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Tuesday, June 11, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, June 11, 2019

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

Prayers.

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, this week we will be paying tribute to Senate pages who will be leaving us this summer. Today we start with two.

Emmett Bisbee is proud to represent central Ontario on the Senate page team, having grown up in the town of Innisfil. He recently completed his bachelor's degree in public policy and administration at Carleton University. This fall, he will be starting law school at McGill University in Montreal and hopes to pursue a career in public service in the future. He wishes to thank everyone at the Senate for making the past two years a very enjoyable and memorable experience.

Our very best wishes to you, Emmett.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Joely Bragg is proud to represent St. Albert, Alberta. She will be entering her fourth year in the joint honours political science and history degree at the University of Ottawa in the coming fall. Joely would like to thank all honourable senators and the Senate administration for this insightful and exciting opportunity, and she wishes all the best in the future to everyone.

And to you, Joely, our very best.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE RICHARD NEUFELD

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Opposition who requests, pursuant to rule 4-3(1) that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Richard Neufeld, who will retire from the Senate on November 6, 2019.

I remind senators that pursuant to our rules, each senator, other than Senator Neufeld, will be allowed only three minutes and they may speak only once.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, our colleague and friend, the Honourable Richard Neufeld, will be taking his leave of this place on November 6, when the Senate will most likely not be sitting. I'm very glad we have this opportunity today to thank Senator Neufeld for his dedicated service to the people of Canada over the last decade and, indeed, over the past almost four decades, including his time in municipal and provincial politics in British Columbia.

[*Translation*]

Senator Neufeld passionately defended his province in the Senate of Canada and he will be greatly missed.

[*English*]

Our colleague has previously shared with us the story of his family. He was adopted as an infant from an orphanage by his parents Peter and Jessie, chosen by his older sister simply because he was smiling. From this humble beginning grew a long record of public service, starting with municipal politics in the town of Fort Nelson, where he eventually served as mayor. This was followed by multiple elections to B.C.'s provincial legislature to represent the riding of Peace River North.

From the start, his political career has been guided by concern for the lives of the average, everyday Canadian. As he says, the Fred and Martha of our country, as he calls them. Their interests and their needs have always been his prime motivation.

Following his appointment to the Senate of Canada in January 2009, upon the recommendation of the Right Honourable Stephen Harper, Senator Neufeld has contributed greatly to the work of the Senate, both in the chamber and in committee. In recent months he has been involved in the debate and study of Bill C-48, concerned by the divisive nature of this bill and the negative impact he believes it would have on the region he calls his home.

Although our colleague has been a valued member of several Senate committees over the past 10 years, I'd like to highlight his work as Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources. Senator Neufeld's long experience as Minister of Energy, Mines and Petroleum Resources in the Government of British Columbia served the senator well as he guided the committee through its work. During his time as chair, the committee gave careful consideration to many pieces of legislation and undertook studies on such topics as underground infrastructure and the transition to a low-carbon economy.

In his first speech in the Senate chamber back in November 2009, Senator Neufeld related some advice he believed his mother would say in taking on his new role: "Son, Canada is a great and wonderful country. Be kind, be understanding, be true and, most of all, do the right thing and take advantage of good opportunities."

Honourable senators, I think we could all agree that during Senator Neufeld's time in this place he has more than lived up to those words. When he steps down later this year, the Conservative caucus in this place will miss his wise counsel and I believe the same holds true for all honourable senators. We hope

he and his wife Montana will enjoy a very happy retirement filled with all the people and activities they love. This will surely include collecting and fixing antique cars and motorcycles, his long-time passion.

On behalf of all honourable senators, I wish Senator Neufeld nothing but the best.

Hon. Senators: Hear, hear!

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, on behalf of the independent Senate Liberals, I would like to join in paying tribute to our colleague Senator Richard Neufeld who will be retiring later this year.

Senator Neufeld is no stranger to politics and no stranger to serving the good people of British Columbia at every level of government. He has been a dedicated public servant for nearly 40 years. He's been a town councillor and the Mayor of Fort Nelson, B.C. He served nearly 20 years in the B.C. legislature. His constituents rewarded his hard work with a number of consecutive re-elections.

He served as a provincial opposition critic and, when the tides turned, as they always do, as a provincial cabinet minister.

• (1410)

Now listen, as an aside about an interesting political career of a Canadian, he was elected as a Social Credit MLA in 1991, switched to the Reform Party in March of 1994 and then to the Liberals in October 1997, where he stayed until he left in 2009. You've been around the block, Richard.

Then he came to the Senate to continue his good work on behalf of British Columbians. He's been here for 10 years, raising the concerns that matter most to his constituents. I'm certain my friend and colleague, Senator Joseph Day, would want me to mention that Senator Neufeld has been a long-time member of the National Finance Committee. At one time they served together as chair and deputy chair and helped bring about the demise of our humble penny. We are all a little lighter for that.

And over the years, Senator Neufeld has shown the same attention to detail he puts into fixing his vintage cars in poring over budgets and estimates and bills to get to the very heart of the issues facing Canadians.

Senator Neufeld, thank you for your service to British Columbians and to all Canadians. You have worked hard and worked collaboratively with all of us here in the chamber and you will be missed.

On behalf of my caucus colleagues, I wish you and your wonderful wife, Montana — whom I had the pleasure of meeting on a trip that we did together to New Zealand many years ago — all the best in your retirement and good health and happiness always.

Hon. Yuen Pau Woo: Honourable colleagues, I'm pleased to add some words of thanks and congratulations to Senator Neufeld on behalf of the Independent Senators Group.

Senator Neufeld has devoted his life to Canada and to British Columbia. He began his political career in 1978 on the Fort Nelson town council. His career has spanned over four decades. When I speak to folks in the northern part of British Columbia, everyone knows Senator Neufeld and everyone speaks of him with great respect and admiration.

He has always represented and supported the concerns and needs of British Columbians, particularly in the area of natural resources. As has been mentioned, he served as the Minister of Energy, Mines and Petroleum Resources in the B.C. government. This was a time when natural resources industries in B.C. grew very rapidly.

Senator Neufeld came to the Senate and brought a special passion and energy and expertise in the very area of energy, natural resources and the environment, and he, of course, chaired that committee for a number of years. I had the privilege of working with him the last few years on the report around decarbonizing the Canadian economy and, most recently, on our Bill C-69 legislation.

I've also had the privilege from time to time of travelling with him from Vancouver to Ottawa, sometimes sitting next to him on the plane and observing, every time, how diligent he is on the flight over, poring over his notes for what needs to be done when he gets here. I, on the other hand, am usually catching a snooze.

In his very first intervention in the Senate Chamber on February 12, 2009, Senator Neufeld said:

> I am a proud Canadian; I can tell you that. I have my political beliefs, but I can also work with people to try and make things better for Canadians, and that is what we should be doing in this chamber.

Senator Neufeld, that is what you did in this chamber, and we thank you for that.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to a parliamentarian of distinction, a fellow British Columbian and my friend and colleague, the Honourable Richard Neufeld.

Senator Neufeld will officially retire from the Senate of Canada on November 6, 2019.

His service in public office spans four decades. He served as a councillor and as mayor of Fort Nelson and represented the riding of Peace River North in the B.C. legislature. He was Opposition Whip in the B.C. legislature and served as Minister of Energy, Mines and Petroleum Resources and managed other portfolios and provincial cabinet committees over the course of 18 years.

In his own words, we understand how and why he has been able to serve the good people he has represented with integrity and unwavering commitment:

> As a legislator, I've always believed in doing what is right, not what is popular. I did not get involved in politics to win a popularity contest. Rather, I've always strived to provide the best leadership possible and defend the interests and rights of Fred and Martha, your everyday Canadians.

Richard and I started our journey in the Senate chamber together on Jan 26, 2009, as fellow B.C. senators, and shortly thereafter as seatmates. I had known of Richard as a well-respected B.C. politician and minister of the Crown. Little did I know the journey we would experience together as senators and the friendship we would forge in and out of this chamber.

As seatmates and as members of the same caucus for more than a decade, I've gotten to know what is most important to him. Above all, Richard is a devoted husband, father, grandfather and great-grandfather. Today is all the more special that your wife and best friend, Montana Currie, who has stood by your side all these years, is present in our chamber. I also thank your amazing children, Chantel, Nathan, Ryan and Kathryn, and grandchildren and great-grandchildren, Faye, Bryson, Rylan, Jessy, Javion, Connor, Tristan, Grady and Darby. Every time you speak of your family, especially your three-year-old granddaughter, you burst with pride and adoration. I thank each and every one of them for sharing you with us over your decades of public service.

Colleague, thank you for your wisdom, leadership and, above all, your friendship. I look forward to beginning our riding adventures, you and Montana on your brand new Indian, and me on the back of my husband, Doug's, Harley. You will be greatly missed and will always be a respected and cherished member of our Conservative family and our Senate community.

Hon. David Tkachuk: Honourable senators, I rise to pay tribute to my colleague and my friend, Richard Neufeld. You know him as a senator but his life in the world of Canadian politics stretches back 40 years, and that's something to be proud of. That long experience in the world of politics and the legislative arena is something this place has richly benefited from during his time here.

He was first elected as an MLA in Peace River North in 1991. He was re-elected three times and for 10 years, from 1991 to 2001, he served as Opposition Whip and critic on several portfolios: Transportation, Agriculture, Aboriginal Affairs, Energy and Mines and Environment, Lands and Parks.

While in government from 2001 to 2009, he served as Minister of Energy, Mines and Petroleum Resources. In that capacity he was responsible for the implementation of two energy plans in British Columbia in 2002 and 2006. Both of these plans were innovative and forward-looking, placing special emphasis on conservation and energy efficiency.

Particularly notable to some of the discussions we are having today is a press release that came across from September 2007 from an energy minister's conference held in Whistler, B.C., which Richard co-chaired along with Gary Lunn, the federal energy minister at that time. I was struck by the spirit of cooperation between the federal minister and provincial minister on the strong environmental focus.

In that press release, he said:

> Both the federal and provincial governments take energy issues very seriously. It's only during these kinds of collaborative meetings that we can share our best practices and work together to find solutions.

The wisdom continued when he was appointed to this place in January 2009 where, as Chair of the Energy, Environment and Natural Resources Committee, he oversaw several extremely important study, in particular, Powering Canada's Territories, which looked at nonrenewable and renewable energy and at emerging technologies in Canada's three northern territories.

On a personal note, it took Richard and me a long time to become friends. We kind of circled each other and met a little bit here and there, but we never really — then, of course, life takes strange turns. For me it was cancer, for him his heart. We took that opportunity to console each other and found out a lot about each other, including some of the past problems we have both shared together and both overcome.

I love Richard Neufeld. He was my friend. I'll miss all those great dinners together and I'm glad Montana has you back. You know what? I'm leaving at the same time. We're both going to miss each other but not from this place.

Anyway, Richard, I wish you the best of luck.

You know, he is the Canadian story. From humble beginnings, he is the Canadian story. From nothing he became an elected member, elected by his peers in his town, elected by his province and became a senator here in Ottawa.

Thank you so much, Richard, for your service to the people of Canada.

Hon. Senators: Hear, hear!

• (1420)

Hon. Donald Neil Plett: Let me start by thanking my colleague across the way, Senator Gold, for allowing me his spot in paying tribute to our friend.

As has already been said, Richard was appointed in January 2009. I was appointed about six months later. Richard has been here since I got here, and he has become not only a friend but a mentor.

I need to apologize to Richard publicly. I have done so privately many times, and he won't forgive me doing it privately, so I will do it publicly. Senators Woo and Martin have talked about travelling with Richard. I didn't travel with Richard a lot, because I'm from Winnipeg and he travelled through to Vancouver. However, we were on the same plane one time when Richard had to go through Winnipeg. Of course, as Air Canada so often is, they were a few hours late. We landed in Winnipeg around midnight. Of course, Richard had missed his plane to Vancouver. I was not the hospitable person I should have been in

Winnipeg. There, I knew my colleague was going to have to spend a night in Winnipeg. I grabbed my luggage and said, "Have a good weekend, Richard" and away I went.

Richard has not let me forget that. I want to publicly apologize to him for not being a better host. Hopefully, one of your trips will bring you through Winnipeg, Richard, and I can correct that.

Richard, Senator Tkachuk briefly mentioned some of the health issues, and even with the health issues that Richard has had, he has made every effort to be here at the risk of his own health. Montana and Richard, thank you. As the whip, that has been a tremendous asset to me.

I want to wish you well. I wish you safety at your age, travelling around on a motorcycle. The saving grace is that it has three wheels, not two. We trust that you will be safe as you travel around. We want to have you around for a while, Richard.

Thank you for your friendship. Thank you for your help to me personally. Thank you for your help to the Conservative cause. God bless you. All the best to you and your family.

Hon. Senators: Hear, hear.

Hon. Grant Mitchell: Honourable senators, Senator Neufeld has many redeeming characteristics. We've heard many of them this afternoon. Perhaps the most important of these characteristics may not be known to most of us, and that is that despite his ardent, frequent and vocal defence of all things British Columbian, he was originally an Albertan, growing up on a farm in southern Alberta. That, of course, speaks to his humility and common sense, except that he actually left Alberta.

Throughout his life in B.C., Senator Neufeld dedicated himself to public service. He was elected mayor of Fort Nelson in 1981, and he held that position for five years. He sat as an MLA in B.C.'s legislature for 18 years, the last eight of which he spent as Minister of Energy. Eight years in a position like that, as demanding and stressful as it would be, and being able to leave, as he did, on his own terms is a clear testimony to his determination, dedication and perhaps most significantly to his competence.

In 2009, he was appointed to the Senate, bringing his career in public service to a total of 33 years.

It is also a testimony to the support of his wife, Montana, that he has been able to sustain a successful political career for that long a period of time. The warmth, pride and the frequency with which he speaks of Montana reflects how much he appreciates her and her role in his life and career. I offer special recognition to Montana for her contribution to his being able to do what he has done for British Columbia and Canada for so long.

Hon. Senators: Hear, hear.

Senator Mitchell: Perhaps my most compelling impression of Senator Neufeld is from my experience as deputy chair of the Standing Senate Committee on Energy, the Environment and Natural Resources when he was the chair. Those were some of the best years of my experience in the Senate. He maintained the objectivity that great chairs bring to that job. He was impeccably fair. He ensured there was always a balanced roster of witnesses, no matter the topic of study or how he might have felt about it.

He rarely questioned my recommendations for witnesses. If he did, it was in good faith and with good judgment. He was not afraid of the other side of issues, nor was he resentful that I was almost always on it. He was highly respectful of his steering committee. He was an exceptional leader and exceptional person to work with.

Senator Neufeld was also always very respectful of the Senate staff who supported the committee, from clerks, to Library of Parliament researchers to any number of assistants and other support staff.

From time to time in this chamber, we witness special and often unforgettable moments. One occurred several months ago when Senator Neufeld rose to speak about being adopted. He spoke in very moving terms of his good fortune, appreciation for the life his parents gave him and for his deep love for them. I expect that had we had the chance to know them, they would have been quick to tell each of us of their good fortune, their appreciation of what he brought to their lives and their deep love for him. I know that they will have been very proud of the life he has led and the contributions he has made.

I am very sorry to see him leave. I will miss his friendship, advice and the quick laughter we shared so often. I appreciate very much, as each of us do here and throughout the country, the contributions you have made to your province, community and your country. Thank you.

Hon. Senators: Hear, hear.

Hon. Pat Duncan: Honourable senators, I rise today as one of the newest members of this chamber and also as Senator Neufeld's neighbour. Wikipedia or Google Maps will tell you that Fort St. John is just a 16-hour drive from Whitehorse. Northerners and Senator Neufeld will tell you it depends on what you drive. What we drive may be different. Senator Neufeld, I look forward to seeing you travel through Yukon on your new motorcycle.

We share service to our respective regions, provincial and territorial legislatures, and service in this chamber.

Honourable senators, I want to thank Senator Neufeld for his service to British Columbians and to all of Canada. I also want to thank him for his warm welcome of me and his collegiality. The love of family that Senator Neufeld and I share in recognition of their sacrifice in our political careers was evident when Senator Neufeld very graciously, with that Northern hospitality and can-do attitude, delivered a care package this weekend to my daughter in Fort St. John. That neighbourly kindness, sentiment and love of the North are just some of the qualities I've come to admire in the short time I've worked with you, Senator Neufeld. I will truly miss your shared understanding of living in Northwestern Canada in the chamber in the coming days.

Thank you and your family for your service to all of Canada.

[*Translation*]

Hon. Percy Mockler: Honourable senators, it's never easy to say goodbye to one of our own.

[*English*]

I have learned in my almost 35 years serving the public that people do not care who we are until they know what we care for. Richard Neufeld, people know whom and why you care. Humble beginnings.

It is not an easy task to talk about Richard Neufeld in three minutes, but I will do my best with the 180 seconds.

Who is Senator Richard Neufeld? First, Richard, I want to say to you that your adopted parents, Peter and Jessie Neufeld, chose a remarkable baby in 1944. Who would have ever thought that you would become a reputable, envied parliamentarian who is finishing an extraordinary political career in the Senate of Canada, retiring in 2019?

British Columbians and Canadians from all walks of life respect you because they trust you. They admire your keen sense of fairness, transparency and your high standard of accountability. It is said you were the go-to guy in B.C.

• (1430)

Richard, there is no doubt in my mind that no one ever predicted, when you were driving your truck up and down the Alaska Highway, making deliveries in the north of Canada, you would become the parliamentarian that you are today in the Senate of Canada.

Richard was a member of the Legislative Assembly of British Columbia from 1991 to 2008. He served as Minister of Energy, Mines and Petroleum Resources from 2001 to 2009. He also served on the Fort Nelson City Council from 1978 to 1986, five of those years as mayor. Richard, you left a remarkable legacy.

The great Wayne Gretzky once said, "I skate to where the puck is going to be, not where it has been." Well, Richard Neufeld, no one will ever deny the fact that you have always skated to where the Freds and Marthas would go for help and advice. You were the guy to go to.

Senator Neufeld, Winston Churchill once said:

> . . . it is better to be both right and consistent. But if you must choose — you must choose to be right.

In my book, you have chosen to be right.

Honourable senators, as a great parliamentarian once said:

> As a legislator, I've always believed in doing what is right, not what is popular. I did not get involved in politics to win a popularity contest. Rather, I've always strived to provide the best leadership possible and defend the interests and rights of Fred and Martha, your everyday Canadians.

Honourable senators, the great statement that I just read was Senator Richard Neufeld himself. Johnny Cash would say — and the song goes — Richard, you've been everywhere, man.

May God bless you and your family for many years to come.

Hon. Senators: Hear, hear.

EXPRESSION OF THANKS

Hon. Richard Neufeld: Thank you very much, colleagues. I think my notes were circulated a little bit because I recognized some of the things that were said in my speech. I will ask for your indulgence so that I can continue through my whole speech because it's for my family. Some day they may want to look at what that crazy old guy was doing and be able to read it.

I rise to say an early farewell. Everyone knows that an election will take place some time in October. As my seventy-fifth birthday falls on November 6, it is doubtful that the chamber will be called before then, so I have decided that before the session ends in a few short weeks, I will say a final goodbye now.

Before I speak about my journey in life and politics, it is appropriate to begin with a few thank yous. First, thank you to the leaders and other senators for their very kind words. I'm deeply touched by your remarks and generous compliments. I would also like to tell you how much I enjoyed my time here and the many friends I have made over the years. I will cherish these friendships and memories for the rest of my life.

I want to thank all the people who make the Senate run like a well-oiled machine. You all know how much I appreciate a well-oiled machine. Thank you to everyone in the administration, from the security officers to the stenographers, the interpreters, the pages, committee clerks, the table officers and everyone else in between, including Lynn Gordon, Maxime Fortin, Sam Banks, Marc LeBlanc and Jesse Good, for their commitment and support when I was Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources.

Of course, I want to thank the people of British Columbia, in particular the residents of northeastern B.C., who I have had the honour and privilege to represent at all three levels of government for almost 40 years.

I would like to personally thank the people who work with me in my office here in Ottawa: Patty Tancorre, who has been with me from day one, and that's 10 full years; Nicole Power, who was my policy adviser from 2013 to 2015 and now lives in Fort McMurray; and Éric Gagnon, who has been with me since 2015. Thank you so much for everything you do. I might add that if anybody is looking for some exceptional people, please keep them in mind.

Over the last 10 years, I have thought many times about how I would deal with the inevitable end of my political career here in the Senate. Sometimes I considered leaving quietly. Other times I thought I would put something on the record. I finally decided to do the latter, and I am sorry to take time away from the Senate's important business.

How do I explain my life in a few precious minutes? I decided after some soul-searching that I would take the time needed but be thoughtful of your time as well. I understand some things I say may not be important to you and I ask that you bear with me.

Indeed, a very special thank you goes to my children, grandchildren and great-grandchildren. Politics isn't always easy and living with a politician has its challenges.

To my kids, I hope you know that every decision, policy, proposal or vote I ever made was always with you in mind. I became a politician because I wanted, in some small way, to make our province and country a better place for you and future generations.

With your indulgence, I would like to put on the record the names of my children, grandchildren and great-grandchildren. They are: Chantel and Elly Chavez, their daughter Faye Horth and her sons Bryson and Rylan West; their son Jessy Ferguson and his son Javion; Nathan and Kendra Neufeld; Ryan and Jolene Currie and their sons Connor and Tristan; and Kathryn Hill and her son Grady, who is here in the gallery today, and daughter Darby.

In particular, I want them — and all Canadians for that matter — to fully understand how important the Senate of Canada is to society as a whole and why we should all be thankful for it. I think it is a vital institution in our parliamentary system and an important part of our democracy.

There's no doubt about it: Democracy in Canada is A-1. Canadians past and present have fought hard for us to live in such a democratic country that protects, defends and values our rights and freedoms.

At times, it may be a bit laborious, but I truly believe we live in the greatest country on earth. Many nations around the world can only dream of enjoying all the things that we have here in Canada.

Democracy as we know it here in Canada was certainly something my parents and grandparents, who immigrated to Canada in 1926, hadn't experienced back in Russia. They reminded me all the time about how lucky we were to live in Canada and the opportunities this provided.

For the first 15 years of my life, our family, which included my older sister Marilyn and my younger sister Connie, lived in a small southern Alberta community with a population of about 200. My parents farmed and had a small mechanical shop in town. My dad, being a farmer and mechanic, had me working in the fields and getting dirty and greasy in the shop at an early age. I will be quite honest with you: I am very much looking forward to having unlimited time in my own shop to work on our antique tractors, cars and motorcycles.

My mother, bless her soul, was what we called the "voice of reason" in our home, and the one who taught us to be humble and kind and be thoughtful and caring towards others. She was "the rock" in our family.

My parents, in many ways, were the inspirations to my Fred and Martha. They worked hard and lived a modest life but always put others before them. They are your average Canadians.

I hope all of my honourable colleagues will always keep in mind Fred and Martha in exercising their duties and in continuing to make Canada the great country that it is.

• (1440)

In 1959, my parents decided to move to Fort St. John in northeastern British Columbia. I was 15 years old. They felt there would be better opportunities for our family there.

It was a difficult move for me. My older sister had already graduated and married. I was used to a small school where grades 9, 10, 11 and 12 were all combined in the same classroom with the same teacher. Fort St. John was a much larger city with larger schools. I was also starting over with no friends. It was difficult at the best of times.

Like many teenagers, I thought I knew it all. I was 15 going on 20. I was, of course, getting much smarter than my parents. At age 16, my dad told me if I had life all figured out, maybe I should go experience it. So with part of a grade 10 education I started my life away from home and never looked back.

It was much more difficult than I had anticipated, although I had some good life-learning experiences. My first job was on a small dairy farm milking cows by hand for my room and board and five bucks a day. I also worked on a ranch tending cattle for about the same remuneration plus my tobacco.

But deep down inside — and this may seem crazy to some of you — my dream was to drive a truck. There were more and more opportunities in the region because the oil and gas industry was booming. Pipelines, processing plants and refineries were being built at a record pace to move product to southern B.C. for domestic use and export to the United States.

It didn't take me much time to secure seasonal work with a large oil and gas, heavy-haul and construction firm in Fort St. John that moved drilling rigs all across the northern parts of B.C., Alberta and the territories. This was seasonal work with long hours and long periods of time away from home. When not working in the oil patch, I found other jobs to keep me employed. This went on for a number of years until I found permanent year-round work with the same construction company.

