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(HANSARD)

Thursday, May 9, 2019

The Honourable GEORGE J. FUREY,  
Speaker

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Thursday, May 9, 2019

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

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### MARTIN LALONDE

CONGRATULATIONS ON RECEIVING LA MÉDAILLE DE L'ORDRE DE LA PLÉIADE

**Hon. Renée Dupuis:** Honourable senators, I rise today to pay tribute to one of this year's recipients of the Order of la Pléiade, Martin Lalonde, from the Township of Tiny in Lafontaine, Ontario.

The Order of la Pléiade, an international award, was presented to recipients at an official ceremony at Queen's Park on April 15. This award seeks to recognize and celebrate the achievements of individuals who have made a significant contribution to Ontario's francophonie. It is given to francophones who have helped promote the French language.

Martin Lalonde, who lives in Huronia in south central Ontario, devoted his career to education. He taught elementary and secondary school and also worked as a school counsellor and training program designer for the Ontario Ministry of Education. He co-wrote Ontario's first teaching tool to meet the needs of children who do not speak French when they begin school, with the help of teaching staff and school administrators, among others. In addition, as an involved parent, he was one of the first teachers at Le Caron high school, the first French-language high school in Penetanguishene. He received the Mérite franco-ontarien award in education from the Association des enseignantes et des enseignants franco-ontariens in 1997.

He's a passionate francophone and dedicated community builder. He's a teacher who has volunteered for many organizations to promote his language and generate interest in francophone culture in his part of the province, where living in French isn't always easy. He was involved in local theatre groups and cultural events. Through TV shows on Radio-Canada and TFO, he has showcased the francophone people and events of his region. For 31 years, he wrote the "Ça parle" column under the pen name Idgère Albert in *Le goût de vivre*, a newspaper about Franco-Ontarian life. He is the founder and chair of the Festival du loup, a cultural event with a big impact on his region. He also founded the Meute culturelle de Lafontaine, an organization that brings Huronia's francophone heritage to life through various events.

In 2012, Mr. Lalonde's involvement garnered him the Governor General's History Award for Excellence in Community Programming. In 2011, the Ontario Heritage Trust recognized Mr. Lalonde as a key player in celebrating francophone cultural

heritage. In 2013, he received the Circle of Honour community volunteer award from the Huronia Community Foundation. Mr. Lalonde has been an active member of Penetanguishene's Club Richelieu for 38 years and is currently serving his fourth term as president of the organization.

Dear colleagues, I hope you will join me in congratulating Martin Lalonde on everything he has done to get people excited about francophone culture and on the honour bestowed upon him.

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

[English]

#### HEMOCHROMATOSIS AWARENESS MONTH

**Hon. David M. Wells (Acting Deputy Leader of the Opposition):** Honourable senators, I rise today to bring awareness to a very important genetic disorder called hemochromatosis. I've spoken of it a number of times in this chamber. Because awareness is the cure, I speak of it again today.

This is a condition that causes a retention of iron in the body, with affected individuals absorbing up to four times the iron that healthy people absorb. Left undiagnosed, the accumulated iron will cause damage to joints and organs. If left untreated, hemochromatosis is fatal.

For a person with hemochromatosis, there is an inability to get rid of excess iron. It's important to receive medical treatment for this condition. I know this all too well as I suffer from this genetic disorder.

One in 300 Canadians have this condition. More than 125,000 people in Canada may be on the path to severe organ damage due to iron overload. It is believed only 20 per cent of those with hemochromatosis know that they have it.

There is no cure for hemochromatosis, only treatment. Therefore, the solution is early detection. Once a diagnosis is made, treatment for the disorder can reduce or eliminate most of the severe complications, which include arthritis, diabetes, heart failure, dementia, cirrhosis of the liver and cancer.

The remedy is simple: frequent and regular removals of blood. The removal of the iron-rich blood allows for the bone marrow's production of fresh, iron-free blood, thereby diluting the blood-iron content.

There are instances where entire families have the condition. In most of those instances they are unaware. Those affected in rural and remote regions must travel hundreds of kilometres to undergo testing and receive treatment.

The burden of undiagnosed hemochromatosis in Canada results in avoidable costs to the health care system, premature chronic diseases, financial loss to families due to disability and the preventable loss of loved ones.

Over the years, I have worked closely with the Canadian Hemochromatosis Society to bring awareness to this condition in the hope it helps educate and prevent many from unnecessary suffering.

The Canadian Hemochromatosis Society has a clear vision: To end suffering and premature death related to hemochromatosis in Canada. On their website, they have a self-assessment tool that can help determine if you are at risk for hereditary hemochromatosis.

Colleagues, I encourage all of you, as well as all Canadians, to take the self-assessment test as it can literally save your life.

The good news, colleagues, is that hemochromatosis is easily treated. However, the bad news is the diagnosis is often missed or comes too late. Awareness is truly the only cure.

May is National Hemochromatosis Awareness Month in Canada. Please join me during the month of May and, indeed, year round to bring awareness to this potentially fatal condition.

Thank you.

#### TASHA HUBBARD

*NĪPAWISTAMĀSOWIN: WE WILL STAND UP*

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to congratulate Dr. Tasha Hubbard. She is a well-known Cree film producer and professor at the University of Alberta, but her roots are in Saskatchewan.

Her film, *Nīpawistamāsin: We Will Stand Up*, was not only the first Indigenous film to open the Hot Docs film festival in Toronto a few weeks ago; it also won the award for Best Canadian Feature Documentary.

• (1340)

To quote a CBC review from April 25:

. . . *Nīpawistamāsin: We Will Stand Up* paints a stark portrait of the landscape surrounding the 2016 death of Boushie, a young Saskatchewan man from Red Pheasant First Nation, and the acquittal of Gerald Stanley, the white farmer who fatally shot him. The case sparked a massive outcry and captured international attention.

In the doc, which Hubbard also narrates, the filmmaker weaves her own personal history into a larger examination of colonialism and racism in the Prairie provinces along with how Boushie's family continues to pursue landmark changes in our justice system.

“We hope that *Nīpawistamāsin: We Will Stand Up* shines a light on the significant barriers the Canadian legal system presents to Indigenous peoples and families seeking justice for their loved ones. What Indigenous peoples experience within this system is unacceptable,” the family said Thursday morning in a statement.

Colten's mother, Debbie Baptiste; his uncle, Alvin Baptiste; his cousin, Jade Tootoosis; and his lawyers, Eleanore Sunchild and Chris Murphy, have advocated for changes to the justice system here in Ottawa and in New York City at the United Nations Secretariat of the Permanent Forum on Indigenous Issues.

Colleagues, let me conclude by quoting another review of the film by Lindsay Nixon:

Let me leave you with the last image Hubbard leaves the audience with. . . . Wild horses run on the horizon around a shadowy figure. As the camera zooms in, we see that figure is Colten. He cracks an awkward smile and his eyes glint brightly. In the hearts of his family and loved ones, Colten is forever free on those plains. We stood in ovation, tears in our eyes, some of us still sobbing, and let the light in Boushie's eyes wash us over.

Colleagues, through Tasha's film, Colten Boushie will live on in our hearts. His tragic death will continue to inspire change in our judicial system. Thank you.

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

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Savannah Gentile, Raha Ravasian and Diane Serre. They are the guests of the Honourable Senator Pate.

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

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

#### ELIZABETH FRY WEEK

**Hon. Kim Pate:** Honourable senators, in addition to being Mental Health Week, this is National Elizabeth Fry Week.

[*Translation*]

The Canadian Association of Elizabeth Fry Societies celebrates Elizabeth Fry week every year. Elizabeth Fry societies across the country organize public events.

[*English*]

As Mother's Day approaches, the Canadian Association of Elizabeth Fry Societies holds their national week leading up to this holiday each year to highlight the fact that the majority of women in prison are mothers. This year's theme is #HearMeToo, a call to end strip-searches that amount to state-sanctioned sexual assault. While most of us make plans to celebrate with our mothers and our children, women in prison must face the reality that in order to see their families this Mother's Day, they are usually forced to undergo invasive and degrading strip-searches.

About 91 per cent of Indigenous women and 86 per cent of all women in federal prisons have experienced sexual or physical assault. Strip-searching women with a history of abuse too often retraumatizes. Despite evidence that these strip-searches rarely result in the discovery of contraband, the degrading searches continue to be carried out as a matter of routine on a daily basis.

This year, the Canadian Association of Elizabeth Fry Societies is bringing forward this difficult topic to challenge Canadians with part of the reality of life behind prison walls that too many women — too many mothers — in this country are enduring this Mother's Day and every day.

Honourable senators, I ask that you join me in congratulating the Elizabeth Fry Societies throughout the country on the fine work they continue to do on behalf of marginalized, victimized, criminalized and institutionalized women and girls throughout the country. To all mothers here and throughout the country, happy Mother's Day. Thank you. *Meegwetch.*

### HARRY MARTIN

**Hon. Fabian Manning:** Honourable senators, today, I am pleased to present chapter 55 of "Telling Our Story."

The Labrador region of our province is 405,720 kilometres squared. That is more than three times the total area of the Maritime provinces of Nova Scotia, Prince Edward Island and New Brunswick. For this reason, and several others, we fondly refer to Labrador as the "Big Land."

Labrador's unmatched beauty, majestic mountains, and the spectacular and phenomenal northern lights make it a very special place. Its unique culture and enchanting history have been passed down through the generations with songs and stories.

Today, I want to tell you about one of the most respected singers and songwriters of Labrador, the award-winning Harry Martin. Harry was born in 1949 in the community of Cartwright on the north coast. He is a fourth-generation Labradorian whose ancestry is a mixture of European settler and Labrador Inuit.

After completing his duties in the Canadian Army, Harry worked full time as a wildlife conservation officer for the next 28 years with the Wildlife Division in Cartwright.

His first-hand knowledge of the wilderness and rural Labrador culture are passed on through his haunting folk songs that document the traditional hunting and trapping life of the people of Labrador. His first recording, a song called "Raven Hair," was released in 1980, and in a short period of time, became very popular locally. The release of his first full-length album, *Visions of the Land*, brought Harry's music to a much larger audience and solidified his place as one of our province's best.

Much of his music is inspired by the land and its people. He writes and sings songs that reflect the beauty of his beloved Labrador. His compositions tell tales of pioneers and old-timers, and speak of the triumphs and tragedies of the early life in Labrador that helped make it the cultural mosaic it is today. He has used his voice and music for decades to promote Labrador's heritage and culture.

The first time I heard Harry Martin perform was at a conference I attended in Labrador back in the early 1990s. He quietly walked onto the stage with his well-used and reliable Takamine guitar, given to him as a gift from his wife. From the very first verse, his performance captivated the people in the room. You could have heard a pin drop with the way the crowd was hanging onto every note and word. It was an unforgettable evening. Harry talked about his life and the inspiration for his music with songs such as "A Land Called Labrador" and "This is My Home." He brought Labrador to life in the most beautiful way possible. He is a master storyteller and an extremely talented musician.

Harry has performed in all 10 provinces of Canada and in other parts of the world, such as Bristol, England. He has been honoured with several provincial music industry awards such as the Newfoundland and Labrador Lifetime Achievement Award in 2017.

In 1998, the CBC's "Land and Sea" program produced a memorable episode dedicated to the life of Harry Martin, portraying a peculiar comparison between his life as a conservation officer and that of a folk singer-songwriter. Harry has produced four albums of some of the greatest music you will ever hear, and he is known far and wide as well for his kind and gentle spirit.

Harry Martin is indeed one of our province's greatest treasures and has been a tremendous ambassador for us throughout the world. But make no mistake: He is a man of Labrador. In one of his most popular pieces of work, which I mentioned earlier, Harry leaves no doubt as to where his heart and soul are, with the words of the following verse from "This is My Home":

When the cool autumn moonlight shines down through the trees,  
No place under heaven would I rather be;  
Where the wild birds are flying and the caribou roam,  
Many places I've rambled, but this is my home.

Thank you, Harry.

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[Translation]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF OFFICIAL LANGUAGES

2018-19 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Commissioner of Official Languages for the year ended March 31, 2019, pursuant to the *Official Languages Act*, R.S.C. 1985, c. 31(4th supp.), s. 66.

[English]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FORTIETH REPORT OF COMMITTEE TABLED

**Hon. Sabi Marwah:** Honourable senators, I have the honour to table, in both official languages, the fortieth report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Post-activity Expenditure Reports of Senate Committees for 2015-16, 2016-17 and 2017-18*.

• (1350)

## IRAN RELATIONS AND NORMALIZATION BILL

### FIRST READING

**Hon. David Tkachuk** introduced Bill S-261, An Act to provide a framework for the lifting of sanctions against Iran through the establishment of benchmarks relating to Iranian behaviour in respect of terrorism, human rights violations and incitement to hatred and to establish measures to hold Iran to account for the continuation of any misconduct.

(Bill read first time.)

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

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

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet, in order to continue its study of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, on Monday, May 13, 2019, at 6 p.m. and on Tuesday, May 14, 2019, at 5 p.m.:

- (a) even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto; and
- (b) even though the Senate may then be adjourned for more than a day but less than a week, pursuant to rule 12-18(2)(a).

**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.)

## NATIONAL SECURITY AND DEFENCE

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

**Hon. Gwen Boniface:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have the power to meet on Tuesday, May 28, 2019, for the purpose of its study on Bill C-77, An Act to amend the National Defence Act and to make related and consequential amendments to other Acts, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

## QUESTION PERIOD

### JUSTICE

#### VICE-ADMIRAL MARK NORMAN

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, my question for the Government Leader again today concerns Vice-Admiral Mark Norman and the government's claim there was no political interference in his case.

On April 6, 2017, almost a year before Mark Norman was charged, the Prime Minister stated this matter:

... will likely end up before the courts.

The government has withheld documents from the defence counsel. Key witnesses were apparently not interviewed. As the vice-admiral's lawyer stated yesterday, witnesses were coached on what they could or could not say. As well, former Prime Minister Stephen Harper had to proactively waive cabinet confidence over documents related to the vice-admiral's case as it appears no one from the current government ever asked him to do so.

Senator Harder, how does this not all add up to political interference?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. Let me simply reiterate not only what the Prime Minister, government and Minister of Justice have said, but that the Director of Public

Prosecutions has confirmed that there has been no political interference either with respect to whether charges be laid or whether they be stayed. It is very hard, once that has been confirmed, for us to spin yarns otherwise.

**Senator Smith:** With due respect, I don't think it has anything to do with spinning yarns. It seems to be a track record that has been established by the present government.

Senator Harder, I asked you yesterday if the government would apologize to the vice-admiral and his family for all they have endured over the last several years. It's highly disappointing that this has not been provided.

As an aside, paying for legal costs is not really an apology. The vice-admiral told reporters yesterday that he wants to be reinstated to his former position in the Canadian Forces. Minister Sajjan has said that won't happen.

Senator Harder, when will the Prime Minister apologize to the vice-admiral and why won't he be reinstated to his former post?

**Senator Harder:** Again, I thank the honourable senator for his question. Let me indicate that I'd be pleased to bring to the attention of the authorities the view of the honourable senator. However, it is clearly not a matter for me to speculate on but for those who have responsibilities to determine.

**Hon. David M. Wells (Acting Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate.

My question again concerns Vice-Admiral Mark Norman. Senator Harder, one particularly glaring example of interference in this case was the government's use of code words for the vice-admiral to evade disclosure of the documents on this matter under the access-to-information requests. These code words included The Boss, C34 and the Kraken, among others. A member of the military told the court last December that another official at National Defence had stated:

Don't worry, this isn't our first rodeo. We made sure we never used his name.

Senator Harder, as a former deputy minister and senior official in a number of governments, you will know that two investigations into this matter were confirmed back in January, one by the Information Commissioner and one by the military police of the National Investigation Service. Does the government know if these investigations are still ongoing, if they have concluded and what findings have been reached?

**Senator Harder:** I would be happy to make inquiries and report back.

**Senator Wells:** A supplementary to that, Senator Harder, Vice-Admiral Norman spoke yesterday about a systemic bias that occurred in this case. The use of code words, the government's failure to provide documents, the Prime Minister's public comments about the inevitability of charges, the counselling of what witnesses could say, the refusal to reach out to former

Prime Minister Harper regarding waiving confidence. This pattern of behaviour raises serious concerns not just for the vice-admiral but for all Canadians.

