemented to enable producers to be in compliance in addition to helping guide good practices on the working landscape. . . .
>
> . . . the government stated their support for provisions in the act that would act as safeguards for farmers and ranchers. They also supported the use of increased voluntary practices and stewardship.

Departmental officials indicated in their appearance before the committee that these concerns would be addressed in regulations developed during the first year of coming into force. They affirmed that this is supported by the minister.

I remain left with the difficulty that so much in Bill C-68 is again dependent on regulations to be implemented after the passage of the act, and that we are not certain of what kinds of consultations.

Honourable senators, you've heard me before on this topic, that more and more, over the last number of decades, has been moved from enactment legislation to regulations. This is taking power away from Parliament and putting it in the hands of the executive and the bureaucracy. This is not consistent with progressive democracy. More should be left in the act and we should go back to the practice where we knew what the regulations were before we passed the act.

In other words, it's not good enough to have a good idea. It's not good enough to respond to a problem. It is absolutely mandatory that implementation is part of the process. Good legislation lies dormant. It is not implemented and understood. We see over and over again, more and more, "to be consulted," and "we will have regulations to cover it." But the issues in the regulations are as important as the issues in the act. We have in the justice system moved to the administration as well as the substance of the law. We need to do it in all of the other fundamental areas that affect Canadians.

I remain very skeptical until I see these regulations. The government must take the time to put in the appropriate regulations, policies and guideline documents that will support the successful implementation of the revised act. That must — and I underline "must" — include appropriate consultation with concerned stakeholders.

I, like everyone else, will quote Pam Schwann, President of the Saskatchewan Mining Association. I see senators from Saskatchewan nodding. She stands as the greatest role model, a woman in the mining sector who balances the needs of the community as well as the industry she works in. That's why we all admire her so much.

She came before the committee. I think parts of her testimony were quoted by Senator Patterson, but I want to reinforce that she said:

> . . . government is not planning to allow a consultation period — that is no Canada Gazette, Part I review period — for proposed changes to the applications for authorization under paragraph 35(2)(b) of the Fisheries Act regulations. This lack of consultation is inconsistent with the federal government's platform of a more transparent government. This is also deeply concerning, as the Senate has not yet completed its study of the act.

Stakeholders have relied on *Canada Gazette* publications, and we are now veering off of even that minimal notification. It gives me great concern.

While effective consultation could lead to better implementation of a revised act and ultimately to more certainty for all those affected, I do have another difficulty. When meeting with the stakeholders in my province, their greatest problem was with DFO personnel. It isn't always thought of as a career-enhancing move to go into fisheries from Saskatchewan, but those who have grown up around fisheries are very much interested in a career in fishing and developing that industry, but they get posted to Saskatchewan. Do they know agriculture in Saskatchewan as opposed to agriculture in P.E.I.? Therefore, they have come out with inconsistent interpretations. The greatest complaint was that a very nice gentleman comes and tells them

they can't do A, B, or C on their farms and divert it, because they've just read the regulations. That is how they are interpreting it, but three sections over someone else has jurisdiction with an entirely different interpretation.

When I met with the bureaucrats who briefed me, they admitted freely that this was a problem but that they were going to undertake proper training and try to get some consistency at the professional level so that we get the same interpretation in Saskatchewan as we do in Manitoba and elsewhere. It is an ongoing difficulty for the Government of Canada to gain some assurance that DFO has the professional capacity. This had been a problem when I was overseas and we had the cod altercations, that there was no consistency, that the professional training needed to be there to catch up with modern-day issues.

I hope the words that were given to me in the undertakings by department officials — and I have no reason to suspect them — that they will follow through with the professional guidelines for the staff, not only for the regulations for the benefit of the stakeholders.

The new designated projects requirement in Bill C-68 also remains of great concern to me. Industry representatives, including Cameco, the Saskatchewan Mining Association, the Canadian Electricity Association and the Canadian Ferry Association, raised concerns to me and to the committee regarding the lack of clarity surrounding this provision.

In her appearance before the committee, Justyna Laurie-Lean, Vice-President, Environment and Regulatory Affairs at the Mining Association of Canada, noted:

> . . . we're not sure that a mining project could go ahead if it were a designated project.

• (1530)

Several stakeholders recommended changes to this section of the bill, while others, like the Saskatchewan Mining Association, recommended that the section be deleted in its entirety.

We have other scrutiny of designated projects in other ways to assure the right balances between the environment, the industry and others in the community.

While I note government amendments were adopted in an effort to bring clarity to these provisions, I remain concerned that the proposed designated projects regime in Bill C-68 will place additional and unnecessary constraints on our mining and resource sectors. This is, of course, of particular interest to my province Saskatchewan where economic growth relies heavily on these sectors.

In this fragile economy in my province, I'm asking that we be ever vigilant and that we are not building a regulatory system that is unnecessarily long and arduous.

Allow me to quote again from the testimony Ms. Anne-Raphaëlle Audouin, President of WaterPower Canada:

> If we have regulations in place that make working those [hydropower] facilities and developing new sites more difficult, we see a real risk. In this case with Bill C-68, it could jeopardize new development and the workable operational viability of those projects. The cascading effect is that we would not be able to contribute as much as we are now to the decarbonization of the economy.

The sustainability of Canada's fisheries is integral for the benefit and prosperity of all Canadians. We must, therefore, continue to ensure the protection of fish and their habitats as a priority. The committee duly looked at these issues. However, our environmental objectives need not be incompatible with the needs of our farmers, electricity producers and others working in the resource development sector. In fact, as noted in the testimony of Ms. Audouin, these interests are interconnected. Finding the appropriate balance between protection and prosperity must remain at the heart of this debate.

In closing, I want to again thank the Standing Senate Committee on Fisheries and Oceans for their careful consideration of this bill and the amendments put forward to strengthen it. I, for one, learned a lesson of how interdependent Atlantic Canada and the West Coast are with Saskatchewan. We don't often think of water being the connector; we think of other means. I believe our duty is to our region, to minorities and equally to the national interest. I believe that the method and process of approaching Bill C-68 in this Senate has taught me again to look to protect my province and its interests while balancing those with the needs of the national interest.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Christmas, seconded by the Honourable Senator Busson, that the bill as amended be read a third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on the bell?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 4:33.

Call in the senators.

• (1630)

Motion agreed to and bill, as amended, read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson	LaBoucane-Benson
Andreychuk	Lankin
Ataullahjan	Lovelace Nicholas
Bellemare	MacDonald
Bernard	Manning
Boehm	Marshall
Boisvenu	Martin
Boniface	Marwah
Bovey	Massicotte
Boyer	McCallum
Busson	McCoy
Campbell	McInnis
Carignan	McIntyre
Cordy	McPhedran
Cormier	Mégie
Coyle	Mercer
Dagenais	Mitchell
Dalphond	Miville-Dechêne
Dawson	Mockler
Deacon (*Nova Scotia*)	Moncion
Deacon (*Ontario*)	Munson
Dean	Neufeld
Downe	Ngo
Doyle	Oh
Duffy	Pate
Duncan	Patterson
Dyck	Petitclerc
Eaton	Poirier
Forest	Pratte
Forest-Niesing	Ravalia
Francis	Richards
Frum	Ringuette
Gagné	Saint-Germain
Galvez	Seidman
Gold	Simons
Greene	Sinclair
Griffin	Smith
Harder	Stewart Olsen
Hartling	Tannas
Housakos	Tkachuk
Joyal	Verner
Klyne	White
Kutcher	Woo—86

NAYS
THE HONOURABLE SENATORS

Batters	Wells—3
Plett	

ABSTENTIONS
THE HONOURABLE SENATORS

Black (*Alberta*)	Wallin—2

• (1640)

[*Translation*]

BUDGET IMPLEMENTATION BILL, 2019, NO. 1

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures.