In 1968, I purchased my first truck, an 18-wheeler equipped for moving heavy equipment and drilling rigs. I was 24 and ecstatic. This probably doesn't mean much to many of you, but my truck and I together were making $16.50 an hour, which essentially takes into account the actual costs of the vehicle, the value of my work and my salary.

In 1972, at the age of 28, the company asked me if I would move further north to Fort Nelson, a community of about 4,000 people, and take over as district manager of their operation, which included a 24-hour truck stop, a truck repair facility and a 24-hour restaurant. My partner and I agreed, so off we went nearly 400 kilometres up the Alaska Highway to Fort Nelson with a one-year-old child. This was supposed to be a five-year endeavour.

I was responsible at times for about 40 pieces of heavy machinery and up to 100 trucks moving rigs and equipment. This was a very busy job with lots of responsibilities including securing work orders, budgeting, invoicing, managing staff and more — all of this in a northern and remote region with some rather difficult terrain and unpredictable weather. Five years eventually turned into 19 memorable and exciting years. As a small remote community with a neighbouring First Nation reserve, everyone worked together and depended on one another.

I eventually quit my job at the construction company and started my own business in 1978 at 34 years of age. It was also around this time that I had my first taste of politics. From 1978 to 1986 I spent time on Fort Nelson's town council, first as a councillor and later as mayor. It was five years later, in 1991, that I was approached by some local residents to secure the nomination for the Social Credit Party of British Columbia, which at the time had governed the province for a number of decades. This, of course, involved moving back to Fort St. John, which I did.

In October of 1991, I was elected as the Member of the Legislative Assembly of British Columbia for Peace River North. I held that constituency until my appointment to the Senate in January of 2009. I spent the first 10 years in opposition as the NDP held government.

During that period, I also defected to the B.C. Reform Party and later to the B.C. Liberals. For those of you who are unfamiliar with B.C. politics — and a lot of people are — the B.C. Liberals are essentially a coalition of left and right of centre members. Don't think for a minute I'm actually a federal Liberal. But I appreciate you very much.

In 2001, I ran for the B.C. Liberals and, thanks to Premier Gordon Campbell's outstanding leadership, we formed government after 10 long and dark years of NDP rule. I was honoured to serve as Minister of Energy, Mines and Petroleum Resources from 2001 to 2008 and was the longest serving minister in this portfolio in B.C.'s history. I enjoyed managing this portfolio profoundly since I now had to manage the industry that I had worked in for most of my life. It was a challenging yet fulfilling position.

The ministry accomplished a lot of things during my time in cabinet, particularly considering the fact that the world of energy was evolving at a rapid pace. I introduced two energy plans, one in 2002 and an updated plan in 2006. These were the first energy plans the province ever had. They were ambitious plans to invigorate the province's energy sector. To my knowledge, both of those energy plans are still in place and have not been changed. I strongly believe that under the leadership of Premier Campbell much was accomplished in B.C. and we are better off for it.

Honourable senators, I honestly think that every politician has a shelf life, so after 18 years as MLA for Peace River North I thought it was time for me to move on to something new and allow for some new blood to represent my region. When I made my decision, I was unsure what lay ahead for me but knew I needed a change of scenery and a change of pace. In September of 2008, I told my premier I would not run for re-election in the upcoming April 2009 election. Premier Campbell was understanding but asked me to stay on as minister until the election. I agreed I would.

As many of you know, when a minister informs the leader of his or her intention not to run again, they are usually replaced by another member who is going to run again, in hopes of increasing their profile leading up to the election. I was surprised and, quite honestly, humbled that Premier Campbell asked me to stay on board.

Then, to my surprise, I received a call from Prime Minister Harper in December of 2008 asking if I would serve as a senator for British Columbia. Many may not believe this, but it was the first time I had ever spoken to Mr. Harper. I was truly honoured to accept and am grateful to the Prime Minister for the trust he bestowed upon me. I want to thank him for that confidence. Little did I know that the work of a senator was as demanding as it is, particularly the travelling to and from Ottawa and constantly living between three time zones.

In fact, I signed my resignation letter as Minister of Energy, Mines and Petroleum Resources and MLA for Peace River North the same day I signed my oath of allegiance as a senator. As far as I know, it was the first time in history that a B.C. senator actually came from anywhere other than the Lower Mainland or southern B.C. I'm from northern B.C. and that reality has always influenced my work whether as an MLA or a senator.

Colleagues, as you can see, my road to the Senate has been a bit unusual. When I look back at my 16-year-old self who thought he had life all figured out, I can't help but think of my parents who I hope are looking down on me with pride. Fifty-eight years later, I can tell you now that I did not have life all figured out and still don't. But I did my best to uphold the values my parents instilled in me, which guided me through my personal and professional lives.

In my view, the moral of my story is: If you set your mind to it, you can achieve great things. I want my kids, grandkids and great-grandkids to always remember that. You have to work hard in life. Things won't be handed to you on a silver platter.

By the time I retire, I will have served in this chamber for 10 years. I leave behind more than 37 years of public life having served — honourably, I hope — at all levels of government. It's hard to believe that the first time my name appeared on a ballot was almost four decades ago. It feels like it was just yesterday I started milking those cows and looking after cattle.

It has truly been a privilege to serve British Columbians in Canada's upper chamber. The Senate of Canada is certainly an incredible place. I know we all feel a great sense of pride and responsibility in serving in this chamber.

• (1450)

As a legislator, I always believed in doing what is right, not what is popular. I did not get involved in politics to win a popularity contest; rather, I've always strived to provide the best leadership possible and defend the interests and rights of Fred and Marthas across the country.

I am grateful for a career that took me to every province and territory. I have had the good fortune of meeting many wonderful Canadians across this beautiful country of ours.

To all the Fred and Marthas and, most importantly, to Peter and Jessie Neufeld, I say thank you. You have inspired me to be better and to do better for Canada.

I've enjoyed my time here very much. I have learned a lot and thoroughly enjoyed the honour I was given to serve as a senator, and I have never — not once — taken it for granted.

I know I will miss my colleagues on all sides of the chamber, many of whom have become great friends. But don't get me wrong; I'm very much looking forward to being back home in beautiful northeastern British Columbia and spending quality time with my wife Montana, our children, grandchildren and great-grandchildren, and our many friends.

Finally, to Montana — the apple of my eye — who is with us in the gallery today: I want to thank you for putting up with me during my journey in politics, most of which was spent away from home and leaving you with all the responsibilities. I am so looking forward to our time together — uninterrupted — going camping with our kids or riding our motorcycle across this beautiful country of ours.

Thank you all very much. It has been an honour to serve.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

TAXPAYERS' OMBUDSMAN

2018-19 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Annual Report 2018-19 of the Taxpayers' Ombudsman, entitled *Breaking Down Barriers to Service*.

INDIGENOUS AND NORTHERN AFFAIRS

LABRADOR INUIT LAND CLAIMS AGREEMENT— 2015-16 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the 2015-16 Annual Report of the Labrador Inuit Land Claims Agreement.

[*English*]

DÉLINE FINAL SELF-GOVERNMENT AGREEMENT— 2016-17 ANNUAL REPORT OF THE IMPLEMENTATION COMMITTEE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Implementation Committee on the Déline Final Self-Government Agreement, April 1, 2016, to March 31, 2017.

DÉLINE FINAL SELF-GOVERNMENT AGREEMENT— 2017-18 ANNUAL REPORT OF THE IMPLEMENTATION COMMITTEE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Implementation Committee on the Déline Final Self-Government Agreement, April 1, 2017, to March 31, 2018.

SAHTU DENE AND METIS COMPREHENSIVE LAND CLAIM AGREEMENT IMPLEMENTATION COMMITTEE— 2017-18 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Implementation Committee of the Sahtu Dene and Metis Comprehensive Land Claim Agreement, April 1, 2017, to March 31, 2018.

ARCTIC

FOURTH REPORT OF SPECIAL COMMITTEE TABLED

Hon. Dennis Glen Patterson: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Special Committee on the Arctic entitled *Northern Lights: A Wake-Up Call for the Future of Canada* and I move that the report be placed on the Orders of the Day for consideration two days hence.

(On motion of Senator Patterson, report placed on the Orders of the Day for consideration two days hence.)

STUDY ON THE IMPACT AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN CANADIAN FOREIGN POLICY AND DIPLOMACY

TWENTY-SIXTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on October 26, 2017, May 28, 2019 and June 6, 2019, the Standing Senate Committee on Foreign Affairs and International Trade deposited with the Clerk of the Senate on June 11, 2019, its twenty-sixth report entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

TWENTIETH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Lillian Eva Dyck, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, June 11, 2019

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

TWENTIETH REPORT

Your committee, to which was referred Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples, has, in obedience to the order of reference of May 16, 2019, examined the said bill and now reports the same without amendment.

Respectfully submitted,

LILLIAN EVA DYCK
Chair

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

Hon. Murray Sinclair: I move that the bill be placed on Orders of the Day for third reading at the next sitting of the Senate.

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 "yeas" have it.

And two honourable senators having risen:

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

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 3:57 p.m.

Call in the senators.

• (1550)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson	Hartling
Bellemare	Joyal
Black (*Ontario*)	Klyne
Boehm	Kutcher
Boniface	LaBoucane-Benson
Bovey	Lankin
Boyer	Lovelace Nicholas
Busson	Marwah
Christmas	McCallum
Cormier	McPhedran
Coyle	Mégie
Dalphond	Mercer

Dasko	Mitchell
Dawson	Miville-Dechêne
Deacon (*Nova Scotia*)	Moncion
Deacon (*Ontario*)	Omidvar
Dean	Pate
Duncan	Petitclerc
Dupuis	Pratte
Dyck	Ravalia
Forest	Ringuette
Francis	Simons
Gagné	Sinclair
Gold	Wetston—49
Harder	

NAYS
THE HONOURABLE SENATORS

Andreychuk	Mockler
Ataullahjan	Neufeld
Batters	Ngo
Boisvenu	Oh
Carignan	Patterson
Dagenais	Plett
Eaton	Poirier
Griffin	Richards
Housakos	Seidman
MacDonald	Smith
Manning	Stewart Olsen
Marshall	Tannas
Martin	Tkachuk
McInnis	Wells—29
McIntyre	

ABSTENTIONS
THE HONOURABLE SENATORS

Bernard	Verner
Greene	Wallin
Saint-Germain	Woo—6

• (1600)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 4-6(2), when a vote is taken on procedural matters during Routine Proceedings, the time allotted for that vote does not go against the time for proceedings, so we now return to Routine Proceedings.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, June 12, 2019, at 4:15 p.m., for the purpose of its study on Bill C-78, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act, even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

INTERGOVERNMENTAL AFFAIRS

PROVINCIAL AND TERRITORIAL CONCERNS ON GOVERNMENT LEGISLATION

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. It concerns an open letter to the Prime Minister regarding Bill C-48 and Bill C-69 from the premiers of New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta and the Northwest Territories. The letter reads in part:

> Our governments are deeply concerned with the federal government's disregard, so far, of the concerns raised by our provinces [and territories] related to these bills. As it stands, the federal government appears indifferent to the economic hardships faced by provinces [and territories]. Immediate action to refine or eliminate these bills is needed to avoid further alienating provinces [and territories] and their citizens and focus on uniting the country in support of Canada's economic prosperity.

Senator Harder, what is the Government of Canada's response to the letter from the premiers? Does your government understand that its approach on these bills is both damaging to our economy and to our national unity?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. He will note, as I'm sure all senators do, that the premiers represent a certain political persuasion and their policy position is one with which we're not unfamiliar.

We have before Parliament the two bills that are described. At various times some if not all of the premiers have indicated that the bills should either be defeated or, in some cases, that the bills be amended or supported. This is part of a policy process that is under way both with respect to this chamber and the other chamber.

The Government of Canada is always welcoming of views expressed by first ministers, but the Government of Canada's first obligation is the interest of the nation.

Senator Smith: I would suggest that this also represents Canadians, no matter what their political stripe.

The Liberal Party platform of the 2015 federal election made repeated mention of working with the provinces and territories. It spoke of respecting provincial jurisdiction, partnering with the provinces and territories and consulting with them. Instead, there has been a top-down, Ottawa-knows-best approach taken by this government on a number of issues.

On Bill C-69, in recent days, we've seen representatives from the government claim that the Senate amendments to this bill were made only on behalf of the oil and gas sector, when it's clear that nine out of ten provinces asked the Senate for significant amendments.

Senator Harder, these provinces are looking for some genuine respect from your government. Why does your government continue to be so dismissive of their concerns? Where is the open and collaborative relationship with the provinces that was promised in the last election?

Senator Harder: Again, I thank the honourable senator for the question. He'll know from the practices of this government for now almost four years that the Prime Minister and his government have sought collaborative relations with the provinces on a number of serious and significant issues. Whether that was climate change and having the framework agreement, or whether that was with respect to Criminal Code amendments or a wide range of infrastructure programs, the job of the Government of Canada is to knit together the federation and to provide that leadership.

There, of course, are times presently and there have been times in the past when the Prime Minister and the Government of Canada have had to move forward without the unanimous support of premiers, but they do that in the national interest.

With respect to the premiers, I suspect a number of them will want to be campaigning in the fall because that's what they said they would do.

NATIONAL REVENUE

CARBON TAX

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I hope that, as the Leader of the Government in the Senate claims, the government will be listening very carefully to provinces that have valid concerns raised by the premiers about Bill C-48 and Bill C-69 as well as the imposition of the Prime Minister's carbon tax.

Provinces are not alone in expressing concerns about the carbon tax. Small businesses across Canada are taking on a greater financial burden under the carbon tax while some large industrial polluters have been given broad exemptions. Recently Minister McKenna announced the details for one of the rebate programs for small businesses. The Canadian Federation of Independent Business noted:

• (1610)

> For the project funding program, small businesses must put up a minimum investment of $80,000 and go through a team of bureaucrats and additional red tape just to qualify.

Senator, why is your government's carbon tax putting a disproportionate burden yet again on small business?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. That is not the view of the government. The view of the government is that it is important to support the transition to a less carbon-intense economy by all sectors, including small- and medium-sized businesses. That is the process that is under way. Surely we should all agree, and certainly this Parliament has adopted the legislation necessary to assist Canadians in the transition to a less carbon-intense economy.

Senator Martin: I think I have said this in the chamber and asked you a number of questions regarding the burden on small businesses.

Another carbon tax rebate program the government has promised to introduce for small business has to do with the purchase of energy-efficient equipment. The minister has not released details of this program, saying they would be made available in June. However, the carbon tax was imposed on local businesses back on April 1.

Senator Harder, the rebates to individuals are about a third lower than advertised by your government. It's easy to see why small businesses are anxious to know about the details of this program that will impact them.

Exactly when will your government provide small businesses with this information?

Senator Harder: The responsible minister will be making an announcement at the appropriate time.

NATURAL RESOURCES

OIL AND GAS INDUSTRY

Hon. Richard Neufeld: Honourable senators, my question is for the Government Leader in the Senate. It concerns the ongoing crisis in Canada's energy sector.

Imperial Oil has delayed the Aspen oil sands project in Alberta, citing uncertainty in the current business environment. It also cut back its crude rail shipments earlier this year.

Oklahoma-based Devon Energy said it's pulling out of our country, selling its Canadian assets. Husky Energy is slowing its capital spending on projects in Western Canada over the next five years. The Enbridge Line 3 replacement has been delayed.

These announcements are all since the beginning of 2019. Senator Harder, what more will it take for the federal government to take the crisis in our energy sector seriously?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I don't want to congratulate him on what I hope is his last question, unless he has enthusiasm for future days ahead. I appreciate his questions. They've always focused on the sector he knows so well.

Let me in my response remind him that the Government of Canada is putting in place legislation — indeed we have Bill C-69 before us with respect — that will put a more predictable and more effective environmental assessment regime in place so that the private sector can respond with greater confidence, that not only will the assessment process be accomplished in a shorter period of time but the projects will actually get built.

Senator Neufeld: Senator Harder, how long will Liberals be blind and deaf to the problems that are happening in Western Canada in the oil and gas industry? You stand up and say the government is going to introduce Bill C-69 and Bill C-48 all, as you say, destined to make the oil and gas industry better.

Have you not heard the voices from Western Canada? Have you not heard the people, all those unemployed people, over 100,000 of them who lost their jobs? Is that just easy for you to glance over and think, oh, it's just 100,000 jobs. When will you actually listen to Albertans and people from Saskatchewan about the problems that they're facing? People are losing their homes. We had a young man actually testify over Bill C-48 who was almost crying. He had to lay off all the people who worked for him. No jobs. He was losing his house and probably the next thing is his family. You stand here and say you're doing something that actually will make it better, yet you're being deaf and blind to those voices coming from Western Canada. When will you finally realize there's a problem in the energy sector?

Some Hon. Senators: Hear, hear!

Senator Harder: I thank the honourable senator for his question. There is nothing in Bill C-48 that will advance or bring to a close a project in Western Canada. Bill C-48 is a bill that we are debating in this chamber with respect to respecting a moratorium in the northwest and is a complementary strategy of the government with respect to overall environment, economic and Indigenous rights that is part of the agenda of moving forward so that we can both build and exploit our energy resources in a responsible fashion and meet the obligations of First Nations and the requirements of a modern environment, respecting the needs for adjustment to the less carbon-intense economy of the future.

[*Translation*]

INFRASTRUCTURE AND COMMUNITIES

INFRASTRUCTURE BANK

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, two years ago, the Senate passed the 2017 budget implementation bill, which proposed the creation of the Canada Infrastructure Bank. I will remind you, colleagues, that the government told us at the time that there was an urgent need to create this bank and that this was the only thing stopping private investors from sinking tons of money into infrastructure in Canada.

However, I was interested to see the bank's financial report from December 31, 2018, which is the latest report available. It says that the bank has no projects under way apart from the loan to the Réseau express métropolitain in Montreal, yet it somehow managed to spend nearly $6 million on compensation and professional fees in just nine months. That's an astronomical amount for administering a single loan.

Senator Harder, why did you tell us the Infrastructure Bank was so urgently needed two years ago, when the only transaction it has carried out is a loan that the government could easily have guaranteed in some other way?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He'll know, because he's attentive, that was the same question asked several months ago by Senator Black. I'll give the same answer: That the bank operates, as the honourable senator will know from the legislation, at arm's length from the government and engages in its work according to the legal definitions and strictures that were adopted by this chamber.

The bank is an important complement to the infrastructure program of the Government of Canada and is one that the Government of Canada is proud of.

[*Translation*]

Senator Carignan: In 2016, ministers Sohi and Morneau told us that they had met with many Canadian and foreign institutional investors to discuss their participation in infrastructure projects in Canada. The creation of the Infrastructure Bank was supposed to help direct those investments.

In the two years since it was formed, the bank hasn't developed any such partnerships. Leader, where did those private investors go? Did your government scare them away, or is it that they never existed in the first place?

[*English*]

Senator Harder: I thank the honourable senator for his question. I will take note of the question and, as I said, this is a bank that operates at arm's length, but I will bring it to the attention of the appropriate minister.

TRANSPORT

INTERNATIONAL CIVIL AVIATION ORGANIZATION CONFERENCE—TAIWAN

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

Senator Harder, the 40th Assembly of the International Civil Aviation Organization will be taking place at its headquarters in Montreal from September 24 to October 4, 2019. As you know, the triennial assembly provides an opportunity for delegations from around the world to approve a budget, improve aviation standards and discuss new critical safety procedures.

Member of ICAO, dozens UN agencies, NGOs, expert observer guests, non-governmental organizations and international institutions are invited to attend. However, one important member of the international community was excluded at the last assembly in 2016, that being Taiwan. Can you tell us if Canada will support Taiwan's direct participation in the upcoming fortieth Assembly of the International Civil Aviation Organization and submit a formal request to the ICAO president and secretary general supporting their involvement as an indispensable partner in the global aviation community?

• (1620)

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for the question. He will know that there are a number of international organizations, the participation in which by Taiwan is a matter that the Government of Canada supports. There are others which the Government of Canada does not.

Let me reference the question and seek guidance as to what position the upcoming ICAO meetings are being held.

Senator Ngo: Thank you, Senator Harder. I believe that Canada must do all it can to support Taiwan's inclusion, since aviation safety transcends international borders.

During the last assembly in 2016, Canada failed to uphold its own policy to support Taiwan's involvement when its participation is indispensable. At that time, Canada stood idle during the exclusion of Taiwanese journalists from covering the assembly proceedings, including one Canadian reporter.

Will the Canadian government take steps to raise this issue with the ICAO president and general secretary and stress that any threat to freedom of expression and the exclusion of journalists will not be tolerated on Canadian ground?

Senator Harder: Again, I'll add that to my inquiry.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

SOCIAL MEDIA

Hon. Leo Housakos: Senator Harder, yesterday I asked you about your government's statement to shut down the social media platform Twitter in the lead-up to the upcoming federal election. You refused to answer and simply said that it was preposterous. I note you didn't say the threat to do so by your government was preposterous but that my question was preposterous, as if I had nothing on which to base it.

I'll try again. Last week the Minister of Democratic Institutions, Karina Gould, was asked in a scrum what she would do to Twitter if they failed to register online election advertisers. One reporter asked, "What can you do? Can you shut down the signal?" To which the honourable minister responded, "Well, it remains to be seen . . . ."

That's pretty clear, Senator Harder. Your government would consider joining the ranks of countries like China, Iran and North Korea in shutting down Twitter. Your government claims that diversity is our strength, yet it can't even tolerate an opinion different from its own.

My question to you is simple: Instead of being offended by the questions I'm asking, why aren't you more offended by the lengths to which your government will go to shut down opposing views in the country? How far will your government go to shut down opposing views?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Clearly, the question that is referenced with respect to Minister Gould is one where she was asked about the enforcement of existing election law. The minister appropriately responded that the Government of Canada would take steps to ensure the integrity of the election law was respected by all platforms.

Senator Housakos: Government leader, we have Elections Canada, which is an arm's-length organization that has an obligation to enforce the law. It's not up to the government to be sticking its nose where it doesn't belong. Allow the ministry of justice to do its work, allow Elections Canada to do its work and have the government focus on its own work.

ENVIRONMENT AND CLIMATE CHANGE

SINGLE-USE PLASTICS

Hon. Leo Housakos: Honourable senators, yesterday, the government announced it will impose a ban on single-use plastics. Or was it a ban on drinking box, water bottle sorts of things? We are still trying to figure it out on this side. Why, then,

just one day prior to telling a gathering at the World Economic Forum in Davos that Canada would use its G7 presidency to get other nations to commit to reducing or phasing out single-use plastics, did your government give $35 million of taxpayer money just a few months ago to a chemical company that makes plastic resins? Talk about hypocrisy.

Some Hon. Senators: It's convenient.

Hon. Peter Harder (Government Representative in the Senate): Let me thank the honourable senator for the question. I will obviously take under advisement to get the briefing with respect to the particular events that he is describing.

Let me say that the Government of Canada's announcement with respect to plastics is one that ought to be embraced by all Canadians. It is consistent with the direction of liberal democracies and our G7 partners, and commitments made at the G7 summit in Canada last year. It is one that will take place in concert with other countries that are supporting this initiative.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, we will stay on the topic of plastic.

As my colleague Senator Housakos said, the Prime Minister announced yesterday that he intends to pass legislation to ban single-use plastics, at a time when the Parliamentary cafeterias just replaced reusable utensils with plastic ones. This smacks of electioneering.

Worse yet, it is going to take two years to identify these plastics, when a simple phone call would suffice to get a list of single-use plastics and take action immediately, instead of promising to do so in 2021.

Leader of the Government in the Senate, can you tell us whether the Prime Minister will let us know before the election how much this promise will cost Canadians and Canadian companies? Or is he just going to try to ride this irresponsible announcement to re-election?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I am tempted to say he's grasping at straws, but that would be too easy.

What I can say is that the transition to which the government is committed is one that will take place in a phased-in period over a number of years, with appropriate consultations.

[*Translation*]

Hon. Claude Carignan: My question is also for the Leader of the Government in the Senate and has to do with plastic, as well. We learned through social media — and I want to make sure this isn't fake news — that the Prime Minister was spending $300 a month on bottled water at his residence.

Can the Leader of the Government in the Senate confirm that that is the correct amount?

[*English*]

Senator Harder: I thank the honourable senator for the question. Let me take it on notice.

QUESTION OF PRIVILEGE

QUESTION DEFERRED

Hon. Dennis Glen Patterson: Honourable senators, I rise today to raise a question of privilege in relation to events that transpired today at the Standing Senate Committee on Aboriginal Peoples.