Senator Harder, is the government trying to hide something regarding the activities of this file and Vice-Admiral Norman?

**Senator Harder:** I thank the honourable senator for this question. I think it's important for all senators, and indeed those who may be watching this Question Period, to understand that the prosecution service had complete and independent carriage of determining whether or not charges would be laid and, as eventually was decided earlier this week, that the charges would be stayed.

There has been no government interference in either the decision to prosecute or the decision to stay. It is interesting speculation, but the Director of Public Prosecutions has confirmed exactly what I've just said.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### ISRAEL—DEFENCE AGAINST ATTACKS— IRANIAN SUPPORT OF HAMAS

**Hon. Linda Frum:** Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the Iranian-sponsored terrorist regime, Hamas, launched 690 rockets into Israel in a concentrated barrage that killed four Israelis. Senator Harder, does your government believe that the Israeli people have the right to defend themselves against such unprovoked and murderous attacks?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. She will know that this government, along with all previous governments that I can recall, have continuously supported the right of self-defence for the government and the people of Israel. These events are tragic. They bear consequences that we are all concerned with. This latest example is one which any government would condemn.

**Senator Frum:** I thank you for that answer and I know you mean it sincerely. I note that after a similar attack against Israel last year, Prime Minister Trudeau denounced Israel for having an excessive response and he called for an independent inquiry into the IDF's response.

I'm happy to hear you agree that Israel cannot let Hamas kill its citizens. We all know Hamas is just a puppet for the Iranian Mullah regime. I'd like to know what your government intends to do to apply pressure on Iran to stop their blatant support of terrorist entities such as Hamas.

**Senator Harder:** Again, I thank the honourable senator for her question. I would also like to address the preamble to the question.

• (1400)

It's important that we emphasize that not just this government but other governments of Canada have, from time to time, cautioned parties in disputes like this not to have a disproportionate response in situations that are so inflamed. It's not unusual.

With respect to the specific question, there are two parts. One is to recall the response of Minister Goodale earlier this week to a similar question with regard to Iran. Honourable senators will know that, in his response, he not only enumerated the steps the government has taken but also the work under way with respect to future steps that the government may take.

The other point I would like to make with respect to Iran is that, in the Government of Canada's view, it is in our collective interests to work with like-minded countries to bring pressure to bear on Iran not only with respect to the support that they are providing outside of their territory but also other issues of high importance, including ensuring that the nuclear deal to which they are a signatory remains robust and enforced.

## DEMOCRATIC INSTITUTIONS

### SENATE APPOINTMENTS

**Hon. Denise Batters:** Honourable senators, I asked Senator Harder last month about the Senate appointment advisory panel not updating its report since 2017. Lo and behold, the 2018 report appeared on the web site in a few days; it was like magic. When I asked you in 2016 which organization sponsored the first seven Trudeau-appointed senators, including you, you provided the names of those organizations within two days. Voila. But when I asked you last fall who sponsored the last 16 senators appointed, it took you five months to give me a non-answer, now citing privacy and confidentiality.

The Trudeau government's new Senate appointment process was changed in February 2018 to allow nomination by organizations and by individuals. Some 1,700-plus organizations have sponsored candidates for Senate appointments but the Trudeau government still has not revealed the list of individuals who also sponsored nominees.

Senator Harder, will you please tell Canadians this information now or will you continue to hide behind the fake Trudeau transparency independent Senate illusion?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. It is, for the most part, a repeat of questions that were asked earlier this week. For that little bit which is new, I'll make inquiries.

**Senator Batters:** Senator Harder, it is imperative that Canadians know exactly who sponsored sitting senators, who have direct influential on crafting Canada's laws. You are the Trudeau government's leader in the Senate. It is your responsibility to answer that question.

[ Senator Harder ]

As you know, Senator Harder, the Senate Ethic Officer's disclosure summary form for senators does not require a senator to disclose who sponsored his or her appointment to the Senate. That information is not publicly available. In the name of transparency, will you tell us which individuals recommended sitting senators for their appointments?

Currently a sponsoring organization would be disclosed but a key individual in an organization would not be. For example, if SNC-Lavalin sponsored a Senate nominee, it could be disclosed, but if the CEO of SNC-Lavalin, as an individual, sponsored a Senate candidate, it would not. Because we don't know which individuals have sponsored sitting senators, some of those sponsoring individuals might be lobbying those same senators on current legislation in this chamber.

Senator Harder, we need to know who is on that list of individuals: People with major Liberal Party ties? Members of the Trudeau Foundation? Lobbyists for corporations or organizations with obvious political agendas?

Canadians deserve to know. Why are you trying to hide it?

**Senator Harder:** Again, this is a question that I've answered several times. Let me simply say that the appointment process that has been put in place is one that the government is proud. It continues to provide the Prime Minister with nominees for consideration to appointment. Forty-nine appointments have been made in this fashion. I would also point to a recent survey of Canadians by Nanos Research which demonstrates 77 per cent of Canadians support the nomination process. About 7 per cent agree with you.

[Translation]

## HEALTH

### CANNABIS REGULATIONS

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. Health Canada announced that it will be changing its process for issuing cannabis licences in a bid to speed up the process and issue more licences faster. Senator, can you assure us that Health Canada's desire for speed and efficiency will not undermine the application of the criteria?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. I'm informed that the changes being made are to ensure that decision-making processes both respect the criteria but are able to reach a decision in a faster time frame to respond to the market conditions for this project.

[Translation]

**Senator Carignan:** On the same subject, Statistics Canada reported last week that over 500,000 Canadians use cannabis just before heading to work or while on the job. This is a major safety hazard for these workers and the people around them. Many people, including some senators on this side of the aisle, warned



the Trudeau government about the dangers of the trivialization of cannabis consumption following the passage of Bill C-45. The answer we got over and over was that cannabis is no more dangerous than cigarettes.

Leader, what does your government plan to do to educate Canadians on the risks of using cannabis on the job?

[English]

**Senator Harder:** Again, I thank the honourable senator for his question. It is important and one which the government faced in parallel with the decriminalization and strict control of cannabis which was before this chamber at the very same time as another bill providing greater capacity for our police forces and enforcement officials to meet the growing and already existing challenges of cannabis inebriation or intoxication, if I can put it that way.

You will also recall, honourable senator, that, at the same time, the government announced major communication efforts to inform Canadians, particularly young people, of the negative effects. I am not aware of any suggestion, as your question implied, that there was a view that cannabis is no different than smoking. It is indeed a health risk, particularly to certain populations. That risk is well recognized. I would also point to the importance that the government attached to providing these enforcement measures, which I remind the honourable senator he did not support.

## PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

### HUAWEI—5G TECHNOLOGY

**Hon. Thanh Hai Ngo:** My question is for the Leader of the Government in the Senate.

Earlier this month, Public Safety Minister Ralph Goodale stated that the government will decide before the federal election if it would join the United States and other Five Eyes allies in banning the Chinese telecom giant Huawei from Canada's next-generation 5G wireless network. Last Tuesday, Senator Dagenais asked Minister Ralph Goodale exactly when the Huawei national security review would be completed but the minister did not provide a clear timeline.

Yesterday, a Bloomberg article cites federal government officials who spoke on condition of anonymity, stating that the government will only reach a decision after the election in October.

Prime Minister Trudeau's government has taken both sides on arguing a decision that will affect our national security. Can you tell us clearly if the government will reach a decision before the election, as the minister stated, or after the election as his officials are saying?

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

Let me first address his preamble with respect to Five Eyes. As honourable senators will know, the United Kingdom is a member of Five Eyes. The United Kingdom has made a decision of which he should be aware, which does not suggest they are in harmony with the view of the United States on this matter.

• (1410)

With regard to the specific question of when Canada will make a decision, the minister responsible has been clear, and I stand by the minister responsible. Should that change, I will inform the honourable senator.

**Senator Ngo:** Thank you for your response. Senator Harder, over the last 14 months, I have asked you six questions about when we will receive a clear response about Huawei's bid to build the next phase of our Internet. So far, we have only received contradictory, vague, inconsistent, unclear answers from the government about how they will ensure that our network is kept safe for Canadians.

Senator Harder, China is spying on us, harassing our communities, blocking out canola and pork exports on false claims, taking Canadians as hostages, challenging our rule of law and demanding access to our private companies. On the human rights front, China has committed a terrible culture of genocide with no consequences, and this Prime Minister thinks it's the best country in the world.

There is a great lack of leadership in this key relationship. Can you tell us how the government plans to fix this dispute with China?

**Senator Harder:** I thank the honourable senator for his question. I don't want to get into all of the issues raised in the preamble, except to say that I would not share his description of the preamble. It is both inflammatory and not helpful. At the same time, it is obvious that the bilateral relationship with Canada and China is going through a difficult patch. It is responsible leadership that is necessary and is in place to deal with these matters and to seek a way forward that serves Canada's interests.

Certainly the interests, from both a trade and security point of view, are upper most in the consideration of the government's actions. We ought to parse the various issues separately and seek to deal with them in a dispassionate and diplomatic fashion. That is why on the canola issue, for example, Canada is seeking to have a science-based approach. That is why we are seeking ways in having all contacts be better coordinated and to ensure that we are deploying all of the tools available for Canada.

At the same time, I simply want to remind everyone that there are four Canadians in prison in China, two in extraordinarily difficult circumstances. I wouldn't think that we should do anything that makes life more difficult for them, including the rhetoric of honourable senators.

## DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Nancy Ruth.

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

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

[*Translation*]

## 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: third reading of Bill C-85, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

#### CANADA-ISRAEL FREE TRADE AGREEMENT IMPLEMENTATION ACT

BILL TO AMEND—THIRD READING—  
DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Pratte, for the third reading of Bill C-85, An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts.

**Hon. Linda Frum:** Honourable senators, I rise to speak to Bill C-85, An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts.

As I noted in my second reading speech, the negotiations that led to this agreement were initiated in 2014 under the former government, with the aim of broadening our bilateral trade agreement with Israel. They were completed in July 2015 with four chapters in the original agreement having been updated and with an expansion of the free trade agreement to include seven new chapters.

These discussions with undertaken to build on the significant success of the original Canada-Israel Free Trade Agreement which has permitted two-way merchandise trade between Canada and Israel to triple over the past 20 years. It was more than \$1.9 billion last year.

I appreciate the fact that the current government worked to finalize the details of this important expanded agreement.

[ The Hon. the Speaker ]

What we have in the bill represents a genuinely bipartisan approach on the issue of Canada-Israel relations.

I believe that such an approach on any foreign policy or trade issue is always beneficial for Canada since it ensures policy consistency and certainty. Such consistency strengthens Canada's hand internationally, and it ultimately benefits all Canadians.

Certainty is one of the most important things any government can provide to business.

It is ironic that the government appears to have partially understood that principle when it comes to international trade initiatives, but yet has not brought a similar understanding to the need for a stable legal and regulatory environment in Canada that can attract foreign investment.

When it comes to Canada's economic prosperity, these are really two sides of the same coin. We cannot expect to fully benefit from trade agreements, such as the Canada-Israel Free Trade Agreement, if we do not have a complementary and equally attractive investment regime.

I hope that very soon we will have a government in Canada that recognizes this. In the meantime, we can at least all agree that Bill C-85, and an expanded Canada-Israel Free Trade Agreement, deserves support.

I would like to address some of Senator Saint-Germain's observations in her speech the other day. She suggested that Bill C-85 should have employed language similar to the EU-Israel trade agreement as it pertains to Israeli goods that originate beyond the Green Line.

I would like to draw to her attention that in 1997, the original CIFTA was specifically drafted to reflect the fact that Israel and the territories are treated as a single economic unit under the Protocol on Economic Relations between Israel and the P.L.O., known as Paris Protocol, signed in 1994 as part of the Gaza-Jericho Agreement and later incorporated into the Oslo II Accords.

It makes sense that Israeli and Palestinian leaders have established a customs union, given the wide-ranging integration of the Israeli and Palestinian economies. Israel is a primary market for Palestinian goods. More than 100,000 Palestinians are employed in Israeli businesses. The Paris Protocol has contributed to significant investment, economic cooperation and growth in the West Bank economy.

Under CIFTA, and consistent with the Paris Protocol, Palestinian exports to Canada benefit from preferential treatment. Shortly after CIFTA was first signed, Canada and the PLO established a Joint Canadian-Palestinian Framework for Economic Cooperation and Trade, under which the Palestinian leadership approved the extension of preferential tariffs, including future trade benefits through CIFTA to the West Bank and Gaza.

Requiring different labels for products originating in the West Bank and Gaza could endanger those gains for Palestinian business. In my opinion, that would be regrettable.

Also, I would note that it is the hateful BDS Movement which would like to see Israel isolated within the international community and which has advocated in favour of applying labels to goods originating in the disputed territories. I don't believe that this chamber or the Canadian government should be supporting the BDS Movement, which is why I support adopting Bill C-85 in its current form.

[*Translation*]

**Hon. Marilou McPhedran:** Honourable senators, today I rise to speak to Bill C-85, An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts.

I want to thank Senator Wetston for answering my question on the absence of human rights provisions in this agreement. I also want to thank Senator Saint-Germain for her incisive observations on this bill, which I share, for the most part. For example, I agreed with Senator Saint-Germain the day before yesterday when she said:

Trading with the Israeli settlements in the territories occupied by Israel supports the development and illegal expansion of those territories to the detriment of the Palestinian economy.

I believe this is fundamental.

In the debate on free trade with Israel, I also agree with Senator Saint-Germain when she said that it is necessary, and I quote:

. . . that trade policy is carried out in keeping with its principles and duties with respect to fundamental rights.

[*English*]

• (1420)

Colleagues, at the end of my speech I will move an amendment to the purpose clause in this bill, adding a brief reference to human rights, modelled on what both Canada and Israel have already committed to in other similar and current agreements, including the agreement between the United States of America, the United Mexican States and Canada, formerly NAFTA, and Canada's free trade agreement with Colombia as well as Israel's agreement with the European Union.

Human Rights Watch, Amnesty International and other human rights watchdog associations have noted that after Israel's military occupation of the West Bank in 1967, the Israeli government began and continues to involve private businesses in establishing settlements in occupied Palestinian territories. So the issue of labour and human rights observance is highly relevant to the bill before us, as is the case in the examples I share today.

I note that the 2017 EU-Israel Association Agreement contains a human rights provision, which is used to monitor for possible human rights violations in the occupied Palestinian territory. There have been findings of human rights violations that are in breach of international human rights law and norms. Including a

reference to human rights in this bill is consistent with Canada's commitment in practice and in law to an international governance order that promotes and protects universal human rights.

Please consider that clause 3(d) of the existing purpose clause that I propose we amend has a number of verbs conveying a higher level of obligation than the verb "build" that is in proposed clause 3(d), the one part of the bill that I propose we amend. The purpose clause is not long, so I will summarize key text in the purpose clause noting where my amendment would be placed, and I invite you to consider that the intent and values already set out in the purpose clause are not undermined or distorted by the proposed amendment.

In fact, this amendment would allow for implementation of this agreement consistent with other parts of the purpose clause and with what Canada does in other current trade agreements.

By amending subclause (d) on page 2 of Bill C-85, the words in Section 4, the purpose clause of the act, are untouched because my proposed amendment is to add "and human rights," and in French, "les droits de la personne" — to subclause (d) of the purpose clause so that it would read:

The purpose of this Act is to implement the Agreement, the objectives of which, as elaborated more specifically through its provisions, are to

(a) strengthen the bilateral commercial relationship between Canada and the State of Israel;

(b) improve access to the Israeli market for Canadian businesses by reducing and eliminating tariffs, addressing non-tariff barriers, enhancing cooperation and increasing transparency in regulatory matters;

(c) ensure a high level of environmental protection through comprehensive and legally-binding commitments;

And this is the clause that I propose to amend:

(d) build on the respective international commitments of Canada and the State of Israel on labour —

And then I propose that we add, "and human rights matters;" and

(e) promote gender equality and encourage women's economic empowerment and the use of voluntary corporate social responsibility standards and principles, as well as promote access for small and medium-sized enterprises to the opportunities created by the Agreement.

Colleagues, by adding the words "and human rights" to subclause (d) of clause 4 of the existing purpose clause, we would not be adding to existing international human rights commitments but simply acknowledging the existing commitments already made by Canada and Israel with both countries having ratified all the same human rights instruments for decades.