(Bill read first time.)

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

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

[*English*]

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Black (*Alberta*), for the third reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, as amended.

Hon. Douglas Black: Honourable senators, I will endeavour to be brief again today, as I was yesterday. I stand here today, in respect of Bill C-69, filled with gratitude. I am grateful to so

many folks, starting here in this chamber. We have to recognize that when Bill C-69 came to us approximately a year ago — let's be gentle — it needed work, and this chamber has done the work that was required.

I also want to acknowledge folks from coast to coast to coast who have been involved in the process of making this bill workable. We have a bill today with the complete package of amendments, which hopefully we'll be sending to the House of Commons later today, which will work — which will allow projects to be built, allow investment to return to Canada and allow Canadians to take the "closed for business" sign out of the window. However, I stress that when this bill comes back from the House of Commons, it needs to be the package of amendments that will allow those things to happen.

So our job is simple at this point. We need to send the bill, as amended, on to the house and wait for a response that I hope will be appropriate.

I want to indicate that we all know in this chamber, and we have come to learn in this chamber, that while I have taken a strong position on this bill for a number of months now, and while I'm fully cognizant that I have come off a number of people's Christmas card lists, I have done nothing that you wouldn't have done if your region, frankly, was under the attack that my province feels. However, we need to know that what we've done as a Senate reflects on Canada. We're talking about 20 per cent of the GDP of Canada when we talk about the resource industry.

I am concerned about the offshore in Newfoundland, about electricity in Quebec and about the Ring of Fire in Ontario. I'm concerned about hydro in Manitoba, and obviously the industries in Alberta. I'm concerned about LNG and further hydro developments in British Columbia. Of course, we're concerned about the huge prospect of the North in terms of mining and other opportunities, and hopefully we'll be able to see action taken there during the term of the next Parliament.

This is what we're talking about, senators, and this is what we, as a group, now understand we're talking about. However, since we started our study of Bill C-69 a year ago, the outflow of companies and of investment has continued. I made a quick list while compiling my notes today.

Over the last year Encana, ATCO, Canadian Utilities, Statoil, Shell, PETRONAS, Imperial and Devon have either left the country or have dramatically scaled back their investments in the country. That's not good for anybody. That is not good for Canada, for any region or for any Canadian, and that's what this Senate has come to understand.

In conclusion, I want to draw to your attention two matters that have come to my attention today. There is an op-ed in the morning *National Post* that has been signed by eight organizations, many of which are now well known to you. They are very supportive of the work the Senate has done. They indicate: Is the new Bill C-69 perfect? By no means.

For industry, there remains increased risk in proposing major infrastructure projects. There is still a great deal of uncertainty about how these new agencies and processes will work. However, the Senate has done its job, and we believe these amendments, this package as amended, if approved, will ensure that projects can be built, jobs can be created and government revenues will be enhanced, while protecting the environment. That is what we have been working so hard to achieve over the last year — an understanding that we can balance the environment with projects.

Similarly, yesterday, a number of organizations, which I will read into the record, sent a letter to ministers — this letter has come to me, so I presume it has come to all senators — from the executive director of the Northwest Territories Chamber of Commerce, the Canadian Manufacturers' Association, the Manitoba Chambers of Commerce, the Federation of Chambers of Commerce of Quebec, the Alberta Chambers of Commerce, the BC Chamber of Commerce, the Petroleum Services Association of Canada, the Saskatchewan Chamber of Commerce, the Atlantic Chamber of Commerce and the Ontario Chamber of Commerce. I think that's close to all the provinces.

They are similarly commending the Senate, and they are urging the Senate to send this bill, as amended, on to the House of Commons.

As important at this point, they're urging the Government of Canada to support the work the Senate has done. We should be proud of the work that our committee and the Senate have done in developing the Senate's amendments. I urge honourable senators to support Bill C-69 as amended, get it on, and hopefully — hopefully — it's the last we'll see of it.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today at third reading of Bill C-69. This is a controversial bill that divides Canadians.

The bill unfortunately does more than just pit Canadians against each other. It is driving a wedge between the federal government and the provincial governments. I would add that the bill could create permanent tension between the provinces and the federal government. The evidence before the Standing Senate committee on Energy, the Environment and National Resources attests to that.

I think it is important to talk about the serious consequences that the provinces and territories are anticipating if this bill passes. As you know, opponents of Bill C-69 include the governments of Alberta and Saskatchewan.

However, the committee also heard concerns from Ontario and Quebec ministers. Quebec and Ontario are regions that rely on energy resources. Quebec has its hydroelectric projects, and Ontario has its nuclear energy. Mining projects also have a significant economic role in these provinces. I remind senators that the development, conservation and management of renewable and non-renewable resources is a provincial jurisdiction. This is from section 92A of the Canadian Constitution, which was signed in 1867 and repatriated in 1982.

Allow me to explain why I am proposing an amendment to the preamble of the bill to clarify the importance of the principle of respect for provincial jurisdiction. On February 26, 2018, Mr. Rickford, the Ontario Minister of Energy, Northern Development and Mines, told the committee, and I quote:

> Ontario is deeply concerned that Bill C-69 will serve as a forum to debate Ontario's nuclear energy policy, an area of sole provincial jurisdiction . . . .

I want to emphasize the words "sole provincial jurisdiction."

• (1650)

In an op-ed dated March 3, 2019, the Ontario minister said, and I quote:

> Bill C-69 will trample on provincial jurisdiction over nuclear power and would regulate the industry to death in the process.

In his open letter in the *Toronto Sun*, the minister also indicated that Bill C-69 also threatens the mining industry. He said that, in 2017, the Ontario mining industry accounted for nearly $10 billion worth of minerals, created nearly 26,000 direct and 50,000 indirect jobs in Ontario, and was the second-largest private sector employer of Indigenous people in Canada.

We heard testimony from Quebec a few weeks later. In April, the Government of Quebec expressed serious concerns about Bill C-69. The Quebec environment minister, Benoit Charette, said the following before the committee, and I quote:

> Basically, we are here to defend the powers granted to Quebec and the other provinces under the Constitution of Canada for the purpose of managing their resources, developing their land and protecting the environment.

He went on to say, and I quote:

> We believe that what is at stake here are the continued existence and vitality of Quebec's identity and sustainable development, which are intimately related to the exercise of our legislative authorities.

In the words of Quebec's environment minister, from his statement on April 26, the government:

> . . . created new bones of contention with Bill C-69 that will merely exacerbate the situation.

Minister Charette noted the following:

> . . . experience has shown that the federal process needlessly duplicates the Quebec regime, which was implemented in 1978.

In his submission, the minister also said the following:

> However, the Canadian government has not only persisted in maintaining this unacceptable situation since 1992, it has also created new bones of contention with Bill C-69 that will merely exacerbate the situation.

Unfortunately, history is repeating itself. Once again, the federal government wants to interfere in provincial jurisdictions. This bill is inconsistent with Justin Trudeau's promises that he would be transparent, cooperative and open.