I must tell you, honourable colleagues, that I take no joy in this. I rise today with a heavy heart to express great umbrage and to seek relief about actions taken which I think clearly violated my parliamentary privileges at committee this morning.

I say I rise with a heavy heart because, as I told my committee colleagues this morning, I think we've worked together in my 10 years on this committee — and I was privileged to have been chair for a while and served as deputy chair with Senator Dyck — I think we've done good work on very difficult issues, but we've done so, in my time so far, respectfully.

Hon. Murray Sinclair: On a point of order.

Senator Tkachuk: Sit down!

Senator Sinclair: On a point of order, we have received no notice of a question of privilege being raised today. The events that Senator Patterson is going to refer to occurred more than three hours ago. He had plenty of time to draft a written complaint about the question of privilege, to file it with the Clerk and have it distributed so we could consider what he's going to say and prepare a response. A great deal of events occurred at the meeting this morning that I think we have the right to have a chance to consider before we respond.

I'd like to say it's out of order for him to raise a question of privilege without giving us notice. He can raise his question of privilege tomorrow, having had an opportunity to prepare his document.

The Hon. the Speaker: Honourable senators will know from a previous question of privilege that pursuant to rule 13-4, if the question of privilege arises between the time of an event and the opening of our session for the day, the rule allows for some flexibility in hearing the question of privilege, particularly if it's not within the prescribed three-hour notice.

• (1630)

In this case, we will hear from Senator Patterson.

Senator Patterson: Thank you, Your Honour. I would appreciate the chance to address that point. I intend to address that point in my point of privilege, the point about not being able to give written notice. Thank you, honourable colleagues.

I must begin by stating that in my short time in the Senate — 10 years — and especially in this committee, I have never witnessed actions like I witnessed today. What happened today in the committee was that on seven occasions, my ability to speak on the amendments that I was proposing in relation to private member's Bill C-262 was interrupted and arbitrarily cut off by the chair and the majority of members on the committee.

On a motion proposed by Senator Sinclair, the very first time I spoke to Bill C-262 in clause by clause and proposed an amendment on clause 2 — I think it was an important amendment — the committee cut me off in the middle of my remarks and moved straight to a vote.

By another motion of the committee, all of the amendments I proposed — there were seven of them, and there were other amendments proposed by another member of the committee — were limited to no more than five minutes of debate, in total. These five minutes included both the time I had to move the amendment, to speak on the amendment, and all the other time allotted to all other senators to speak.

What was so bizarre about the entire episode was that Senator Sinclair was himself on the speaking list to speak on my additional amendment. Then, nevertheless, in the middle of my remarks, he called the question and moved to cut me off in the middle of those remarks. I would have wanted to have heard what he had to say, and I think the record should have reflected those view points even though they may well have been different. But I think Senator Sinclair, whom I greatly respect, evidently believed that we would not finish debate on Bill C-262 and decided that all debate would then be cut off with a five-minute guillotine.

On this I must quote from the *Rules of the Senate*, specifically rule 12-20(4) which states:

> No Senate committee shall adopt procedures inconsistent with the Rules or practices of the Senate.

I respectfully submit, Your Honour, that the committee improperly voted and passed on a motion to limit debate to five minutes per amendment submitted on private member's Bill C-262 in contravention of this rule. This is, I believe, clearly against the *Rules of the Senate.* This action constitutes, in my submission, de facto time allocation of debate in committee.

Time allocation of a committee procedure is allowed in the Senate — it is outlined in rule 7 of the *Rules of the Senate* — but time allocation, I submit, is always a decision of the Senate and not a decision of the committee. I submit that this means the committee has no authority to impose de facto time allocation or timelines on debate at any time.

I made a point of order to that effect that was overruled by the chair, more than once actually, as I recall.

I don't think the committee has authority to impose de facto time allocation or timelines on debate at any time. It certainly should not do so in the middle of a senator's remarks. That's exactly what the committee did, interrupting me when I was speaking to the amendment and calling the question before I had finished my brief explanation and defence of the amendments I had prepared.

I submit this action taken by the committee is a violation of my privilege as a senator, and, indeed, of the privilege of all senators on the committee. I never was once able to complete my remarks to explain the amendments I proposed in committee this morning which, in some cases, were complex.

A second question of privilege relates to my ability to participate in debate. My right to speak on debate in the committee was repeatedly denied. In my view, illegally limiting debate on amendments in the committee to no more than five minutes per amendment left me with only very limited opportunity to speak either on the bill or, indeed, on any amendment. That includes the amendments which I moved as well as the amendments moved by another senator.

By inappropriately limiting the debate time to five minutes, each senator on the committee — and there are 15 members on that committee — who wished to speak was theoretically given about 20 seconds — 20 seconds — to speak on each amendment. In practice, given the time that was needed to move and properly explain each amendment, I had virtually no time at all to speak on the amendments.

Let me be clear, Your Honour. I submit that the transcripts will clearly show that I was speaking directly to the amendments I proposed. They were not trivial amendments. They addressed what many witnesses stated were flaws, ambiguities, lack of clarity and even questioning the very constitutionality of the bill.

It was that speech, respectful and carefully considered ways to address flaws in the bill, that I was addressing as we examined Bill C-91 earlier in the committee, but I was refused the chance to speak.

I would respectfully ask, Your Honour, that you rule that the bill be sent back to the committee to ensure it has proper consideration and that proper time is allowed to all senators to speak on the bill. This is the only remedy that is open to us. Given the extraordinary circumstances we are confronted with, I believe that we have no option but to send the bill back to the committee so we can do a thorough job.

Colleagues, I believe this is a grave and serious breach of Senate rules and practices. All senators need to understand that if this breach is permitted to stand, it risks being repeated by other committees. I'm also the critic on two very important government bills still before the Aboriginal Peoples Committee, Bill C-91, Indigenous languages; and Bill C-92 on Indigenous child welfare. I have amendments to propose. Will these severe procedures also be imposed on me when I bring other amendments and try to explain them to the committee and to the listening public who are very interested in Bill C-262, Bill C-91 and Bill C-92?

I ask senators to recognize that the violation of the privilege of any senator can subsequently become the violation of the privilege of any and all senators. Such a breach obstructed my ability to discharge my duty at committee and especially my duty as the designated critic for the official opposition on Bill C-262.

I submit this is a most serious matter. I submit it's a violation of Senate rules. I would like to quickly go over the grounds, Your Honour.

Four basic conditions are required for a question of privilege. First, a senator must raise the question of privilege at the earliest opportunity.

The Aboriginal Committee met this morning and sat past its allotted time. De facto time allocation was improperly imposed at that committee. This is the first time that I'm able to raise this matter that occurred in the committee, which concluded after 11 a.m.

Second, the matter that is raised must directly concern the privilege of a senator. In this case, my ability to debate at committee was totally and completely improperly denied. Surely the ability to speak to a matter properly on the committee agenda is a fundamental parliamentary privilege.

Third, the matter of privilege must seek a genuine remedy. That remedy must be in the power of the Senate to provide.

• (1640)

As stated, I respectfully recommend that Bill C-262 be sent back to the committee to allow us to fully debate the bill and any amendments that are proposed. I believe there were only about nine in total that we tried to move this morning, Your Honour, to give you an idea of the scope of the work. But that was rendered impossible by the improper action taken by the committee and the chair.

And finally, I recommend that a matter be raised to correct a grave and serious breach. The denial of my ability to debate was an obstruction of my ability to discharge my duty at committee, and that is a grave and serious breach. Surely the Senate of Canada does not stand for only hearing one side of any matter under consideration in a committee or, indeed, in this chamber.

I know that while normally written notice is required on such a question of privilege, as I've explained, since we sat this morning past 11 a.m. and there were a number of votes, I couldn't leave the committee. I didn't want to leave the committee. This was not possible.

In closing, let me express some final concern about this matter. Of course, this is an important bill to many people. In speaking to the bill on second reading, I expressed my hope that our consideration of the bill would hear all viewpoints in a balanced way and we would, of course, hear from witnesses who passionately supported the bill, but also those who had criticisms and serious questions as well. Surely, no one should say that only witnesses who support a bill and only senators who submit friendly amendments should have the right to be heard.

It's not a flawless bill, in my opinion, Your Honour. I don't think it reflects at all well on the Senate and on our reputation for thorough study of all angles of a bill, for being the chamber for sober second thought, that the critic of the bill for the official opposition should have been muzzled and disrespected, as happened this morning.

On a lighter note, Your Honour, some of our newer colleagues in this place may not know of our dear former colleague Senator George Baker. Senator Baker often reminded us of the importance of our debate, how often our debates are quoted in judgments by judges trying to determine the intent of Parliament and the rationale for making or not making amendments.

This is an urgent matter, Your Honour. These are the closing weeks of our session, I understand. I would respectfully ask you to rule on this matter as soon as possible. Thank you.

The Hon. the Speaker: Senator Sinclair.

Senator Sinclair: I don't know if the chair or any other member of the committee wishes to respond, so I will respond briefly.

One of the principles of committee work I've always been aware of is that committees are masters of their own procedure. Senator Runciman, when he was here, ran the Legal Affairs Committee with a pretty tight hand when it came to allocating time to senators to ask questions and make comments, and I always respected that. I always thought it was an important way for us to get through the heavy work we were all called upon to do during those committee proceedings.

I want to begin by again saying that we had no notice, so this response is based upon what I anticipated Senator Patterson would raise. I want to point out a few things in response to the things that he said.

First, he said that he didn't have an opportunity to respond or to make presentations with regard to the amendments that he had. He had five minutes. He had the time that he was allocated in order to speak to his amendments. He obviously wanted more time. If he had been given more time, I think we'd probably still be sitting there talking about his amendment number 2, because it was only after he had spoken for 20 minutes on his first amendment that the chair then intervened and advised he was taking too much time.

I want to point out for the record that the committee had decided, because of the direction from the steering committee, that four days would be allocated to the consideration of Bill C-262, and then on the fourth day we would go through it clause by clause. In addition, we had been given no notice of any prior amendments that were being considered by the Conservatives for the debate, and today was the fourth day for the committee to be considering the bill in question.

Obviously, as well, we were limited by the time that we were allocated for today because despite the chair's efforts to try to get permission to sit during the time the Senate was sitting, and to seek other times for the committee to sit, leave was denied by

members opposite. We also pointed out that therefore that limited our time available to consider not only this particular bill but also Bill C-91 and Bill C-92, which we also have to consider.

When Senator Patterson was taking 20 minutes to get partway through his first amendment — and I acknowledge that he never got through all of it — it was at that point that the chair then said to him that he needed to wrap things up.

Following that, a motion was made at the committee by Senator Christmas, which was voted upon, advising that from that point forward all amendments would be limited to five minutes of debate and presentation by each senator who was speaking to an amendment. The chair then allocated five minutes to the presenter for the amendment, and that's how we proceeded.

It seems to me that any of the amendments that were presented could easily have been explained in the time allocated because the amendments were not that complicated, despite what Senator Patterson is asserting.

The question of whether this was a matter of privilege was raised by Senator Patterson, by Senator Tkachuk as well and others.

The Hon. the Speaker: Senator Sinclair, we have a senator rising on a point of order.

Hon. Nicole Eaton: Senator Sinclair, it was very clear this morning that one of us asked for an explanation of the five minutes, and it was explained to us that five minutes had to include —

The Hon. the Speaker: I'm sorry. Unless you're raising a point of order pertaining to something Senator Sinclair has said, explaining what went on in the committee is not a point of order.

Senator Eaton: I think he's misleading in what he is saying. That's why I raised the point of order.

The Hon. the Speaker: What I would recommend then, Senator Eaton, is that you enter into debate following Senator Sinclair's remarks.

Senator Sinclair: I did say that the chair did rule that five minutes would be allowed for the presentation of the amendment.

The chair was also asked to rule on numerous points of order, and questions of privilege were also raised and referenced in the course of debate. I would point out that points of order were raised at the committee with regard to the time allocation, among other things. The chair ruled and the rulings were challenged by Senator Tkachuk. The challenges were then upheld by the committee. So the committee had an opportunity to consider all of the points of order raised by the members of the Conservative Party and also to consider the issue of privilege as referenced in the course of debate at that time. There was plenty of opportunity for this issue to be considered adequately.

Your Honour, the question of whether you have the authority to send the bill back to committee for further consideration, as is the remedy being sought by Senator Patterson, is a matter I will leave for your consideration. I don't know of any precedent that allows for that, but I think Your Honour's jurisdiction on a question of privilege is to determine whether there is a prima facie case and then to leave it for the Senate to make a determination on the remedy. Your Honour's determination will be influenced by whether or not the remedy being sought is a reasonable remedy, I assume. Therefore, ultimately it will be a decision for the chamber itself to make and the members of this chamber.

I do point out, though, that this question of privilege could have been raised. I think it was adequately dealt with. I think given the time constraints that were being imposed upon the committee for consideration of Bill C-262, considering the fact that Senator Patterson and others who were bringing forward amendments were clearly trying to eat up the time of the committee in order to debate their amendments, and not allow for further debate to be granted to the committee, and considering the fact we only had two hours to complete our entire business with regard to Bill C-262, I think the way the committee decided to proceed this morning was eminently reasonable. Thank you.

• (1650)

Senator Eaton: Your Honour, I would like to clarify. When Senator Sinclair was asked whether five minutes would apply to everyone, to each person, he said "no." It was Senator Christmas who made the original motion to limit the time to five minutes. We were told, very clearly, that five minutes had to include everyone who wanted to speak to the amendment.

If you read Senator Patterson's amendments, you will see he goes to great lengths to give some background and research. He quotes from the witnesses. This was cut off.

The second thing that we were not allowed to do is that we could not extend the five-minute time limit. Several people asked, Senator Tkachuk amongst others, whether we could ask the officials — there were three government officials there — for explanations as to the constitutionality of some of the amendments on some of the clauses. We were also denied that.

I want to make it very clear that five minutes was the limit to the six of us being able to ask questions or talk about the amendment. Thank you.

Hon. Scott Tannas: Thank you, honourable senators. I rise today in support of Senator Patterson's question of privilege.

As the deputy chair of the Aboriginal Peoples Committee, I was at the committee meeting this morning and witnessed the chair and other senators breach the privilege of Senator Patterson and the rest of the Conservative senators.

As Senator Patterson highlights, section 12-20(4) of the *Rules of the Senate* reads:

> No Senate committee shall adopt procedures inconsistent with the Rules or practices of the Senate.

However, this morning the committee voted and passed a motion to limit debate to five minutes per amendment. This is a de facto time allocation of debate in committee.

Time allocation of a committee procedure is outlined in Chapter Seven of the *Rules of the Senate*.

Time allocation is always a decision of the Senate and not a decision of the committee itself. Therefore, the committee has no authority to impose timelines on debate without a decision from the Senate.

As a critic of the bill, Senator Patterson has a right to raise concerns, present amendments and defend those amendments. In fact, it is his right to do so. It was under the auspices of this time allocation that the chair cut the senator off.

A second issue of privilege that occurred this morning concerns the fact that our committee sat past 11 a.m. dealing with a private member's bill. But the first order of business this morning was to reorder the agenda that had been published such that we would deal with a private member's bill first before we dealt with a government bill. In this case, clause-by-clause consideration of Bill C-91 had actually begun last week and was not completed. In other words, we interrupted the consideration of government business to discuss a private member's bill. In addition to Bill C-91, a second government bill, Bill C-92, was referred to the committee last night.

Section 4-13(1), reads:

> Except as otherwise provided, Government Business shall have priority over all other business before the Senate.

Your Honour, the rules are clear. Government business takes priority in the Senate, yet this morning the Aboriginal Peoples Committee allowed a private member's bill to move before two separate pieces of government legislation.

Your Honour, for this to be considered a breach of privilege it must meet the four basic conditions. I believe that the proceedings at the committee this morning met each of these conditions, and I will explain why.

First, it must be raised at the earliest opportunity. As Senator Patterson said, the Aboriginal Peoples Committee met this morning and sat past 11 a.m.

This is the earliest possible opportunity and also explains why we were not able to provide written notice for the breach of privilege.

Second, the matter directly concerns the privilege of a senator. At the Aboriginal Peoples Committee this morning, my ability and other senators' abilities to ask questions of witnesses were denied. The committee chair repeatedly shut down debate on amendments, which is unprecedented in my experience. It limited the time for Conservative senators to speak to the amendments to an aggregate of just five minutes. In all but one case, the time restriction voted on and imposed prevented any other senator from speaking other than the senator proposing the amendment. As Senator Patterson said, on seven of those occasions he never got to finish his presentation on the amendment.

Third, that the matter is raised to seek a genuine remedy that is in the power of the Senate to provide.

I am prepared to move a motion that Bill C-262 be sent back to committee to allow others and me to fully debate the bill and receive the answers to my questions and others' questions from Department of Justice officials who, by the way, sat through the entire meeting unable to answer any questions because we were not allowed to ask them any questions.

Fourth, the matter "be raised to correct a grave and serious breach." Denial of our ability to debate was an obstruction of all senators' abilities to discharge our duties at committee.

As senators, our most fundamental duty is to debate legislation, to ask questions, to weigh the implications and to make judgments based on what we were told. My ability to fulfill this role and indeed all senators this morning was denied. The denial of this fundamental rule is as grave and serious a breach as there can be.

Senator Sinclair mentioned that somehow this whole program was devised to make up for time that came as a result of Conservatives not giving leave for extra meetings or times or that Conservatives would eat up time at committee with their pesky amendments.

All of these things are within the Rules. Your Honour, depending on what you consider here, it appears that the justification for breaking the Rules is because somebody didn't like the Rules and those were who were following the Rules. This is a very slippery slope. Some of us are young enough that we will be here when there is a different majority someday in this place. Some will remember a day like today. For a moment, I thought I was in the Kremlin.

Some Hon. Senators: Oh, oh.

Senator Tannas: I will leave it there, Your Honour. Thank you.

Hon. Dan Christmas: Your Honour, it is correct I was the senator who moved the motion to limit debate to five minutes per amendment. I would like to provide the context of why that motion was introduced and passed by the committee.

As you may be aware, Bill C-262 has been before the Senate for some time now. On at least three occasions we tried to allow the bill to go to the Senate committee for study as early as February and March. During those times, there were different delays and tactics, and we didn't get the bill to committee until the end of May.

So we made a work plan within the committee. We established four meetings. The critic requested four to six meetings. We agreed on four. As was mentioned earlier, today was the fourth meeting.

We began to recognize that the likelihood of getting leave from the Senate to have additional time to deal with Bill C-262, Bill C-91 and Bill C-92 was extremely limited. When we arrived at committee this morning, we had two items on the agenda — clause-by-clause consideration on Bill C-91 and Bill C-262. So we put a motion on the floor and asked to reorder the agenda to allow us to deal with Bill C-262.

We started clause-by-clause consideration on Bill C-262. There were at least seven amendments introduced by the Conservatives. The first amendment took more than 20 minutes. We realized at that time that if we continued at that rate we would never complete a review of Bill C-262. It was our belief that if we didn't complete a review of Bill C-262 within the two-hour time limit that we would not have another opportunity to do so. At that point, Your Honour, I introduced a motion to limit the debate to five minutes per amendment. That was duly passed by the committee, and we proceeded that way.

• (1700)

I'm not a master of the Rules, but it was my understanding from the advice we received that we were operating within the Rules that govern the committee.

So I submit, Your Honour, that we have abided by the Rules, and the context we were operating under necessitated that motion and enabled us to complete the clause-by-clause consideration of Bill C-262 within that time period.

Hon. Thomas J. McInnis: Honourable senators, I rise to speak today in support of Senator Patterson's question of privilege. I believe that the proceedings at this morning's Aboriginal Peoples Committee constituted a breach of his privilege as well as that of the rest of the Conservative senators at the committee.

As was referenced already, rule 12-20(4) of the *Rules of the Senate* read that:

> No Senate committee shall adopt procedures inconsistent with the Rules or practices of the Senate.

However, this morning, the committee voted on and passed a motion to limit debate to five minutes per amendment. Setting aside the fact that five minutes is far too short a period of time to consider issues with the magnitude of those in Bill C-262, the very idea of limiting debate in this fashion is contrary to the *Rules of the Senate*. As was mentioned, this is de facto time allocation of debate in committee.

Time allocation of a committee procedure is outlined under chapter 7 of the Senate rules. Time allocation is always a decision of the Senate and not a decision of the committee itself. Therefore, the committee has no authority to impose timelines on debate without a decision from the Senate.

Your Honour, as you know, for this to be considered a breach of privilege, it must meet four basic conditions. I believe that the proceedings of the Standing Senate Committee on Aboriginal Peoples this morning meet each of those conditions, and I will explain why.

First, the matter must be raised at the earliest opportunity. The Aboriginal Peoples Committee met this morning and sat past 11 a.m. This is the earliest possible opportunity, and it also explains why I was unable to provide written notice for the breach of privilege.

Second, that the matter directly concerns the privilege of a senator. This morning at the Aboriginal Peoples Committee, my ability to debate amendments and to ask questions of witnesses was denied. The committee chair repeatedly shut down debate on amendments, which is unprecedented in my experience, and limited the time for Conservative senators to speak to the amendments to just five minutes.

Hon. Lucie Moncion: On a point of order, the senator is repeating what Senator Tannas just said.

The Hon. the Speaker: Honourable senators will know that, pursuant to rule 2-5(1), the Speaker can take as much time as the Speaker feels is appropriate in order to hear debate on any point of order or question of privilege. After a certain amount of repetition, I have said in the past "I think I've heard enough on this," but so far, I think I will continue.

Senator McInnis: Thank you, Your Honour. These points are very serious and have to be reinforced, with respect.

In my particular case, I had several serious and legitimate questions about the constitutional implications of passing this bill without consulting the provinces and territories. Officials from the Department of Justice had been invited to the committee for the purpose of answering technical questions that senators may have had. I asked the chair to allow me to direct my questions to the witnesses, who were sitting right at the head of the table, but each time I did so, she ruled that my questions were out of order. Imagine that — that we would involve the provinces and territories with respect to constitutional matters that may have an effect on section 35 of the Constitution. Imagine. What did we invite the witnesses for?

When senators are blocked from asking clarifying technical questions of officials and are instead told we need to vote immediately, I believe it is a clear breach of my privilege as a senator.

Third, the matter is raised to seek a genuine remedy that is within the power of the Senate to provide. I am prepared, as is Senator Tannas, to move a motion that Bill C-262 be sent back to the committee to allow me to fully debate the bill and receive answers to my questions from the Justice officials.

Fourth, that the matter be raised to correct a grave and serious breach. The denial of my ability to debate was an obstruction of my ability to discharge my duty at committee. As senators, our most fundamental duty is to debate legislation, to ask questions, to weigh the implications and to make judgments based on what we are told. My ability to fulfill this role, as well as the ability of the senators at the committee this morning, was denied. The denial of this fundamental role is as grave and serious a breach as can be.

Your Honour, thank you for this opportunity to speak on this important matter. I trust that you will deliberate and rule on this matter at the earliest possible time.

The Hon. the Speaker: Honourable senators will know that when the Speaker stands, senators will take their seats.

I will to continue with the debate. However, I would just ask honourable senators to comment on the point of privilege that was raised by Senator Patterson. Senator McInnis was almost to the point where he was raising a point of privilege himself, which

is fair enough, but if you have comments that pertain to you that you think are relevant to the point of privilege that was raised by Senator Patterson, by all means raise them, but raise them in that context, not in the context of raising another separate, independent point of privilege.

Hon. Pamela Wallin: Your Honour, I have a few brief comments. They are larger and more general points.

I think Senator Downe has raised this issue by way of an inquiry, and none of us will probably have a chance to speak on that, given the other agenda items. For those of us who have been around for a while, I think we are increasingly seeing the time pressure on all of us, whether in this chamber or in the committee process, to deal with highly complicated — in some cases, profound — legislation that is going to change the laws of our country or our country. This deserves all of the time and attention we can possibly give to it.

It's not just this matter; we've seen it in other committees. When you get a bill like Bill C-69 with more than 200 amendments, this stuff takes time. I feel that this has been increasing over time since I have arrived here. We're getting more bills, more complicated bills and we're getting them later in the process. This is June, and pieces of legislation that we haven't seen before are being put before us and committees. We've got, in this particular case, a question of looking seriously at the constitutional implications of inserting a UN declaration into Canadian law. That is, in my mind, a profound question.

So we should not, in any situation, here or in committees, be putting ourselves in this kind of difficult position and undermining our own raison d'être. If I understood the comments earlier, there was an agreement to study this in four days and to do clause-by-clause consideration on the fourth day; is that correct? I'm not sure I got the timing right. That is a very limited time to do this.