Colleagues, you may have noticed that the amendment I am proposing now is different from what was initially discussed. This is because, after further discussion with colleagues and reviewing additional legal advice, I approached the purpose clause with a fresh perspective that led me to the decision to propose the addition of three words in English and five words in French to an existing subclause rather than adding an entirely new clause. This amendment simply clarifies that both countries will build on existing labour and human rights commitments.

To put this motion in context, let's take a quick look at three other current agreements, one that Israel has made with the European Union and two that Canada has made with other countries. In the EU-Israel Association Agreement in force in 2017, article 2 stipulates:

Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.

In the agreement between Canada and Colombia, there is an agreement concerning annual reports on human rights and free trade between Canada and the Republic of Colombia wherein each country has committed to drafting an annual report for tabling in their respective legislatures on the effects on human rights in both Canada and Colombia of measures taken under the Canada-Colombia Free Trade Agreement.

The U.S.-Mexico-Canada agreement that replaced NAFTA last year contains article 23.3 that goes into considerable detail, but the key comparison is to note the strong obligatory language in this article:

Each Party shall adopt and maintain in its statutes and regulations, and practices thereunder, the following rights. . .

And it goes on to list freedom of association, the right to collective bargaining, the elimination of all forms of forced and compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation.

Colleagues, I think you can see from these examples that I am not proposing any such obligatory language because this is not the time for Canada to go back to the table on this particular trade deal, but it is timely and appropriate for Canada to be consistent and to acknowledge existing human rights agreements ratified by both Canada and Israel as a means of strengthening the purpose of the Canada-Israel Free Trade Agreement.

By comparison, each of the word-for-word examples from three other current agreements that I have quoted to you is more stringent than what I am proposing for Bill C-85. No one has been able to explain why the Canada-Israel Free Trade Agreement does not include any reference to human rights. But surely the implementation goals of the agreement are, in fact, strengthened by clarifying that the purpose of this agreement, as would be set out in an amended section 4 of the act, would include to build on the respective international commitments of Canada and the State of Israel on labour and human rights matters.

[ Senator McPhedran ]

#### MOTION IN AMENDMENT NEGATIVED

**Hon. Marilou McPhedran:** Therefore, honourable senators, in amendment, I move:

That Bill C-85 be not now read a third time, but that it be amended in clause 3, on page 2,

(a) by adding to line 9 after the word "labour" the words "and human rights".

I hope you will agree that an issue of such importance is worthy of a standing vote and at least one of you will stand with me to cause such a vote to be held on this proposed human rights amendment to Bill C-85.

Thank you, *meegwetch*.

**The Hon. the Speaker:** In amendment, it was moved by the Honourable Senator McPhedran, seconded by the Honourable Senator Gagné, that Bill C-85 be not read a third time — may I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Speaker:** Senator Boehm, on debate.

**Hon. Peter M. Boehm:** Thank you very much, Senator McPhedran, for introducing the amendment, and I know you and I have had conversations on this. I wanted to put my perspective on the record.

What this bill does, of course, is enact the Canada-Israel Free Trade Agreement, which is a negotiated agreement between two states parties.

The purpose is set out, as Senator McPhedran has said in the purpose clause, and there are various clauses and subclauses there.

• (1430)

The subclauses refer to chapters within the actual agreement. Chapter 11 refers to trade and environment. Trade and labour, or labour, is handled in chapter 12. Gender and gender equality in chapter 13. There is no chapter on human rights in the agreement.

In my experience in my previous life, the joy of working with Israel was always that, as two mature democracies, we could have full and frank discussions on human rights, which we do. We do that at the head of government level, at senior officials and ministers levels. It includes discussions on the occupied territories, on what is beyond the green line, on Gaza, on what is happening in neighbouring countries. I would submit that discussion is full and, in fact, quite fulsome.

In my view, I do not think that an amendment is necessary in subclause (d), because subclause (d) was put in there and approved in the other place to introduce the labour element, which refers, in fact, to chapter 12, trade and labour, in the actual agreement. I just wanted to get my views on the record. Thank you.

**Hon. Jane Cordy:** Senator Boehm, would you take a question?

**Senator Boehm:** Certainly.

**Senator Cordy:** Thank you. I know in your previous life you would have had experience at least dealing with free trade agreements. I'm concerned that it's very difficult to amend a free trade agreement when countries, like Canada and Israel in this case, decide they're going to either update a trade agreement or create a new one, whatever the case may be. Both countries have delegates working together to make this free trade agreement. If we amended it, would Israel not also have to amend it?

My understanding is that there are challenges and that, in Parliament, we either accept the free trade agreement or we reject the free trade agreement. It's very challenging to actually amend a free trade agreement.

**Senator Boehm:** Thank you for the question, Senator Cordy. In fact, countries have different ways of legislatively enabling free trade agreements. The point I was trying to make is that there is no human rights chapter in here. Were there to be one, then Israel would enact it, we have negotiated it with Israel.

To signal now what we're signalling, or that's the intention, that there should be more discussion on human rights, I would say that we have those discussions already. Adding human rights now in the purpose, as Senator McPhedran has indicated, might send a bit of a confusing note as to what we're actually trying to achieve in giving legislative approval to an agreement that will become a law between two countries.

**Hon. A. Raynell Andreychuk:** I'd like to ask a question of the senator. Would he accept one?

**Senator Boehm:** Yes, of course.

**Senator Andreychuk:** I support your perspective that we don't isolate human rights all the time. We work at it as and when we can. That's always been the Canadian approach.

Would you not agree with me that we have started to use the term "human rights" and "embedded," but it's not meaningless if it isn't implemented in some way and translated. I support your premise. My difference is this: When we support labour rights, when we put in gender equality, when we talk about the environment, the economy, and about jobs, those are aspects of human rights. We already have built in the levers to determine what is appropriate and what is within our concepts of furthering human rights in every chapter of that agreement.

**Senator Boehm:** Thank you for the question, Senator Andreychuk. I do, in fact, agree with you. I was just looking at the various chapters, and in each — certainly the one on labour and gender — there are suggestions there for expansion and for deepening the dialogue and, in fact, having panels to discuss these matters.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will ask one more time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

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

I see one senator rising. The motion is defeated.

(Motion in amendment of the Honourable Senator McPhedran negatived, on division.)

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Pratte, for the third reading of Bill C-85, An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts.

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

**Hon. Senators:** Agreed.

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

#### BUSINESS OF THE SENATE

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I ask for leave of the Senate that order No. 116 under the rubric Reports of Committees — Other under Other Business be brought forward and called now.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear a "no." Leave is not granted. The matter will be called under normal course.

Honourable senators will know that no leave is required to reorder government business. However, business not from the government requires the full consent of the chamber for any reordering on the Order Paper. Consent was not given.

**BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN  
RELATION TO FIREARMS**

THIRD READING—DEBATE CONTINUED

On the Order:

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

**Hon. Colin Deacon:** Honourable senators, in adding my voice to the debate on Bill C-71, I would like to first acknowledge the work of our colleague, Senator Pratte, the sponsor of this legislation. He and his staff have worked tirelessly in the study of this bill. Within weeks of being appointed to the Senate last June, I started being copied, as we all were, on Senator Pratte's very clear and respectful personal responses clarifying the effects of Bill C-71 to all those who wrote to him expressing concern.

His thoughtful and respectful voice brings so much to every debate. I would like to thank him very much for that fact.

I heartily agree with my honourable colleague when he repeatedly points out that, unquestionably, the overwhelming majority of gun owners — whether they own restricted weapons or only unrestricted rifles or shotguns — are good, law-abiding Canadians who we are all proud to call our friends, neighbours and colleagues.

Despite that fact, I'm firmly in the camp of those who believe that there should be a whole lot fewer restricted weapons in Canada, and that the remainder should be much more strictly regulated. Ultimately, my preference would be to prohibit handguns and semi-automatic weapons from Canada.

I look at this issue through the lens of airport security. In the early 1970s we lived in a world where there were two or three hijackings in a month and that was commonplace. Today there might be one, somewhere in the world, in an entire year. There has been a 30-fold decline in hijackings over a period where airline travel has grown by about 10 fold.

What has led to this remarkable drop in hijackings? Mandatory screenings were introduced. Airport security protocols were steadily strengthened and intensified significantly post 9/11. We all take it for granted and know to allow another 15 or 30 minutes at security every time we fly just in case more time is needed. We accommodate the frustration and delays of airport security because without it, a minuscule fraction of the population could cause catastrophic harm within minutes. This is despite the fact that virtually no one in the context of our entire flying public would ever consider hijacking a plane or harming their fellow travellers.

It's for this very same reason I believe we need to increasingly restrict access to handguns and weapons that have been designed to fire multiple large calibre, high velocity bullets every second, either in the gun's original or modified form.

I find it worrisome that there's been a steady rise in the number of these restricted handguns and semi-automatic assault weapons in Canada. In 2017, our Commissioner of Firearms said that there were more than 900,000 registered restricted firearms in Canada. This means that there are 250,000 more restricted weapons in Canada today than there were in 2014. I believe that something needs to be done to reverse this rapid growth in the number of restricted firearms.

• (1440)

Following the horrific shootings in the New Zealand mosques last month, Prime Minister Jacinda Ardern delivered on her promise to quickly enact legislation that would outlaw most automatic and semi-automatic weapons, as well as ban components for modifying those weapons. She said earlier this month, at third reading of that historic bill:

I could not fathom how weapons that could cause such destruction and large-scale death could have been obtained legally in this country.

To be clear, the weapons that were used in those horrific shootings were illegally modified — but they were easily modified. She questioned the need for these types of military-style semi-automatic firearms and reached the conclusion that it was in the best interest of her country to ban them. I cannot fault her reasoning. She spoke these words in the house:

I have to reflect that when I visited the hospitals and the victims, none of them had just one gunshot wound. I struggle to recall any single gunshot wounds. In every case they spoke of multiple injuries — multiple debilitating injuries that deemed it impossible for them to recover in weeks, let alone days. They will carry disabilities for a lifetime, and that's before you consider the psychological impact.

Clearly, there are those who are vocal opponents to any form of gun control. Opponents of Bill C-71 frequently tell me it won't stop criminals. I don't necessarily disagree with them when they say that. Bill C-71 alone will not put an end to gun violence in this country; however, that doesn't mean it's not an important part of the solution.

Seatbelts don't prevent car accidents. They certainly do, however, help to mitigate the harm that is done when accidents occur. I certainly recall there being countless vocal opponents of their mandatory use in the 1970s and 1980s. Similarly, some owners of restricted firearms feel there is already too much of an administrative burden. I respect their concern but feel it's a small price to pay if we can help to diminish the frequency and brutality of gun crimes in this country.

I participated in one of the first National Security and Defence Committee meetings on Bill C-71, and this view was effectively presented by Dr. Najma Ahmed. At the time of her testimony, she was perhaps best known for being one of the many surgeons in Toronto hospitals who worked to save lives on the night of the Danforth shooting. Dr. Ahmed is also one of the executive team members of the grassroots organization Canadian Doctors for Protection from Guns.

Following her testimony before our Senate committee, Dr. Ahmed became the target of a litany of attacks online, both via Twitter and email. Gun rights supporters filed more than 70 formal complaints against her with the College of Physicians and Surgeons of Ontario, arguing that her advocacy is an “abuse” of her position as a doctor.

Honourable senators, this was an attempt to weaponize the college’s complaints process, which is specifically designed to deal with serious clinical care or ethical questions affecting medical patients. It’s deplorable, in my mind, that those who disagreed with Dr. Ahmed’s message chose to question her professional conduct and rights. The college ruled these complaints as frivolous and vexatious and that they did not warrant any further investigation.

**The Hon. the Speaker pro tempore:** Out of courtesy to Senator C. Deacon, could we keep the chatting to a lower volume or take the conversation outside of the chamber, please? It would be more polite.

**Senator C. Deacon:** Thank you, Your Honour.

However, this issue currently remains in the appeals period.

I am far from alone in my belief that these complaints were made entirely in bad faith and with the intention to silence Dr. Ahmed rather than debate her. Rather than responding to her arguments, these gun rights groups questioned her very right to speak. I was appalled to see these NRA-style tactics being used in Canada.

Let me be clear: I agree with Canadian Doctors for Protection from Guns. This is their lane. According to the Royal College of Physicians and Surgeons of Canada, there is a long-standing expectation that physicians be health advocates in this country and “contribute their expertise and influence as they work with communities or patient populations to improve health.” Death by firearms is unquestionably a serious public safety risk and public health concern. I am grateful to physicians like Dr. Ahmed that they share their expertise and refuse to be deterred by shameful bullies.

Dr. Ahmed told our Senate committee exactly why this is an issue for doctors:

Physicians have had a long history of informing public health policy. We know that primary prevention is the most effective tool to improve the health of populations. This is true for asbestos, nicotine and vaccinations. It is also true that decreasing the proliferation of and access to guns will decrease harm, injury and death from guns.

This is another argument that is frequently spread by the gun lobby: that a reduction in the number of guns will not necessarily correspond to a reduction in crime. I cannot and do not agree with this assertion.

A year ago, the World Economic Forum reported on the link between gun ownership and gun death rates across the 50 U.S. states. They found that those states with the lowest rates of gun ownership had the fewest gun deaths, and those with the highest levels of gun ownership had the most gun deaths.

In 1996, 16 schoolchildren and one teacher were shot and killed in Dunblane, Scotland. The U.K. enacted stricter firearms legislation less than a year later. That was the last school shooting in the United Kingdom. After Dunblane, 20 years ago last month, the United States suffered the infamous Columbine school shooting. No legislation was passed in its wake, nor following any of the other high-profile and brutal shootings since — not even one that took the lives of 20 first graders and six teachers because a young man had access to a weapon designed to fire multiple large-calibre, high-velocity bullets every second.

We are fortunate not to be in the same position as our neighbours to the south. However, we cannot allow ourselves to become complacent. Canadian Doctors for Protection from Guns notes that we rank third in the G7 and eighth in the G20 for age-adjusted, standardized gun-related mortality. Dr. Ahmed told the committee:

A 2018 study compared gun fatality rates in 195 countries over a 15-year period. In 2016, our gun fatality rate was about five to six times lower than in the U.S. This is not the whole story. Compared to the U.K., Netherlands, Japan and Australia, our gun fatality rate is eight times greater than those peer nations. While Canada has stronger gun laws than those in the U.S., it is notable that these peer nations have stronger gun safety legislation than we do.

In their testimony to our Senate committee, StatsCan officials described 2013 as an inflection point in terms of firearm deaths in Canada. They clearly said that 2013 was not a statistical anomaly as others have stated or implied. Since 2013, there has been a steady rise in firearm deaths in Canada to the highest levels in a generation, and the restricted firearms covered under Bill C-71 — specifically, handguns — were used in the majority of these gun deaths.

I looked at the numbers again the other night. In 1991, there were 271 deaths by firearms; in 2013, that was down to less than half, at 134; and by 2017, it was back up to 266 gun deaths. You can see why they’re saying it is an inflection point.

It may not be coincidental that, in 2012, Canada reversed a generation-long effort to increasingly restrict firearm ownership through changes to the Criminal Code and the Firearms Act.

Regardless, what cannot be ignored is the fact that about one fifth of our increasing number of gun deaths result from gang-related activity. Clearly, Bill C-71 isn’t the sole solution — much more needs to be done. However, as many witnesses told the Senate committee, Bill C-71 represents an important first step.

As I mentioned at the outset, we must all accommodate the frustration of airport security because, without it, a minuscule fraction of our population could cause catastrophic harm within minutes. The 2017 Commissioner of Firearms Report told us there were just over 2.1 million Canadians licensed to use or own a firearm. That represents just under 6 per cent of our population. Certainly, with Bill C-71, we're asking those 6 per cent — and the even smaller number of those who own restricted firearms — to do a bit more, but it is as part of a broader effort to further protect our entire population.

I know I am not the only senator to have received a significant amount of correspondence on this issue. Clearly, those gun owners who oppose Bill C-71 have made their voices heard. However, even if they represent all of the 6 per cent of Canadians who own guns — and, based on the conversations I have had, I feel certain that they do not — I am still not convinced that defeating this bill is in our country's best interest, and neither are Canadians.

• (1450)

In fact, as Senator Pratte told us yesterday, a recent Leger poll showed a majority of Canadians support Bill C-71 and its various elements. Another question in that poll asked whether respondents were in favour of stricter gun control regardless of what is contained in this legislation, and 77 per cent responded affirmatively. Regardless of the specifics, Canadians support stronger gun control.