Honourable senators, the duplication in processes that apply to projects under Quebec's jurisdiction, such as hydroelectric projects, are simply unacceptable for the province. Duplication complicates things for project proponents. Duplication drags out the approval process. It undermines the legitimacy of provincial laws, and therefore Quebec laws. Essentially, the duplication proposed in Bill C-69 will hinder energy development in Quebec and Ontario and undermine environmental legislation.

I worked in the Quebec government for 30 years in wildlife, fisheries and the environment. This unnecessary encroachment is costly for taxpayers and has always been a form of federal colonization of the provinces. As the Quebec minister pointed out, Bill C-69 will encourage some project proponents to argue before the courts that their projects, even those located entirely in Quebec, do not have to undergo a provincial assessment. This represents a clear encroachment on Quebec's jurisdiction. Still, as the minister said, the environmental impacts of projects are seen first and foremost at the local level. Those repercussions therefore concern primarily the provinces.

As I said earlier, duplication causes delays. This means significant additional costs for proponents — and without making impact assessment and environmental protections any more rigorous, let's not forget. The Quebec minister pointed out that the federal process could lead to delays of up to 11 months after the province has approved the project in addition to repeating the consultation process with Indigenous peoples and the general public.

In the brief it submitted to the committee, the Government of Quebec also expresses concerns about certain parts of Bill C-69, especially those concerning the Canadian Energy Regulator and navigable waters. These parts also raise "important issues for Quebec." According to the province's submission, the new Part 5 of the Canadian Energy Regulator Act, which deals with offshore renewable energy projects and offshore power lines, raises territorial issues that are important and worrisome for Quebec. Accordingly, it is not surprising that almost all provincial governments have serious concerns about the impact that Bill C-69 will have on their jurisdictions and their natural resource industries if it passes.

The Quebec government's brief states in black and white that the federal government is interfering in areas of provincial jurisdiction with this bill.

Honourable senators from Quebec and Ontario, Minister Charette sent you a very clear message, and I quote:

> We're counting on you to hear and defend Quebec's interests with respect to this bill . . . .

Ontario has followed suit and is telling you the same thing.

The Quebec minister's comments reflect the concerns of Quebec's former premier, Philippe Couillard, who stated the following in the National Assembly on May 29, 2018:

> . . . we [the Government of Quebec] are putting the pressure on, we are fighting for the provinces' prerogatives to be recognized, even in the context of projects that fall under the federal environmental impact assessment regime . . . .

There's no doubt that the Liberal premier of the day failed to persuade his federal Liberal cousins to back down.

Quebec reached out to federal parliamentarians a second time. Minister Charette said this in his brief:

> The Parliament of Canada has an opportunity here to show that it wants to guarantee environmental protection by exercising a federalism that accommodates provincial jurisdictions, while pursuing objectives of efficiency and the effective use of resources. We would like you to do so by substantially revising Bill C-69.

He concluded with the following reminder:

> . . . the Government of Quebec has the legal and regulatory instruments, the experience and expertise, and the constitutional authority necessary to assess the impact of any project carried out on its land.

Honourable senators, I believe that my amendment to the preamble will emphasize the serious concerns expressed by the provinces, including Quebec and Ontario, about this bill. The Government of Quebec says that "what is at stake here are the continued existence and vitality of Quebec's identity and sustainable development."

There is currently a dispute between the Government of Quebec and the federal government regarding the implementation of certain parts of Quebec's existing Environment Quality Act, including the environmental assessment process for certain harbour projects. Bill C-69 will make this dispute worse.

I repeat: the Trudeau government is a colonialist government. Even Premier Kenney promised a constitutional challenge if the federal government refuses to accept the Senate's amendments. In a news release, Quebec's minister said that, "it is high time to restore balance and make the environmental assessment process more respectful" of the shared jurisdictions within the Canadian federation. Quebec has been calling for this for 30 years.

Honourable senators, in light of this evidence, I believe that we must ensure that the preamble of the bill clearly states that it is vital to respect the constitutional rights of the Canadian provinces. We must send a clear message to Quebec, as well as the other provinces and territories, that if this bill passes, it will respect their jurisdiction over natural resources, as set out in the Canadian Constitution.

• (1700)

That is why I am moving in this chamber the following amendment to the preamble of Bill C-69, to make it reflect the importance of respecting provincial jurisdiction in environmental assessment.

The preamble must be amended to send a clear message. The provinces do not want misunderstandings between themselves and the federal government or unnecessary and costly redundancies for proponents and Canadians. More particularly, Quebec does not want any problems in terms of ensuring respect for its environmental protection laws, which fall under the responsibility of the National Assembly.

MOTION IN AMENDMENT NEGATIVED

Hon. Pierre-Hugues Boisvenu: Therefore, honourable senators, in amendment, I move:

> That Bill C-69, as amended, be not now read a third time, but that it be further amended in clause 1, on page 3, by replacing line 4 with the following:
>
> > "more efficiently, and the importance of respecting the constitutional rights of Canada's provinces, including those laid out in section 92A of the *Constitution Act, 1867*;".

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

Hon. Pierre J. Dalphond: I have a question for Senator Boisvenu.

The Hon. the Speaker: Senator Boisvenu, would you take a question?

Senator Boisvenu: Absolutely, Mr. Speaker.

[*English*]

The Hon. the Speaker: Senator Boisvenu's time has expired. Are you asking for five minutes, Senator Boisvenu, to answer questions?

[*Translation*]

Senator Boisvenu: Please.

Some Hon. Senators: Agreed.

Senator Dalphond: Senator, you referred to the Constitution Act of 1866, but it was of course 1867. Here's my question. Based on your proposal, if a government wanted to create an energy corridor across Quebec, would Quebec carry out the environmental assessment for the federal project?

Senator Boisvenu: First of all, I'm not sure if your hearing is poorer than mine, but I did say 1867. If I said 1866, I apologize. I also mentioned that those powers were rolled over when the Canadian Constitution was revised in 1982.

When I refer to those bills, I'm referring to projects carried out in the province. I believe that is all clearly set out on page 27 or 28 of the bill, which talks about projects carried out in the Province of Quebec that would be subject to impact assessments in accordance with this bill.

Senator Dalphond: Therefore, as I understand your answer, the amendment you are proposing would not apply to the construction of an interprovincial pipeline.

Senator Boisvenu: Obviously.

[*English*]

Hon. Pat Duncan: I'd like to ask the senator — and I apologize for not asking *en français* — is the senator aware that the environmental assessment legislation that is proposed in Bill C-69 does not, in fact, apply in the Yukon? Under the Umbrella Final Agreement, which recognizes Indigenous rights throughout the Yukon for those who have signed the land claims agreement, that Umbrella Final Agreement calls for a developmental assessment process to take into account the Yukon environmental and socio-economic assessment concerns of any project and to provide advice to the regulatory body.

With the Yukon Environmental and Socio-economic Act, which is federal legislation, Bill C-69 will not apply in the Yukon. The suggestion that provinces and territories are against Bill C-69 is not, in fact, correct when it comes to the Yukon. Is the senator aware of that?

[*Translation*]

Senator Boisvenu: All I can say is that I would be very pleased if this bill did not apply in Quebec.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Boisvenu, seconded by the Honourable Senator Patterson, that Bill C-69 be not now read — shall I dispense?

[*English*]

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed 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 honourable senators rising.