We are not bound in this place by election timetables or anybody's timetables, or the fact that a senator is retiring or leaving and wants a piece of legislation dealt with. That's not our job. Our job is to subject everything that comes before us to serious scrutiny, and we can't be pressured by timetables that don't really have anything to do with us and our need to impose some consideration on this.

• (1710)

I want to echo Senator Tannas's point about how we must be extremely careful in this place about the precedents we set with our behaviour and our decisions in committee. Some of us have been around and have experienced being in minorities, small minorities and then majorities, and your perspective changes. If you haven't experienced that other chair, it's very difficult to understand what it does to your rights and privileges as a senator here. Some of us sat on committees where our rights were challenged on a daily basis by the actions of other members of the committee.

I plead with us all, and with you, Your Honour, to take into account that we have to be aware of what we are doing to ourselves by agreeing to these, in some cases, unrealistic timetables to deal with important pieces of legislation.

Thank you.

The Hon. the Speaker: Honourable senators, as I mentioned, pursuant to rule 2-5(1), the Speaker can entertain debate on a matter of privilege or point of order for as long as the Speaker feels appropriate.

As well, pursuant to rule 13-5(2) as well as a ruling of a previous Speaker in 2012, which can be found, I believe, at page 243 of *Senate Procedure in Practice*, the Speaker can, as well, defer any further debate on a matter of a question of privilege or a point of order until the end of Orders of the Day, or 8 p.m., whichever comes first.

I'm going to defer the matter now until the end of Orders of the Day or 8 p.m. so that I can hear from the long list of other senators who wish to speak. This will hopefully give you time to review what already has been said to avoid unnecessary repetition and help you keep comments as brief as possible.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of the thirty-second report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, with amendments and observations), followed by the thirty-fifth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act, with amendments and observations), followed by second reading of Bill C-93, followed by third reading of Bill C-48, followed by all remaining items in the order that they appear on the Order Paper.

CRIMINAL CODE
YOUTH CRIMINAL JUSTICE ACT

THIRTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirty-second report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, with amendments and observations), presented in the Senate on June 4, 2019.

Hon. Serge Joyal moved the adoption of the report.

He said: Honourable senators, I listened to the debate that took place before I stood up before you to move the thirty-second report of the Standing Senate Committee on Legal and Constitutional Affairs. I was thinking of the complexity of Bill C-75. I hold it here in my hand. Honourable senators, it contains 406 clauses. I look at Senator Patterson. It's more than half of the clauses of the Criminal Code. This is the Criminal Code, honourable senators, the most complex statute on Canadian statute shelves, and this bill amends the Criminal Code with 406 clauses.

You can imagine that your Standing Senate Committee on Legal and Constitutional Affairs, which has been tasked to study this bill, I cannot but thank the vice-chairs of the committee, Senator Dupuis and Senator Boisvenu, and all the senators on the committee. I have the impression, as chair of the committee, of being the moderator of the legal seminar of a law faculty in any university in Canada because, of course, there is not a single statute in Canadian law that is more complex and more difficult to connect with all its implications, because each clause refers to a number of other clauses that are all intertwined.

When a bill amends subparagraph (i)(e) of subparagraph (e) of clause 406(17), you might understand that just finding that in the Criminal Code, where it stands and in which context it takes place in the code is a very difficult operation and exercise.

Your committee was tasked with reviewing this bill in early April of this year, this spring. I'm very proud to report and give you, in lay terms, the substance of the bill, because not all of you will delight in reading that kind of legislation.

Nevertheless, you are parliamentarians and you are legislators and you will be called to pronounce on it, and that gives you a right to know what this bill contains.

The first objective of Bill C-75 is essentially to modernize the Criminal Code and to give effect to two decisions of the Supreme Court in the *Jordan* and *Cody* cases. You will remember those decisions of the Supreme Court three years ago, which compelled any trial or audience in relation to the Criminal Code be conducted within a specific limited time of 18 months or a longer period, depending on the gravity of the offence.

Those decisions really turned the system upside-down. The Criminal Code needed to be amended to give effect to those limits under which the criminal system would operate in the future.

The objective of the bill was to address the delays that were plaguing the criminal justice system before the *Jordan* case. I remind you that the Legal and Constitutional Affairs Committee, under the chairmanship of former Senator Runciman, and Senator Baker, who was the vice-chair at the time, produced a specific study titled, *Delaying Justice Is Denying Justice*.

All of us, collectively, as an institution, were also considering that there were deficiencies in the criminal justice system that were producing too many delays and we had to address that because, as I just mentioned, justice delayed is justice denied. If you can't go to court in a reasonable period of time, you don't have a right because the fees accumulate, you get frustrated and the witnesses lose their memory. There are all kinds of incidental elements that happen so that by the end of it you don't really receive the legal treatment that you're entitled to receive.

Our committee produced that report with 50 recommendations. A fair number of them are in Bill C-75, plus, of course, those suggestions that stem from provincial, territorial and federal justice minister conferences that regularly produce recommendations and conclusions to improve the functioning of the criminal justice system.

Among that work, the committee made 14 amendments to Bill C-75 and we also produced seven observations. I will come to them later in my presentation.

First, I want to outline the eight essential elements of Bill C-75 in a very short time. I won't do a legal dissertation. I won't abuse your patience. I will try to put this in the simplest terms possible because, as my brother would say, when lawyers involve themselves in too much intricate reasoning and the obscurity of legal language, you, in fact, lose people instead of trying to enlighten them. I will try not to lose you by explaining to you the eight essential elements of Bill C-75.

• (1720)

The first element, honourable senators, is to reclassify offences that were the object of indictment procedures, which are often the most serious in the Criminal Code and usually incur a sentence of 10 years or less, and offences that are under summary conviction procedures — lighter offences and lighter sentences — in order to allow for the possibility for a Crown prosecutor to decide if that accused will go under indictment instead of under a summary conviction.

In other words, there would be flexibility in the system, considering the seriousness of the offence, all the facts around the facts and considering what would be the need to have a sentence that would be scaled within 10 years maximum or 2 years maximum.

In other words, we would have more flexibility in the code. This is, of course, very important because if you take the corridor of an indictment procedure, this corridor is fraught with all kinds

of delay possibilities because there are all kinds of motions that can be made by the parties. There are all kinds of requests for additional elements of proof and so forth. If you allow the Crown prosecutor to opt for summary conviction, I would say this is a fast track, a faster way of addressing the criminal offence that has to be addressed by the system.

That was the first element of the code. In other words, flexibility in the option of deciding if you would opt for indictment instead of summary conviction and adjusting the maximum penalty accordingly. According to the code, most summary offences now are under two years maximum penalty. That means for many summary offences, the penalty has been increased to allow that if you choose that route, then the accused will face responsibility that is higher because he or she is not the object of a decision to go under an indictment procedure. That's the first fundamental element in the code.

The second, you will understand, is also very important. The bill originally abolished preliminary inquiries. Those of you who have watched TV or movies will know the first thing is to allow the elements of proof and come to a conclusion on whether there are enough elements of fact and proof to go to trial. That is also a first step. It's a preliminary step to the trial — there's no doubt there is ample documentation in relation to that. This is an element of the procedure that is usually used to delay everything.

The decision, after due consideration by the provinces and by all those who consider the way to address a modern system of justice, was to abolish preliminary inquiries and reserve them only for adults facing a charge of life imprisonment. In other words, only in those cases would there be a compulsory preliminary inquiry and one will understand why because, at the end, is life imprisonment.

I will later explain that the committee decided to amend that section of the original proposal in Bill C-75.

The third element of Bill C-75 is to protect victims of intimate partner violence. When I use the term "intimate partner," you will ask me what is an intimate partner? I don't want to make a bad joke, but I will assert back, "What are your intimate parts?" If I say "intimate partner," you know what it means. It is somebody with whom you share intimacy; let's put it that way. The bill introduced that concept for the first time in the Criminal Code.

This is very important because we know that if we want to address violence in a contemporary context, the victims of intimate partner violence is a contemporary phenomenon that needs to be addressed in a much more efficient way. The bill provides if there is a repeat offence by an intimate partner then, of course, the sentence is higher and when the judge has to decide about bail, he or she also has to take that into consideration that there is a repeated offence.

That is the third fundamental element of changes in the Criminal Code. The fourth one is about modernizing bail practices, especially due consideration to Aboriginal people. We all know that bail is a procedure whereby those who are the most vulnerable in our society have less capacity to defend themselves at bail hearings. They end up in bail custody, being denied and going into custody. The bill addresses that, to make it much more efficient in terms of dealings with bail hearings with due consideration to vulnerable populations, especially Aboriginal people.

The fifth is to give more discretion to police and judges in dealing with the administration of justice offence. In other words, administration of justice offences is more in the nature of an administrative offence, an administrative failure. It doesn't per se endanger the life or integrity of other people. Unless there is that element, the administration of justice offences should be more flexible and responsive to the special circumstances into which they take place.

The sixth is about the strengthening of the management case power of judges. The judge is master in his or her court. It's the judge who presides. We have judges here, Senator Andreychuk, Senator Sinclair, Senator Dalphond and Senator Wetston. They will tell you that in their courts, they were the masters of their ship. It is important that judges, when they realize that one of the parties is really not cooperating as fast as possible, the judge can decide that we're going to move forward. I give you this date to come before us.

Honourable senators, when we prepared our report on *Delaying Justice is Denying Justice*, we heard, in camera, associate Chief Justices in many regions of Canada. In all our discussions and exchanges, they requested that additional power because they said if we really want to move things forward, we need to have the capacity to decide. That is one of the key elements —

[*Translation*]

The Hon. the Speaker pro tempore: Your time has expired, Senator Joyal. Are honourable senators willing to grant five more minutes?

Hon. Senators: Yes.

[*English*]

Senator Joyal: I will go quickly, honourable senators. Of course, the other reform, which is especially important, is about jury selection. I'm looking at Senator Batters, who was very much involved in discussion at committee. In jury selection, there is a peremptory refusal. You have seen movies. The lawyers are there and they say, "I refuse this person." They do not need to give any reason. We removed that from the code. If there is a reason to refuse a candidate for jury selection, it is the judge who will decide if they accept the person, yes or no.

Honourable senators will understand that those changes are pretty important. The committee was mindful in making sure those changes would reflect the other sections, the other dynamics of the code. We realized, for instance, in that context, there was no protection for obtaining DNA proof or fingerprinting when we were reclassifying the offences. We were losing the capacity to put DNA in the bank or to have fingerprints in the bank. The committee amended the code to make sure that what we were doing in reclassifying the offences was in sync with the protection of the DNA and the fingerprints.

• (1730)

The committee also amended the bill to allow for the refusal of preliminary inquiry — the objective of the code. If the two parties, the Crown prosecutor and the defence lawyer, agree to request a preliminary inquiry, they could obtain authorization from a judge for a preliminary inquiry; or one or both parties could obtain such authorization. This provides more flexibility, rather than just wiping it out. In order to expedite the trial process, I think the committee was wise to introduce this in the bill.

On the other elements of the bill — and I say this while looking at my colleagues who introduced these elements — two other sentencing principles were introduced at section 718.2 of the Act. I don't want to recite to you all the subparagraphs.

Honourable senators, I can't resist saying that when I was a student lawyer, we had to learn this by heart. During the bar exam, a question could be: According to section 718.2(e), here is the question.

So you had to know. You could not use your computer or anything; you had to know the code almost by heart. Of course, today it's another world, but I just wanted to remind you of that.

In the context of new sentencing principles, it was suggested that we must take into consideration victims of intimate partner violence in order to determine the sentence, be they Indigenous women or other vulnerable groups of women. That is an important element. If you read the report of missing and murdered Aboriginal women and girls, it is one of the recommendations put forward by the commission last week.

Honourable senators, I also want to bring to your attention the victim surcharge. Last year, in a decision called *Boudreault*, the Supreme Court declared the surcharge unconstitutional, in breach of section 12 of the Charter. Amendments were introduced by Senator Sinclair to ensure flexibility in the imposition of the surcharge so that there is no undue hardship, and to take into consideration the seriousness of the offence, which also inserts some common sense into the imposition of the surcharge.

On the observation, honourable senators, I will stress — I'm sorry. I will conclude on this, honourable senators. I know my colleague Senator Boisvenu will be able to complete the observation. I thank you for your attention, honourable senators, to this complex legislation.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Who could criticize a performance as theatrical as the one delivered by my committee chair, Senator Joyal? Thank you so much, Senator Joyal. I always enjoy listening to you speak with such ardour and enthusiasm.

Honourable senators, today I am speaking to Bill C-75 at report stage. As the critic for this bill, I will focus primarily on those elements that affect victims of crime.

This is an omnibus bill. As Senator Joyal said, it would amend 407 sections of the Criminal Code. This was a colossal job that we had to complete in very little time. I will comment on that at the end of my remarks.

A number of witnesses, including some victims who are, sadly, worried about their fate, expressed concerns about this bill. I will highlight their concerns about the reclassification of criminal offences, also known as "hybridizing criminal offences," which will become hybrid offences, and the reversal of the onus of proof in cases of intimate partner violence. Those are the two elements I will focus on in my speech.

The Federal Ombudsman for Victims of Crime is concerned about the reclassification of several offences that will be hybridized, thus giving the Crown the choice to prosecute them as summary conviction offences rather than indictable offences.

The bill proposes to hybridize or reclassify more than 116 offences in the Criminal Code, including acts as serious as forced marriage and human trafficking. The ombudsman expressed concern about the reclassification of offences such as the kidnapping of children under the age of 14 and human trafficking. Human trafficking is the fastest growing crime in Canada, certainly in Quebec and Ontario.

The ombudsman said the following:

> When you proceed by summary conviction instead of indictable, then you're sending a message that those crimes are potentially less serious. It's our view that these crimes against women and children are very serious.

With respect to crimes related to trafficking in persons, Arnold Viersen, MP and Co-Chair of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking, which brings together people from all parties of the House of Commons and of which I am also a member, talked about the sections that Bill C-75 proposes to hybridize, specifically those pertaining to the material benefit from trafficking, material benefit from sexual services, and withholding or destroying documents for the purposes of human trafficking. At present, those are all indictable offences.

These offences are at the core of human trafficking, which, unfortunately, is very lucrative. Its victims are often minors. According to Mr. Viersen:

> If the amendments to hybridize these three offences in Bill C-75 are accepted, a trafficker found guilty of these offences could end up with a fine for $5,000 and face no jail time.

He continues:

> The deterrence provided by a $5,000 fine is minimal compared to the $300,000 a trafficker can make for only one victim in a year.

He points out the following:

> In considering the extreme violence and degradation and torture that these victims of human trafficking often endure, the punishment proposed for the offence clearly does not correlate to the nature of the crime. In short, hybridizing offences that degrade the human condition is a step backwards for human rights and victims rights.

With respect to human trafficking, I want to point out that according to Statistics Canada's most recent report, 90 per cent of the victims of this crime are women, 72 per cent are under 25, and one in four victims is under 18. These victims are often isolated, do not have a voice and are left to fend for themselves. They will suffer the consequences of this reclassification.

I will quote the 2009 decision in *Dudley*:

> Parliament's enactment of dual procedure offences recognizes that certain crimes can be more or less serious depending on the circumstances and provides the Crown with discretion to choose the most appropriate procedure and range of potential penalties.

The good news is that the maximum penalty for all summary offences will increase to two years less a day. Opponents to mandatory minimum penalties say that such penalties increase the Crown prosecutor's discretionary power in exercising the Crown election. That is exactly what the new hybrid offences will do. The Crown will no longer have discretionary power.

However, when prosecutors are confronted with delays in the justice system, as Senator Joyal pointed out, they will be more tempted to choose a summary prosecution, since the process is shorter and less onerous, plus there is no jury. Another risk is that provincial governments could draft directives to deal with more cases through a summary trial, which will lead to penalties of less than two years.

We must ask ourselves what impact these decisions will have on provincial prisons, many of which are overcrowded.

• (1740)

In Montreal, if the Crown chooses to proceed with a summary conviction in a human trafficking case, the trial will be held before a provincial, or more specifically, a municipal court. The municipal courts will have to deal with more of these types of cases. Bill C-75 will then transfer more cases to the provincial and municipal courts.

Since Statistics Canada does not collect data on the criminal cases heard before the municipal courts in Montreal and elsewhere in Quebec, I think the statistical profile of crime in Canada will now be less representative.

I interact regularly with the victims of assailants who have been designated long term offenders — another problem with hybridization — and I think it is irresponsible to reclassify this offence as a hybrid offence. We are talking about long-term offenders here. Let's not forget that the long-term offender designation was created in 1997 and primarily targets sexual offenders.

This designation was created in response to concerns that many sexual and violent offenders required specific attention.

The "long-term offender" designation is given to individuals convicted of a serious personal injury offence. Bill C-75 would make that a hybridized offence with a maximum potential penalty of less than two years in prison or just a fine if the Crown opts for summary conviction. I will remind you, we are talking about hardened criminals.

That brings me to the issue of the lack of data, statistics and studies that should have accompanied the introduction of this omnibus bill.

How many more cases will be heard in provincial and municipal courts? What impact will this have on provincial prisons? We have no idea, and no information was forthcoming in committee. We don't even know which victims' groups were consulted.

If the government had provided us, as legislators, with a detailed description of how hybridizing each offence would affect provincial correctional systems, pardon applications, and the number of cases likely to end up in provincial or municipal courts, then we would be looking at a clearly articulated bill with a vision for the justice system.

Instead, what we have here is the unknown.

If the members of the House of Commons Standing Committee on Justice managed to amend Bill C-75 so that incitement of genocide is no longer a hybrid offence, then why not do the same thing in the Senate for human trafficking crimes?

The Liberal members removed the incitement of genocide offence from the bill because it would have marginalized that type of criminal behaviour.

I was very surprised when the Minister of Justice offered us the following justification for reclassifying offences:

> However, the facts are such that, sometimes, some cases should be treated differently. Our goal is to make the system fairer, more transparent and more efficient, to give discretion to the prosecution service so they can take the necessary measures.

I would respond to the minister by saying that some crimes must remain serious, regardless of the circumstances. Crimes as heinous as human trafficking or forced marriage should never be treated differently, regardless of the circumstances.

The crime of sexual enslavement of women and minors will never call for a lighter sentence or a speedier pardon.

As far as the reverse onus in cases of domestic violence is concerned, the representative from the Manitoba Organization for Victim Assistance or MOVA, which works with victims of crime, said, and I quote:

> . . . I have a concern regarding the issue of repeat offenders. Currently, the area of intimate partner violence and domestic assault is grossly unreported and, therefore, not addressed nearly as much as it needs to be.

She went on to say, and I quote:

> There is no support for victims with this amendment. If someone is the victim of domestic assault, the likelihood of a repeat assault is extremely high.

I would add that, in my view, the likelihood of being killed is also very high.

I will not try to hide my disappointment with the fact that the independent senators rejected my amendment on the reverse onus. My amendment recognized the principle that a man is violent and dangerous to the victim the first time he assaults her, not only after a repeat offence, as the bill would have it.

Basically, my amendment would have ensured that, in order to be released, a violent man who assaulted his spouse or former spouse would have to prove that he was not violent the first time he committed assault, not the second.

I am sure that thousands of Canadian women are disappointed today by what they see as a lack of compassion toward them, in light of this refusal to amend the bill to better protect them.

I want to point out how disturbing it is that the Department of Justice introduced Bill C-75 without considering the consequences it could have on the National DNA Data Bank. If Senator McIntyre's amendment had not been adopted, the bill we received from the House of Commons would have had catastrophic effects on the administration of justice in Canada and on the safety of women, children and vulnerable groups across the country.

Without Senator McIntyre's amendment, every time Crown prosecutors decided to proceed with the new hybrid offences as a summary conviction, they would have lost the ability to request a DNA order. That shows a lack of diligence on the part of the Department of Justice in developing these new hybrid offences. I would therefore like to acknowledge the work of my colleague, Senator McIntyre, who proposed this amendment. I would also like to acknowledge the excellent work of Senator Dalphond, who supported the amendment and worked on it with Senator McIntyre.

According to the Federal Ombudsman for Victims of Crime, and I quote:

> There is also currently no legal duty to inform victims when an offender is released on bail. This means victims with serious concerns for their safety may not be made aware when an accused person is released and what conditions may or may not be in place.

This means that under Bill C-75, there will no longer be an obligation to inform a victim when an offender prosecuted for a summary offence is released. Imagine if you were the victim, the individual was released, and you came face-to-face with him in a shopping mall on the weekend. That shows a total lack of respect for victims.

I will close with an important comment from William Trudell, Chair of the Canadian Council of Criminal Defence Lawyers, concerning the short amount of time allocated to study a bill of this magnitude. According to Mr. Trudell, the committee should have spent more time studying this bill, because it has wide-ranging implications. He said, and I quote:

> We look at you as the essential gatekeepers who don't have to be concerned about political initiatives and have a chance to really look at the wide X-rays of legislation that comes before you.

He went on to say, and I quote:

> The changes you are going to ask be made in this bill are historical and fundamental, and you must take time.

Unfortunately, we see that the government was not very receptive to improving the bill to better support victims.

The committee from the other place heard 107 witnesses. Our committee heard barely 55 per cent of that number. Worse still, the Standing Committee on Justice from the other place dedicated 291 hours to its study of this bill, while the Senate committee spent just 20 hours on it. That is 15 times less.

In conclusion, as this session comes to a hectic end, the government is ordering us to study its bills blindly and superficially, without expressing an opinion. I think this sends a very clear message that victims of crime are not a priority for the government.

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

Senator Boisvenu: One minute, please.

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

Hon. Senators: Agreed.

Senator Boisvenu: Thank you.

With this bill, as with other bills, the government's intention is to put criminals ahead of the safety of Canadian women and children. We can only hope that, in a few months, Canadians will have a government they can count on to make victims of crime a priority.

Thank you.

• (1750)

Hon. Renée Dupuis: I just want to thank Senator Joyal for the work he did as committee chair during our study of Bill C-75, as well as Senator Boisvenu for his cooperation.

I want to point out something that hasn't been mentioned yet, and that is the fact that Parliament also has a duty to protect women. Our committee heard evidence to that effect and was very interested to learn that many types of witnesses, including representatives of women's groups, advocacy groups and police forces, believe that the criminal justice system is failing all women, with differential impacts on women of colour, newcomer women and Indigenous women.

Our committee decided that it was necessary to make this observation as part of the analysis of this bill. We are concerned that the use of neutral legal language means that the systemic discrimination against women in the criminal justice system will go unnoticed.

Nowhere does it clearly state that the majority of victims of assault, whether sexual or otherwise, are women, nor do women have access to services that enable them to report their assailants. Indigenous women are disproportionately affected. They are left to fend for themselves throughout the process, from reporting the incident to the police to the investigation, to preparing for the trial to the decision to continue legal proceedings or not. In most cases, the prosecution decides not to prosecute. After that decision is made, women are left to their own devices, as the case is tried and judgment is handed down. After the legal proceedings are over, they have to figure out on their own how to live their lives as victims of assault.

Justice Canada was encouraged to implement major systemic reforms to improve the administration of justice for women and take into account what we call intersectional discrimination, which means that women experience different consequences depending on their status, whether they are Indigenous women or immigrants to this country.

The Department of Justice was also invited to carefully study the recently released report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and to amend the Criminal Code to integrate the findings of the GBA+ undertaken on Bill C-75.

I want to emphasize this second point. We asked that a GBA+ be undertaken on every bill and that these analyses be done as part of the study of each bill. We were told, however, that these are confidential documents because they are intended for cabinet. Nevertheless, it was noted that in certain cases the Minister of Justice does agree to publicly release some of the information used in the analyses.

In my view, that is an extremely important observation. In the case of certain bills, I encourage committees in general, and senators, to take advantage of this option to include those aspects in the public debate and to push departments to engage in deeper reflection by attaching comments to committee reports.

[*English*]

Hon. Frances Lankin: Honourable senators, I also wanted to speak to the observations. Most of my comments are with respect to the observations that Senator Dupuis has just highlighted so I will forego those in the interests of time. I note for honourable senators that Observations 1, 3, 4 and 6 all deal with recommendations that came from the 2017 Senate report, *Delaying Justice Is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada.*

I won't go into the substantive matters except to say that was a very thorough report. It influenced the bill we have before us but there is more to be done — more to be done in the manner of setting up an independent committee that can do a complete review for the modernization of the Criminal Code; more to be done with respect to the observations of that committee report on mandatory minimum sentencing; more to be done to understand that, in order to reduce delays, this bill in and of itself could help but it's not enough and that there are need to be appropriate resources for federal prosecutors.