We know this is not the “silver bullet solution,” but it is an important step and we owe it to the 77 per cent to move forward.

The bill's sponsor Senator Pratte has already reminded us there are literally lives at stake. I will be voting in favour of the passage of this legislation and I urge all honourable senators to do the same. Thank you.

(On motion of Senator Wells, debate adjourned.)

## MULTILATERAL INSTRUMENT IN RESPECT OF TAX CONVENTIONS BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Mary Coyle** moved second reading of Bill C-82, An Act to implement a multilateral convention to implement tax treaty related measures to prevent base erosion and profit shifting.

She said: Honourable colleagues, I rise today to introduce you to Bill C-82, An Act to implement a multilateral convention to implement tax treaty related measures to prevent base erosion and profit shifting, also known as the Multilateral Instrument or MLI.

Harvard University historian Dr. Albert Bushnell Hart said:

Taxation is the price which civilized communities pay for the opportunity of remaining civilized.

Before I get too deep into my remarks on this important bill, I first want to confess that I am neither a tax lawyer nor a tax accountant, although, like all of us present, I have been paying taxes to three levels of government for most of my life.

While I agree with Dr. Bushnell Hart that taxation is vital to our civilization, this is how we are able to build and maintain essential infrastructure, ensure the health, well-being, safety and education of our population, support arts and culture, protect our environment and help build strong communities, economies and good relations with our global neighbours.

Yes, taxation is essential. I am sure that everyone in this chamber and all Canadians would also want taxation to be fair.

There are a number of fundamental ways a jurisdiction can grow its tax revenues in order to provide better for its citizens. It can impose greater taxes. It can take measures to grow the economy and thereby grow its tax base. And it can plug holes in its existing tax system to make sure that it captures the tax revenues that are rightfully due to it.

Bill C-82 enables Canada to implement an important instrument to plug some of the holes in our existing tax system. Tax fairness is a key priority for Canadians. It is crucial to building an economy and society that works for everyone.

[*Translation*]

Tax fairness is fundamental to our democracy.

[*English*]

Bill C-82 represents a major step forward in addressing unfair tax avoidance schemes. Ensuring tax fairness is a complex process, requiring ongoing engagement with a wide range of partners here in Canada and around the world.

Bill C-82 harnesses the strength of international partnerships by enacting a multilateral tax convention that will allow Canada, along with many of its international treaty partners, to implement tax treaty-related measures to counter tax avoidance strategies.

Are you riveted? These tax avoidance strategies make it possible for businesses and wealthy individuals to exploit gaps and mismatches in the tax rules, inappropriately shifting profits to low-tax or no-tax jurisdictions in other countries, thus the reference to the prevention of profit shifting in the title of this bill.

These profit-shifting strategies have the potential to erode the tax base of countries like Canada while making it possible for businesses and wealthy individuals to avoid paying their full and fair share of taxes owed — again the reference to the prevention of tax base erosion in the title of this bill.



Toby Sanger of the watchdog Canadians for Tax Fairness says:

By channelling funds to low-tax jurisdictions, corporations and wealthy investors continue to enjoy all the benefits of living in Canada without fully contributing to the very services and programs they use.

Although some of these tax avoidance tactics are in fact illegal, many are still able to be done legally due to how current treaties are drafted. At a time when capital and businesses are increasingly global and interconnected, no single country can address tax avoidance alone.

There is a growing consensus echoed by many, including Christine Lagarde, head of the International Monetary Fund, who recently declared, “The current international corporate tax architecture is fundamentally out of date.”

It is estimated that the kind of profit shifting Bill C-82 is intended to address costs countries between US\$100 billion and US\$240 billion every year, representing 4 to 10 per cent of global corporate income tax revenue. Now, that is significant.

Also concerning is that the existing system allows some corporations to take advantage of the loopholes while gaining a competitive advantage over others.

[*Translation*]

Real reform requires cooperation at the international level. That is especially true for Canada, which has one of the largest networks of tax agreements.

[*English*]

Currently, Canada has 93 international tax treaties in force and continues to work on similar agreements with other jurisdictions.

In 2013, the G20, including Canada, began working with the Organisation for Economic Co-operation and Development, the OECD, to address these significant concerns about tax avoidance and looking to find solutions that could be implemented across the globe.

Accordingly, the OECD has developed measures that countries could incorporate into their tax treaties to address their concerns. The challenge, honourable colleagues, is that given the large number of tax treaties in existence, it would take an extraordinary amount of time to renegotiate each of these agreements one by one.

A new approach was developed, one that would make it possible to implement these changes in a more timely and efficient manner. Are you ready for the new approach? That new approach, which is at the core of Bill C-82, is the Multilateral Instrument, or the MLI.

The base erosion and profit-shifting project of the OECD and the G20 resulted in the development of 15 action plans. These action plans make up the Multilateral Convention to Implement Tax Treaty Measures to Prevent Base Erosion and Profit Shifting, otherwise known as the MLI. Yes, it is a mouthful, but it is very important. This is a very important piece of legislation.

The MLI is the product of this global initiative involving the work of more than 100 countries and jurisdictions, including Canada. It is the first multilateral treaty of its kind.

The Multilateral Convention was signed by Canada in Paris, France, on June 7, 2017. Its purpose is to allow participating jurisdictions to adopt the OECD and G20 measures to combat tax avoidance strategies without having to renegotiate each of their tax treaties separately on a bilateral basis.

• (1500)

This enables countries to work together more effectively and more expeditiously in the fight against aggressive international tax avoidance.

[*Translation*]

In addition, the application of the multilateral instrument would demonstrate Canada’s desire to work collaboratively with our fellow signatories to the convention and take concerted action to combat worldwide tax evasion.

[*English*]

At the same time, the MLI would provide certainty for taxpayers, and certainty is important. It would include measures designed to improve dispute resolution under tax treaties.

Prevention of treaty abuse is addressed by adopting a new preamble in each treaty, which states that:

The object of the treaty is not to create opportunities for non-taxation or reduced taxation through tax evasion or avoidance, including through treaty shopping arrangements.

Treaty shopping arrangements are very common.

Bill C-82 was first introduced in the other place on June 20, 2018. There are currently 87 signatories to the Multilateral Instrument, which will allow for modification of over 1,400 tax treaties globally. The MLI initially entered into force on July 1, 2018, and it has now entered into force in 25 countries across the world.

Honourable senators, the MLI is an important tool in combatting aggressive international tax avoidance. This tool will benefit Canada and its international partners. For this reason, I support Bill C-82.

Bill C-82 addresses a need for additional safeguards in our current tax system. The important measures brought forth in the bill, which are designed to address tax avoidance in the international realm, will not plug all of the current holes in our tax system that lead to the erosion of our tax base, but they represent a vital step forward.

Bill C-82 builds on other efforts of the government to ensure Canada’s tax system is fair for everyone.

I will briefly reference some highlights of those other efforts so you can put this in context.

At the close of the 2017-18 fiscal year, CRA had 50 ongoing criminal investigations related to the transfer of funds to low- or no-tax jurisdictions. The government is also targeting those who promote tax avoidance schemes and has so far imposed more than \$44 million in fines on those who are promoting these schemes.

Thanks to the new availability of data and targeted government investments, CRA now has better tools and better approaches which are leading to the improved integrity and fairness of our tax system.

[*Translation*]

These tools help the CRA gather valuable information and allow its agents to work more effectively and intelligently to ensure that all Canadians are paying their fair share.

[*English*]

Budget 2019 has gone even further with an investment of an additional \$150.8 million over five years to allow the CRA to fund new initiatives and extend existing programs.

These include hiring additional auditors and building technical expertise to target non-compliance associated with cryptocurrency transactions and the digital economy; creating a new data quality examination team to ensure proper withholding, remitting and reporting of income earned by non-residents; and extending programs aimed at combatting offshore non-compliance.

In turn, these targeted compliance initiatives are expected to produce a revenue impact of close to \$370 million over five years. This is in addition to gains realized by the provinces and the territories through these measures.

Honourable colleagues, in conclusion, as I have noted, Canada has already made tremendous progress when it comes to tax fairness. We know there is so much more to be done. I know we are all committed to ensuring that Canada's tax system operates fairly and effectively. By protecting the integrity of our tax system and guarding against the abuse of our tax treaties, Bill C-82 and the implementation of the Multilateral Instrument are the next logical steps in this process.

Once this bill receives Royal Assent, Canada will be able to deposit its instrument of ratification of the MLI, and the convention can then enter into full force in three months. In order for the MLI to come into force by January 2020, Canada would need to deposit its instrument of ratification by September 30 of this year.

For this reason, timely consideration and passage of this legislation is critical. I therefore encourage my esteemed colleagues to support sending this bill to committee for its thorough study. There are a number of important technical aspects related to Canada implementing the MLI that our Senate committee will need to examine in depth.

[ Senator Coyle ]

Colleagues, Benjamin Franklin once said:

In this world, nothing can be certain except death and taxes.

Well, given this stark reality, honourable senators, let's work together to make sure Canadians can have more certainty and confidence in our tax system. Let's ensure tax fairness for all Canadians. Let's move this bill forward.

*Wela'liog*, thank you.

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

[*Translation*]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** I congratulate you on your interesting speech, senator. This topic is not always exciting, but you presented it with a great deal of wit and humour. Thank you.

I flipped through the bill quickly. The PDF document is 56 pages long, so it's fairly substantial. To ensure I fully understand the task that lies ahead, once this bill passes second reading, we'll have to examine the matter to determine whether this instrument to establish multilateral agreements could help prevent tax evasion.

The bill includes a few clauses and a very lengthy schedule, which is the instrument itself, if I understand correctly. As part of their study of the bill, will committee members be asked to determine how this tool fits into Canada's fiscal framework? Will they have to amend the instrument, or is it a question of simply seeing how it will work within Canada's fiscal framework?

[*English*]

**Senator Coyle:** I will do my very best. As I confessed, I'm neither a tax accountant nor a tax lawyer, but I have been studying this bill, as you can tell.

At this point, we are looking at the principle of the bill, which, as I hope you have captured, if you were listening, is to enact this new convention, the Multilateral Instrument, and have Canada sign on. Instead of negotiating each tax treaty on an individual, bilateral basis to make our relationships with other tax treaty holders fairer, if we and they sign on to this — you have to be matched — then we don't have to renegotiate.

More to your point, each country that signs on to this must sign on to the basic agreements to which everybody is going to be a party, and then there are options. Canada has already indicated and has actually changed its mind from its first signing on and has chosen to add a number of those special options to which you were referring.

• (1510)

Our committee will examine what Canada has chosen, as well as the overall treaty convention. Thank you.

**Hon. Percy Downe:** Colleagues, I have a few brief words to follow our colleague's remarks.

Bill C-82, like other bills that have come before us, is not objectionable. I do, however, have some concerns when I heard, basically, a free-time political broadcast at the conclusion of our colleague's speech for the great work the Canada Revenue Agency is doing. I think it's important to highlight in relation to this bill some of the actual facts as opposed to some of the spin that we hear from the Canada Revenue Agency about the great work they are doing. In my remarks, I just want to bring that to your attention.

We have found, for example, in the Panama Papers that 894 Canadians, individuals, trusts and corporations were identified. We have found out that three years after those papers were disclosed, \$1.2 billion has been collected around the world. Canadians who have followed this issue closely were not surprised but disappointed to see that the CRA has not collected a cent.

Colleagues, you mentioned the ongoing criminal investigation. You mentioned how people have been targeted. You mentioned the fairness of the tax system.

Unfortunately, there is no proof other than a collection of words that the CRA is actually doing anything. I think this bill is helpful, but it is enforcement that is lacking. That's why I take some objection to the conclusion of the honourable senator's speech, where a summary was obviously presented about the great work the CRA is doing.

In fact, on the ongoing targeting, we found eight or nine years ago, when there was disclosure from that one bank in Liechtenstein, where employees stole the list of all the clients that was then shared around the world, 102 Canadians had accounts. As we know, it is not illegal to have an account in a foreign bank; it is, however, illegal not to declare the proceeds from that account to the Canada Revenue Agency.

We found that, years later, the CRA justified not charging one person with tax evasion, even though they identified that millions were owed to the Canadian treasury. They did so by the argument that they were using the information to find out how tax evasion actually worked. This was the justification that they told the Auditor General in his report. In other words, they were gaining knowledge.

That begs the question — back to my earlier comment — as to why nobody has been charged in the Panama Papers. What knowledge did they gather eight years ago that they could not use in the last three years to charge anyone, when \$1.2 billion has been collected around the world? Zero has been collected in Canada, not one loonie, not \$5.

Again, we hear the same argument from the CRA — they are working on it. They have identified money owing. They have not collected anything. We hear that it's complicated. Well, it's complicated for everyone. We hear that it's difficult. Well, it's difficult for Australia. They have collected hundreds of millions of dollars. Even Iceland has collected \$25 million owing from the Panama Papers — Iceland, a country much smaller than Canada. Australia has collected \$92 million. The list goes on and on, to add up to \$1.2 billion.

We have the ongoing problem of the Canada Revenue Agency talking about how tough it is and how if you cheat on your taxes and try to hide your money overseas, they will find you and track you down. None of that is true. Nobody has been charged in Liechtenstein, eight years later.

Two years after Liechtenstein, another employee in a bank in Switzerland saw what happened to the guy who stole the accounts in Liechtenstein — he received compensation for the information he provided. He stole accounts from that one bank in Liechtenstein, and 1,785 Canadians had accounts there. Imagine that — 1,785 Canadians, one bank in Switzerland. How much money? The CRA will not tell us, because a few made a commotion over Liechtenstein where those 102 Canadians had over \$100 million.

It is a massive problem.

On a related issue, we saw this week something on money laundering.

I appreciate the senator's speech. I'm supporting the bill, but I'm disappointed that the CRA continues to raise expectations, but they don't deliver.

If that was taken out of the speech, I wouldn't be getting up at all. I support Bill C-82, because it's helpful if it's enforced.

Thank you, colleagues.

**The Hon. the Speaker pro tempore:** Do you have a question?

**Senator Coyle:** Senator Downe, thank you very much for reminding us. We've heard you speak at even greater lengths in other contexts on this very important matter. I don't think anybody in this chamber would disagree with you. I want to be absolutely clear when I said in my speech that "we know there is more to be done," I completely agree with this point.

Senator Downe, you said that you support this legislation. Would you say that Bill C-82 and the enactment of the multilateral instrument will be a positive step toward tax fairness for Canadians?

**Senator Downe:** Thank you. Actually, no, because Canada doesn't take any action. Other countries that signed this agreement will swing into action and do things. Canada, based upon the history of the last dozen years, will say all the right things, but when you ask them — and I urge you, senator, in three or four years, to start filing written questions and asking follow-up questions. You are bound to be disappointed at what is actually done.

**Senator Coyle:** Senator Downe, given the experience that you have expressed here and the disillusionment with action matching language, would you have any advice for the committee that will be studying this bill? Is there anything we should be looking at in the study of Bill C-82?

**Senator Downe:** Thank you. The government should be doing what they said they would. They announced there would be an investment of close to \$1 billion in the Canada Revenue Agency. As of December 2017, they have only spent \$110 million. The

Minister of National Revenue has been talking for the last few months about all the additional auditors that have been hired at the Canada Revenue Agency. *Le Journal de Montréal* did an investigative report and found out that a whole bunch of auditors were retiring. And it wasn't 3,000 new auditors hired; it was around 192.

They have to stop constantly misleading. We had the Auditor General of Canada a couple of years ago in his report talk about the call centres, where the CRA was talking about the high number of Canadians who could get through to the Canada Revenue Agency call centre. When the Auditor General examined that, he found that after a certain number of minutes, the CRA simply hung up on the caller and counted that in their positive numbers. This is the Auditor General of Canada.

They constantly get caught.

Many of us here heard representations from Diabetes Canada. They used to receive a tax credit from the CRA, and suddenly, half the people who used to receive the diabetes tax credit stopped receiving it. The CRA said there was no change in policy. At the end of day, we find there was a change in the interpretation, so the result was that people actually who were receiving it stopped receiving it. The department changed their mind.

So when they are caught, they come forward, but they continue this misleading of Canadians.

The government should be doing all the things they said they would be. Print the billion dollars right away. Hire additional auditors, because all kinds of evidence suggests that for every auditor hired, there is a multiple of six or seven of the cost of their salaries and benefits in return to Canadians.