Do we have agreement on a bell?

Senator Plett: Forty minutes.

The Hon. the Speaker: The vote will take place at 5:45 p.m, following which the bell will ring for 15 minutes for the deferred vote from yesterday.

Call in the senators.

• (1740)

Motion in amendment of the Honourable Senator Boisvenu negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Neufeld
Batters	Ngo
Black (*Alberta*)	Oh
Boisvenu	Patterson
Carignan	Plett
Dagenais	Poirier
Doyle	Richards
Eaton	Seidman
Frum	Smith
Housakos	Stewart Olsen
MacDonald	Tannas
Manning	Tkachuk
Marshall	Verner
Martin	Wallin
McInnis	White—33
McIntyre	

NAYS
THE HONOURABLE SENATORS

Anderson	Greene
Bellemare	Griffin
Bernard	Harder
Boehm	Hartling

Boniface	Klyne
Bovey	Kutcher
Boyer	LaBoucane-Benson
Busson	Lankin
Campbell	Lovelace Nicholas
Cordy	Massicotte
Cormier	McCallum
Coyle	McPhedran
Dalphond	Mégie
Dasko	Mercer
Dawson	Mitchell
Deacon (*Nova Scotia*)	Miville-Dechêne
Deacon (*Ontario*)	Moncion
Dean	Munson
Downe	Pate
Duffy	Petitclerc
Duncan	Pratte
Dyck	Ravalia
Forest	Ringuette
Forest-Niesing	Saint-Germain
Francis	Simons
Gagné	Sinclair
Galvez	Woo—55
Gold	

ABSTENTIONS
THE HONOURABLE SENATORS

Joyal	McCoy—2

• (1750)

The Hon. the Speaker: Honourable senators, pursuant to rule 9-6, the bells will now ring for 15 minutes to call in the senators for the deferred vote. The vote will take place at 6:07 p.m.

Call in the senators.

• (1800)

OIL TANKER MORATORIUM BILL

SEVENTEENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald, for the adoption 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 5, 2019.

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald:

> That the report be adopted.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Mockler
Batters	Neufeld
Black (*Alberta*)	Ngo
Boisvenu	Oh
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Duffy	Richards
Eaton	Seidman
Frum	Simons
Greene	Smith
Housakos	Stewart Olsen
MacDonald	Tannas
Manning	Tkachuk
Marshall	Verner
Martin	Wallin
McCoy	Wells
McInnis	White—38

NAYS
THE HONOURABLE SENATORS

Anderson	Harder
Bellemare	Hartling
Bernard	Joyal
Boehm	Klyne
Boniface	Kutcher
Bovey	LaBoucane-Benson
Boyer	Lankin
Busson	Lovelace Nicholas
Campbell	Marwah
Cordy	Massicotte
Cormier	McCallum
Coyle	McPhedran
Dalphond	Mégie
Dasko	Mercer
Dawson	Mitchell

Deacon (*Nova Scotia*)	Miville-Dechêne
Deacon (*Ontario*)	Moncion
Dean	Munson
Downe	Pate
Duncan	Petitclerc
Dyck	Pratte
Forest	Ravalia
Forest-Niesing	Ringuette
Francis	Saint-Germain
Gagné	Sinclair
Galvez	Woo—53
Gold	

ABSTENTION
THE HONOURABLE SENATOR

Griffin—1

• (1810)

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

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 3-3(1), it is now past six o'clock and I'm required to leave the chair unless there is agreement that we not see the clock. Is it agreed, honourable senators?

Hon. Senators: Agreed.

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Black (*Alberta*), for the third reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, as amended.

Hon. Dennis Glen Patterson: Honourable senators, I rise to speak on what I think is a technical oversight in the work that the subcommittee of the Standing Senate Committee on Energy, the Environment and Natural Resources did, which I spoke of earlier on this bill.

I am rising to support an amendment that I understand Senator Manning is going to make.

Is that a problem?

I want to talk a bit about the testimony we heard regarding the consequences of this bill on the Atlantic offshore industry, which was extremely concerning. Our committee adopted a number of amendments to address this crucial issue, but we missed this one.

Hon. Pierre J. Dalphond: I rise on a point of order, Your Honour.

Senator Patterson said he would like to address an amendment that will be proposed by somebody else, so I guess the speech would be relevant once we have heard the proposed amendment.

The Hon. the Speaker: You raise an interesting point, Senator Dalphond, but I believe what Senator Patterson did was refer to what he thinks will be an amendment, which he is perfectly entitled to speak to. Whether or not that occurs is another question.

Senator Patterson: Thank you, Your Honour.

Provincial governments have advocated for an amendment with respect to the offshore panel, but I would like to relay some of the testimony that we heard from industry in relation to this issue.

Imperial Oil, one of Canada's largest energy companies and a long-time operator in the Atlantic, wrote:

> . . . under the current proposals in Bill C-69, offshore oil and gas activities regulated under the Accord Acts would in future have to be referred to a review panel — a process that will take several years (including time for initial description and review, 180 days early planning, 45 days for referral, time for proponent to prepare an impact statement, 600 days review and 90 days for decision). This is not acceptable.
>
> Government must take into account the investment community's need for consistency, predictability and effectiveness if our industry is going to continue to exist in Canada.

Husky Energy, another major Canadian energy firm operating in the Atlantic, testified to our committee:

> A panel review should not be the only assessment option for designated offshore oil and gas activities. As currently drafted, the proposed act requires a full panel review for designated offshore oil and gas activities. In so doing, it blocks other assessment options, such as agency reviews, substitutions and joint review panels.

Honourable senators, one of the problems with the hearings that we held in Atlantic Canada was that we did not hear from the offshore boards. The reason we didn't hear from the offshore boards, I understood, was, first, that there was an election going on in Newfoundland at the time. Second, these offshore boards, being quasi-judicial, independent regulatory bodies, do not like to mix themselves up with the political process. I think it was unfortunate we didn't hear from the offshore boards, however,

because there were criticisms of those offshore boards from various witnesses, some of which were not substantiated with facts, and we didn't get to hear the other side of the story.

In fact, it wasn't until we heard from Wade Locke, Professor and Head of Economics at Memorial University of Newfoundland, as an individual, that we heard about the good work of offshore boards, with particular reference to the province of Newfoundland and Labrador. He said:

> According to the most recent information available on the Canada-Newfoundland and Labrador Offshore Petroleum Board website, nearly $60 billion has been invested in exploration and development and production activities associated with Newfoundland offshore oil and gas activities. There have been 1.85 billion barrels of oil produced and 470 wells drilled in Newfoundland and Labrador offshore, 171 exploration wells, 57 delineation wells and 240 development wells. No major environmental problems have been linked to these activities, indicating the environmental oversight of the Canada-Newfoundland and Labrador Offshore Petroleum Board has been working.

• (1820)

Senator Manning may speak to this issue with more authority than I do, being a resident of Newfoundland and Labrador, but I do know that the good work of these boards, at its peak, resulted in oil and gas projects that accounted for 36 per cent of Newfoundland and Labrador's gross domestic product and over 5,000 jobs. Without demeaning the fishery in Newfoundland, it accounted for 1.7 per cent of GDP and about 7,600 jobs.