Observation 7 deals with the matter of victim surcharges which Senator Joyal spoke to in his speech. I won't repeat that.

This leaves Observation 5, I believe, which is the unintended risk of deportation for non-citizens. We noted that the changes in hybridization and sentencing could affect potential maximum sentences for a number of offences that were summary convictions. There is an increased possibility of those sentences being over six months and that has an interaction with the Immigration and Refugee Protection Act.

There could be what we believe is an unintended consequence. The government was very clear and the minister was very clear; it's not their intent to see people unduly punished. However, under the Immigration and Refugee Protection Act, any person seeking citizenship who receives a sentence for serious criminality of over six months could face deportation. In cases where sentences for summary convictions that are now under six months could potentially migrate past six months, there is the possible unintended consequence of people facing what could be seen as a double penalty in facing deportation.

We note the government has said it is unintended. We believe this issue needs to be looked at. In our observation we also suggested the mandate of the independent body of experts that I referred to before, recommended from the previous Senate study on this, should include a review of how the Immigration and Refugee Protection Act is impacted by increased sentences for summary convictions in the Criminal Code.

With that, I bring my remarks to a close.

An Hon. Senator: Question.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Mercer, that the report be adopted.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

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

(On motion of Senator Sinclair, bill, as amended, 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, it's six o'clock. Pursuant to rule 3-3(1), unless it's agreed that we not see the clock, the Senate session will be suspended until 8 p.m.

Is it agreed that we not see the clock?

An Hon. Senator: No.

The Hon. the Speaker: I hear a no. Accordingly the session is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

The Hon. the Speaker: Honourable senators, resuming consideration of the question of privilege. Senator Ngo.

Hon. Thanh Hai Ngo: Thank you, Your Honour. I rise today in support of Senator Patterson's question of privilege.

As a member of the Aboriginal Peoples Committee, I believe that this morning's meeting constitutes a serious breach of his privilege as well as the rest of the Conservative senators at the committee.

As Senator Patterson mentioned, section 12-20(4) of the *Rules of the Senate* reads:

> No Senate committee shall adopt procedures inconsistent with the Rules or practices of the Senate.

As it was imposed on all present this morning, limiting debate to five minutes per amendment in such an arbitrary fashion, is a serious violation of the *Rules of the Senate* and inconsistent with the best traditions of the upper chamber.

Time allocation of a committee procedure is outlined in rule 7 of the Senate rules, where it states that time allocation is always a decision of the Senate, not a decision of the committee itself.

Your Honour, I sadly witnessed the chair and other senators use "time allocation" to cut off Senator Patterson and restrict his right to debate as he sought to make meaningful contribution to a private member's bill. That did not happen once, Your Honour, but as Senator Patterson highlighted, the interruptions and breach of his privileges took place on several separate occasions amidst Senator Patterson's demands.

Senators need to understand that if we allow this breach to stand, it risks being repeated by other committees. The violation of the privileges of one senator can quickly become the violation of the privileges of others if left unchecked.

Your Honour, as you know, for this to be considered a breach of privilege, it must meet four basic conditions. I believe that the proceedings that took place this morning at the Aboriginal Peoples Committee meets each of those conditions.

First, as Senator Tannas explained, it must be raised at the earliest opportunity. This, right now, is the earliest opportunity, and it was explained earlier today in this chamber why it is difficult to provide written notice for the breach of privilege.

Second, a question of privilege demands that the matter directly concerns the privilege of a senator. This morning at the committee, Senator Patterson's right to debate amendments and ask questions of the witnesses and ask for clarifications was denied. The committee chair repeatedly shut down the debate on the amendments. This is unprecedented in my experience in this chamber and, unfortunately, only limited the time for all Conservative senators to speak to the amendments to just five minutes, contrary to what Senator Sinclair mentioned.

Third, that the matter is raised to seek a genuine remedy that is in the power of the Senate to provide. I stand prepared to support Senator Tannas's motion to send Bill C-262 back to the committee to allow Senator Patterson and the rest of the committee to rightfully allow its members the opportunity to fully debate the bill and receive answers to questions from Justice officials.

Finally, that the matter be raised to correct a grave and serious breach. The denial of Senator Patterson's ability to debate was a blatant obstruction of his ability to perform his parliamentary duty as a Senate committee member. As senators, one of our primary functions is to debate legislation, not to silence each other.

Your Honour, I may be naive, but I do not believe this breach has ever happened in Canada before, at least not during my time in the Senate of Canada.

Senate committees are supposed to be proud hallmarks of our work in this Parliament exactly because each member has the flexibility to examine legislation and complex issues of national importance without restraint or fear of being muzzled. That's why we are called the chamber of sober second thought.

In all my years, I thought that such arbitrary control and bullying of a committee member to stifle his freedom of expression would only take place in countries with communist dictatorships.

What kind of message does that send if we do not speak out against the clear muzzling of a parliamentarian without appropriate remediation?

Your Honour, I believe the question of privilege is deserving of your ruling and hope, with great respect, that you will judge the matter as quickly as possible. Thank you.

Hon. Pierrette Ringuette: I am not a member of the committee, but I feel that I have a duty to rise when I hear the word "Kremlin" or "communist censorship," which is absolutely inappropriate in regard to the parliamentary process in Canada.

I would also like to talk about the elements of the said privileges that were breached this morning. Many senators have indicated that they faced time allocation, limiting debate in the Senate. The *Rules of the Senate* provide for each and every one of us a time allocation when we speak, whether we speak on a bill, a motion or on an inquiry. So this notion indicating that the majority at a committee decides for the progress of the study of a bill that there will be a certain time afforded for any amendment — however many amendments come forth — is, from my perspective, very proper in order to do the work that we do.

Going back to the issue of time allocation, if we look at the *Rules of the Senate*, Your Honour, I think that you are the only one, when we're debating, to issue time limits, whether on a question of privilege or a point of order. That is your prerogative.

• (2010)

I haven't heard that, in this committee, time allocation was provided. It was due process: five minutes for every amendment to be debated. I find that it is probably proper.

In regards to the matter of privilege as senators, we have the privilege to debate. We also have a limitation of time, whenever we're in the situation.

I also heard two different people, Senators Patterson and Tannas, saying that they both have a motion for a remedy. As far as I'm concerned, only Senator Patterson, who raised a question of privilege, would have that ability to say that he has a certain motion.

In regards to the motion in question that Senator Patterson has raised in regards to a genuine remedy to the question of privilege that he is seeking, the bill has been reported in this chamber. It will be moving to third reading. Any senator in this chamber will have the opportunity to put forth amendments, subamendments and so forth, and will have to go by the time and debating rules in our rules. As far as I'm concerned, there's no remedy required, because we will have another phase of discussion in regards to this bill at third reading, at which point any senator can put forward an amendment.

With regards to the questions of privilege, I see that the matter indicated as a breach of a member's privilege has, really, no foundation. I also see that with regard to the remedy, the remedy is already going to come up in the next few days, hopefully, in that any senator will be able to put forth amendments and subamendments with a proper discussion of the issue.

Your Honour, I hope that this question of privilege will not be accorded to the member.

Hon. David Tkachuk: I won't be too long, Your Honour.

I want to rise to support the question of privilege raised by Senator Patterson in relation to events that transpired today. I have to tell you, Your Honour, that in all my years in the Senate I have never witnessed any action that so compromises the privileges of all senators. Although what transpired today was directed at Senator Patterson, this could happen to any of us.

Your Honour, rules have been established by our institution to protect the minority. That's why we have them — because the other side has the majority and, therefore, can abuse that majority, and then we will have tyranny. That's why we have rules. That's why we have the ability to delay and further debate. We believe we have a right to participate in this process. It does not belong to just a majority.

Time allocation of a committee procedure is outlined in chapter 7 of our rules. I won't go through 12-20(4), about which you've already heard a lot, but time allocation is always a decision of the Senate, not of the committee itself. Therefore, the committee has no authority to impose timelines on debate at any time, let alone in the middle of a senator's remarks.

Just to give you some context, Your Honour, because this is important: Senator Patterson moved an amendment. He spoke to that amendment. Others on the other side thought he spoke too long, so they cut him off. This is what happened here.

The point is that, this time, there was no motion to allocate time. This was part of the procedure. A question was called by a member on the other side, Senator Sinclair, I think, and the vote was taken. No other senator on our side was allowed to speak at all — at all. It wasn't time allocation; it was the truncation of the end of the debate by the chair. Time allocation, call the vote, vote is done and no other senator was allowed to speak. I was not allowed to speak.

As a matter of fact, Your Honour, I had to rudely interrupt the proceedings, which I did not want to do, and I took no pleasure in. I did so because I was not allowed to participate in the debate. All I wanted to do was read into the record a letter that was sent by the Premier of Alberta to the Prime Minister of Canada regarding this bill. I was denied the right to do it. I was denied the right to do it.

As a matter of fact, the senator said I should be removed from the meeting. "The Senate doesn't belong to one person. It belongs to all Canadians." That's what I said at that meeting. I think this was a grave —

Then we got the amendment. Then we got the motion to limit debate to five minutes for all of us — 20 seconds each. No member was allowed. The chair brought in officials and would not allow us to address them — not once, by any member of the committee on any clause or on any amendment. First, she says they are there to answer questions, and then she allows no questions by any member of the committee. That is a grave and serious breach of Senate rules and practices.

Such a breach obstructs not only my ability to discharge my duties but all of our abilities. Some day it's going to happen to you, and you'll remember this meeting. If you don't protect it now, there will be a majority that will take advantage of all of you, and you know that. You know that from all the time any of you have spent in public life. You know that if you let it go once, you let it go again, it will be here forever, and we'll be darn well sorry for it.

If there's one thing we should protect it's the right of all of us to say our piece. If it's inconvenient to the majority, so be it. That's the process. We're supposed to be inconvenient to the majority. You're not supposed to run all over us. You have no right to run all over us, at least not in this country — not in this country and not in this institution.

I wish to support Senator Patterson's motion. I hope, Your Honour, you protect our right to participate, because that's what I think you are honour-bound to do. I submit that the motion of Senator Patterson on the question of privilege must be sustained.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, there are still a few senators who wish to speak to this, but I would ask senators to refrain from being repetitive in points of issue that have already been raised and to keep your comments as brief as possible.

Hon. Patti LaBoucane-Benson: Like Senator Christmas, I would like to give some context as to why limits were imposed for each amendment at committee today. A review of the video will demonstrate that the atmosphere quickly became contentious, primarily because there was a concerted lack of disrespect for our chairperson, our *okimaw esquao*, Senator Dyck. In particular, you will see that one member constantly attempted to interrupt, speak without raising his hand, read new evidence into the record during clause-by-clause out of turn, all the while speaking on top of the chair as she was doing her job. At times, his behaviour was bullying. He was raising his voice and yelling at her, badgering her and shouting at the chair while she was doing her job to maintain the order of the meeting.

At one point, this member accused Indigenous senators, saying, "It is all self-interest stuff. This has nothing to do with anything." What he inferred was that the work he and his colleagues were doing was in the interest of Canadians, but when Indigenous senators were doing our work, it is for our own personal interest.

I realize that this is a point of order. I should have brought it up at committee, and I did not have time. I would have asked him for an apology and a retraction of that statement.

• (2020)

Overall, Your Honour, we probably would not have had to allocate time for the debate if all the members of the committee had been respectful to the chair and her duty to ensure the good order of the meeting.

Further, the fact that we had a recorded vote for every clause, every amendment and on more than one motion for adjournment of the meeting, time and time again, a great deal of time was taken. Therefore, we had to limit the debate. Perhaps if we had focused only on the amendments and not all of the disruptions, debate would not have been limited to five minutes per amendment. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett: I wasn't going to get up and speak on this, and I'm not getting up because I am in any way offended by what somebody has said, as the senator previous just did. If I were, I would be offended by comments such as, "Obviously, the Conservative senators are working in tandem to enable genocide and this means to be the issue in the upcoming election," which was retweeted by one of the senators who was called out a few days ago.

Surprisingly, nobody was offended by that tweet promoting genocide, enabling genocide. That's okay. But when somebody uses the word "Kremlin," then we are offended beyond belief and we need to have that reason to stand.

Your Honour, I simply want to go through a little bit of chronological order of how some things happened. I hope nobody will stand up on a point of order and say I'm not addressing this properly. I hope I'll be able to get through this.

Senator Christmas said the reason we needed to impose time allocation, which is against the *Rules of the Senate*, but I guess it's okay when certain committees and certain senators want to impose time allocation, then there are reasons we can find to oppose time allocation. And the reason we needed to impose time allocation is because Conservatives were trying to stall legislation from moving forward.

Your Honour, I'm reading the Notice of Meeting. The Notice of Meeting for this morning's meeting is quite clear. It was sent Tuesday, June 11, 9 a.m.

Agenda

1. Bill C-91, An Act respecting Indigenous languages

Clause-by-clause consideration

2. Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples

Clause-by-clause consideration

Senator Sinclair said that we should have been ready; we should have had our amendments ready. We went to a meeting not knowing we were doing clause by clause on Bill C-262. Why would we have had one amendment ready on Bill C-262? We had no idea we were going to deal with Bill C-262. We were going there to do what the Notice of Meeting said.

Then, unceremoniously — and we were just told how things were done in an out-of order fashion, Your Honour — there was a vote taken to change the agenda and deal with private member's legislation when we had an obligation to deal with Bill C-91.

A little bit about the timeline, Your Honour: This bill, Bill C-262, first reading in the House of Commons, April 21, 2016; December 5, 2017, second reading speeches began; February 7, 2018, referred to committee; May 9, 2018, committee reports to the house, 91 days. May 31, 2018, third reading.

This bill was in the House of Commons for 769 days. All of a sudden, when it's over here, we get letters from ministers telling us we have to move this; now we're in a hurry.

The bill was in the chamber for 371 days. On May 31, 2018, first reading. On October 23, 2018, Senator Sinclair adjourns the debate on Bill C-262. Colleagues, on October 23, 2018, Senator Sinclair adjourns the debate. Then it took him until November 29 before he spoke at second reading. That's 37 days on a bill that he now is just bent over needing to rush through. Thirty-seven days, November 29.

Colleagues, we all know that on December 15 we rose and then we were gone until the middle of February. Then Senator Sinclair and I sat just behind here and reached a gentlemen's agreement that the bill would go to committee on May 16. It was an agreement that we shook hands on. Senator Sinclair says we didn't have an agreement on ministers appearing, but he did admit to me that, "Yes, it was a condition of your moving the bill forward." I said we shook hands on what my conditions were. That's not an agreement?

We had an agreement. We are still waiting for ministers to appear, but we kept our end of the bargain and we were there at the previous three meetings.

Today we went to a meeting dealing with a different bill, and then this happens. When somebody says five minutes is adequate, colleagues, every senator who has spoken here on this issue has been more than five minutes. And all of sudden five minutes is adequate for Senator Patterson to raise concerns about the Indigenous people of his region? And not only is he limited to five minutes, but everybody is limited to five minutes. They can't ask questions. They can't say they're going to support the bill. They cannot say they're going to oppose the bill. They have no time because Senator Patterson has abused his time and spoken for five minutes on a matter that is very important to him.

Then we're told that we are stalling things. Senator Sinclair had every opportunity to have this read at second reading on October 24. He waited until November 29. It wasn't that important.

Your Honour, I don't know whether that has any impact on your decision, but we were not there to be obstructionist today. We were there to deal with government legislation, as we are duty bound to do. We were there in our full complement of senators to deal with this. The fact of the matter is we were then told to deal with something that we had no right to deal with, because we had not only one, we had two pieces of government legislation before us that needed to be dealt with. But the committee chair, the sponsor of the bill and seven other senators overruled us on each and every issue.

Yes, they were recorded votes. The reason they were recorded votes is because our colleagues continually asked for a recorded vote.

Your Honour, I'm sorry for taking more than the two minutes that I promised you I would take, but I would like you to take those comments under consideration.

Some Hon. Senators: Hear, hear.

Hon. Mary Jane McCallum: In my speech on February 19, 2019, I spoke about the ongoing harassment on the Senate floor and in committee. I said:

> I am concerned, colleagues, because within my comparably short time here, I have witnessed a number of instances of what I would classify as personal harassment on this very Senate floor. The harassment I speak of is bullying in its most basic form. Although some may not view these as terribly serious offences, it is nevertheless personally damaging to the victim. We have to address issues and problems that arise swiftly and at their source. They do not have to be illegal for us to be prompted to actively promote change and betterment.

• (2030)

Since that speech, I have seen the cumulative effects of this bullying. I have seen senators, including a chair, being cut off, interrupted and ridiculed numerous times with witnesses and staff present. On another occasion, I apologized to Indigenous witnesses, two chiefs and a female leader, who were kept waiting for 15 minutes while a senator spoke about an issue that could have waited. Sometimes when I look at the behaviour as an Indigenous person, it seems to border on racism and discrimination.

Indigenous peoples in Canada have waited their lifetimes to realize human rights that have been taken away from them. This issue is largely tied to land and resource extraction. As Indigenous people, we need to protect our health, land, bodies and right to self-determination as Indigenous peoples, and that's why this bill is so important to us.

A senator said, "I felt like I was in the Kremlin." Well, senator, I have lived in the Kremlin —

The Hon. the Speaker: Excuse me, Senator McCallum. The points you are raising are extremely important, and at some point, of course, if you wish to raise a point of order or point of privilege on those, you're more than welcome to do that.

However, the debate right now is on the question of privilege that Senator Patterson has raised. If you have comments with respect to that, one way or the other, we would be more than happy to entertain them. I know there will be a point of order raised soon if you don't speak to the question of privilege that was raised earlier.

Senator McCallum: Because of the cumulative action, what is it that you expect us to do? I can't continue to be quiet and continue to be harassed. We want human rights, dignity and respect in our own country.

I supported Senators Sinclair and Dyck, as I felt I had no recourse to bring this to the attention of the Senate and to Canada. Thank you.

Hon. Sandra M. Lovelace Nicholas: I don't think you were in that room, but the senator was bombarded by people who haven't shown up to one meeting. Then she was disrupted, names were called, no respect. She was being bullied. I say she was bullied as an Indigenous person. What kind of message are we sending to our Indigenous people? We are sending them negative feelings. Don't you think it's about time we respect Indigenous laws?

The Hon. the Speaker: Honourable senators, I would like to take a moment to thank all senators for their input into this very important question. I will take the matter under advisement.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I believe that Senator McPhedran wishes to have the floor.

QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

Hon. Marilou McPhedran: Honourable senators, I rise today to raise a different question of privilege. I rise this evening following our two-hour recess due to seeing the clock at 6 p.m.

In accordance with rule 13-4, I feel I have the right as a senator to rise on this question of privilege, as I have become aware of a matter during the sitting of the Senate, and therefore, I do not need to provide written notice.

Your Honour, let me begin by stating clearly that I am raising this question on my understanding that when a senator hires a staffer, then that staffer is representing that senator, and they are both representing the institution of the Senate. It is my understanding, in law and in reviewing the ethics code for staff, the ethics code for senators, as well as our rules, that freedom of expression for senators and their staff is not absolute, that commentary within the parameters of employment is to be consistent with standards of fairness, accuracy and propriety envisioned in our rules and codes.

My question of privilege is regarding the use or misuse — that will be for you to determine — of social media platforms, particularly Twitter, by some of our Senate colleagues, including, in some circumstances, postings by their representatives, their staff, which in turn have been retweeted by their employer senator.

My question of privilege this evening has been in development for some time. This is not the first time this has happened to me or to other senators in this chamber, but at 4:59 p.m. Eastern time today, yet another nasty and inaccurate tweet was made by the Director of Parliamentary Affairs, employed by Senator Leo Housakos, which he then retweeted, thus demonstrating the employer-employee interconnection for which a senator, who is the employer, is responsible. It is part of that responsibility for us as senators to ask ourselves whether we are encouraging a form of harassment and bullying through social media.

In order for you to rule on this question of privilege, Your Honour, I will outline how the four criteria under rule 13-2(1) of the *Rules of the Senate of Canada* have been met.

First, the question is being raised at the earliest opportunity. The most recent tweet attack was posted, as I said, at 4:59 p.m. today in reference to a tweet by J.P. Tasker of CBC. His tweets were a series of updates with regard to this morning's Standing Senate Committee on Aboriginal Peoples clause-by-clause consideration of Bill C-262. The employee of Senator Housakos selected one of the tweets in particular and wrote:

> Imagine. A Senator calling for the removal of another Senator because she doesn't agree with his position on something. Let that sink in. She wants him removed from the committee because he doesn't share her opinion. Diversity is our strength?

It's not accurate. That's not why I was asking that Senator Tkachuk be asked to leave the room. I was asking for that because, as was very accurately described by other senators — I would say in particular Senator Lovelace Nicholas — there was bullying, there was constant interruption and obstruction to the point where I now have to say, in many circumstances, I look at my colleagues across here and I do not see the Official Opposition; I see the official obstruction.

In addition to the tweet sent by the employee of Senator Housakos —

Hon. Donald Neil Plett: Point of order.

Senator McPhedran: — in response to an article in *The Globe and Mail* —

The Hon. the Speaker: There's a point of order, Senator McPhedran.

• (2040)

Senator Plett: A few weeks ago when I made a speech and used the word "duplicity," I was called out on it on a point of order by a colleague opposite, and Your Honour warned me about that word and I haven't used it since, other than in the circumstance I'm in here today.

For the senator opposite to start making accusations of official obstructionists, I would say, Your Honour, they are pretty close to that line as well and maybe exceed that. If the senator has a question of privilege, I suggest she properly explain that question of privilege, and it better be a question of privilege on a senator, not on a staffer. There's no staffer in here that can defend himself or herself.

Senator McPhedran: You're stopping me from doing —

Senator Plett: You're going to have your chance again, Senator McPhedran. I did not interrupt you. I rose on a point of order.

So, Your Honour, I asked you as for conversations that we have had to try to tone it down a little bit. I will try that now and in the future. But for people to call us "official obstructionists" is crossing the line, Your Honour, and I ask that you rule on that.

The Hon. the Speaker: Thank you, Senator Plett, for raising that point. Obviously, not very long ago I mentioned to all senators that words are very important. When we rise on a question of privilege or a point of order, it's important that we not use inflammatory language. It does nothing for the point of order or the question of privilege. I again caution senators to refrain from using unnecessary, inflammatory language.

On the issue of whether or not there is a question with respect to an employee of a senator, obviously, that will form part of any consideration on the question of privilege.

Senator McPhedran: Thank you very much, Your Honour.

The tweets to which I've referred are a mischaracterization of this morning's proceedings, where I replied to Senator Tkachuk's tactics and attempts to disrupt by challenging and disrespecting the decisions of the chair. At several moments throughout this morning's meeting senators were shouting over Senator Dyck as she chaired the meeting according to the Rules, having checked repeatedly with the experts who were available and provided the advice as to what was appropriate.

This was not about a difference of opinion, as was suggested by Senator Housakos and his staffer. This was about a lack of respect, dignity and unparliamentary conduct in committee this morning.

Second, according to rule 13-2(1)(b), the matter must directly concern the privileges of the Senate, any of its committees or any senator. This is a matter of personal privilege due to the nature of the repeated personal attacks on me and, incidentally, other women senators.

On May 2, 2019, I engaged on Twitter with the employee of Senator Housakos, after having tweeted about the motion on the Rohingya genocide. Could there be anything less partisan than the Rohingya question? It was set to be called for a vote that evening; that was my understanding. I tweeted to update the many concerned members of the public who were waiting for the results, that it was already 9:30 p.m., and, due to delays, the vote would likely not take place that evening. The employee for Senator Housakos tweeted very soon thereafter to me:

> You mean you got ahead of yourself by sending out that tweet and news release and now proper procedure has done you in. Oops.

That's a quote.

The Hon. the Speaker: I'm sorry for interrupting, Senator McPhedran, but, as you properly pointed out in your opening remarks, in order to raise a question of privilege without proper notice, it has to abide by one of two conditions. You rightly named the condition that you were rising on, a matter that arose during the sitting, so your remarks should pertain to a matter that arose during the sitting for your question of privilege.

Senator McPhedran: Thank you, Your Honour, but I would submit that you consider this part of a pattern and that therefore there is relevance.

It baffles me, quite frankly, that a senator's staffer would take it upon themselves to mock any senator, even worse, on a public forum. This is of direct concern to me, as it implies that I am unable to understand or follow Senate procedure. This claim leads the public to believe that I am unable to perform my parliamentary functions and makes a mockery of it.