• (1520)

When Australia, for example, had the list of people from their country who had accounts in Liechtenstein — and they formed a task force right away — they ended up charging and convicting people and recovering a lot of money. The Australians tell us the other thing they found is the people who were interested in moving the money offshore suddenly lost interest when they saw friends and neighbours being convicted and going to jail.

Their enthusiasm for moving the money offshore declined rapidly. Colleagues, go on the CRA website you will see all kinds of people charged domestically with tax evasion. The CRA does an excellent job on domestic tax evasion. I have always said that. If you cheat on your taxes in Canada, you are very likely to get caught and, in many cases, convicted and sent to jail. The website is full of people. Look for the corresponding convictions, jail terms for overseas tax evasion; they are not there. That is a serious problem.

The second and last problem is the government still refuses, notwithstanding the passage of the bill in the Senate, to measure the tax gap. The government is still refusing to cooperate with the Parliamentary Budget Officer to measure the tax gap, which is the difference between what the CRA should be collecting and what they are collecting. The Parliamentary Budget Officer has been working on this for a number of years.

[ Senator Downe ]

The new Parliamentary Budget Officer announced a couple of weeks ago that he is still having trouble getting the information he requires from the CRA to determine the tax gap. Other countries do this, the United Kingdom, even the State of California. That is how important the tax gap is. It not only tells you the size of the problem, it tells you how efficient your revenue agency is in doing their job.

The tax gap would be the first issue. Put that billion dollars in, hire the people and get going and if you convict some people, I suspect we will have the same result as Australia. We will have more money in our country for the priorities we want as Canadians, whether it is lowering taxes or investing in programs, and we will not have this double standard on the tax system.

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

(On motion of Senator Wells, debate adjourned.)

[*Translation*]

## THE SENATE

MOTION TO AFFECT WEDNESDAY SITTINGS FOR THE REMAINDER OF THE CURRENT SESSION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of February 27, 2019, moved:

That, for the remainder of the current session, when the Senate sits on a Wednesday:

1. the provisions of the order of February 4, 2016, relating to the adjournment or suspension of the sitting at 4 p.m., only take effect at the later of 4 p.m., the end of Question Period, or the end of Government Business; and
2. notwithstanding the provisions of paragraph 1 of this order, the sitting not continue beyond the time otherwise provided in the Rules.

She said: Honourable senators, I don't think this motion needs any debate, since it is self-explanatory.

We are approaching the end of this parliamentary session. Since there is a lot of government business left, this motion would allow us to continue a speech without interruption at second reading, or no matter where we are in the process of studying a bill, and to finish with government business for the day.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

MOTION TO AFFECT QUESTION PERIOD ON  
MAY 14, 2019, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of May 8, 2019, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 14, 2019, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of May 8, 2019, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 13, 2019, at 6 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That, notwithstanding rules 9-6 and 9-10(2), if a vote is deferred to that day, the bells for the vote ring at the start of Orders of the Day, for 15 minutes, with the vote to be held thereafter; and

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

VOLUNTARY BLOOD DONATIONS BILL

BILL TO AMEND—THIRTY-THIRD REPORT OF SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY COMMITTEE—  
DEBATE ADJOURNED

The Senate proceeded to consideration of the thirty-third report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-252, Voluntary Blood Donations Act (An Act to amend the Blood Regulations), with a recommendation), presented in the Senate on April 9, 2019.

**Hon. Chantal Petitclerc** moved the adoption of the report.

She said: Honourable senators, Bill S-252, An Act to amend the Blood Regulations, would prohibit remunerating blood donors.

• (1530)

This bill's single clause amends the Blood Regulations to prohibit all establishments, other than Canadian Blood Services, from providing payment to blood donors.

The members of the Social Affairs, Science and Technology Committee studied this bill between December 5, 2018, and March 21, 2019. During our seven meetings, the committee heard testimony from individuals and patient groups, Canadian for-profit plasma collection companies, Canada's two blood agencies, namely Canadian Blood Services and Héma-Québec, experts in blood safety and supply, health care professional organizations, employee representative organizations and Canadian ethicists.

Following our review, while the committee members are sensitive to the fact that donations of blood or its components are done voluntarily, the committee recommends that the Senate not proceed further with this bill. Our report to the Senate outlines the reasons for that recommendation.

[English]

Over 20 years ago, the Honourable Judge Krever headed the commission of inquiry into a tragic scandal involving tainted donated blood used for transfusion and purified blood products. The inquiry's report included several suggested changes to the management of Canada's blood system.

Those recommended changes have been largely implemented. After several years, trust in Canada's blood system has been re-established. The Canadian blood system, through Canadian

Blood Services and Héma-Québec, relies on the voluntary donation of whole blood. The Canadian public agrees with this approach.

Bill S-252 is called the voluntary blood donations act, an act to amend the blood regulations, and proposes to prohibit compensating plasma donors.

Plasma donation for the purification of specific plasma products often used in the treatment of serious and life-threatening conditions is not the same as whole-blood donation. While only Canadian Blood Services and Héma-Québec are licensed to manage Canada's blood system, plasma donation can be conducted by private, for-profit businesses.

Plasma donation is more time-consuming than whole-blood donation. A plasma donor can make a donation much more frequently than a donor of whole blood.

As mentioned earlier, the Social Affairs Committee heard from several expert witnesses with positions both for and against compensation for plasma donation. Members of the committee heard contradictory testimony on a complex issue with real-life consequences.

For example, some witnesses implied that plasma from paid donors might be less safe than from voluntary donors. However, the majority of witnesses, including Canadian Blood Services and Héma-Québec, did not agree with this view.

With respect to the security of supply, some witnesses cited evidence that paying plasma donors diverts donors away from voluntary blood donations. However, other witnesses indicated that there is evidence to the contrary.

Similarly, some witnesses cited evidence that there are countries that are self-sufficient in plasma supply using a voluntary donation model, while other witnesses disputed this assertion and indicated that there are no countries that have been able to reach self-sufficiency using a strict voluntary model.

Some witnesses highlighted that the definitions of "compensation," "remuneration" and "benefit" are different from one country to another and that could be the reason for the discrepancy in views.

As we mentioned in our report, members also questioned whether the bill should include the definition of certain terms and whether the issue of compensation for plasma donations falls under federal jurisdiction. In addition, some members wonder why Canadian Blood Services should be exempt from the ban on plasma donations.

Members also struggled with ethical considerations. Is it ethical to compensate plasma donors but not whole-blood donors? Is it ethical to prohibit paid plasma donations but still rely heavily on plasma products from the United States where plasma donors are paid?

[ Senator Petitcherc ]

[*Translation*]

Throughout the study, the committee never lost sight of the fact that many Canadians need plasma products to live. After an in-depth study, the committee determined that many important medical, administrative and ethical questions remain unanswered. Furthermore, these questions were too important, complex and technical to be dealt with appropriately by a parliamentary committee tasked with studying Bill S-252, which, in its current form, proposes a simple regulatory amendment that does not necessarily take into account the complexity and repercussions of the issues at stake.

In closing, I would like to thank all of the witnesses on behalf of the committee. Our committee salutes their efforts to ensure a sustainable supply of plasma. Thank you.

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

(On motion of Senator Wallin, debate adjourned.)

[*English*]

## BUSINESS OF THE SENATE

**Hon. Salma Atallahjan:** Your Honour, I was wondering if we could revert to No. 2 under Other Business?

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear a "no."

Sorry, honourable senator, leave is not granted.

[*Translation*]

## CRIMINAL CODE

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting).

(Bill read first time.)

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

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

[English]

## FROZEN ASSETS REPURPOSING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gold, for the second reading of Bill S-259, An Act respecting the repurposing of certain seized, frozen or sequestered assets.

**Hon. Peter M. Boehm:** Honourable senators, I rise today to speak to Bill S-259, an act respecting the repurposing of certain seized, frozen or sequestered assets.

I want to offer my support for this legislation and I commend Senator Omidvar for her work in bringing it to the floor. This bill comes at a critical point in world history. I will not go into great detail on the reasons for this as Senator Omidvar and Senator Pate have already done so quite eloquently, but I wish to underscore the crisis which makes this bill an unfortunate reality.

As the preamble to Bill S-259 states:

. . . there is a greater number of forcibly displaced persons than ever before in the world today . . .

Armed conflict and persecution, often the result of or inflamed by bad governance, has led to roughly 70 million people around the world being forced to flee their homes. That is a staggering number — two displaced persons for every Canadian citizen.

[Translation]

We must also remember that, even though there have never been more refugees and displaced people in the world than there are now, this is not a new problem. Neither are war, violence, and persecution. For thousands of years, these scourges have forced innocent people the world over to seek refuge in countries far from home.

[English]

Events of just the second half of the 20th century alone, from World War II and conflicts that flowed from it to the battles of independence that marked the end of the colonial era and proxy wars post-Cold War left at least 210 million people displaced. To reiterate, that is just the period from 1940 to 2000.

As I have said before in this chamber, my own parents count themselves in that number, having come to Canada as refugees of the second “war to end all wars” from what is now Romania. I thank Senator Omidvar for sharing her own story with us.

What has not changed over thousands of years and what will not change regardless of where in the world vulnerable people are forced to flee from is the fact that none of them want or wanted to. Nobody who fled Europe because of the Nazis and later Stalin and the wars in the former Yugoslavia, or Vietnam

because of the Vietnam War, or Cambodia because of the Khmer Rouge, or Uganda because of Idi Amin, or Afghanistan because of the Taliban, or Syria because of ISIS and Bashar al-Assad, or Yemen because of the war and dire humanitarian crisis there, or the Rohingya people because of the genocide perpetrated against them by Myanmar or Venezuela because of Nicolás Maduro, none of them wanted to leave their homes. They were all forced to do so.

My parents did not want to leave their ancestral home of 800 years. Senator Omidvar did not want to leave her home in Iran. Senator Ngo did not want to leave his home in Vietnam. Senator Jaffer did not want to leave her home in Uganda.

[Translation]

• (1540)

I make this point, colleagues, to challenge the all too common, and increasing, belief that asylum seekers want to leave their homelands, often for better or just different economic opportunities elsewhere.

There are people who leave their homes for this reason, a valid one, but that is a separate group — and not the one this legislation seeks to help.

[English]

Colleagues, this bill seeks to provide another tool through which perpetrators of the conditions that lead to mass displacement may be held to account. As Senator Omidvar said in her second reading speech on April 9, Bill S-259 “. . . stands on the shoulders of the Magnitsky Act.” Of course, it was another of our exceptional colleagues, Senator Andreychuk, who led the way on that legislation.

Inspired by the World Refugee Council of the Centre for International Governance Innovation, this bill would, in essence, make the bad guys pay.

As was pointed out at a recent briefing session, there is a tragic symmetry to the underlying problem that gave rise to this legislation. The foreign entities whose assets would be frozen by Canada are frequently the same entities whose actions or even inaction caused the circumstances that would lead to their assets being frozen in the first place. It is a vicious cycle of greed, theft, corruption, violence, persecution, human flight and displacement. Bill S-259 seeks to break that cycle by freezing and then repurposing the ill-gotten gains of dictators and other bad actors who are at the root of the global displacement crisis and use these various reclaimed assets to help people forced from their homes as well as their hosts in new countries.

Based on the principles of accountability, justice, due process, openness, compassion and good governance, this bill would bring an end to the impunity corrupt foreign actors have enjoyed for far too long and will bring relief to those these officials have so grievously harmed.

[*Translation*]

The best example, in that it has captured so much attention recently, is Venezuela.

As Senator Omidvar outlined in her speech, the regime of President Maduro has forced well over 3 million people to flee their homes since 2014 when the economic crisis began.

This mass migration has hugely impacted several of Venezuela's neighbours in South America.

Colombia alone has received 1 million migrants while Peru is hosting 500,000. While Venezuelans have largely been welcomed by these countries, their hosts still face significant challenges.

[*English*]

It is not just migrants and displaced peoples themselves who would be helped by repurposed assets. The money could also be given to the government of the host country to help it handle the influx of people or even to NGOs in the impacted region. How assets would be distributed would be outlined in the ruling of the provincial Superior Court in Canada to which the Attorney General applied for an order to confiscate the assets in Canada of a foreign official. The use and ultimate decision-making authority of the judicial system is critical to the effectiveness of the legislation as it ensures politics are not at play.

Also of note is the well-considered stipulation that any proceeds stemming from the order be paid to the court rather than the government. This not only keeps politics from the equation but also ensures there could be no allegation that the Senate initiated a money bill.

In the case of Venezuela, Canada has already taken the step of freezing assets held here by President Maduro. This bill would allow the courts, if it is deemed appropriate based on due process and reasonable evidence, to seize these assets and then distribute the funds to Venezuelans displaced by the regime, to host countries and/or to NGOs working to help.

[*Translation*]

One of the biggest benefits of this bill is the creation of a public registry.

Provided for in clause four, the Minister of Foreign Affairs would be required to make publicly available the name of the person or entity whose assets had been frozen and the value of those assets.

[*English*]

Knowing not just who but also what and how is a crucial element of this legislation and speaks to its principle of openness and transparency. It also leads to the next point I wish to highlight, that of good governance.

This principle applies not just to the foreign official or entity but also to Canada. Our own country, and many others around the world, harbours in various forms the wealth stolen from institutions by dictators and other corrupt officials. Bill S-259

[ Senator Boehm ]

would be but one tool at our disposal to prevent and punish the damaging practice of base erosion and profit shifting — a.k.a. BEPS. We heard about that earlier today.

There is also the issue of beneficial ownership, which the Panama Papers brought to the world's attention in 2016. While not illegal in and of itself, beneficial ownership has been used to hide illegal activity. The Panama Papers brought into stark focus the prevalence of its use for nefarious purposes.

Canada has become a tax haven largely because of the positive reputation of our governmental and financial institutions and our generally strong economy. Corrupt foreign officials steal and embezzle from institutions in their own countries and thus take from their fellow citizens. They then negatively use beneficial ownership to create shell companies in Canada to pay less tax on their assets and/or to hide their ill-gotten gains.

By shifting profits, legitimate or otherwise, from higher-tax jurisdictions to ones with lower taxes like Canada, the tax base in the originating country is eroded. This further hurts populations suffering at the hands of corrupt leaders. It also means that the lower-tax country benefits from the theft of the first nation's wealth and resources.

Those rules need to be strengthened, but until they are, the fact remains that plundered assets, in various forms, are being housed and enriched in our country. This legislation will go a long way toward reversing the trend and doing some good in the world by helping to alleviate the suffering of far too many people.

[*Translation*]

In closing, I wish to reiterate another important point raised by Senator Omidvar, which is that this legislation is certainly rare but not unheard of.

Switzerland enacted a similar law in 2015 and France and the United Kingdom, two of our closest allies, are considering it as well.

If Canada makes this bill a law, other countries around the world will surely take notice and action in their own jurisdictions.

[*English*]

We have a chance, colleagues, to be leaders on a vitally important issue that could have a hugely positive impact on some of the world's most vulnerable people. I applaud Senator Omidvar for taking the first step and encourage all my fellow senators to support this bill. Thank you.

(On motion of Senator Wells, debate adjourned.)



• (1550)

## STUDY ON A NEW RELATIONSHIP BETWEEN CANADA AND FIRST NATIONS, INUIT AND METIS PEOPLES

### FIFTEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report (interim) of the Standing Senate Committee on Aboriginal Peoples, entitled *How did we get here? A concise, unvarnished account of the history of the relationship between Indigenous Peoples and Canada*, tabled in the Senate on April 11, 2019.

**Hon. Lillian Eva Dyck** moved the adoption of the report.

She said: Honourable senators, before I begin, I would like to thank the clerk of the Standing Senate Committee on Aboriginal Peoples and the analysts who participated in the study. The clerks were Mark Palmer and, currently, Mireille Aubé. Without their assistance, we wouldn't be in the good stance we are.

I would also like to thank the Library of Parliament analysts Sara Fryer and Brittany Collier, who are invaluable to the work of our committee.

This was tabled about a week or so ago. It's a 50-page summary of the history in Canada between the First Nations, Inuit and Metis people within Canada. We are hoping that it will be a great resource to ordinary Canadians and maybe even, in particular, to educators.

To give you a bit of an introduction, in December 2016, the Standing Senate Committee on Aboriginal Peoples began a three-part study to provide recommendations and identify steps that the federal government could take to move towards a new relationship with First Nations, Inuit and Metis peoples.