Professor Locke told us:

> Currently, the offshore industry accounts for 15.6 per cent of the provincial GDP, which compares to 2.5 per cent for the fish harvesting and processing industry.
>
> Oil and gas has accounted for nearly 30 per cent of provincial government revenues at the peak, and this fell to 13.6 per cent due to low oil prices. . . .
>
> . . . nearly 5 per cent of Newfoundlanders and Labradorians worked in the oil and gas industry in Alberta.

So oil and gas is very important to the provincial economy.

Honourable senators, what is needed to improve the bill, in my respectful opinion, would be to give the Minister of Environment the discretion to appoint a majority of members from the roster of the Newfoundland and Labrador or the Nova Scotia offshore boards to the assessment review panel that would be set up under the Bill C-69.

Right now, the problem with the legislation is that, unlike what we did with the impact assessment panels to be set up in conjunction with the National Energy Board or the Canadian Nuclear Safety Commission, we did not correct a provision in Bill C-69 that stated that the persons appointed from the roster to these offshore boards in Atlantic Canada must not constitute a majority of the members of the panel.

Let's take advantage of the expertise and the good record they have. Let's respect the hard-won negotiations which led to the creation of the Nova Scotia and Newfoundland offshore boards. Let's accept that they're doing important work in safeguarding the economy and allowing oil and gas activities to co-exist with the fishery in a delicate environment. Let's take advantage of that experience and corporate memory, if the minister decides that a majority of the panel could come from the current roster.

That is the concern I have, Your Honour.

I think we did a very good job of producing a package of 187 amendments, but the Premier of Newfoundland and the Minister of Energy of Newfoundland and Labrador will ask why we amended the bill with respect to the nuclear industry and the National Energy Board but overlooked their life-cycle regulators in allowing, in the discretion of the minister, members of those panels to be a majority of the impact review panels. I think this is a technical matter that should be corrected.

Otherwise, I want to say that I think the Senate did very good work in collaborating on a consensus which was not reached easily on a package of amendments. We've left out this one technical matter in the challenge of assembling 187 amendments, but this can be addressed. I think it would show the Premier of Newfoundland and Labrador and the Energy Minister of Newfoundland and Labrador that the Senate did listen to their concerns following the assembling of the bill as amended, which is before us now.

Hon. Fabian Manning: Your Honour, I just want you to know that I will be moving an amendment when I finish speaking this evening.

To follow up on some of Senator Patterson's comments, this issue was raised by the Premier of Newfoundland and Labrador and the Minister of Energy of Newfoundland and Labrador. There were also concerns within the Government of Nova Scotia.

If I could, I want to read into the record part of a letter sent to Senator Mitchell by the Premier of Newfoundland and Labrador on May 30, 2019. I want to preface my remarks by saying this is not a non-partisan issue to me. As everyone knows, we have a Liberal premier in Newfoundland and Labrador. He raised this issue with his energy minister here when they presented to the committee and in the form of a letter. It's very important to the people of my province and to the people of Nova Scotia. Certainly a decision will be made on what you want to do with it when I finish speaking tonight.

As I said, I want to read into the record part of the letter that Premier Dwight Ball sent to Senator Mitchell. He copied it to several other senators.

> The Atlantic Accord Agreement between Canada and the Province of Newfoundland and Labrador, dated February 11, 1985, is critically important to Newfoundland and Labrador. The joint management regime that it establishes has been foundational to the success of the province's offshore oil industry. The agreement and the legislation that implements it emphasizes Newfoundland and Labrador's and Canada's commitment to jointly manage resources in the Canada-Newfoundland and Labrador Offshore Area.

> The Atlantic Accord recognizes the equality of both governments in the management of resources in the C-NL offshore. The Accord Acts also to jointly establish the Canada-Newfoundland and Labrador Offshore Petroleum Board —

— well known in Newfoundland and Labrador as the C-NLOPB —

> — to administer the relevant provisions of the Accord Act and other relevant legislation, including the administration of technical regulations related to environmental protection.
>
> The key principles of joint management were further affirmed in the recent Atlantic Accord Review Agreement dated April 1, 2019, in which the federal government committed to deepening joint management in the Canada-Newfoundland and Labrador offshore oil.

For some people who may not be aware, it is different for resources underground in provinces such as Alberta. Newfoundland and Labrador does not have total ownership of its resources. Administration of its resources is done through this Canada-Newfoundland and Labrador Offshore Petroleum Board.

To give some idea of what the oil and gas industry means to our province, in 2003 the offshore oil and gas industry accounted for 36 per cent of the province's GDP. For several years, it contributed to similar levels. In 2017, it remained high at 23 per cent. In 2017, the industry accounted for 23,500 jobs in Newfoundland and Labrador, resulting in $2 billion worth of labour income and $1.4 billion in consumer spending. There were over 10,000 jobs in the rest of Canada due to the Newfoundland and Labrador offshore industry.

Using data from reliable sources such as Statistics Canada, a conservative number of 2.2 billion barrels is forecast for future benefits. Should such development occur, by 2045 Newfoundland and Labrador has the potential to receive over $100 billion in royalties and taxes. This is a game changer for a province of 525,000 people.

The amendment I am putting forward tonight seeks to delete two portions of amendments made to the bill at committee in the other place. The two specific proposed subsections we'd like to delete are 46.1(4) and 48.1(4). These subsections are found on page 94 and 95 of the proposed impact assessment act. Subsection 46.1(4) comes up under clause 6.

The subsection reads:

> The persons appointed from the roster must not constitute a majority of the members of the panel.

The context for this is in the earlier subsection 46.1(1) which provides :

> When the Minister refers an impact assessment of a designated project that includes activities regulated under the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* to a review panel, the Minister must . . . .

• (1830)

This is the same for the Newfoundland and Labrador situation.

> — within 45 days after the day on which the notice referred to in subsection 19(4) with respect to the designated project is posted on the Internet site — establish the panel's terms of reference and appoint the chairperson and at least four other members.

The second subsection to be deleted, 48.1(4), comes up under clause 7. It is the mirror image of the subsection I have already described, except this one applies to review panels for projects in the Newfoundland and Labrador offshore area as opposed to Nova Scotia. The two Atlantic accords, the Nova Scotia accord and the Newfoundland and Labrador accord, are pretty well along the same lines. They just refer to each province in a particular situation.

Colleagues, both of these amendments were asked for by the Government of Newfoundland and Labrador and the Government of Nova Scotia. In their letter asking for this amendment, among many others, the Government of Newfoundland and Labrador wrote:

> Subsection 48.1(4) minimizes the involvement of the Canada-Newfoundland Offshore Petroleum Board as the lifecycle regulator and minimizes the expertise of the board.
>
> They went on to say that the act describes the review panels conducted jointly with lifecycle regulators but only includes them as minority representation on the panel. This does not fully incorporate the expertise of the C-NLOPB in the process. In fact, in cases of a review panel involving a lifecycle regulator such as the C-NLOPB, Bill C-69 requires that review panel members selected from the C-NLOPB's roster cannot constitute the majority of the members from the panel. The limitation is unreasonable and counterproductive, in our government's view.

That's from the Government of Newfoundland and Labrador. The Government of Newfoundland and Labrador is also endorsing deleting 46.1(4), which applies only to Nova Scotia on principle.

Furthermore, the Honourable Derek Mombourquette, Minister of Energy and Mines in the Government of Nova Scotia, told the Standing Senate Committee on Energy, the Environment and Natural Resources:

> We would also echo the amendments suggested by others, including our neighbours in Newfoundland and Labrador.