Furthermore, Your Honour, this is a matter of concern for the Senate as a whole. It is a matter of privilege for this Senate, as it hurts and tarnishes the image of the Senate as an institution.

Senate staff represent their senators and the Senate of Canada as an institution. We all, as senators, including our staff, have a responsibility to uphold courtesy to each other.

Only last week, Senator Housakos stated in the chamber: "I hate to remind you, but Twitter is on the record."

The Hon. the Speaker: I'm sorry, Senator McPhedran, but again I see senators rising on what I presume will be a point of order because, as I said earlier, as you correctly pointed out when you rose on your question of privilege, the question of privilege has to relate to something without notice that occurred, in your case, during the sitting. So please contain your remarks on your question of privilege to what arose during the sitting.

Senator McPhedran: It's my understanding, Your Honour, that I can make references to sources of information that support my argument, and that is the nature of the quote that I just raised from Senator Housakos, pointing out that Twitter is on the record.

Just give me a moment, because that caused me to lose my place.

Your Honour, on May 16, 2019, you stated:

> "I remind" —

Senator Plett: Your Honour, May 16 —

The Hon. the Speaker: Sorry, Senator Plett. Let's hear —

Senator McPhedran: The Speaker stated —

The Hon. the Speaker: Senator McPhedran, please.

Senator McPhedran: Thank you, Your Honour. You stated, sir:

> . . . I remind honourable senators that in a previous ruling I did mention the use of social media. I caution that when you are using social media, please take your time before you send out tweets. If it is something you think will be offensive and you are not really sure whether or not it is something that is appropriate, I suggest you do not send, because it reflects poorly, not just on the people who are doing it, but on the whole chamber.

The image of the Senate as an institution is tarnished by online attacks of this nature. How can a senator endorse, encourage or let their staff establish a pattern of attacking other senators on a public social media platform? Where is the collegiality and respect that we say we must uphold in this place? Decorum and respect for one another must be extended to social media, as Your Honour has ruled.

Fourth, according to rule 13-2(1)(d), the matter must be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available. Therefore, I ask, Your Honour, with all due respect, that Senator Housakos apologize on behalf of his employee, his Director of Parliamentary Affairs, whom he retweets, and that senators no longer allow their staff to use Twitter or online platforms or for senators not to use social media to decimate each other and to distribute and perpetuate false claims about other members of this institution.

Thank you, *meegwetch*.

• (2050)

Hon. Leo Housakos: Thank you, Your Honour. I will be very brief. In regard to Senator McPhedran's claim of question of privilege, this is anything but a question of privilege. There has been an ongoing debate in this chamber about social media and its place in public discourse. I think at some particular point in time we have to appreciate we're a public institution and what we say in this chamber, what we say and do at committee is in public and you have to face the consequences of it.

I have absolutely no problem in defending the tweet my employee put out this evening. I retweeted it and I retweeted it quite carefully. It's quite factual and it's consistent with what transpired this morning, disgustingly so, at one of our Senate committees where we had a colleague of ours get up — I don't understand the context. I wasn't there. But I'm going on the basis of a credible journalist, a credible source — CBC — who put out a story that said:

> Senate committee passes UNDRIP bill, Tories warn of an Indigenous veto.

It goes through a very elaborate story which goes about reporting the essence of what happened. This journalist put the tweet out. I didn't:

> Amid the fracas at committee today, independent senator Marilou McPhedran suggested Conservative Senator David Tkachuk, a strongly anti-UNDRIP advocate, should be removed from the committee's proceedings.

That's what was reported by the CBC, your news outlet of choice. All my employee did was retweet that and say:

> Imagine. A senator calling for the removal of another senator because she doesn't agree with his position on something. Let that sink in. She wants him removed from a Senate committee because he doesn't share her opinion. Diversity is our strength?

That's what was tweeted. I retweeted it and I stand by it.

Colleagues, if you do not want this kind of humiliation in public, think twice about the way you behave in public at committees. When you call for a colleague to be expelled from a committee for whatever reason, that in itself is the biggest breach of privilege in this place. The biggest breach that took place this morning is asking the dean of the Senate, an experienced senator of 25 years, who has chaired committees successfully for two and a half decades to be vacated by who? By another colleague? By the chair, by another colleague, that's unheard of in this place.

So colleagues, I think at the end of the day the lesson here that should be learned is if you can't take the heat on social media and the public, stay away from it at the end of the day. I have made a list myself of egregious tweets I've seen from ISG — not senators, but employees — and I have a file. I'd be happy to bring it to committee if we ever have a study on this and see whose tweets are more egregious or more offensive. Needless to say, if you're sitting on the Conservative side, your tweets will be determined to be very egregious by us. Obviously if you're sitting on your perch, you're going to say, "Oh, these terrible Conservatives on the other side, they're offending us on a daily basis."

I think what we should be more careful about is our behaviour as senators in this institution, this chamber, and on committees and do our job in a diligent, prudent and dignified fashion. Thank you, colleagues.

The Hon. the Speaker: Honourable senators, I know other senators want to enter the debate on this question, but I have heard both sides of this issue and I will take the matter under advisement. Thank you.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRTY-FIFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Petitclerc, seconded by the Honourable Senator Dean, for the adoption of the thirty-fifth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act, with amendments and observations), presented in the Senate on May 30, 2019.

Hon. Victor Oh: Honourable senators, I rise today to speak on the thirty-fifth Report of the Standing Senate Committee on Social Affairs, Science and Technology on Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act.

What I find concerning about the report is similar to my general concern with this bill. I am concerned that there is an underlying narrative in this legislation which has tended to tone down the security risks and dangers that often exist in our correctional institutions. These dangers threaten both correctional staff and inmates alike.

I wish to refer to some statistics. According to the Office of the Correctional Investigator, 80 per cent of male offenders have substance abuse problems and as many as two thirds were under the influence when they committed their index offence. This increases the challenges of managing these offenders in our institutions.

About 10 per cent of the total offender population, both those incarcerated and those serving sentences in the community, are gang affiliated. In some parts of the country that percentage is much higher, posing a significant threat to institutional security, to the safety of the staff and to the safety of the inmates.

Obviously in my speech I can only provide a snapshot of the security risks. However, the reality is that our federal institutions are dangerous places filled with people who have often committed terrible crimes. I am speaking with a heavy heart, especially given that we are going over cases of bestiality this week in the Social Affairs Committee. I am concerned that the bill is a reactive response to judicial pressure. It seems very doubtful that it will make our institutions safer.

When Jason Godin, who represents the Union of Canadian Correctional Officers, testified before the Standing Senate Committee on Human Rights a few months ago, he stated:

> . . . Bill C-83 also seeks to amend the manner in which the most difficult portions of institutional populations are managed. Structured intervention unit inmates will be provided with the opportunity to interact with other inmates for at least two hours, as well as the right to spend four hours outside of their cells. While these changes are undoubtedly well intended, they are not feasible under current staffing and infrastructure models.

Mr. Godin represents staff in these institutions, individuals with first-hand knowledge and experience. They are the ones forced to deal with the reality of what Bill C-83 will usher in. I note the committee report on the bill narrowly addressed the issues raised by Mr. Godin.

What is most surprising is that Mr. Godin actually testified at committee that inmates have already died as a result of more liberal segregation policies introduced in 2017. Specifically, he said:

> Many of the inmates currently managed within segregation units are highly vulnerable and are segregated for their own protection. In order to provide them with the amount of interaction prescribed within the new bill, they will require direct and constant supervision from already limited numbers of correctional officers. Conversely, the inability to adequately manage incompatible inmates will lead to consequences like those seen in Archambault and Millhaven institutions where inmates were murdered in separate incidents in early 2018.

I know that Senator Poirier raised this issue with Minister Goodale, but I don't think she received a satisfactory response. Is this matter referenced in the report of the committee? No, it is not. Colleagues, I must say that I am disturbed by this bill and by the committee report.

• (2100)

In my view, the bill and the report engage in considerable wishful thinking. Unfortunately, it may be correctional staff and, even more so, offenders who suffer from the bill and its provisions. The government is not firmly standing for the need to put the security and safety in our institutions first. In our view, that should be the first priority as a country. For that reason, I must oppose both the report and the bill itself.

Thank you.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise again today at report stage of Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act.

This bill has serious and as yet incalculable consequences not only for the safety of Correctional Service of Canada employees, but also for the safety of the Canadian public and, of course, the victims.

I would first like to point out that it is unacceptable for a committee to study such an important bill without inviting any victims. Even the Ombudsman for Victims of Crime in Canada was not invited to appear before the committee.

All Canadians want is a correctional service that protects them, keeps them safe and rehabilitates those who truly want to be rehabilitated. Think about it. This bill will affect the release of federal inmates with sentences of more than two years. We are talking about offenders who committed serious offences and are serving their sentences in a prison other than a provincial prison. I repeat that no victims were asked for their input. However, Jason Godin, the outgoing national president of the Union of Canadian Correctional Officers gave some important testimony. He represents 7,300 workers who risk their health every day doing their job in the Canadian prison system. The corrections officers that he represents have a very difficult job, but their work is essential for you, for me and for the entire country. Mr. Godin deals with offenders convicted of serious crimes every day. He spoke on behalf of those who work to keep us safe 24 hours a day, 365 days a year. If we pass the "least restrictive" measure we will be taking a step backwards.

The president of the Union of Canadian Correctional Officers said the following about the introduction of Bill C-83, and I quote:

> . . . CSC will further struggle to achieve its mandate of exercising safe, secure and humane control over its inmate populations.

Mr. Godin used the word "humane" because he said he was concerned about the significant change made to this bill, including the adoption of the "least restrictive" measure, which seems to limit the possibility of temporarily placing an inmate in segregation, either for their own safety or the safety of staff.

Are the safety of staff and the safety of inmates not essential if we want to protect the public and rehabilitate people who truly want a second chance? The president of the Union of Canadian Correctional Officers mentioned having witnessed the unintended impact of the correctional policy changes, including correctional directive CD 709 on administrative segregation. That policy ensures that the administrative segregation of an inmate occurs only when specific legal requirements are met and that restrictions are based on the least restrictive measures to meet the objectives of the Corrections and Conditional Release Act.

To quote Mr. Godin again, these measures:

> . . . significantly reduce CSC's ability to manage its institutions through the use of segregation.

Mr. Godin added:

> Although well intended, this quickly led to a sharp increase in violence within federal institutions. . . . By eliminating disciplinary and administrative segregation, the ability to maintain control over diverse populations will be significantly impacted.

He adds that there needs to be balance. In his words:

> We accept that an overreliance on segregation as a disciplinary consequence may lead to negative outcomes.

Everyone agrees with that premise.

> However, there are incidents in which swift and immediate responses to dangerous behaviour are necessary options.

He makes it clear that we must strike a balance between public safety and inmates' rights. I'd like to emphasize an important line from Mr. Godin's testimony, where he states that segregation can at times be used to protect inmates from themselves. I'll quote him again:

> Many of the inmates currently managed within segregation units are highly vulnerable and are segregated for their own protection.

Take people suffering from mental health problems, for example. A few weeks ago, Senator Pate and I had several discussions about mental health in federal penitentiaries. In some situations, segregation can be used to protect inmates from violent individuals and even from themselves, much like our psychiatric institutions. As I said, no analysis of this bill would be complete without considering the high proportion of penitentiary inmates suffering from mental health problems.

The latest available figures show that 40 per cent of women and 30 per cent of men currently detained in our federal penitentiaries suffer from mental illness. We should not and we cannot ignore them. We must not regard segregation as a permanent disciplinary measure. Take Archambault Institution, for example. I visited that institution twice. It has a unit to treat people who have mental health problems. Nearly 100 patients receive ongoing treatment there, and they are segregated for their own protection and for the protection of staff members. To tell the psychiatrists treating them that, as of tomorrow morning, we are prohibiting segregation for those patients would jeopardize the health of those professionals.

In certain circumstances, segregation measures can help protect people with mental disorders from themselves and from violent acts committed by other inmates. These inmates are often the most abused in penitentiaries.

Removing this tool will make it harder for professionals to maintain a stable environment. An unstable environment steeped in chaos and violence is not conducive to rehabilitation. This situation only exacerbates mental health problems; it does nothing to improve them. This bill might please criminal rights advocates, but it will jeopardize the safety of our professionals.

I would like to add that that this bill does not propose any practical alternatives to protect inmates with mental health issues. That is this bill's fundamental flaw. It does not propose any alternatives. That is an appallingly irresponsible weakness, and we will only be making things worse if we pass Bill C-83. In my opinion, this bill is irresponsible, dangerous and out of touch with the reality of our prison system.

The Correctional Service of Canada Commissioner's Directive 580 on the discipline of inmates is very clear. Its purpose is to promote the good order of the penitentiary through a disciplinary process that contributes to the inmates' rehabilitation and successful reintegration into the community.

According to the union president, in order to respect the provisions of the bill, inmates will require direct and constant supervision from an already limited number of correctional officers and health care staff.

The committee also spoke about implementing these so-called structured intervention units. The union is concerned about CSC's ability to repurpose existing infrastructure to meet the criteria of Bill C-83. As Mr. Godin said, the criteria are unclear.

He said in committee, and I quote:

> Should these changes occur, in order to continue to meet critical strategic priorities effectively significant infrastructural changes at the institutional level are absolutely necessary.

• (2110)

Simply put, the institutions are not currently able to make these changes. Despite all these concerns, legislators are faced with a serious lack of information, data and studies. Jason Godin recommends conducting a review of the disciplinary system prior to the elimination of disciplinary segregation to effectively respond to the most difficult behavioural inmate cases. He also recommends a commitment to the availability of health care professionals 24 hours a day within all CSC institutions. He recommends the supplementation of existing training and the implementation of new training to provide correctional officers with additional tools. All this could be done before this bill is passed. We are truly putting the cart before the horse if we move forward with this bill.

Honourable senators, before passing this bill, I hope you will consider that human lives are at stake. Victims do not want to relive the trauma of crimes committed by repeat offenders. I therefore urge you to join me in defeating this bill.

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

Senator Boisvenu: Of course.

[*English*]

Hon. Pamela Wallin: Did I hear you correctly that you feel that in a time of crisis the correctional workers would not be able to intervene?

[*Translation*]

Senator Boisvenu: Exactly. There are two problems right now. Prison infrastructure is not adapted for close, constant supervision of criminals, as set out in the new directives.

The other problem is that with isolation, which will be made the least restrictive possible, people with mental health problems will be entitled to four hours a day outside a cell or to two-hour outings. This means that they will be exposed to other criminals who are just as dangerous. Inmates with mental illnesses will be put in danger, and so will the professionals caring for them and their guards. If our prison system was perfectly set up to implement this bill, I'd say that this is exactly the tool we need. However, there are too many people with mental illness, who represent about 40 per cent of women and 30 per cent of men. Yet the government is implementing measures as though there is not one inmate with mental health problems.

[*English*]

Hon. Paula Simons: Honourable senators, I rise today to speak to Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act and to speak to the report.

[*Translation*]

I would first like to congratulate the members of the Senate Standing Committee on Social Affairs, Science and Technology for the strength, vigour and courage with which they defended the key amendments that must be made to this well-intentioned but imperfect bill.

This evening, I would like to express my support for these amendments, especially those that require an assessment of the mental health of inmates placed in segregation and a judicial review of cases of long-term segregation. I also want to remind senators that because the correctional system is unable to manage segregation in a humane manner, people suffer.

I would like to tell you the story of Eddie Snowshoe.

[*English*]

In my previous life as a columnist with the *Edmonton Journal*, I covered Eddie Snowshoe's story for the paper. I've written about a lot of terrible incidents in my career as a journalist, but Eddie's story haunts me in a way few others have.

Eddie was a member of the Tetlit Gwich'in First Nation in Fort McPherson, Northwest Territories, one of the Peel River people. He was a troubled young man, though not a hardened criminal.

On March 1, 2007, armed with a 22-calibre rifle, Eddie robbed a young taxi driver in Inuvik, injuring the driver. He stole $45. Just 15 minutes later, he surrendered himself to police. He made a full confession.

"It was either that or kill myself," Snowshoe told police when he was arrested. "I was prepared to get caught. My life was going nowhere."

Snowshoe was sentenced to almost five and a half years in prison, federal time. Because there was no federal prison near Fort McPherson or Inuvik, the youth was sent to Stony Mountain, a medium-security institution in Winnipeg, more than 4,000 kilometres away. It was the first time he had ever left the High Arctic.

Far, far from home, culturally isolated, without any contact with family or friends, he attempted suicide three times: in 2007, not long after he was first incarcerated; then again in 2008; and again in 2009. In early 2010, after a major depressive episode, there was another serious incident of self-harm. Eddie Snowshoe was placed on suicide watch.

A few weeks after that, he fashioned some kind of makeshift "knife" — something he made out of the lining of a juice box. He didn't hurt anyone with it nor threaten anyone with it. He brandished it in what a report later referred to as an "incident." As a result, he was placed in segregation, what is colloquially known as solitary confinement, for 134 consecutive days — 134 consecutive days for a mentally ill young man with a well-documented history of self-harm and suicidal ideation.

A public fatality inquiry later found that the compulsory, legally mandated reviews of Snowshoe's continued segregation were never carried out. He was simply locked up, indefinitely.

It would seem obvious to most of us here, I suspect, that what Eddie Snowshoe needed was medical treatment and psychiatric care. He needed human contact, not tortuous isolation. Yet, somehow, Eddie survived those first 134 days.

And then? Well, then, honourable senators, on July 15, 2010, Eddie Snowshoe was transferred to Edmonton's maximum-security prison.

The very next day, on July 16, Eddie applied, in writing, to be moved into the general population. The troubled young man tried his best to advocate for himself. But his application to be released from segregation was lost. The paperwork went astray and wasn't found until months after his death.

Although a nurse examined Mr. Snowshoe when he arrived in Edmonton and noted his history of suicide attempts, there was no psychological or medical follow-up, no psychiatric assessment. Indeed, correctional officers testified at a later public fatality inquiry that they were never, ever informed about Eddie's multiple previous efforts to kill himself.

His segregation status at the Edmonton Max was confirmed by an assistant warden, but it was on her last day of work before taking a one-year leave of absence, so she had no follow-up. On top of that, Eddie was supposed to have an assigned parole officer, but that officer was on summer vacation and never met with Eddie to hear his story.

And the result? The result is that no one — no one — in the Edmonton Max realized how long their new prisoner had already been in solitary confinement.

In his later fatality inquiry report, Alberta provincial court Judge James Wheatley summed things up this way:

> Edward Christopher Snowshoe fell through the cracks of a system and no one was aware of how long he had been in segregation even though that information was readily available.

As a suicidal, mentally ill prisoner, Eddie could have been placed in a special observation cell, which would have allowed guards to monitor his condition. Indeed, such a cell was free and available at the Edmonton Max. But instead, Eddie was placed in a cell where the guards could only see him through a mail slot.

In all, Eddie Snowshoe spent 162 days in segregation, including his final 28 solitary days in Edmonton. And then, just four months before he was due for statutory release, Eddie Snowshoe hanged himself. He was 24.

Both journalists and politicians are a little too prone to overuse the word "Kafkaesque," but I frankly can't think of a better word to describe such fatal, careless bureaucrat bungling — a mentally ill young man whose crime, remember, was to steal $45, trapped in endless segregation — not because he was a dangerous felon but simply, literally, because no one remembered to let him out. He died not because of intentional cruelty or malice but because of institutional inertia and the institutional incompetence of our corrections system.

A wealth of studies demonstrate that long-term solitary confinement can drive even the most sane and stable person to depression and psychosis. Edward Snowshoe was already suicidal and depressive, isolated from his family, his community, his Indigenous culture. Perhaps we should be amazed that he survived 162 days.

• (2120)

Judge Wheatley later found Mr. Snowshoe's history of mental illness and suicide attempts were not handled with what he called, in a dramatic case of understatement, "any degree of care or alertness."

Eddie Snowshoe didn't die in a Dickensian Victorian workhouse. He didn't die in a Soviet gulag. He didn't die in a North Korean prison camp. Exiled from his community, cut off from his family and his culture, denied essential medical care, this kid who stole $45 and surrendered to police 15 minutes later, died because we locked him up all alone in a tiny cell and just forget he was there.

Let's not forget him now.

[*Translation*]

Let's not forget what he went through. Let's ensure, through the bill we are passing this month, that no one else goes through the same ordeal. Let's ensure that the necessary controls and oversight mechanisms are in place to strengthen our correctional system.

Eddie Snowshoe's story perfectly illustrates why the bill has to be amended. We must ensure that inmates with psychiatric problems are examined and cared for, rather than punished and placed in solitary confinement. This story also demonstrates what can happen when there is no judicial review of cases of long-term segregation, when there is no mechanism to prevent someone from languishing in a segregation cell just because their paperwork went astray.

I know the end of the month is fast approaching and we are under immense pressure to pass bills as quickly and efficiently as possible. However, that is no reason for us to forget Edward Christopher Snowshoe. Let's take the time to pass a good bill.

Thank you. *Hiy-hiy*.

Some Hon. Senators: Hear, hear.

[*English*]

The Hon. the Speaker pro tempore: Senator Simons, would you accept a question?

Senator Simons: With pleasure.

[*Translation*]

Senator Boisvenu: Senator, thank you for the example you gave concerning Mr. Snowshoe. I think that everyone can agree that there have been problems with people being left in solitary confinement for too long. Everyone agrees that we need to adopt a policy but that we should not throw the baby out with the bathwater.

As you just proved, the problem with our prisons is not segregation. The problem is the gap between psychiatric services, which fall under provincial jurisdiction, and the burden that prisons now have to bear, that of taking care of people who have mental health problems and who do not belong in prison. What's more, the mistakes being made in the prison system happen because we have let these facilities become a substitute for psychiatric facilities.

Here is my question: does the bill address the root cause of the problem, or just the effects?

[*English*]

Senator Simons: I thank the honourable senator very much for his question. I quite agree. We have turned too many of our correctional institutions, both provincial and federal, into *de facto* madhouses. We do not provide sufficient support in the community for people who need ongoing psychiatric care. Once prisoners are incarcerated, whether in the provincial or federal system, we utterly fail to provide them with the medical care they need. He is absolutely correct; that creates a situation of real risk for correctional officers, other inmates and for those who are ill themselves.

I think it is a national tragedy. I agree absolutely with Senator Boisvenu that we have created a situation that is dangerous and unfair to all concerned. We absolutely need to provide better psychiatric and psychological treatment especially for those whose crimes were motivated or predicated on the basis of their illness.

It's really important — and that's why I'm cheered by the amendments to this bill that call for mandatory review after 30 days of a prisoner's medical/psychiatric state and mandatory judicial review to ensure that people are not locked up simply because we literally, as in Mr. Snowshoe's case, forget that we put them there.

The Hon. the Speaker pro tempore: Senator Kutcher, do you have a question?

Hon. Stan Kutcher: Senator Simons, in your work as a journalist, you have likely become aware that modern psychiatric care does not include locking people up into solitary confinement.

Would you think that a federally incarcerated person who has a psychiatric illness should receive the same quality and standard of care as somebody who is not incarcerated and that, because we no longer lock up people who have a mental illness, we should not do so whether they are incarcerated or not incarcerated?

Senator Simons: Thank you very much, senator. I can certainly imagine that, in certain acute cases of a 48-hour hold, sometimes people really do need to be kept in a very safe and secure area. I've known through my work as a journalist and, frankly, because of experiences I've had with friends and family that when somebody is in that kind of secure hold in a psychiatric institution, they are kept alone but they are monitored.

The great tragedy of what happened to Eddie Snowshoe is that they literally put him in a room without a window. He wasn't even being watched. I agree absolutely.

One of the great problems we face in this country is our mandatory minimum sentences for so many offences and, in order to render a verdict of "not criminally responsible," the test for NCR is incredibly high. You have to be completely unaware of the nature and consequences of your actions. You can be NCR if you're floridly psychotic, if you are in the grip of delusions, but if you're mentally ill in such a way that you are seriously impaired but not that delusional, there is no mitigation in sentencing. You can't come before a judge and say, "I was mentally ill," and receive any kind of credit for that in a sentence that has an enforced mandatory minimum.

It is an absolutely tragedy. People who are jailed because they are ill need treatment. When we divert people who need medical care and instead criminalize their illness, the very least we can do is treat the illness.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Petitclerc, seconded by the Honourable Senator Dean, that this report be adopted.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

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

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

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

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Bellemare, for the second reading of Bill C-93, An Act to provide no-cost, expedited record suspensions for simple possession of cannabis.

Hon. Colin Deacon: Thank you, Senator Simons, for the story you just told about Eddie Snowshoe. That was very powerful.