The first phase of the study explored the history of the relationship, which the committee felt was important to undertake in order to understand our history and avoid making the same mistakes and provide the opportunity to lay the foundation for a better future between Indigenous peoples and Canada.

On April 11, I was pleased to table the committee's interim report entitled "How Did We Get Here? A Concise, Unvarnished Account of the History of the Relationship Between Indigenous Peoples and Canada," which outlines what the committee heard about the history of the relationship and examines how this complex, intergenerational legacy of past policies continues to affect Indigenous peoples today.

The committee's report is informed by testimony heard here in Ottawa and community site visits to the Prairies and the Western Arctic. The committee heard from over 50 witnesses, including Indigenous peoples, communities, elders, youth and academics. The committee wishes to sincerely thank all who contributed to this report.

I should also say that the committee thought we could accomplish this task within a relatively short period of time. We soon realized that very few Canadians really understand the history. Very few of us have actually ever been taught the history within our lifetime. We also found that witnesses were eager to share with us their view of the history, so we devoted quite a long time to it. I think that time was well spent.

With regard to the history of the relationship between First Nations, Inuit, Metis and the Crown, while Indigenous communities are diverse, we discovered that there were several common themes throughout the history of that relationship. For instance, from time immemorial, Indigenous peoples lived on the lands, water and ice of their ancestral territories. They have unique histories, laws and cultures flowing from their relationship with their traditional territories.

For over 150 years, Canadian policies and legislation dispossessed Indigenous peoples of their lands and attempted to assimilate Indigenous peoples into Canadian society. As honourable senators know, forced removal of Indigenous children from their parents and making them live away from their communities and attend Indian residential schools was a deliberate and horrendous maneuver to kill the Indian in the child.

In our report, we have a number of quotations from some of our witnesses. I will read one into the record from Elder Fred Kelly on September 27, 2017. He said:

... I was held a prisoner from the age of four and a half, at a residential school, incarcerated for no other reason than that I am an Anishinaabe and to kill the Indian in this child.

It:

... almost succeeded in taking away my language, in taking away my spirituality, in taking away my culture, in taking away my relationship to the land.

The Crown justified their actions, such as relocating communities and attempting to replace or eliminate traditional cultures, laws, languages and governments, through the myths of *Terra nullius*, the Doctrine of Discovery and the flawed presumptions of European superiority.

The concept of *Terra nullius* allowed a discoverer to overlook the presence of Indigenous peoples already living on the land, while the Doctrine of Discovery held that a nation that discovered land had immediate sovereignty and rights of title to it, despite the presence of the Indigenous people.

Of course, Indigenous peoples actively resisted the Crown's actions by writing petitions, marching for equality, establishing advocacy organizations and battling through the courts to defend their rights. These actions put pressure on Canada to act and led to fundamental changes in federal legislation, policies and programs.

Today, Indigenous communities are countering the effects of colonization by breathing new life into Indigenous laws, finding innovative ways to govern and asserting their inherent rights in the areas of education, governance, health and law-making.

Witnesses emphasized that each Indigenous group has their own unique history and relationship with Canada. To honour these differences, the report outlines a history of three distinct sections, one each for First Nations, Inuit and Metis.

With respect to the history of the relationship between First Nations and the Crown, this history tells a story of a people who were initially independent and self-governing but who became wards of the state within a few hundred years.

While the initial relationships between First Nations and the Crown were cooperative — I think largely because the colonizers needed the help of First Nations — the relationship quickly changed as the Crown sought to obtain access to First Nations' lands for settlement and development.

The Crown took a contradictory approach. On the one hand, it signed nation-to-nation treaties with First Nations, and on the other hand, it was implementing legislation and policies to assimilate them into Canadian society and dispossess them of their lands.

Through protests and petitions in the courts, First Nations actively fought for the recognition of their rights and protection of their homelands, contributing to changes in federal legislation, policies and programs, such as the incorporation of section 35 of the inherent and existing treaty rights into the Constitution of Canada.

With regard to the history of the relationship between the Metis and the Crown, this is characterized by conflict, dispossession, exclusion and resistance. Initially, the Crown recognized the Metis as a group with collective rights to the land. Over time, however, this approach shifted, as the Crown emphasized individual land rights in an attempt to dismiss Metis claims to their land. The execution of the Metis leader Louis Riel and the process of allocating lands to individuals contributed to the marginalization and exclusion of the Metis, along with a loss of most of their homelands.

- (1600)

Although they also experienced policies of assimilation such as residential schools, Metis were consistently excluded from any redress. Metis have continued to fight for recognition of their rights through advocacy and the courts, often with considerable success.

The third section deals with the history of the relationship between the Inuit and the Crown. This is a much more recent history.

Inuit have played a pivotal role in early encounters with Europeans by trading and working as guides and interpreters. In comparison to the other Indigenous groups, the relations between the Inuit and the Crown developed more recently. The Crown's ignorance and neglect of the Inuit shaped the relationship. The Crown applied policies devised in the South to the Inuit without consultation, explanation or even translation. These policies greatly adversely affected Inuit families, cultures, land, languages and well-being.

[ Senator Dyck ]

The Crown consistently acted in its own interests to implement policies of assimilation such as relocations and residential schools. The Inuit actively resisted the Crown's involvement in their lives and their lands.

Now with respect to the contemporary relationship, today the policies of assimilation and the dispossession of Indigenous peoples from their land have contributed to a complex intergenerational legacy which continues to affect the lives of Indigenous peoples, families and communities. Today many Indigenous peoples are actively working to rebuild, revitalize and regain control over their own communities. While some have been successful, others are impeded from regaining control over their community by federal legislation and policies. But ultimately the relationship between Indigenous peoples in Canada must change to ensure that Indigenous communities can determine their own future, and I might add without interference from Canada.

To conclude, the committee acknowledges the work of Indigenous peoples in previous commissions, including the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission of Canada, to make this history known. However, Indigenous elders who testified before the committee reminded us that Indigenous people's understanding of history is not a common narrative. Most Canadians remain unfamiliar with the history of the relationship between Canada and Indigenous peoples.

The committee hopes that this report and the accompanying timeline of key events in the history of the relationship contribute to ongoing work to reshape the understanding of Canadian history, including providing space for Indigenous peoples to tell their own stories while offering a starting point for all Canadians to explore the Indigenous history of their communities, their provinces and Canada as a whole.

I would add that we also are in the process of completing a video of some of the key testimony and some of the highlights while we were out in visiting communities. Hopefully that will be out soon.

Thank you very much.

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

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## ETHICS AND CONFLICT OF INTEREST FOR SENATORS

### FIFTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Seidman, for the adoption of the fifth report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an Inquiry Report from the Senate Ethics Officer*, presented in the Senate on April 30, 2019.

**Hon. Lynn Beyak:** Honourable senators, I rise to address the fifth report of the Standing Committee on Code of Ethics and Conflict of Interest for Senators. I stand accused today by the Senate Ethics Officer of refusing to censor the free expression of Canadian citizens with whom he disagreed. The committee has agreed with the officer and issued a report that now urges this body of free debate to become a tool of censorship. I request that you reject the committee's recommendations.

I make this request for three reasons. The first is the principle of free speech, precious to this chamber and to those Canadians who wrote to me. I have posted the letters of hundreds of Canadians on my website and it has been become a positive public forum. I will not act in a manner that interferes with the freedom of expression of the people I represent each day.

I note at this point that the penalty of the committee report is right out of Orwell's 1984. According to the Supreme Court of Canada in the 1984 case of *National Bank v. Retail Clerks' International Union et al.*, this type of penalty is totalitarian and, as such, alien to the tradition of free nations like Canada.

The second reason to reject the committee report is the focus of the Senate Ethics Officer. Retired Simon Fraser University Professor Ehor Boyanowsky, after whom the Confederation of University Faculty Associations named the Ehor Boyanowsky Academic of the Year Award wrote a letter of support to me on May 2, 2019. This is what he wrote:

I commend you on your honest and forthright assessment of the residential school effects, positive and negative. Be assured that there are millions of people in Canada who support your stance, and should you think of any manner in which I could be of assistance do not hesitate to contact me.

Retired Judge Brian Giesbrecht of Manitoba wrote to me on May 3, 2019, with his article titled: *Senator's Thought Crime*.

The article noted that my family included Indigenous members and then it asked this question:

So what is the senator's real crime — a crime deemed so egregious that she must be humiliated, shunned and even financially damaged and hounded out of public office? Her "crime" is refusing to go along with the politically correct version of the prevailing orthodoxy pertaining to Indigenous issues.

On May 1, 2019, I received a copy of a letter from Colin Alexander sent to the Senate Ethics Officer. It begins:

Pierre Legault, I have just read your report on the postings by Senator Lynn Beyak. As the former publisher of the *Yellowknife News of the North* who has family living in Nunavut, I found your reasoning and your conclusions shockingly unprofessional. The conclusions of the Senate Ethics Officer and the report of the committee are directed exclusively at my refusal to censor letters from Canadians on my office website. This is not a legitimate matter for the attention of the committee.

It is my submission that the Senate should only focus upon the speech of a senator on the floor of this chamber or upon the action of a senator outside this chamber where the action is contrary to law. If the Senate does not respect this legal bright line, then every act of a senator will become fair game for political opponents, including interactions in the office, home, bedroom and at church. This simply cannot be.

The committee report is contrary to the law of Parliament. On February 26, 2018, Senator Anne Cools, then-Dean of Senators, gave a speech that explained this point:

The idea and practice of this political or civil liberty . . . can only be lost or destroyed by the folly or demerits of its owner: the legislature...

Parliamentarians have not had freedom of expression threatened like this since the events that led to the enactment of the Bill of Rights by the English Parliament on December 16, 1689. Dear senators, if we do not enjoy freedom of expression we no longer enjoy the protection of the rule of law, but instead become subject to the rule of individuals and their whims.

This is a critical day. Either senators are free to speak without fear of reprisal or we are not. I trust that this Senate will not abandon 430 years of liberty. The ancient right of freedom of expression should not be discarded on 15 minutes' consideration.

The third reason to reject the committee report is explained in a letter that I provided on April 9, 2019, in response to letter received from them just the day before:

Dear committee members, first, I reiterate my request to provide a full response to the committee as directed by subsection 49(2) of the code:

The opportunity to be heard by the committee is meaningless if I do not have sufficient time to prepare. An additional two weeks is not unreasonable in light of fact that it took the Senate Ethics Officer 52 weeks to complete the report.

• (1610)

Second, this letter sets forth factual, legal and constitutional concerns with the report. My request for adequate time to respond is made so that I may prepare a comprehensive, line-by-line critique of the report.

Third, in light of the refusal to afford me time to prepare, I will succinctly set forth my response to the report.

First, there is a reasonable apprehension of bias. The Senate Ethics Officer found my decision to trust you, the Senate, rather than the Senate Ethics Officer on the question of whether I breached the code “to be an aggravating factor in this case.” The Senate Ethics Officer acknowledged that his conclusion was “not germane to the issues,” but that did not stop him. This is a display of annoyance or exasperation. This is an emotional response; it is not a professional response. This annoyance demonstrates bias and taints the entire committee report.

My next point was that the Senate Ethics Officer had no jurisdiction to conduct his inquiry. The Senate Ethics Officer did not have jurisdiction to review the letters in issue, as the letters were from Canadians exercising rights protected by the Charter of Rights and Freedoms. I did not write the letters, or adopt the words or the reasoning of the letters. Every year, senators and members of Parliament receive and table hundreds of thousands of letters and petitions from Canadians. It is neither possible nor desirable for us to censor each line and each sentence of every letter.

The proper test to be applied in these circumstances was highlighted by the Senate Ethics Officer on page 15 of his report when he noted that Chief Justice McLachlin proposed that a publisher of a statement accessible by hyperlink or endorsement of the content of the hyperlinked text would not be responsible. I invite the Senate to adopt this test and find that I am not responsible for the words chosen by Canadians when they write to me.

The Senate Ethics Officer found that I did not in my conduct or actions discriminate on any basis or express discrimination. The only conduct or action that is condemned is my refusal to censor Canadians and shut down debate about sensitive issues on which Canadians have expressed various opinions.

In the letter, I stressed concern that the Senate Ethics Officer usurped the role of the Speaker. Senators should jealously guard their right to free speech. The Speaker of the Senate always has. On page 17 of Senate Ethics Officer report, it is noted the Speaker has not yet determined whether a senator’s website is protected by privilege. The Senate Ethics Officer should not have proceeded to make a determination on this question in the place of the Speaker. The Senate Ethics Officer should have waited for this issue to be determined by the Speaker or the Senate itself. The reason for deference is obvious: The Senate Ethics Officer should not be making back-door rulings for the Speaker.

My privacy was unlawfully impaired by the Senate Ethics Officer.

Section 56 of the code protects a senator’s right to privacy. In his public report, the Senate Ethics Officer made extensive reference to private conversations that he had with me. His writing style was convoluted and contradictory, moving back and forth between various subjects and confusing to anyone reading the document. His approach violated my privacy rights under the code and disrespects the Senate and every member of the Senate. Subsection 57(3) of the code is very explicit about the importance of confidentiality. The extensive and unlawful breach of my privacy is such that the committee report should be rejected.

The Senate Ethics Officer’s consultation with experts violated my right to privacy. The Senate Ethics Officer breached my privacy rights when he consulted two volunteer experts whom he did not retain or pay as experts. The participation of volunteers who are not contracted and sworn to confidentiality is highly improper and expressly forbidden by sections 53 and 56 of the code.

Finally, the committee report is based upon ultra vires considerations. The entire report is ultra vires because the Senate Ethics Officer brought into consideration the legal concept of conduct unbecoming from the rules of Law Society of Ontario. The role of senator is that of public representative. It is not anything like the role of a legal professional. They are not two of a kind.

More important, there is nothing in the code to authorize the Senate Ethics Officer to take into account rules that a law society would take into consideration. When the officer took into account the *Rules of Professional Conduct* of the Law Society of Ontario, he took into account an irrelevant consideration. The law does not allow this.

As the committee report was based upon the Senate Ethics Officer’s report, it suffers from the same dysfunction. I conclude that the Senate Ethics Officer did not accurately reflect the views of Professor Richard Moon. I’m convinced that the professor would agree that it is my first duty to protect, respect and facilitate free speech. This is what Professor Moon wrote this year in *Constitutional Forum*: “Freedom of expression has little substance if our trust in the autonomous judgment of the individual is the exception. It has no substance. It is protected only when we agree with its message or consider the message to be harmless. The problem with this approach to free speech protection, an approach that formally acknowledges the premises of free speech but supports limits on speech that carries a harmful message, is that it puts the whole edifice at risk.”

At this point, let me clarify the process that led to my April 9 letter. I have documentation that I responded in a timely manner to every deadline set by the Senate Ethics Officer and the committee. Yet after a 52-week process of investigation, including a five-month delay by the SEO from July to December 18, the committee refused my request for two weeks to prepare for a hearing on the Senate Ethics Officer’s report.

The committee unfairly and inaccurately cites my alleged delays as the reason of the consequences, which for me are excessively severe.

Let me close with these comments. Renowned Canadian journalists and academics took the time to read every letter on my website. They did not find anything racist, and they publicly said so. Their correspondence was sent to the Senate Ethics Officer but not referenced anywhere in the report.

Telling the truth is sometimes controversial but never racist. The Senate’s reputation has been enriched by my stand, as clearly stated in thousands of letters from Canadians that I submitted to the Senate Ethics Officer. Many of the letters spoke of the pride and respect for the Senate and for me because of the

dignity, honour and integrity I bring to the Senate through my honesty and consistency. These letters were not referred to in the report either, and one must ask why.

The only time the website reflects negatively on the Senate of Canada or is hurtful to grassroots Indigenous people is when the media inaccurately portray comments, including senators and members of Parliament who are asking to take down hatred when none exists. It is dishonest and irresponsible, as is quoting only portions of letters from thoughtful and compassionate Canadians and leaving out the true context of their ideas.

Likewise, letters of support were submitted to the officer from three Indigenous women. One is a chief. The letters were not included in his report. I believe those three women are in a far better position to judge than the Senate Ethics Officer.