I fully support the role of the offshore boards as independent expert regulators. We do not think, and I certainly don't think, it's appropriate to minimize their role or to mandate that they cannot form the majority of a review panel.

What my amendment is doing is putting forward an opportunity for — the minister will still have say on who sits on the panel. We don't want to tie his or her hands behind their back and say if they want to take from the roster of the boards that are already in place and put them on the review panel, he or she can

certainly go ahead and do that. If we follow what's in the bill today, the minister won't have a choice on who they want to appoint to the review panel.

By removing this, both governments, in Newfoundland and Labrador and Nova Scotia, are saying the minister will still have total discretion over who sits on the review panel. He or she will appoint who sits on the review panel, but their hands will be tied behind their backs in relation to taking people who have in some cases been there for years, who have great expertise, experience, and in my humble opinion, have the best interests of their provinces at hand when they sit around the board, whether in Newfoundland and Labrador or Nova Scotia.

I would like to emphasize that the C-NLOPB has been highly successful and well regarded since its inception in 1985. When you look back at the original Atlantic Accord in 1985, 34 years ago now, that really started the industry in Newfoundland and Labrador. The agreement was to have this joint management of our offshore resources. Pretty well everybody, several federal governments over time and provincial governments, worked side by side in ensuring that the best possible revenue streams and economic activity can happen, and offshore boards play a very important part in that, in my opinion.

I believe that the Government of Newfoundland does not see the rationale for this provision. I believe the Government of Nova Scotia does not either because they have brought forward the same concerns. We don't want in a bill, in my view — and certainly the views of both governments, as I see it — to take away the minister's discretion to appoint to the panel who he or she sees as the most beneficial person to put there.

Just another quote from the letter of Premier Ball in relation to my amendment, which I would like to read into the record:

> A significant oversight in the amendments recommended in the committee report to the Senate is the composition of review panels for projects in our offshore area. The amendments now require the C-NLOPB to be consulted on a panel's terms of reference and allow a member of the C-NLOPB to act as the chair. These are clearly positive developments, for further recommended amendments allow lifecycle regulators other than the C-NLOPB to constitute a majority on review panels.
>
> Multiple conversations with senators, Senate officials and our colleagues have indicated that this was an inadvertent oversight. This should be corrected by deleting section 48.1(4). This extremely important change goes a long way towards respecting the joint management regime in our offshore and its critically needed fix.

These are not my words, colleagues. These are the words from Premier Ball of Newfoundland and Labrador. It gives me pleasure tonight to be able to stand here in a nonpartisan way and ask that my amendments be considered for the betterment of the people of my province and the people of Nova Scotia. Certainly we can continue to operate under a joint management regime that benefits both our provinces, and therefore, benefits our country.

MOTION IN AMENDMENT NEGATIVED

Hon. Fabian Manning: Therefore, honourable senators, in amendment, I move:

> That Bill C-69, as amended, be not now read a third time, but that it be further amended:
>
> (*a*) in clause 6, on page 94, by deleting lines 34 and 35; and
>
> (*b*) in clause 7, on page 95, by deleting lines 23 and 24.

The Hon. the Speaker pro tempore: In amendment, it was moved by the Honourable Senator Manning, seconded by the Honourable Senator Frum that — may I dispense?

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: All those in favour of the amendment, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those not in favour of the amendment, please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker pro tempore: I see two honourable senators rising. Is there agreement on a bell?

Senator Mitchell: Fifteen minutes.

The Hon. the Speaker pro tempore: The vote will take place at 6:53 p.m.

Call in the senators.

• (1850)

Motion in amendment of the Honourable Senator Manning negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McCoy
Ataullahjan	McInnis
Batters	McIntyre
Black (*Alberta*)	Neufeld
Boisvenu	Ngo
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Duffy	Ravalia
Eaton	Richards
Frum	Seidman
Housakos	Smith
LaBoucane-Benson	Stewart Olsen
MacDonald	Tannas
Manning	Tkachuk
Marshall	Verner
Martin	Wallin—34

NAYS
THE HONOURABLE SENATORS

Anderson	Galvez
Bellemare	Gold
Bernard	Griffin
Boehm	Harder
Boniface	Hartling
Bovey	Klyne
Boyer	Kutcher
Busson	Lankin
Campbell	Lovelace Nicholas
Cordy	McCallum
Cormier	McPhedran
Dalphond	Mégie
Dasko	Mercer
Dawson	Mitchell
Deacon (*Nova Scotia*)	Miville-Dechêne
Deacon (*Ontario*)	Munson
Dean	Pate
Downe	Petitclerc
Duncan	Pratte
Dyck	Ringuette
Forest	Saint-Germain
Forest-Niesing	Simons
Francis	Sinclair
Gagné	Woo—48

ABSTENTIONS
THE HONOURABLE SENATORS

Coyle Moncion—2

• (1900)

[*Translation*]

BILL TO PROVIDE NO-COST, EXPEDITED RECORD SUSPENSIONS FOR SIMPLE POSSESSION OF CANNABIS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-93, An Act to provide no-cost, expedited record suspensions for simple possession of cannabis.

(Bill read first time.)

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

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

[*English*]

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Black (*Alberta*), for the third reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, as amended.

Hon. Donald Neil Plett: Honourable senators, I will be very brief, but I do rise to move an amendment to Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts. I will briefly

explain the background of this amendment, which is crucial for the province of Newfoundland and Labrador. It is also an issue for the province of Nova Scotia. You might wonder why a man from Manitoba is doing this, but we stand together with our colleagues.

Section 43 of the impact assessment act, as it was passed in the other place, provides that:

> The Minister must refer the impact assessment of a designated project to a review panel if the project includes physical activities that are regulated under any of the following Acts:
>
> (a) the *Nuclear Safety and Control Act*;
>
> (b) the *Canadian Energy Regulator Act.*

The bill was amended to add the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act.

In the form of the bill presented by the Minister of Environment and Climate Change, the offshore boards were not mentioned in section. These references were added on in committee in the other place.

Therefore, I am proposing to delete the clause that would add the accord acts to this section. This is a direct request from the current Government of Newfoundland and Labrador.

I will quote their concerns with this section for the record:

> By allowing a variety of levels and types of impact assessment processes, the scale of the assessment and the type of process used can be aligned with the particular circumstances, nature, scope and potential impact risks associated with the designated project. However, this flexibility is inapplicable to the assessment of offshore oil and gas activities regulated under the Canada–Newfoundland and Labrador Atlantic Accord Implementation Act . . . . For such activities, the Act requires a mandatory review panel . . . and the Minister has no discretion to permit substitutions . . . or joint panel reviews . . . . As a result, the Act provides no means to align the scale and type of assessment process to the particular designated offshore oil and gas project.

Therefore, they specifically asked the Senate to delete the references to the accord acts from section 43.

The Honourable Derek Mombourquette, Minister of Energy and Mines in the Government of Nova Scotia, told the Standing Senate Committee on Energy, the Environment and Natural Resources:

> We would also echo the amendments suggested by others, including our neighbours in Newfoundland and Labrador.

Colleagues, I consider this a non-partisan amendment, since the two governments who requested it are the only Liberal provincial governments in Canada. Rather, this is a common sense amendment meant to prevent investment in the Atlantic offshore from fleeing to other countries.

If this amendment does not pass, every single offshore oil and gas project in Newfoundland and Labrador and Nova Scotia would be required to go through a review panel, which is the longest, most expensive form of environmental assessment possible.