Honourable senators, I'm rising to speak at second reading of Bill C-93, An Act to provide no-cost, expedited record suspensions for simple possession of cannabis.

As of many of you know, my first vote in this chamber was on the message back from the house on Bill C-45, 51 weeks ago. I'm pleased to join in the debate on a related piece of legislation today.

Statistics Canada, in their 2018 Cannabis Survey, identified that Canadians view cannabis as being less harmful than either cigarettes or alcohol. Yet the simple possession of cannabis for personal use continues to prevent those who happened to have been caught, charged and convicted from moving on with their lives.

A conviction for cannabis possession stigmatizes those individuals with a criminal record which, in turn, can prevent them from accessing housing, a job, or even a volunteer position. The cumulative effects of these barriers can create a cycle that becomes nearly impossible to break.

Research tells us that cannabis use across racial groups is fairly similar. Statistics Canada does not report on drug use by racial status, but many studies have, including a recent one of youth in Ontario that noted no significant difference in cannabis use across race.

• (2130)

However, there's a very striking difference when we look at arrests for cannabis possession. A *Toronto Star* investigation in 2017 examined 11,000 arrests over a 10-year period where the individual was not on parole or probation, the individual was charged with possession of up to 30 grams of cannabis and police noted skin colour. Twenty-five per cent of those arrested were identified as being Black, even though Blacks only made up 8.4 per cent of Toronto's population at that time. The *Star* noted that when compared to Whites with similar backgrounds, Blacks with no prior criminal convictions were three times more likely to be arrested for possession of cannabis.

Is that justice? The evidence clearly suggests not.

But that's not where the discrepancies end. Of those charged with cannabis possession, Black people were the highest racial group to be detained for a bail hearing. Specifically, Black youth were four and a half times more likely to be detained for a bail hearing than White youth. Is that justice — no prior criminal convictions, similar backgrounds, similar rate of use, but three times more likely to be charged and four and a half times more likely to be detained for a bail hearing? That's not justice in my books.

A 2018 examination of statistics gathered using access-to-information requests revealed similar racial inequities across the country. How can we be satisfied with a justice system that is so heavily stacked against those who are already marginalized?

In my own city of Halifax, the data show that African Nova Scotians are five times more likely to get arrested for cannabis possession than Whites. I cannot help but compare that disparity to the one found in the March 2019 *Street Checks Report* that examined police practices in Halifax. The author, Dr. Scot Wortley, from the University of Toronto, found that African Nova Scotian men in Halifax are stopped by police at a rate six times higher than Whites. That same report revealed that 30 per cent of Halifax's Black male population had been charged with a crime, while the same was only true for 6.8 per cent of the White male population over the same period. The report noted that:

> . . . the fact that Black males are so grossly over-represented in Halifax charge statistics is completely consistent with community allegations that police practices – including street checks – target Black males and contribute to their criminalization;

Cannabis possession arrests were used as an example in this report to further highlight the consequences of racial bias in police activity. We've already established that cannabis use is similar across racial groups, but this report concluded that:

> . . . Black people in Halifax were 4.5 times more likely to be arrested for marijuana possession than their presence in the general population would predict;

Is this justice — similar rates of use but four and a half times more likely to be charged?

This important report offered one more crucial point:

> Criminal charges can severely limit social, educational and employment opportunities and could further entrench the racial inequalities that are so much a part of Nova Scotia's history.

This quote highlights the need for Bill C-93.

On a cynical day, it is said that the law and justice are only distant cousins. I don't believe that anyone in this chamber is satisfied when that claim is supported by compelling evidence, but the data I've just cited suggests that this is a fair assessment as it relates to the racial inequities associated with the possession of cannabis for personal use.

It is the responsibility of this chamber to look out for those who are not being treated fairly under the law and to constantly strive to make our laws more just. We know that many Canadians live lives where the cards are stacked heavily against them right from the start. Some of our colleagues in this chamber have a very personal understanding of this reality. There are others of us, me included, who have been fortunate to travel on a much more forgiving road through their lives.

Colleagues, the bill before us offers one small step toward helping us right some of these wrongs.

I have enormous respect for our own Senator Pate. She has worked tirelessly on issues related to our justice and correctional systems for years. Three months ago, she introduced her own bill to deal with some of the deficiencies of our current criminal records system, Bill S-258, An Act to amend the Criminal Records Act. What became powerfully evident to me when Senator Pate introduced that bill, and through many other interactions with her, including discussions inside prison walls, is that a sentence does not end once time is served.

I found myself wondering if we as Canadians actually want a correctional system, or do we prefer a punishment system that clings to the individual, seeps into every aspect of their life and never, ever lets go? I very much aspire for us to have a correctional system that enables and empowers offenders to pay their debt and then rebuild their lives as law-abiding citizens. Instead, in the context of Bill C-93, we have a system where a single, non-violent offence becomes an anchor that must be dragged through every minute of every day for the rest of your life.

I believe in the intention of a correctional system, especially for non-violent criminals. Do we want people to be able to course-correct and to be empowered to rebuild a life and ultimately earn the right to move on from a mistake? I do, absolutely. Will it be a really tough goal to achieve? Absolutely, but that doesn't mean we shouldn't try to make careful and determined progress.

Most of us in this chamber grew up in the 1960s and 1970s. I'm willing to bet that more than a few of us were somewhat less than perfect as we traversed through those rather interesting times. Think back in your own life, or to that of someone you love, when considering whether we should judge others too harshly for a single mistake.

The question before us today is whether we are willing to study a bill that looks to suspend the criminal record of individuals who have done something that half of Canadians have done, that is no longer illegal and that is holding them back from volunteering at their kids' schools or getting the job that could make them more productive. It just makes sense.

This is a very small, low-risk move forward. If they are convicted of another crime, the record suspension is revoked and unsealed, as Senator Dean said.

Personally, I think it's unfortunate that there isn't an easier way to help those currently burdened with the charge of simple possession of cannabis. At committee in the other place, it was suggested there should be a way of just "pushing a button" to erase these records. That would be similar to the approach taken in San Francisco, where an algorithm was used to clear the charges. However, we've heard from Senator Dean why this government decided to proceed with this more involved application-based system.

My first year in this chamber has persistently reminded me of a truism: Perfection is the enemy of progress. So my unequivocal support for this bill is not based on its perfection; it's based on the fact that it begins to correct some injustice and provides us with a path that allows us to learn how we might expand on the careful use of pardons and/or expungements in the future.

As it's implemented, I expect those involved to gather important evidence, help us to better understand the limitations of our current records system and explore a variety of approaches for managing record suspension and expungement in the future. My hope is that we can use the resulting insights in the next Parliament as we examine the types of measures proposed by Senator Pate in Bill S-258.

I believe Bill S-258 holds the promise of helping us to build a justice and correctional system that is designed in every way to enable and empower offenders to rebuild their lives as law-abiding citizens. That is the actual mission of the women's sector of the Correctional Service Canada: to enable and empower offenders to rebuild their lives as law-abiding citizens. It is not, however, the current reality.

But that is not the bill before us now. What we have before us now is a much smaller step, but it is still a very clear step forward. I encourage all honourable senators to support the second reading vote and send Bill C-93 to committee for study.

As Senator Dean pointed out, we've already seen a pronounced difference in the stigma associated with cannabis. Let's work to help those charged with simple cannabis possession, especially those racial minorities who have been unfairly targeted, to move on with their lives. Thank you.

[*Translation*]

Hon. Claude Carignan: Honourable senators, just over a year ago, the Senate passed the Cannabis Act at third reading. As you no doubt remember, I did not support the legalization of marijuana for a variety of reasons. It is interesting to note that, last Sunday, *Bloomberg News* reported that Canada "blew it" on cannabis legalization and is rapidly losing ground to the U.S.

• (2140)

The article in question reported that, according to the founder of one of the top investment bankers to the industry, a lack of policy innovation, a messy patchwork of provincial regulations and severe restrictions on marketing and branding have left Canadian pot companies eating the Americans' dust. According to Neil Selfe, the founder and CEO of Infor Financial Group, Canada blew it.

I'm not the kind of person who says "I told you so," but this article reminded me of the concerns that many of us raised during our study of Bill C-45 in committee.

I have always believed that simple possession of cannabis should be decriminalized. This was my position during our debate on the legalization of cannabis. Now that marijuana is legal in Canada, I still believe it makes sense that no Canadians should be unfairly burdened by having a criminal record for the minor offence of simple possession of marijuana, which is no longer an offence.

[*English*]

Bill C-93, An Act to provide no-cost, expedited record suspensions for simple possession of cannabis, will allow Canadians previously convicted only of marijuana possession for personal use to apply for a pardon through an expedited system.

This system waives the application fee, which is currently $631; waives the waiting period, which is five years for summary convictions and ten years for indictable offences; eliminates certain subjective criteria and allows people to apply even if they have outstanding fines.

We all likely know someone who has a record for marijuana possession. In many cases, this has had a detrimental impact on those looking for work, who cannot volunteer at their children's school, who cannot find affordable housing, who have been denied entry into the United States.

Our Senate committees that studied Bill C-45 heard testimony of Canadians denied entry into the United States for admitting to using marijuana. Many of us heard the well-known case of Ross Rebagliati, including the Standing Senate Committee on National Security and Defence.

[*Translation*]

Mr. Rebagliati won a gold medal in snowboarding at the Nagano Winter Olympics in Japan. Since admitting on the Jay Leno show that he had consumed marijuana, Mr. Rebagliati has had to apply for a waiver to enter the United States.

Most Canadians who admit to consuming marijuana obtain a waiver that is valid for one year, then one that is valid for two or perhaps three years and, finally, a waiver that is valid for five years.

Mr. Rebagliati was issued a five-year waiver because he made his admission 20 years ago. For the past 20 years, Ross Rebagliati has had to apply for waivers at a cost of $585 U.S. each time.

Some of you may remember that in its report on Bill C-45, the Cannabis Act, the Standing Senate Committee on National Security and Defence recommended that the government present to Parliament a plan to protect Canadian travellers at the border.

This plan was to include measures envisaged by the government to minimize the impact of Bill C-45 on the flow of travellers and goods at the Canada-U.S. border.

In addition, the plan would have explained how the government intended to approach negotiations with the United States to ensure that Canadian travellers were not denied entry into the United States because they consumed cannabis or participated in any other activity that became legal once Bill C-45 was enacted.

However, no plan was put in place after cannabis was legalized, and we see the consequences of that every day.

For example, we heard about a Canadian investor who, after travelling to Las Vegas, Nevada, in November 2018 to attend an annual cannabis conference and tour cannabis facilities, was denied entry into the United States for life. Canadians may continue to experience problems at the U.S. border and be denied entry for life because they smoked marijuana. I see that as an important issue to address.

With respect to Bill C-93, I believe we should expunge the records of Canadians convicted of simple possession of cannabis. Expunging records would remove barriers to employment and housing. That is very important, particularly for marginalized individuals who have a hard time accessing basic necessities.

Although I support this bill, I fear that it hasn't been the subject of sufficient reflection. First of all, I think it creates an overly bureaucratic process, given that applicants will have to present documentation to the Parole Board of Canada to obtain a criminal record suspension and to prove their eligibility for the expedited process. On top of that, they will have to provide their fingerprints in order to confirm their identity and they might be forced to obtain documents from local courts or police services, for a fee.

Although the bill explicitly states that the application for the suspension does not carry any fees, unlike the ordinary for-pay record suspensions, it seems that Canadians will still be forced to pay certain sums to other organizations.

I'm actually concerned about the cost of Bill C-93 for taxpayers. The Minister of Border Security pointed out that as many as 400,000 people could have criminal records for simple possession. However, the government expects only about 70,000 to 80,000 of them to be eligible to the program.

For example, someone who has a criminal record for simple possession as well as another kind of offence would not be eligible to the program. Bill C-93 is intended only for individuals who have been charged with simple possession. The Minister of Border Security has indicated that it will cost approximately $2.5 million for some 10,000 applicants. I don't think taxpayers should have to foot the bill for that.

[*English*]

When I look at what other states have in place, for instance, the State of California seems far more innovative than what is proposed in Bill C-93. California has brought forward a program called Clear My Record through Code for America. It is a computerized program that allows for the expedient removal of simple criminal code records, such as the simple possession of marijuana. It is a free online tool that assists people in California to navigate the complicated process of clearing their records. People can fill out a short application online, and it typically takes ten minutes to get connected to a legal authority. This kind of innovative approach is seen in stark contrast to what is proposed in Bill C-93.

I was disappointed that an amendment put forward by my colleagues in the other place that would have allowed the Parole Board of Canada to process the applications electronically using a modernized system was rejected by the government. Instead, it's now a report recommendation:

> a. That the Parole Board of Canada, which has a mandate to deliver services quickly, effectively and efficiently, use technology to enable them to better serve Canadians;

• (2150)

I would think, in our age of electronic data, these records of criminal convictions for simple possession of cannabis can be located by the Parole Board of Canada and identified for action. Moreover, since the government introduced Bill C-93, many have criticized the bill for not going as far as expunging records. A record suspension literally "suspends" the record and keeps the record separate and apart from criminal records. It does not destroy the record.

[*Translation*]

The minister retains the authority to approve the disclosure of a criminal record provided that the minister is satisfied that "the disclosure is desirable in the interests of the administration of justice or for any purpose related to the safety or security of Canada or any state allied or associated with Canada."

A criminal defence lawyer told the House of Commons Standing Committee on Public Safety and National Security that Bill C-93 is "deeply flawed." He said, and I quote:

> I should first note that Bill C-93 is better than nothing. But better than nothing is a mighty low bar for our Parliament. You can do better. You must do better. Instead, I would urge a scheme of expungement along the lines already provided for in the Expungement of Historically Unjust Convictions Act.

According to Senator Dean, expungement could be problematic for people who have to provide a copy of their criminal record. For example, a Canadian with a criminal record for possession of marijuana who is refused entry to the United States and does not have a copy of their criminal record or the means to get one because the record was expunged could have a hard time applying for a waiver.

However, I believe that this aspect merits closer review, and I am not convinced that the government gave it all the attention it deserves.

In closing, now that marijuana is legal, I think we can all agree that it is important to give people a chance to turn the page on their criminal record. I invite the committee tasked with studying Bill C-93 to be mindful of its flaws and to correct them in the best interests of Canadians.

Thank you.

[*English*]

The Hon. the Speaker: It was moved by the Honourable Senator Dean, seconded by the Honourable Senator Bellemare, that this bill be read a second 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 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 "yeas" have it.

And two honourable senators having risen:

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

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 10:53 p.m.

Call in the senators.

• (2250)

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson	Joyal
Bellemare	Klyne
Bernard	Kutcher
Black (*Ontario*)	LaBoucane-Benson
Boehm	Lankin
Boniface	Lovelace Nicholas
Bovey	Marwah
Busson	McCallum
Cormier	McPhedran
Coyle	Mégie
Dalphond	Mercer
Dawson	Mitchell
Deacon (*Nova Scotia*)	Miville-Dechêne
Deacon (*Ontario*)	Moncion
Dean	Omidvar
Duncan	Petitclerc
Dupuis	Pratte
Dyck	Ravalia
Forest	Richards
Francis	Ringuette
Gagné	Saint-Germain
Gold	Simons
Griffin	Sinclair
Harder	Woo—49
Hartling	

NAYS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Batters	Mockler
Boisvenu	Neufeld
Carignan	Ngo
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Housakos	Poirier
MacDonald	Seidman
Manning	Smith
Marshall	Tannas
Martin	Tkachuk
McInnis	Wells—26

ABSTENTION
THE HONOURABLE SENATOR

Stewart Olsen—1

• (2300)

REFERRED TO COMMITTEE

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

(On motion of Senator Dean, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

NATIONAL SECURITY BILL, 2017

MESSAGE FROM COMMONS—CERTAIN SENATE AMENDMENTS CONCURRED IN AND DISAGREEMENT WITH CERTAIN SENATE AMENDMENTS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons which reads as follows:

Tuesday, June 11, 2019

ORDERED,—That a Message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-59, An Act respecting national security matters, the House:

agrees with amendments 3 and 4 made by the Senate;

respectfully disagrees with amendment 1 made by the Senate because the intent of the legislation is to ensure ministerial responsibility and accountability, and the legislation provides that the Intelligence Commissioner must review whether or not the conclusions of the Minister of National Defence, when issuing a foreign intelligence authorization, are reasonable; additionally, subsection 20(1) already requires the Commissioner to provide the Minister with reasons for authorizing or rejecting a foreign intelligence authorization request;

respectfully disagrees with amendment 2 made by the Senate because it would limit the scope of subsection 83.221(1) and would create inconsistencies with the general counselling provisions contained in section 22 and paragraphs 464(a) and (b) of the Criminal Code.

ATTEST

Charles Robert
The Clerk of the House of Commons

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

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

[*English*]

OIL TANKER MORATORIUM BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Woo, seconded by the Honourable Senator Gold, for the third reading of 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.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, in his Governor General's Award-winning book, *The Golden Spruce*, John Vaillant describes the temperate rainforest of Canada's north Pacific Coast, writing:

> The mild temperatures within the long, damp corridor between the Pacific Slope and the sea have created what is essentially a vast terrarium. It is an environment perfectly designed to support life on a grand scale, including the biggest freestanding creatures on earth. . . . the Northwest forests support more living tissue, by weight, than any other ecosystem, including the equatorial jungle.
>
> The range of the coastal temperate rainforest — like that of most wild creatures — has been drastically reduced in a relatively short period of time. Until about a thousand years ago, temperate rainforests could be found on every continent except Africa and Antarctica. Once upon a time, the lush coastal forests of Japan were a trans-Pacific mirror of our own . . .
>
> The Highlands of Scotland, a place long associated with barren scapes of moorland and heather, hosted a temperate rainforest as well. So did Ireland, Iceland and the eastern shore of the Black Sea. While the North Sea coast of Norway retains vestigial traces of its original rainforest, Chile, Tasmania and New Zealand's South Island are the only places left with forests whose flora, feel and character remotely resemble those of the Pacific Northwest, which hosts the largest such rain forests in the world.
>
> . . . ocean-fed bears — some of them as white as a bald eagle's head — swim from island to island where they cruise the high tides, their footprints overlapping with those of deer, otter, marten and wolf.
>
> In here, the patient observer will find that trees are fed by salmon, eagles can swim and killer whales will heave themselves into the gravelled shallows and stare you in the eye.
>
> The Native peoples of the Northwest Coast spent most of their lives within a hundred metres of this heavily traffic threshold between two worlds. Living in such a liminal environment, it is hardly surprising that their artworks, dances and stories focus so heavily on convergence and transformation. Nowhere else on the coast is the profound interdependence between forest, sea and shared inhabits more dramatically represented than on the Queen Charlotte Islands.

Honourable senators, I rise today to speak at third reading of government Bill C-48, the Oil Tanker Moratorium Act, or An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

As you know, this legislation would formalize the long-standing oil tanker moratorium on Canada's north Pacific coast.

The major environmental policy implemented by this government is a government election commitment supported federally by four parties: The Government of British Columbia and the regional governments of the City of Prince Rupert, the Village of Queen Charlotte, the District of Kitimat, the City of Terrace, the Town of Smithers and the Skeena Queen Charlotte Regional District.

In addition, Bill C-48 is supported by a large majority of First Nations peoples who hold section 35 constitutional title to the relevant northern and central coastal territories that could be devastated by an oil spill, as well as constitutional rights to the region's fisheries.

At the outset, I'd like to thank Senator Mobina Jaffer for her excellent and dedicated work as the sponsor of this bill.

When Coastal First Nations' leadership visited the Senate in December to ask senators for their support, several leaders led a prayer of healing for Senator Mobina Jaffer. We repeat that prayer in our hearts tonight.

Given Bill C-48's legislative path to this point, in speaking at third reading I would like to outline in detail the democratic process that has led to this government bill, as well as the underlying policy rationale.

Contrary to the words of Senator Baker, I'm very sorry that I will not be brief, as neither was he.

Specifically, I'd like to speak to senators and Canadians today about the Government of Canada's democratic mandate for Bill C-48; the history of the existing voluntary exclusion zone for oil tankers; the federal constitutional authority over marine shipping ports; risk factors on the north Pacific Coast that affect shipping and potential spills; the ecology of interrelated marine and terrestrial environments, including the Great Bear Rainforest, the sustainable regional economies of central and northern B.C., particularly fisheries and tourism, and the majority support for Bill C-48 from First Nations of the affected coast; the nature of their constitutional rights to the territories and the fisheries; the potential environmental and economic effects of a heavy oil spill; and the Government of Canada's energy and environment plan writ large.

Overall, the government has a balanced and comprehensive energy and environmental plan designed to show Canada's national and regional economies, including with multiple new oil and gas pipelines. However, as these cleaner-burning fossil fuel resources get to market and replace coal in Asia, the government is investing heavily in renewable energy to support the global transition to mitigate climate change.

Critically, in response to this catastrophic threat to the environment and humanity, the government is putting a price on carbon to alter behaviour in a way that is less damaging to the natural world.

Within the bigger picture, Bill C-48 is an important policy compromise within the Confederation as a challenging and pivotal time for energy and environment in Canada and the world.

In the Senate's review of Bill C-48, we should consider the democratic history of the policy of preventing heavy oil tanker traffic on the north Pacific Coast. Before and during the 2015 federal election, now Prime Minister Trudeau made a commitment to Canadians and, in particular, to British Columbians to give the oil tanker moratorium the strength of law if they were elected as government.

On June 29, 2015, Mr. Trudeau announced the Liberal environmental platform at a news conference in Vancouver. He publicly made a commitment to Canadians that a Liberal government would attend the UN Climate Change Conference in Paris with premiers, put a price on carbon, expand Marine Protected Areas, balance the environmental assessment processes for new resource projects and formalize the moratorium on crude oil traffic along the northern coast of B.C.

• (2310)

These announcements received national media coverage and spurred public debate as Canadians, including British Columbians, considered and made their choices in the polls just a few weeks later.

On September 20, 2015, in Vancouver and in the midst of the election campaign, Mr. Trudeau again committed, as advertised by the Liberal Party of Canada in writing, to:

> Formalize the moratorium on crude oil tanker traffic on British Columbia's North Coast – including the Dixon Entrance, Hecate Strait, and Queen Charlotte Sound – and ensure that ecologically sensitive areas and local economies are protected from the devastating impacts of a spill.

In addition, Mr. Trudeau's announcement outlined the government's Oceans Protection Plan, including the policies brought forward in Bill C-55 to reach the international marine protection targets and in Bill C-68 regarding the restoration of protection for fish stocks and habitat.

As senators know, one of those bills is now law. The other passed the Senate with amendments last week.

With regard to Bill C-48, when the Liberal Party of Canada won the federal election and formed the government, the Minister of Transport the Honourable Marc Garneau's mandate letter reflected the Prime Minister's commitment to formalize the North Pacific moratorium.

In November 2016, Prime Minister Trudeau announced to Canadians that legislation to formalize the moratorium was forthcoming, and in May 2017 Minister Garneau introduced Bill C-48 in the House of Commons.

Bill C-48 subsequently passed the Commons in May of last year with a vote by elected members of Parliament of 204 to 85. Support for the bill in the other place came from the government Liberal caucus, the New Democratic Party, the Green Party and the Groupe parlementaire québécois. These votes comprised the elected representatives of 67.4 per cent of the popular vote in the last federal election.

Also relevant to the democratic mandate for Bill C-48 in 2015, the NDP and the Greens promised to formalize the tanker ban, meaning that 62.7 per cent of Canadians cast votes for a party promising to implement the policy contained in this legislation.

In Prince Rupert, British Columbia, on June 21 of last year, as the Senate commenced the debate on Bill C-48, Prime Minister Trudeau reiterated his commitment to the First Nations of central and northern coastal B.C. The Prime Minister told leaders and communities that what the government was doing to keep his electoral promise was to protect the North Pacific Coast, including progress made on the oil tanker moratorium act.

On that occasion, National Indigenous Peoples Day, the Prime Minister also jointly announced with First Nations leadership a landmark ocean protection agreement with 14 central and North Pacific Coast nations.

The Prime Minister takes nothing more seriously than reconciliation, and he has given his word to protect the Great Bear Rainforest for future generations. As Minister Garneau has indicated several times, and I reiterate today, the government will seriously consider and potentially accept any Senate amendments to Bill C-48 that are consistent with the principle of the bill. However, the government has a responsibility to Canadians to implement its democratic mandate, including this bill.