Lastly, members of my family, my friends and my associates in my region are a mix of Indigenous and non-Indigenous Canadians. We are intermarried and integrated — not assimilated — as we each proudly preserve our cultures. We share schools, hospitals, churches, businesses and amenities, working together and supporting one another. We are resourceful and resilient. We have found a way to share and live together, and thrive, a superb model for all of Canada. Occasionally, outsiders come from what the grassroots call “the industry” and try to divide us. We did not succumb, and we grew stronger and more united than ever.

My website has been lauded as one of the most positive, comprehensive and informative available on Indigenous issues. There are hundreds of thousands of Indigenous people across Canada who consider themselves victors, not victims, and many want to tell their meaningful, positive and inspiring stories. I’m proud to have a positive forum for Canadians to do that.

The problems of today —

• (1620)

**The Hon. the Speaker:** I’m sorry for interrupting, senator, but your time has expired; are you asking for five more minutes?

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

**Senator Beyak:** I am proud to have a positive forum for Canadians to do that. The problems of today — inadequate housing, boil water advisories, fire, mould and disease — are a result of failed current government policies and have nothing to do with the past colonization, settlers or schools. Pierre Elliott Trudeau said:

We could mount pressure groups across this country on many areas where there have been historic wrongs. I do not think it is the purpose of a Government to right the past. It cannot re-write history. It is our purpose to be just in our time . . .

I agree with him. I voted for him.

Honourable senators, we must find a way to work together. A young man in my region was not joking when he suggested the residents of a Far North reserve move to the fancy homes and condos of the “fat cats” in Ottawa and that they, in turn, move to that reserve for a year. It would not take long for solutions to be found.

I ask those colleagues who have told me you are unfamiliar with the plight of many of our Indigenous people to take a few minutes to read, “The Whole Truth/A Meaningful Way Forward,” on my website. It sets forth the belief that there is a positive path that can be followed.

Finally, honourable senators, I ask you to reject the committee report so that I may continue my valuable work on behalf of grassroots Indigenous Canadians in my region who have no voice. In turn, I will always respect and value yours. I do not understand this rush to judgment, and I would humbly ask one of you to take the adjournment for the weekend to give senators a chance to consider my remarks.

Thank you.

**Senator Harder:** I would call the question on the motion before us.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

## ADJOURNMENT

### MOTION WITHDRAWN

**Hon. Donald Neil Plett** moved:

That the Senate do now adjourn.

Your Honour, this has clearly not been an easy day or an easy time, and, in light of that, I would suggest we take the weekend to reflect on what has just happened here and I would move the adjournment of the Senate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Plett, seconded by the honourable Senator Wells that the Senate do now adjourn.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion will say, “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say, “nay.”

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker:** Do we have agreement on a bell? One hour. The vote will take place at 5:23.

Call in the senators.

• (1720)

**Hon. Donald Neil Plett:** Your Honour, we amongst the four groups reached an agreement and I will withdraw my adjournment motion.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The sitting will resume.

(Motion withdrawn.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That the Standing Committee on Internal Economy, Budgets and Administration have the power to meet on Thursday, May 9, 2019, at 6:10 p.m., while the Senate may be suspended, and that rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT TO CEASE DIPLOMATIC RELATIONS WITH IRAN—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:

That, in light of the Government of Canada’s recent significant shift in its foreign policy relating to Iran, which does not reflect the Senate’s recent decision to reject the principles of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations, including an annual report of Iranian human rights violations, the Senate now:

- (a) strongly condemn the current regime in Iran for its ongoing sponsorship of terrorism around the world, including instigating violent attacks on the Gaza border;
- (b) condemn the recent statements made by Supreme Leader Ayatollah Ali Khamenei calling for genocide against the Jewish people;
- (c) call on the government to:
  - (i) abandon its current plan and immediately cease any and all negotiations or discussions with the Islamic Republic of Iran to restore diplomatic relations;
  - (ii) demand that the Iranian Regime immediately release all Canadians and Canadian permanent residents who are currently detained in Iran, including Maryam Mombeini, the widow of Professor Kavous Sayed-Emami, and Saeed Malekpour, who has been imprisoned since 2008; and
  - (iii) immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the *Criminal Code* of Canada; and
- (d) stand with the people of Iran and recognize that they, like all people, have a fundamental right to freedom of conscience and religion, freedom of thought, belief, opinion, and expression, including freedom of the press and other forms of communication, freedom of peaceful assembly, and freedom of association.

**Hon. David Tkachuk:** Honourable senators, I note that this item is on day 15 and I’m not ready to speak at this time. With leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate for the balance of my time.

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

**Hon. Senators:** Agreed.

(On motion of Senator Tkachuk, debate adjourned.)

### LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO EXAMINE CERTAIN  
EVENTS RELATING TO THE FORMER MINISTER OF JUSTICE  
AND ATTORNEY GENERAL OF CANADA AND  
TO CALL WITNESSES—MOTION IN  
AMENDMENT—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the serious and disturbing allegations that persons in the Office of the Prime Minister attempted to exert pressure on the former Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, P.C., M.P., and to interfere with her independence, thereby potentially undermining the integrity of the administration of justice;

That, as part of this study, and without limiting the committee's right to invite other witnesses as it may decide, the committee invite the Honourable Jody Wilson-Raybould, P.C., M.P.;

That the committee submit its final report no later than June 15, 2019; and

That the committee retain all powers necessary to publicize its findings until 180 days after tabling the final report.

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator Woo:

That the motion be not now adopted, but that it be amended:

1. by replacing the words "report on the serious" by the words "report on the role of political staff in the Office of the Prime Minister in their interactions with parliamentarians, ministers and Attorneys general, including the serious"; and
2. by adding the following new paragraph after the words "Jody Wilson-Raybould, P.C., M.P.;"

"That, as part of this study, and without limiting the committee's right to invite other witnesses as it may decide, the committee invite the following witnesses with potential experience in past matters of alleged

political interference, direction and pressure on parliamentarians and their work in the Office of the Prime Minister:

Nigel Wright, former Chief of Staff to the Prime Minister;

Benjamin Perrin, former Special Adviser and Legal Counsel to the Prime Minister;

Ray Novak, former Chief of Staff to the Prime Minister;

The Honourable Senator David Tkachuk;

The Honourable Marjory LeBreton, P.C., former senator;

The Honourable Irving Russell Gerstein, former senator; and

The Right Honourable Stephen Harper, P.C., former Prime Minister of Canada;"

**Hon. Denise Batters:** Honourable senators, I rise today to speak to Senator Ringuette's amendment to Senator Plett's SNC-Lavalin motion.

This amendment is a blatant partisan move by Senator Ringuette, an attempt to drive a spike into any Senate investigation into Liberal corruption. Time and again throughout the SNC-Lavalin scandal, the Trudeau government has moved to shut down opposition and stone wall Canadians' desire for answers on this matter. They shut down the House of Commons Justice Committee investigation of allegations of political interference with the former Attorney General after hearing from only four of 11 potential witnesses. Then the Trudeau government wouldn't even let the House of Commons Ethics Committee study get off the ground.

The Prime Minister silenced Jody Wilson-Raybould from telling her entire story by refusing to waive the entirety of solicitor-client privilege. He then turned around and threatened a lawsuit against the Conservative leader of the official opposition, Andrew Scheer, in a feeble attempt to force his silence as well. It hasn't worked.

Senator Ringuette's amendment is a further extension of the long arm of the Prime Minister's Office in the Senate. Senator Harder continues to tout the Trudeau government's arm's length, independent, nonpartisan Senate, and yet here we see the crassest, most cynical demonstration of partisanship going. How can Senator Harder explain the fact that we saw him pass what appeared to be the Senate amendment page to Senator Ringuette last week right here in the front row of the Senate?

The long arm of the Trudeau government reached over — one bench over to be precise — to hand an independent senator an amendment intended to gut the Conservative motion calling for an investigation into this whole sordid, corrupt Liberal affair.

When amendments are prepared in advance, the sponsoring senator's name is often typed into the first line of the page. In this case, Senator Ringuette's name was handwritten into the

blank line on the top of the page. Did she draw the short straw in the ISG for which senator would get to carry water for the Liberal government on SNC-Lavalin that day, or was she the perfect independent Senate candidate for the job? After all, she served as a Liberal —

[Translation]

**Hon. Lucie Moncion:** I wish to raise a point of order. I would like the senator to focus her remarks on the motion and not on the remarks of the independent senators, Senator Ringuette or any other senator. With your consent, I would ask her to speak about the motion.

[English]

**The Hon. the Speaker:** Generally, in debate, we allow a fair amount of leeway when it comes to the topic. You raise a good point, Senator Moncion, in that we generally try to stay to the substance of the topic we are debating. That being said, there is a fair amount of leeway.

• (1730)

**Senator Batters:** Thank you, Your Honour.

Given that it is Senator Ringuette's motion, Senator Ringuette served as a Liberal MLA for six years, a Liberal member of Parliament for four years and then as a Liberal senator for 13 years, 23 years serving as a Liberal politician before she had this independent epiphany.

Apparently, the more things change, the more they stay the same. Senator Ringuette dutifully carried out that mission of the PMO, closed down any avenue of investigation into the SNC-Lavalin scandal and covered up via whatever means available. You can't tell me that move was not politically motivated. You can't tell me that it was not partisan.

What it does confirm is that the long arm of the Prime Minister's Office clearly reached over to Senator Harder's office and then into the heart of the so-called Independent Senators Group. So much for independence.

Instead of extending that long arm of the government to give her this amendment, Senator Harder should have given Senator Ringuette more of a hand when she was sponsoring Bill C-58, the highly flawed Trudeau government access to information bill. It was a mess requiring dozens of amendments, including a large number of government amendments at committee stage, and an unheard of six clause-by-clause meetings. That meant 16 hours of clause-by-clause deliberations alone because this Trudeau government and its proxies in the Senate couldn't get their act together on that particular bill.

All of that time at the Senate Legal Committee could have been used more productively. Without six clause-by-clause meetings on Bill C-58, we could have dealt with Bill C-337, an important bill on judicial training regarding sexual assault. Yet again, the Trudeau government's incompetence held it up.

[ Senator Batters ]

Senator Ringuette's amendment, or should I say the Trudeau government's amendment, equates the Senator Mike Duffy matter with the SNC scandal and demonstrates the Trudeau government doesn't understand the unique role of the Attorney General and the sanctity of prosecutorial independence. I suppose we shouldn't be surprised that Prime Minister Trudeau can't seem to wrap his head around the true meaning of independence. He has repeatedly demonstrated in this chamber he doesn't understand the concept.

It is curious Senator Ringuette would raise the Senator Duffy matter which was dealt with long ago. Senator Duffy has been back in this chamber for three years. If this amendment is meant to impugn Conservative senators, may I remind Senator Ringuette that Senator Duffy sits as a member of the ISG caucus, not ours.

Since Senator Ringuette raised the issue, I will note that in the Duffy affair Prime Minister Harper waived all solicitor-client privilege in order to facilitate an investigation into that matter. Prime Minister Trudeau only partially waived Jody Wilson-Raybould's solicitor-client privilege to prevent her from sharing the entire extent of the situation. In the Trudeau government SNC-Lavalin scandal, they have attempted to cover up the truth and shut down discussion at every turn. Senator Ringuette's amendment is just one example.

For further evidence, we need only look at the course of events that occurred in this place after Senator Ringuette introduced this amendment for Senator Harder last Thursday. Immediately, the ISG and government senators moved to try to shut down debate on the motion and then proceeded to vote as one big independent block to do just that. It seems that standard operating procedure for the big cover-up caucus is to shut down debate, silence opposition and create an echo chamber so they can listen only —

**The Hon. the Speaker:** Senator Batters, excuse me. I just finished saying we allow a fair amount of leeway when it comes to debate. I would caution that you cannot assert improper motives when you're naming a senator or a group. To call a group a "cover-up group" is a very close line to what's not parliamentary. I would just caution you on that.

**Senator Batters:** During the one-hour bell before that adjournment vote, *The Globe and Mail* story dropped, which exposed how Prime Minister Trudeau's office vets its independent senators shortlist through an internal Liberal Party database. As soon as that story came out, very quickly after the Senate adjourned. Once again, honourable senators, what we're showing is the Trudeau government's smoke and mirrors independent Senate is not that at all.

The long arm of the PMO in this particular case has intervened, as it usually does, to obscure, delay and confuse the issue. I'll tell you what's not confusing, honourable senators, is the supposedly independent Trudeau-appointed senators are drawn from the ranks of Liberal donors, Liberal Party Laurier Club members, past Liberal candidates, past elected Liberal politicians, past riding executives and Trudeau Foundation members. I guess that's because diversity is our strength.



Right now the Trudeau government's Senate leader is letting the veil slip. Last Thursday, Senator Harder was looking around the chamber for an independent assistant to do the Trudeau government's bidding and shut down Senator Plett's motion. Senator Ringuette, one of the staunchest loyal Liberals in the ISG caucus, did just that.

This kind of smoke and mirrors is not what Canadians want, honourable senators. Frankly, they deserve better than this. Canadians want answers about whether the Trudeau government is trying to keep the truth from them. Canadians want answers about whether the Prime Minister and his top officials attempted to subvert the rule of law by pressuring the Attorney General's independence. Canadians want to know whether the people we entrust to act as the guardians of our constitutional democracy, the people who hold the reins of political power, are worthy of the honour. You may have your opinions, honourable senators, as do I, but as the chamber of sober second thought, we as the Senate owe it to Canadians to investigate this SNC matter fully and completely and provide Canadians with answers.

We cannot allow the truth to be obscured by intentional distraction with controversies long in the past or by shutting down committee studies or by altering the study to focus on issues irrelevant to the matter at hand. What is being proposed in Senator Ringuette's amendment is just one more avenue for the Trudeau government to cover up this issue.

It is interesting, for a group that seems to want to make the Senate a debating chamber, that some members of this place are remarkably incurious about the SNC-Lavalin scandal, the biggest issue to rock Canadian politics in decades. When I return home to Saskatchewan, Canadians in my hometown of Regina approach me demanding answers about the Trudeau government's investigation into SNC-Lavalin. I know Canadians in other regions share those concerns.

How is it, then, that Justin Trudeau's appointed senators are oblivious to it? Aren't they talking to Canadians in their regions? Canadians want answers. They want to consider the evidence for themselves.

We have a chance to give them that opportunity. That's why I ask you to join me in voting against this amendment and in favour of Senator Plett's motion to send this matter to the Senate Legal Committee for further investigation. Canadians deserve better. Thank you.

**Hon. Terry M. Mercer:** Senator Batters, would you take a question?

**Senator Batters:** Yes.

**Senator Mercer:** Senator Batters, you continue with this myth that the Conservative Party has perpetrated on Canadians — and the media bought into it — that it's unusual for the Prime Minister's Office to go to the party's financial database to see if people have given money to the party. Indeed, as soon as someone is appointed here, someone over there — perhaps not in your group but here in Ottawa — is sitting in front of a computer checking the Elections Canada donor list to see if nominee A or nominee B has a history of giving money to the Liberal Party of Canada. That happens.

In my past life, when the Conservatives appointed somebody, I would check to see if they were a donor to the Conservative Party. Quite frankly, the Prime Minister's Office — thank God they did this right — checked to see if people have given money to the Liberal Party of Canada because they needed to know.

When I was appointed to this place, the Conservative caucus picked one of their members and gave instructions to see if I truly qualified to be a member of this chamber. It was because of my employment in Ottawa and my residency in Nova Scotia. I know this because years later that senator told me about this assignment. That's politics.

Would you not agree that every time somebody is appointed here that somebody checks them out on behalf of the Conservative Party?

• (1740)

**Senator Batters:** Senator Mercer, as you would be keenly aware, given your substantial political history in the Liberal Party of Canada, the difference between what's happening now and what happened under partisan governments that appointed people who were actually accountable to a Prime Minister and partisan in that case is that that was as to be expected — Liberals appointing Liberals, Conservatives appointing Conservatives and others, because others were appointed by those particular governments as well.

The difference is that when you're checking Elections Canada databases, as I've said in some of my recent questions, you have a situation where that is publicly available information, which should be checked.

However, here we have the situation where we have a Liberal Prime Minister who is supposed to be appointing independent, non-partisan — as they continue to tell us — senators, yet all of a sudden we need to check the Liberal Party database to find out whether they have lawn signs, party memberships, donations less than \$200 and identified support? All of those things are not publicly available information but, of course, are normal. As you would expect, you would find out what is actually publicly available so you can answer questions later.