The offshore oil and gas industry accounted for 23 per cent of the province's GDP and employed 24,000 Newfoundlanders and Labradorians.

In Nova Scotia, the offshore industry is not as well developed, but the potential for growth is vast. The Government of Nova Scotia has identified this industry as a major economic driver of the future.

This section, unamended, would be a major roadblock for both provinces' aspirations, and that is why both governments have asked us to amend it.

I am proud to move this amendment and ask that all my colleagues vote to adopt it and respect the wishes of Newfoundland and Labrador and Nova Scotia.

I will also read a quote from Premier Ball: "My government's support of Bill C-69 is predicated on the notion that exploration wells and other well-understood activities with proven track records and mitigation measures will not be subject to impact assessments under the IAA. Given the joint management regime in place for the C-NL offshore area, the province requests that the reference to the C-NLOPB be removed from section 43."

MOTION IN AMENDMENT NEGATIVED

Hon. Donald Neil Plett: Therefore, honourable senators, in amendment, I move:

> That Bill C-69, as amended, be not now read a third time, but that it be further amended, on page 94, by deleting clause 5.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment 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 honourable senators rising.

Do we have an agreement on the bell?

Hon. Senators: Now.

The Hon. the Speaker: The vote will take place now.

Motion in amendment of the Honourable Senator Plett negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Mockler
Batters	Neufeld
Boisvenu	Ngo
Carignan	Patterson
Dagenais	Plett
Doyle	Poirier
Duffy	Ravalia
Eaton	Richards
Frum	Seidman
Housakos	Simons
LaBoucane-Benson	Smith
MacDonald	Stewart Olsen
Manning	Tannas
Marshall	Tkachuk
Martin	Verner
McCoy	Wallin—35
McInnis	

NAYS
THE HONOURABLE SENATORS

Anderson	Francis
Bellemare	Galvez
Bernard	Gold
Boehm	Harder
Boniface	Hartling
Bovey	Klyne
Boyer	Kutcher
Busson	Lovelace Nicholas
Campbell	McCallum
Cordy	McPhedran
Cormier	Mégie
Dalphond	Mercer
Dasko	Mitchell
Dawson	Miville-Dechêne
Deacon (*Nova Scotia*)	Munson
Deacon (*Ontario*)	Pate
Dean	Petitclerc
Downe	Pratte
Duncan	Ringuette
Dyck	Saint-Germain
Forest	Sinclair
Forest-Niesing	Woo—44

ABSTENTIONS
THE HONOURABLE SENATORS

Coyle	Lankin
Gagné	Moncion—5
Griffin	

• (1910)

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Black (*Alberta*), for the third reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, as amended.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

BILL RESPECTING FIRST NATIONS, INUIT AND MÉTIS CHILDREN, YOUTH AND FAMILIES

SECOND READING—DEBATE ADJOURNED

Hon. Patti LaBoucane-Benson moved second reading of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families.

She said: Honourable senators, I'm a Metis-Ukrainian from Treaty 6 territory, rising today to speak about Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, and acknowledging that we are on the traditional and unceded territory of the Algonquin people.

Bill C-92 is the first attempt to repatriate the final authority to care for children to First Nations, Metis and Inuit communities and nations. It is our first step in removing First Nations child

welfare from the administration of the Indian Act. I humbly argue that this legislation is desperately needed, a long time coming and arguably should have been passed 150 years ago.

There are two overarching purposes of Bill C-92. The first is to affirm the rights and jurisdiction of Indigenous peoples in relation to child and family services. Ever since the first Indigenous child was apprehended by the RCMP in 1831 and forced to attend residential schools, the authority to decide the best interests of the Indigenous child has rested with the federal government.

We need to pay close attention to the term "affirmed." To be clear, Indigenous nations and governments did not ever give up their authority to make decisions about their children. When Duncan Scott stood up in the House of Commons in 1920, he stated he wanted to have the entire possession of every Indian child; every Indian child aged five to 15 must attend residential schools.

The federal government did so without any consultation nor the consent of First Nations, Metis and Inuit governments across Canada. Scott was referring to a bill that would amend the Indian Act to ensure the government could separate children from their family, their culture, their language and their spirituality, socialize them into European values and lifestyle and assimilate them through enfranchisement. His government — and, by extension, Canadian society — deemed Indigenous people primitive, savage, childlike and unable to care for themselves and heathen, that they needed to "kill the Indian in the child" to save him.

In residential schools, children were often beaten for speaking their Indigenous language. They were being told by the staff that the spirituality they learned at the feet of their grandparents was evil and heathen and they were going to the devil if they practised it.

If they got to go home in the summer — and not all did — they were threatened by school staff, "You'd better not go to ceremony, or you're going to get it when you get back." So many children became suspicious or afraid to attend these ceremonies that would have brought them back into their families and communities, helped them to understand who they were as Indigenous people, what the rules were and what their responsibility to their nation was. They did not learn their *wahkohtowin*. Because of the harsh language policies, children were losing their capacity to speak their first language and often their ability to speak with their grandparents. They were not learning the *wahkohtowin*, the doctrine of relationships that was embedded in that language.

As early as 1913, Indian agents on reserves noted a culture gap was forming. Because children were leaving residential schools and were not assimilated into Canadian society, they didn't feel a part of the Canadian social fabric. But they also did not feel connected to their families or their communities either. They were leaving residential school stranded between two communities, without an identity.

The jurisdiction over the well-being of children was later transferred to the provinces through the Indian Act for the provision of child welfare services. This transfer was done without establishing any national standards, allowing each province to then determine what was in the best interests of the child.

These provincial practices were imposed on First Nations, Metis and Inuit peoples and communities without their consent and without properly considering the devastating effect that ignoring their rights and disrupting the continuity of their culture, language and identity would have on future generations.

Honourable senators, I have sat in many healing circles, witnessed the pain of residential school survivors and other Indigenous people who have been raised with no connection to their family or their culture. Their stories paint a devastating picture of isolation, hopelessness, powerlessness, despair and shame of their Indigenous identity caused by the failed social policies of the federal and provincial governments over many generations.

• (1920)

I have also witnessed the transformational healing grounded in the reclamation of their culture, language and spirituality. Colleagues, many, if not all, Indigenous peoples have sacred teachings about children. Many believe that children are gifts from the Creator and that our job as parents, uncles, aunts and grandparents is to protect, nurture and teach them so they become a contributing member of our interconnected web of relationships in our community. To have this fundamental right taken away attacks the very humanity of Indigenous people, families and communities.

For this reason, Bill C-92 has been described as historic. Bill C-92 seeks to shift the national law of Canadians to create legislative space to recognize First Nations, Metis and Inuit people's law to prevail over provincial, federal and territorial child and family service law. The bill affirms a pre-existing and the inherent constitutional, Aboriginal and treaty rights of First Nations people. The bill also seeks to contribute to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and especially the inherent right of self-determination as a minimum standard for the survival and dignity of Indigenous people.

This bill does not have a one-size-fits-all approach and is supposed to be designed for Indigenous peoples to exercise partial or full jurisdiction over child and family services at their own pace. But colleagues, let's be realistic. Bill C-92 is only the first step in a long and complicated process.