In considering the oil tanker moratorium act, it is important to remember that Bill C-48 formalizes and complements an existing and long-standing Canadian policy of protecting the North Pacific Coast from major risks of oil spill. It is worth reviewing the history of that policy in some detail.

As Gavin Smith, lawyer for West Coast Environmental Law, outlined at committee, the debate around the shipment of heavy oil through or along the North Pacific Coast began in the late 1960s with the advancement of the Trans-Alaska Pipeline System. The potential routes of tankers became an issue of major provincial and national concern.

In 1970, a House of Commons special committee examined the matter. In 1971, the committee recommended that Canada oppose crude oil traffic in the region due to the environmental risks. Also in 1971, the B.C. legislature unanimously passed a motion to oppose crude oil traffic along the north coast.

In 1972, with the Trans-Alaska Pipeline now built, the House of Commons unanimously passed a motion that crude oil tanker traffic would be inimical to the interests of Canada. The House of Commons urged the government to raise the matter with the United States. Canada's objective was to ensure that tankers would transit the West Coast at a sufficient distance to prevent a major oil spill in the event of a ship becoming adrift, though such a route would require a greater cost of time and fuel.

In 1977, oil tankers began to transit the West Pacific Coast from Valdez, Alaska, to refineries in Washington State. As federal officials have indicated on the record, the routing system at that time was the result of discussions between the United States and Canada and provided for tankers to keep in excess of 150 kilometres west of the islands of Haida Gwaii.

In the late 1970s, a proposed domestic oil port in Kitimat prompted the federal government to launch a commission of inquiry into the question of oil tankers on the northwest coast. The 1978 report stated:

> If an oil port is established at Kitimat there will inevitably be oil spills on the adjacent coast of British Columbia.

The commissioner further stated:

> Despite my familiarity with this history of determined opposition to tanker traffic, I have been surprised to find it so universal.

Following this report, the federal government rejected the Kitimat proposal, emphasizing the unsuitability of the location. On the U.S. side, the longer routes from Alaska to Washington for oil tankers were unpopular with American shippers due to the added cost and were abandoned by the U.S. Coast Guard in 1982.

However, to keep our coast safe, Canada entered into negotiations with the United States government through the Canadian Coast Guard. Under Prime Minister Brian Mulroney, these talks led to the 1985 Voluntary Tanker Exclusion Zone.

In 1988, the Canada and the U.S. Coast Guards further formalized the agreement under President Ronald Reagan. In 1989, the *Exxon Valdez* oil spill in Alaska underscored the moratorium's importance, reminding the world that accidents can always happen, with that disaster covering 2,100 kilometres of coastline and 28,000 square kilometres of ocean with crude oil.

For 34 years, the voluntary exclusion zone has extended about 100 kilometres west of the islands of Haida Gwaii, covering an area from Alaska to the southwestern coast of Vancouver Island. The offshore range of the exclusionary zone was calculated based on the Canadian study of the worst possible drift of a disabled tanker versus the time required for sufficiently powerful tugboats to respond and to prevent a spill on the coast.

The long-standing effect of the exclusion zone has been that tankers servicing the Trans-Alaska Pipeline System between Valdez, Alaska and Puget Sound, Washington, travel west of the exclusion zone.

Senators may be interested in the description of this policy and history from *The Globe and Mail* from former Liberal member of Parliament, minister of transport and later fisheries and oceans and the environment, the Honourable David Anderson. Mr. Anderson was involved in the development of this policy in the 1970s and in the exclusion zone's enforcement through the 1990s. Mr. Anderson describes the conditions at the time of the moratorium where he says:

> These were years of a seemingly endless stream of tanker groundings, collisions and explosions around the world. The Canadian government's objective was to keep tankers carrying Alaskan crude oil further offshore, thus allowing more response time in the event of an accident and reducing impacts on our West Coast shorelines and fisheries in case of a spill. Canada would have had little credibility in making such a request to the Americans if our own policies were not consistent with our routing request.

Senators, this last point is very important. If Canadians do not respect the voluntary exclusion zone, Americans are unlikely to either. Were a pipeline such as the now-defunct Northern Gateway Project ever to be built in the north coast, it would create new risk from new tanker traffic. However, the pipeline would also invite even greater risk from existing tanker traffic with American vessels no longer respecting the safe distance from the coast in order, of course, to save time and money.

At the Transport Committee, Mr. Garneau said:

> Should we ever start shipping crude oil off the coast, it could weaken adherence to the Tanker Exclusion Zone. After all, if we ourselves are shipping crude oil through these waters despite the risks, then why should other countries not do the same? As such, Bill C-48 should be seen as complementary to the Tanker Exclusion Zone and an important step that would provide additional protection for Canada.

This point is incredibly important because of our debates in the chamber at second reading. You will recall that on November 28 of last year, Senator Wells told this chamber on behalf of his party that he supports an end to the Reagan-Mulroney moratorium. I submit, with the Conservatives now advocating for scrapping the exclusion zone, this is all the more reason for the country to move forward with Bill C-48.

In taking the next step, as Minister Garneau indicated, Bill C-48 complements the exclusion zone for formally banning and estopping loading and unloading of crude or persistent oils from tankers from the northern end of Vancouver Island up to Alaska.

For the purposes of resupply, the bill makes an exception for tankers carrying less than 12,500 metric tonnes of heavy oil. By comparison, the largest tankers calling at ports in Canada have the capacity to carry 20 times this amount.

• (2320)

Again, for comparison, the *Exxon Valdez* spilled approximately 37,000 metric tonnes of oil into the ocean, seven times less than the amount carried on one of today's supertankers.

Bill C-48 reinforces this moratorium with penalties of up to $5 million.

In this debate, the government would like to acknowledge the policy contributions on this matter from retiring Member of Parliament for Skeena—Bulkley Valley, Nathan Cullen. In 2016, Mr. Cullen introduced Bill C-328, Protection of the North Coast of British Columbia Act. The policy innovations in that bill helped lead us to Bill C-48. On behalf of the government, I would commend Mr. Cullen for his Senate testimony in support of this bill in Prince Rupert and his efforts here in Ottawa.

With Bill C-48, the law will have the effect of keeping tankers away from the northwest coast by removing any economic purpose for coming close to the shore. In that way, Bill C-48 formalizes and complements the existing Tanker Exclusion Zone in Canada's statutory law. That is the government's promise to Canadians and that is the purpose of Bill C-48.

This policy falls clearly within federal jurisdiction. Under international law, Canada has the authority as a sovereign nation to enact legislation on access to our ports. This conclusion was supported by testimony provided to the Committee on Transport, Infrastructure and Communities in May 2018 by Professor Ted McDorman, Professor of Law, Faculty of Law, University of Victoria, where he stated, "As a matter of international law, it would be completely within the jurisdiction of Canada to do, without complaint by any other country."

Vanessa Rochester, Counsel at the law firm Norton Rose Fulbright, added:

> Bill C-48 prohibits loading, discharging, mooring at ports and marine installations in the defined areas for tankers carrying over a certain volume of cargo. These are the internal waters of Canada. This differs from the area covered by the . . . [voluntary Tanker Exclusion Zone.]

Further, and contrary to claims made by some in this chamber at second reading, the formalization of the 1985 moratorium will not create the only tanker ban or moratorium in the world. In fact, it's not the first in Canada. In 1982, the federal government implemented a regulation prohibiting loaded oil tankers in the Head Harbour Passage, New Brunswick, in response to a proposed oil refinery on the United States side.

In the United States, American law has banned oil tankers in the area covering over 5,000 square kilometres in the Florida Keys since 1990. Since 1977, American law has capped crude oil tanker shipping in the Puget Sound region of Washington State.

In Australia, the Queensland Parliament recently passed a law to implement its prohibition of coal tanker shipments over a massive portion of the Great Barrier Reef.

In efforts to protect sensitive marine ecosystems from major spills, Canada is not alone, although Bill C-48 will reinforce Canada's position as a global leader.

Honourable senators, I will now turn to marine safety risks that would accompany the shipping of heavy oil off the north coast.

In addition to these navigational hazards, the risk of a catastrophe is exacerbated by geographic factors that would make spill prevention and response much more difficult than in Atlantic waters or further south in British Columbia where the TMX project will increase tanker traffic.

The body of water between the north and central coast mainland of Haida Gwaii is called Hecate Strait. This body of water merges with the Dixon Entrance to the north heading up to the open Pacific Ocean. Environment Canada classifies this strait as the fourth most dangerous body of water in the world for shipping. The reason is primarily how quickly the wind and sea state can get up.

As the committee heard, the Hecate Strait and the Dixon Entrance, sustained winds of 100 kilometres per hour are not uncommon, with sea states of between 8 and 10 metres. Because the strait is shallow, this geography produces steep waves that hit at shorter intervals and contain tremendous energy. Violent weather conditions in these waters can strain and damage large vessels, particularly tankers with even double-hull technology.

As the committee heard, the integrity of double-hull tankers depends on thousands of weld joints. These welds suffer strain from the force of the short-interval, steep waves that characterize the Hecate Strait and create greater risk for an accident in these waters.

In addition, accidents around the world have confirmed that double-hull tanker technology still carries the risk of major oil spills. In 2010, the double-hulled tanker *Bunga Kelana 3* spilled 2.9 million litres of crude oil in the waters off Singapore following a collision.

The same year, the double-hulled *Eagle Otome* spilled 1.7 million litres of crude at Port Arthur, Texas. In 1992, the double-hulled tanker *Aegean Sea* ran aground and spilled 76 million litres of crude off the coast of northern Spain.

The Transportation Committee heard evidence from Dr. Stanley Rice, a retired biologist with the National Oceanography and Atmospheric Administration of the United States. Dr. Rice stated and provided the government with advice on both the *Exxon Valdez* disaster in Prince William Sound and *Deepwater Horizon* spill in the Gulf of Mexico.

Dr. Rice provided evidence as a scientist and took no position on Bill C-48.

In relation to the *Exxon Valdez*, Dr. Rice confirmed that a double hull would not have prevented the spill. Dr. Rice also emphasized that the risk of a spill can be mitigated but never negated when shipping oil.

As he said, "Certainly there are risks, and I always make the analogy to a lottery. Lotteries are terrible odds that it will happen . . . and yet somebody wins a lottery every month or every year or whatever . . . ."

Honourable senators, the risk of human error or mechanical error can never be negated when shipping oil in a marine environment. However, by creating limits for resupply, Bill C-48 does minimize the risk of a catastrophic spill along the north coast by minimizing the amount of heavy oil being transported on the water.

As I said at second reading, risk must not be equated with probability. Risk is probability multiplied by consequence. In the case of a major oil spill, the consequence would be severe, long-lasting and potentially imposing permanent damage to the unique ecological and sustainable economies of First Nation cultures.

As many witnesses on the north coast told the Transport Committee, accidents can always happen, but for these communities the risk is simply too great.

Of interest, the committee heard that there has been an attempt to quantify the probability of a spill in this region. At committee hearings in Terrace, David Shannon, a retired engineer with Douglas Channel Watch, referenced Enbridge's calculation of the risk of an oil spill.

This calculation was in relation to the tanker traffic that would have been generated by the Northern Gateway proposal. As Mr. Shannon said, the calculation showed an 11 per cent chance of a spill of 5 million litres in the first 40 years of the project.

For people living in the area, an 11 per cent chance is too high when we're talking about an existential, ecological, economic and cultural event that would essentially destroy the area for the foreseeable future.

Another factor senators may consider is that the coastal region we are discussing is vast, remote and sparsely populated. These conditions exacerbate the difficulty of spill prevention, response and cleanup compared to the comparability of industrialized coastlines in the Atlantic and southern B.C. coast, particularly as the latter is close to Washington State.

In the riding of Skeena—Bulkley Valley, covering most of the areas affected by Bill C-48, the population density is 0.3 people per square mile compared to the 9.5 people per square mile on Vancouver Island or the 354 people per square mile in the city of Vancouver.

In the event of a spill, the lack of response infrastructure in this vast wilderness would make the damage to the environment worse than any other Canadian waterway.

Moreover, the committee heard that most of the effective oil spill recovery technology in the world can currently recover only 10 to 15 per cent of the oil spilled in a marine environment. For this optimal outcome, it is important to note that spill response is most effective in calm waters and completely ineffective in very rough waters.

To be sure, an oil spill is an environmental tragedy anywhere, and important species and ecosystems exist all over Canada's coast, including the Arctic and Atlantic coasts. However, from a scientific point of view, Canada's north Pacific coast is a unique and unusually important ecosystem in the global biosphere.

• (2330)

The north Pacific seas are the most biologically productive on our planet. The deep-sea continental shelf and violent storms drive nutrients up from the depths where longer summer days produce kelp forests 50 meters high in annual blooms of marine life that feed migrating species.

As I indicated at second reading, this is science, not opinion. Coastal B.C. has the greatest biodiversity in Canada and is quite unlike anything in North America. About 44 of the 62 vertebrate subspecies and significant populations endemic to B.C.'s coast occur on coastal islands. Two thirds of the mammal species and subspecies found in B.C. can only occur near the coast. All of the bird subspecies that breed only in B.C. do so exclusively on the coast. In addition, these habitats contain over 200 species of coastal birds and more than 5 million seabirds use the B.C. coast for breeding with 1.5 million alone on the islands of Haida Gwaii. Indeed, the Pacific north coast supports 95 per cent of the total breeding seabird population in B.C.

More than 400 species of marine fish and 5 species of sea turtles live off the coast. The region is home to three of five of B.C.'s major herring populations, 88 per cent of spawning rivers for the eulachon in B.C. and 58 per cent of spawning habitat for West Coast salmon.

The Pacific coast provides a crucial habitat for a very rare and vulnerable species with 39 of its species listed as threatened, endangered or of special concern by the Committee on the Status of Endangered Wildlife in Canada. Over 25 species of marine mammals inhabit the coast including cetaceans, sea otters, seals and sea lions. Of the 22 populations of specific whales, dolphins, porpoises found in the region under the Species At Risk Act, three are listed as endangered, four are threatened and three are of special concern.

In the last several years, Canadians have expressed grave concerns over the plight of the North Atlantic right whales. This species now numbers only 417 individuals and faces probable extinction in the near future. However, it may surprise senators to know that this species is flourishing compared to the North Pacific right whales. Though the population likely numbered over 20,000 before commercial fishing, only a few hundred remain. The eastern population along Alaska and B.C. is thought to be under 40 animals. According to the Vancouver Aquarium, there have been only two sightings of North Pacific right whales in Canadian waters in the last 60 years.

Honourable senators, as you are aware, my remarks are lengthy so I'll skimp on the facts about terrestrial aqua systems of the north coast. However, I would briefly note that northern B.C. coastal region includes the Great Bear Rainforest, often referred to as Canada's Amazon. The enormous red cedars, Douglas firs and Sitka spruce rely on salmon rivers for bears, eagles and other predators to disperse nutrients into the forest. The salmon in turn that rely on clean marine waters and freshwater rivers and streams to spawn.

The Great Bear Rainforest is one of the world's largest remaining intact coastal temperate rainforests representing one quarter of this habitat left in the world which is found in only 11 regions globally.

To conclude my remarks on ecology, I would simply note that Canada has within its stewardship, one of the world's last great natural ecosystems. Like all ecosystems, the temperate rainforest is coming under strain from human activity, particularly climate change. Bill C-48 will afford one of the world's last ecological strongholds a better chance of withstanding and surviving the disaster that we know is coming and that we are collectively causing.

We also need to see a healthy environment as having economic value. As we consider national and regional economic interests, we must further consider that the sustainable economies of northern B.C. rely on pristine and flourishing ecosystems and would be destroyed by an oil spill for a long period of time, if not permanently.

First and foremost, there are the commercial and Aboriginal fisheries. Fishing on the north coast is worth $400 million annually. Fishers, communities and processors have invested $2 billion. The north coast fishery is a large, expensive Canadian industry with a lot to lose in the event of an oil spill.

In Prince Rupert, the committee heard from Joy Thorkelson, President of the United Fishermen and Allied Workers Union. As Ms. Thorkelson told the committee, an oil spill would devastate the fish population as happened with herring salmon as a result of the *Exxon Valdez* disaster. Further, Ms. Thorkelson explained that a single major spill would affect the entire north coast fishery.

The committee heard that virtually every marine area on the coast has valuable fish habitat that sustains the fishery. Ms. Thorkelson conveyed information from the Atlantic branch of the union colleagues that there is anxiety about the spill on the East Coast and further noted that wave action in the Pacific coast poses a greater risk to the shores and rivers than on the Atlantic coast.

In addition to fisheries and aquaculture, an oil spill would do massive damage to B.C.'s tourism sector. In Terrace, the committee heard from Kevin Smith, owner of Maple Leaf Adventures, President of Wilderness Tourism Association of British Columbia and the Vice-President of the Commercial Bear Viewing Association. Mr. Smith told the committee that tourism is an $18 billion industry in B.C., with growth outpacing the general economy in recent years. The wilderness tourism sector has seen 8 per cent growth in the last decade. Mr. Smith said:

> Depending on whose projections you use, wilderness tourism in B.C. will produce between $600 billion and $5.6 trillion over the next 50 years, half of it on the coast.

In addition, Mr. Smith told the committee that following the 2010 Deepwater Horizon spill, southern Mississippi's charter business crashed by an average of 70 per cent. Fair warning.

As I told this chamber at second reading, with representation from the coastal elected and hereditary leadership in attendance, the large majority of First Nations peoples of the Pacific northwest coast strongly support Bill C-48. The leadership of these nations are, of course, their own best advocates. Here in Ottawa, the committee heard from Chief Marilyn Slett, President of nine allied coast First Nations. Chief Slett told the committee of the devastating effects of the 2016 diesel spill on the Heiltsuk people of Bella Bella. That spill was minor compared to the regional catastrophe that would ensue from the grounding of a supertanker. As Chief Slett said:

> Heiltsuk has experienced the traumatic impacts caused by a marine oil spill first-hand. In October 2016, the *Nathan E. Stewart* and its barge ran aground and sank in Heiltsuk territory, spilling over 110,000 litres of pollutants into the ocean . . . Some of the devastating impacts included impacts to traditional harvesting, Heiltsuk's commercial clam harvest, Heiltsuk culture, as well as impacts of the response efforts and the strain on the community.

The Transportation Community also heard from Jason Alsop, President of the Council of Haida Nation. As we consider Bill C-48 in the context of Canadian history, senators may consider Mr. Alsop's words when he said:

> . . . I guess to understand where we're coming from is to understand what this cultural genocide means, to have a population decimated originally by introduced diseases like smallpox and have your population whittled down to a few hundred [from over 100,000]. To start to re-grow and rebuild from that and maintain your culture and persevere, despite the federal policies, is a triumph of our nations and our people . . . .

> I don't know if you could appreciate what it would mean to us to be able to have that immediate threat of a new oil tanker traffic removed so that we could continue to build our sustainable economies on the coast . . . .

In Prince Rupert, Guujaaw, the Haida leader, spoke of the decades-long fight for Bill C-48:

> We began fighting, basically from a time when none of us had no influence, a generation ago, even, had no influence over anything that was happening. It was all collapsing; we were all witnessing this.
>
> We managed to fight back and, over the years, protect a lot of land. We protected a lot of ocean, stopped a lot of overharvesting, with a lot of sacrifice to ourselves. Over the years, we established in Canadian law that Aboriginal title does still exist.

Senators, I could go on to recall the testimony of others. Matthew Hill comes to mind, but let me go on and acknowledge for the record that, while a strong majority of the people of the area support Bill C-48, the community of Lax Kw'alaams is divided on the bill. In that case, the hereditary leadership supports the bill and the mayor does not.

Mayor John Helin and his brother Calvin serve respectively as vice-president and president of an early-stage pipeline proposal called Eagle Spirit with terminals proposed at Grassy Point, north of Prince Rupert. Lax Kw'alaams will hold an election this fall. I can tell you Bill C-48 has spurred vigorous debate and will undoubtedly be a part of that vote.

• (2340)

I note for the record that if Bill C-48 passes, the Eagle Spirit proposal will not proceed to a further stage, in accordance with a majority view of coastal nations.

Honourable senators, in distinguishing between island interests and providing rights for private enterprise as compared to coastal fishing and constitutional rights, the government does not place one group over another. The government or any court looks at the constitutional rights at stake as objectively as possible and makes a determination according to the law. In this case, that determination favours Bill C-48.

Senators, I'd like to speak a little bit about the government energy and environmental policy. As I mentioned at the outset, the government has a balanced and comprehensive set of energy and environment energies designed to grow Canada's national and regional economies, including with multiple new oil and natural gas pipelines. Specifically, the government has supported three pipeline projects for Alberta and Saskatchewan energy that will move Canada's oil resources to foreign markets. The world will need oil for a long time to come, including in Asia, where it can help replace coal. It makes sense to transport Canadian oil by pipeline if it's safer and more efficient than rail. This is why the government has supported Line 3 and Keystone XL to the United States, and the Trans Mountain Pipeline Expansion, TMX, to Burnaby. As senators know, the government is ardently pursuing the resumption of construction on TMX. To twin the existing pipeline for greater capacity, the government has even taken the remarkable step of purchasing that infrastructure on behalf of Canadians for $4.5 billion to ensure its completion for the benefit of our economy and particularly for that of Alberta and Saskatchewan.

As I speak, the government is working hard to meet the conditions outlined in the Federal Court of Appeal for construction to resume on the TMX. As senators know, the government intends to make an announcement by June 18.

As we're thinking about the events that have brought us here today, I would note that if you cross the river here to the Canadian Museum of History, totem poles rise in front of a dug-out cedar canoe that stretches the length of the room, standing before traditional northwest Indigenous architecture. One of the plaques in that building intriguingly reads "adventure," and the text reads as follows:

> Peoples of the northwest coast tell stories of adventure. Their narratives are filled with accounts of bravery and suspense, and almost always finish with a happy ending and a moral lesson.

Honourable senators, I hope that, one day, the people of the coast will tell the story of when their grandparents came to Ottawa to pass Bill C-48. I hope the people of Canada will tell the story of how Canadians worked together to save the environment at this testing time. I hope with all my heart that both stories will have a happy ending. Thank you.

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

Senator Harder: Yes, although I would ask that it be brief, because we have other business to attend to before the witching hour.

Hon. Pierre-Hugues Boisvenu: You should do your speech tomorrow.

[*Translation*]

Senator, you said that the construction of the Trans Mountain pipeline will benefit the Canadian economy. How can you say that, when the oil will be sold exclusively to the American market, 40 per cent cheaper than the current world price?

[*English*]

Senator Harder: That's very easy, senator. The objective of the Canadian enterprise and successive governments has been to have Canadian oil reach tidewater. That would allow tidewater oil to benefit from a broader marketplace. That's the whole objective of the pipeline to the coast.

[*Translation*]

Senator Boisvenu: All of the experts who came to the Standing Senate Committee on Transport and Communications, where we studied Bill C-48, unanimously said that the Trans Mountain pipeline would be used to sell oil to the Seattle market 40 per cent cheaper than the current world price. This oil will not be delivered to Asia, where it could fetch a higher price. I'm trying to understand your argument when you say that the

construction of this pipeline will help the Canadian economy, when in reality, all of our oil is currently being sold on the American market 40 per cent cheaper than the world price. Can you explain your reasoning?

[*English*]

Senator Harder: The oil market is a global market, and the objective of Canada in the context of the transition to a less carbon-intense energy sector globally is to displace coal, which is dirtier, in Asia. You do that by putting more oil on the marketplace and benefit from that transition.

(On motion of Senator Omidvar, debate adjourned.)

[*Translation*]

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, given the hour, I ask for leave of the Senate to proceed to the Notice Paper now.

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

Hon. Senators: Agreed.

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. René Cormier, pursuant to notice of May 29, 2019, moved:

> That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 21, 2019, a final report relating to its study on modernizing the Official Languages Act, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

CHARITABLE SECTOR

SPECIAL COMMITTEE AUTHORIZED TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals), pursuant to notice of May 30, 2019, moved:

> That the Special Senate Committee on the Charitable Sector be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 28, 2019, a final report relating to its study on the impact of federal and provincial laws and policies governing charities, nonprofit organizations, foundations, and other similar groups; and the impact of the voluntary sector in Canada, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Chantal Petitclerc, pursuant to notice of June 6, 2019, moved:

> 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Diane F. Griffin, pursuant to notice of June 10, 2019, moved:

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than July 26, 2019, a final report relating to its study on how the value-added food sector can be more competitive in global markets, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Lillian Eva Dyck, pursuant to notice of June 10, 2019, moved:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Wednesday, June 12, 2019, for the purpose of its study of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 11:49 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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