Mary-Ellen Turpel-Lafond wrote that multiple, intensive and focused strategies will be required to effect changes in these systems. Legislative reform is one critical aspect. Bill C-92 is not a panacea. The work to reduce the number of First Nations children in care, promote family unity and prevention approaches is formidable. Clearly, real change will require an Indigenous nation, the federal government and provinces or territories to work together in good faith to create coordination agreements that achieve this transfer of jurisdiction.

The coordination agreements need to also reflect some out-of-the box thinking. Dr. Turpel-Lafond also wrote that the reduction of child welfare interventions and removal of children is linked

to investments — big investments — and broader social supports for families and communities to improve the condition for children and families. That is to say, coordination agreements must include interdepartmental contributions for tangible support for things like mental health care, housing and income support. This is why support for the bill is mixed.

All of you have received the pre-study of the Standing Senate Committee on Aboriginal Peoples regarding Bill C-92. We heard polar opposite testimony about that bill that at times was hard to reconcile. For example, on the one hand, we heard from the Vice Chief David Pratte, from the Federation of Sovereign Indigenous Nations in Saskatchewan, who said in support of the bill:

> FSIN and many of our tribal councils and First Nations are already working to implement their authority and laws for children and families, and that work is currently being developed. Saskatchewan is ready to occupy the field in jurisdiction of child welfare and we will succeed where the provincial Ministry of Social Services of Saskatchewan has failed our children time and time again. We cannot be held back any longer, and our children deserve better than the status quo that exists today. We hope this bill will help influence continued recognition of our inherent, God-given and treaty rights, title and jurisdiction in future co-development.

Senators, it's true. We heard from other witnesses who are cautiously optimistic about the bill and the ability to begin the process of transfer of jurisdiction, even when they considered the lack of good faith demonstrated by governments in the past.

On the other hand, Grand Chief Arlen Dumas, from the Assembly of Manitoba Chiefs, on that same panel, said:

> . . .the main issues that we have with the current legislation are that there was no meaningful consultation, it's a pan-Indigenous approach, and it does not respect the laws or jurisdiction of Indigenous people.

Chief Dumas' statement highlights a concern or question that many people raised. Will Bill C-92 actually transfer jurisdiction or does it further entrench provincial jurisdiction?

There were legal opinions presented to the panel from learned Indigenous lawyers both for and against. There are certainly aspects of the bill that clearly describe a path toward a primacy of Indigenous child and family law. There are other clauses, however, that raise a spectre of doubt that this can actually be accomplished.

The foundation of this misgiving is a deep distrust of the federal and provincial governments and the doubt that the governments will ever relinquish their jurisdiction and the suspicion that efforts to subvert Indigenous self-governance will continue. Can we blame any Indigenous leader for doubting? We have a whole colonial history that supports these misgivings.

Further, other witnesses also questioned whether this legislation was drafted with Indigenous people. The government representatives told the committee that in 2018 the Government of Canada actively engaged with national, regional and community organizations, with representatives of the First Nations, Inuit and Metis, as well as treaty nations, self-governing nations, provinces and territories, experts and those with lived experience. They conducted over 65 engagement sessions and nearly 2,000 people participated across the country. Based on the feedback they received during the engagement sessions, a reference group was created to validate the options for a legislative path.

The reference group, which was chaired by Mary-Ellen Turpel-Lafond, was comprised of delegates appointed by the Assembly of First Nations, ITK, the Metis National Council and the Government of Canada. The government also sought out and made changes based upon the feedback from the Consultative Committee on Child Welfare and the National Advisory Committee on First Nations Child and Family Services Program Reform. The ministry staff referred to this as a co-development process.

However, even with all that engagement, most witnesses did not agree. Some even reported to us that they felt completely left out of the legislative drafting process. Clearly, the definition and criterion of co-development and consultation needs to be further considered by the federal government in consultation with Indigenous peoples.

The second goal of Bill C-92 is to set out national principles for the provision of child and family services in relation to Indigenous children. This is in direct response to the TRC call to action number 4, which states:

> We call upon the federal government to enact Aboriginal child-welfare legislation that establishes national standards for Aboriginal child apprehension and custody and includes principles that:
>
> i. Affirm the right of Aboriginal governments to establish and maintain their own child welfare agencies.
>
> ii. Require all child-welfare agencies and courts to take the residential school legacy into account in decision making.
>
> iii. Establish, as an important priority, a requirement that placements of Aboriginal children into temporary and permanent care be culturally appropriate.

Therefore, the bill sets out principles that should guide the way in which courts, as well as service providers, work with Indigenous children and families.

When the child welfare staff are making decisions or taking actions related to child apprehension, the primary consideration must ensure both the safety and security of children and that they maintain a connection to their family and culture.

The bill further outlines many other factors that would have been considered in the process. This bill also emphasizes the need to shift from apprehension to prevention. This includes support for families, with priority given to services that promote preventative care, the need to provide prenatal care to support pregnant women and prevent the apprehension of newborns.

The bill states explicitly that a child should not be apprehended solely on the basis of his or her socio-economic condition, including conditions such as poverty or lack of adequate housing.

If apprehension is deemed necessary, the bill establishes an order of priority that must be respected for the placement of a child. The first priority is to place the child with the child's parents, the next is with another adult member of the child's family, after that with an adult who belongs to same Indigenous group, community or people as the child, then with an adult who belongs to another Indigenous group, and finally with another adult. There are also concrete steps to ensure the Indigenous children in care keep strong emotional ties with their family and stay connected to their community and cultures.

Honourable senators, some of these policies or versions of them exist in provincial legislation across our nation. However, this is the first time the federal government has provided a framework for the minimum standards that Indigenous children should experience when receiving services. Although the TRC stated that minimum standards are necessary, it's also true that the committee heard from Indigenous people who feel the federal government has no right to impose standards and this authority must rest solely with First Nations, Metis and Inuit governing bodies.

Finally, Bill C-92 is an imperfect bill. There are still many things that need to be worked out to disentangle provincial and federal jurisdiction in the authority over Indigenous families and children. Our pre-study was completed before the other place completed their committee work.

• (1930)

I am grateful to report that our work includes three important amendments. First, the government responded to numerous testimony that called for a funding statement in the body of the bill. That funding statement is in the "coordination agreement" section. Second, the inclusion of UNDRIP in the body of the bill. And third, a change in the primary condition of the best interests of the child to include both safety and security, as well as connection to family and culture.

However, I wish we would have had more time for a fulsome discussion on this important bill and that we were better able to resolve some of the outstanding issues, rather than rushing through the process at the end of a sitting. This is disappointing because I believe thousands of Indigenous children in care deserve it.

On a personal note, when I decided to sponsor this bill in the Senate, I took tobacco and offerings to Fred and Melanie Campiou's sweat lodge to ask for help with the bill. I say this very humbly because I recognize that thousands of Indigenous people for decades have been going to ceremonies and praying that children are returned home and their families are able to heal. I hope that Bill C-92 proves to be one of those answers to our prayers. *Hiy Hiy*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Simons, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE IMPACT AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN CANADIAN FOREIGN POLICY AND DIPLOMACY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Leave having been given to proceed to Motions, Order No. 513:

Hon. A. Raynell Andreychuk, pursuant to notice of June 4, 2019, moved:

> That the Standing Senate Committee on Foreign Affairs and International Trade be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on cultural diplomacy, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of June 5, 2019, moved:

> 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 7:35 p.m., the Senate was continued until Monday, June 10, 2019, at 6 p.m.*)

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