However, the Liberal Party database goes much further than that. This government said they wanted to appoint independent, non-partisan senators, yet they're still checking it against the Liberal Party database. That's where the distinction comes in.

**Hon. Tony Dean:** Honourable senators, I rise to contribute to what I think is an important discussion. Senator Ringuette's proposed amendment, first of all, is responsive to my concerns about Senator Plett's motion and, in particular, its narrow focus.

Senator Ringuette's proposal to broaden an inquiry to explore the relationship among all three branches of government is important, and I think it fits well with the non-partisan rubric of the original motion. It would allow us to examine the relationship between the executive and judicial branches of government, on the one hand, and the relationship between the executive and legislative branches, on the other — two interesting case studies.

Second, we know that the issues related to SNC-Lavalin are still under review by the Ethics Commissioner for the House of Commons. If it's anything as exhaustive as Ontario's Office of the Integrity Commissioner's review of the Doug Ford hiring issue, we can expect the current review to be exhaustive. It's important that we wait for that review to conclude before doing anything further, regardless of the scope of the proposals in front of us.

Third, for the time being, we know all we need to know about the facts associated with this issue. The House of Commons Justice Committee has heard extensive testimony from two former ministers, the Clerk of the Privy Council and the Prime Minister's principal secretary. There has been supplementary evidence, recorded conferences and more recent statements from two of the principal complainants, to the effect that we already know all we need to know.

I now want to transition over to another feature of the debate that occurred last week — and it has come up again tonight — namely, points made about independent senators in this place. These are embedded in the record. I am following up on debate from last week on this motion, and from the debate and comments made by Senator Batters a few moments ago.

We heard this last week — and it was echoed afterwards in social media — two Conservative senators referring, on May 5, 2019, to Trudeau's "fake independent Senate." We heard something like that earlier tonight.

I will first point out something rather obvious, namely, that a couple of weeks prior to this, in a debate about a programming motion, Conservative senators took the opposing view, stating that since the ISG was not a partisan caucus, it should have no role in discussion of programming agreements. You can probably tell where I'm going with this. It is that our colleagues across the way might start by getting their stories straight because right now it seems we are variably being described as partisan or not partisan on any given day.

Indeed, I stand — and sit — with a terrific group of independent senator colleagues in this chamber who demonstrate daily their integrity, their professionalism, their focus on policy and, indeed, following through on deals they make.

**Hon. David M. Wells (Acting Deputy Leader of the Opposition):** On a point of order, and not at all with any disrespect to Senator Dean, I believe we're on Motion No. 470, and I haven't heard one word regarding that topic.

**The Hon. the Speaker:** Honourable senators, Senator Dean has entered debate on the amendment. As I said earlier, we give a fair amount of leeway until we start bumping into unparliamentary language. I will allow him to continue, but the debate is on the amendment to motion no. 470.

**Senator Dean:** Yes, Your Honour, I will make a further point on the amendment, and that is my perspective from my work and observations while working in government.

I said earlier in debate about the SNC-Lavalin issue that our political colleagues work within a governance context guided by rules, conventions and practicality. There is both a formal and informal governance structure, and it works well. Ministers talk to one another, Prime Ministers talk to ministers, and staff talk to ministers. That is commonplace; it happens all the time. And, yes, sometimes people talk to Attorneys General. These are the realities of daily political and ministerial life. Those of you with a political background know that only too well.

As my colleagues did last week, and as Senator Batters did tonight, I will transition back to comments made about my colleagues on this side of the house, and I will do that with parliamentary language and with respect.

**Senator Plett:** As opposed to what?

**Senator Dean:** Here's the real point, though: In perhaps a surprise move following the 2015 election, the Prime Minister chose to set aside historical patterns of predominantly filling Senate seats with party faithful, and he also removed Liberal senators from the Liberal caucus.

Instead, through an independent selection process, he selected a group of independent senators, with each one being asked by the PM to do only one thing: to work towards a more independent and less partisan Senate — nothing more; no mention at all of supporting his election platform or anything else, and nothing since.

Indeed, most, if not all, of the independent senators appointed since 2015 would not have accepted a political appointment. I certainly would not have. It was independence that attracted me here — the freedom to make up our own minds and vote as we see fit as opposed to taking instructions from anyone.

There has been, I know, discomfort about this from some of my colleagues in this place, and I know that the notion of a more independent Senate is a bit threatening in a change-resistant environment. It is uncomfortable, I suspect, to fill the institution under threat of change, even if that is change for the better.

Now I will take on the question of fake independent senators.

First, obviously the PM might not have made this change in appointing independent senators at all. He could have followed the crowd that went before him and appointed a majority of explicit party loyalists, as his predecessors did. He certainly would have had a happier, larger and more powerful Liberal caucus in the Senate, and I dare say this might have sat well with those in the balance of the Senate.

There was a more direct and easier route to the continuation of a partisan Senate. To his credit, the Prime Minister, likely guided by the Supreme Court, set out to build a more independent and less partisan Senate. I emphasize "less" because no one is talking about a non-partisan Senate.

The PM likely not only had an unhappy group of former Liberals in the Senate, but he had a group of independently minded senators. Early independent appointees, including Senator Lankin, weighed in on amendments to medical assistance in dying. Senator Pratte led the charge against the inclusion of

the federal Infrastructure Bank in a budget bill and brought everyone else along with him — probably not the sort of partisan gesture I'm hearing about earlier. Senator Pratte, a Liberal in sheep's clothing? I think not.

Senator Pate has consistently defended the rights of Indigenous and other persons incarcerated in prisons, and especially solitary confinement. How is that working for the PM? Her work on mandatory minimum sentences and segregation is groundbreaking, admirable and entirely independent.

• (1750)

Senator Omidvar, a champion of immigration and refugees, has taken on the government on a number of bills, including some parts of Bill C-45 which would see non-permanent residents treated inequitably in the justice system. I'm not seeing our colleague Senator D. Black here, so I'm not going to commend his work on Bill C-69 in his absence.

This is only a partial series of examples of a more policy-focused, less partisan and more independent Senate at work. But look around beyond this group to the broader group of ISG senators in this place and ask yourselves how many of us would have been on the traditional Liberal faithful list? How many of us would have agreed to leave our jobs behind as senior leaders in a number of sectors if it was for the purpose of taking orders from the Prime Minister's Office? Very few, probably none.

Now, you know all of this. Indeed, you continue to make the case that it is otherwise. I know there would be more comfort with the old duopoly, with senators from the Liberal world and the Conservative world sharing power, but that's not what we have right now.

Now let's go back to the substance of Senator Ringuette's motion, and I thank you for your indulgence.

**Senator Batters:** One minute left.

**Senator Dean:** Terrific. I think I can manage that. Perhaps I will ask for more time.

I had talked about the fact that politicians, ministers, Prime Ministers chat with one another from time to time and indeed they talk to their Attorneys General. You know this; everybody in this place who has worked in government and on public policy knows this. There's a clear exception to the practice of this, of course, where it involves the Attorney General, who is the chief law officer of the Crown. This doesn't mean that justice ministers or Attorneys General are immunized from advice, lobbying or an expression of preferences. Let's be realistic about that.

However, an AG, unlike other ministers, has the ability, independence and responsibility to determine their own cause having regard to the law and public interest. This is what appears to have happened in this case, and it happened in another case that was in the news last night.

The one thing that's strikingly clear is that there has been no variance in the well-known position taken by the federal prosecution service. To this point in time, SNC-Lavalin's request for a deferred prosecution arrangement has been denied. I'm

simply going to observe that the government's process we have in place in our political process to protect the integrity of the rule of law and our justice system has worked as intended.

Is this process sometimes messy? Yes, it is. Are these sorts of discussions between PMs and ministers tough? You bet they are. You've been involved in some of them. Some of you have been on the receiving end of them. Can they be embarrassing? Yes. Are they newsworthy? Absolutely. Are they scandalous? Questionably. Are they political fodder? Absolutely, without a doubt.

Honourable senators, all of this messiness applies equally to the governance challenges faced by the former PM, as was described by Senator Ringuette, in that particular case dealing with tense relations between the executive and legislative branches of government and crucially, in that case, going to the heart of the Senate's independence.

For all of these reasons, I support Senator Ringuette's amendment.

**The Hon. the Speaker:** Senator Patterson, you have two minutes.

**Hon. Dennis Glen Patterson:** Would the honourable senator take a question?

**Senator Dean:** Yes, I'd be pleased to.

**Senator Patterson:** I was quite surprised, senator, when you predicted that the review of the Ethics Officer would be exhaustive. Section 43 of the act that establishes the Ethics Officer says that he or she should provide confidential advice with respect to the application of this act to individual public office holders.

Would you agree that the act and the Conflict of Interest Code for MPs is really a very narrow mandate that would not, in fact, allow for the exhaustive review that you have described as now taking place?

**Senator Dean:** Thanks for the question. It's very pertinent and I appreciate that it was asked. It gives me the opportunity to talk a little bit more about a recent experience in Ontario where there was an ethics review.

The mandate of the ethics commissioner in that case was no broader than the one that you outline. In that case, the ethics commissioner received substantial evidence from a large number of parties in a public report that chose to talk very broadly and widely about those submissions, and to canvass all of the issues that were in play in the public and political sphere. It read like a novel. I couldn't put it down.

Indeed, its conclusion was framed in the formally narrow context of the mandate of the ethics commissioner, but that is not a requirement. In a case of this sort, given its magnitude, its public profile, given what seems to be an appetite on the part of some for even more information when others say there is no more information, I'm optimistic about these things and I'm

optimistic about our public officials. I don't worry too much about the range, breadth and depth of mandates. It's what people do with those things that are important.

I'm neither pessimistic or cynical about parliamentary officers and the work that they do. I think we put our trust in them and we should expect the best of them. I, like you, expect the best of this review.

**The Hon. the Speaker:** Senator Dean's time has expired. Are you asking for more time to answer another question, Senator Dean?

**Senator Dean:** Are there other questions?

**The Hon. the Speaker:** Senator Dyck wishes to ask a question.

**Senator Dean:** Yes.

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

**Hon. Senators:** Agreed.

**Hon. Lillian Eva Dyck:** Senator Dean, when you were speaking about the independent senators, you said Trudeau's predecessors appointed party loyalists, I believe. I wanted to say I think that's a bit of an overgeneralization. What evidence do you have that is true?

I know, for instance, with former Prime Minister Paul Martin, that definitely was not the case. In my situation, he actually gave me a choice. He said you can be a Liberal or you can be an independent. I checked with the clerk, who said, "You can be anything you want." What did I do? I chose the NDP, not realizing they don't believe in the Senate.

That statement you put on there really was an overgeneralization. Were you given a choice when you were appointed? You have that choice. You don't have to stay independent.

**Some Hon. Senators:** Good question.

**Senator Dean:** I hadn't expected this to turn into such a rich debate, but let me say to my colleague Senator Dyck, you're absolutely right.

I apologize to you and others because we know that. We know from practice that every Prime Minister despite, to a substantial extent, a large extent, relying on those people they think they can trust — by virtue of their background, political pedigree, political knowledge and experience — also look beyond that in the way that the current Prime Minister did fully, to look for people from other walks of life who have demonstrated leadership. There are not only political leaders but public service leaders. There are leaders, as we know, from the arts and from the health system.

It's not an absolute. If I suggested that there was a prevalent practice of party loyalists, I erred.

[ Senator Dean ]

• (1800)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** I'm sorry, Senator Dean, but I have to interrupt you. It is now six o'clock, and pursuant to rule 3-3(1), I'm required to leave the chair until 8 p.m., unless it is agreed that we not see the clock.

Is it agreed, honourable senators, that we not see the clock?

**Hon. Donald Neil Plett:** This may be entirely out of order, Your Honour, and if it is I would accept that. I would like to give the opportunity for us to reconsider that we not come back at eight o'clock. If I could, I would like to try one more time to adjourn the Senate. If that is not acceptable, I certainly won't require a standing vote. I will accept a voice vote.

I would like to give us the opportunity to adjourn the Senate, because we will see the clock if we don't adjourn the Senate.

**Senator Moncion:** I have a question. I'm sorry, but Senator Plett is not on debate. Is he allowed to bring the adjournment forward?

**The Hon. the Speaker:** Right now, I'm in a position where I have to suspend the sitting unless it's agreed that we not see the clock. Senator Plett wanted to offer an opportunity to adjourn the Senate rather than to suspend for two hours.

So, no, it's not a normal practice, Senator Moncion, you are correct, but for the better working of the house, I will allow it to go on.

Senator Woo, did you want to comment?

**Senator Woo:** No.

**The Hon. the Speaker:** So there is no agreement to adjourn the Senate; is that what you are saying?

Is it agreed that we not see the clock, honourable senators?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** We will see the clock, so the sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

## LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO EXAMINE CERTAIN  
EVENTS RELATING TO THE FORMER MINISTER OF  
JUSTICE AND ATTORNEY GENERAL OF CANADA AND TO  
CALL WITNESSES—MOTION IN AMENDMENT—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable  
Senator Plett, seconded by the Honourable Senator Wells:

That the Standing Senate Committee on Legal and  
Constitutional Affairs be authorized to examine and report  
on the serious and disturbing allegations that persons in the  
Office of the Prime Minister attempted to exert pressure on  
the former Minister of Justice and Attorney General of  
Canada, the Honourable Jody Wilson-Raybould, P.C., M.P.,  
and to interfere with her independence, thereby potentially  
undermining the integrity of the administration of justice;

That, as part of this study, and without limiting the  
committee's right to invite other witnesses as it may decide,  
the committee invite the Honourable Jody Wilson-Raybould,  
P.C., M.P.;

That the committee submit its final report no later than  
June 15, 2019; and

That the committee retain all powers necessary to  
publicize its findings until 180 days after tabling the  
final report.

And on the motion in amendment of the Honourable  
Senator Ringuette, seconded by the Honourable Senator  
Woo:

That the motion be not now adopted, but that it be  
amended:

1. by replacing the words "report on the serious" by the  
words "report on the role of political staff in the  
Office of the Prime Minister in their interactions with  
parliamentarians, ministers and Attorneys general,  
including the serious"; and
2. by adding the following new paragraph after the  
words "Jody Wilson-Raybould, P.C., M.P.":

"That, as part of this study, and without limiting the  
committee's right to invite other witnesses as it may  
decide, the committee invite the following witnesses  
with potential experience in past matters of alleged  
political interference, direction and pressure on  
parliamentarians and their work in the Office of the  
Prime Minister:

Nigel Wright, former Chief of Staff to the Prime  
Minister;

Benjamin Perrin, former Special Adviser and Legal  
Counsel to the Prime Minister;

Ray Novak, former Chief of Staff to the Prime  
Minister;

The Honourable Senator David Tkachuk;

The Honourable Marjory LeBreton, P.C., former  
senator;

The Honourable Irving Russell Gerstein, former  
senator; and

The Right Honourable Stephen Harper, P.C., former  
Prime Minister of Canada;"

**The Hon. the Speaker:** Honourable senators, Senator Dean  
has two minutes left to complete the answer to his question. Do  
you wish to do so, senator?

The answer is "no." We proceed to Senator Wells.

**Hon. David M. Wells (Acting Deputy Leader of the  
Opposition):** As I was saying, I would like to adjourn the debate.

(On motion of Senator Wells, debate adjourned.)

[Translation]

## INDIGENOUS LANGUAGES BILL

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had  
been received from the House of Commons with Bill C-91, An  
Act respecting Indigenous languages.

(Bill read first time.)

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

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

[English]

**ADJOURNMENT**

MOTION ADOPTED

**Hon. Donald Neil Plett** moved:

That the Senate do now adjourn.

Honourable senators, after listening to the government leader, I really think he needs to go home and rest that throat for next week. So I will again try to adjourn the Senate. Thank you.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to, on division.)

*(At 8:06 p.m., the Senate was continued until Monday, May 13, 2019, at 6 p.m.)*

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## CONTENTS

Thursday, May 9, 2019

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>			
<b>Martin Lalonde</b>			
Congratulations on Receiving La médaille de l'Ordre de la Pléiade			
Hon. Renée Dupuis . . . . .	8049		
<b>Hemochromatosis Awareness Month</b>			
Hon. David M. Wells . . . . .	8049		
<b>Tasha Hubbard</b>			
<i>Nipawistamâsowin: We Will Stand Up</i>			
Hon. Lillian Eva Dyck . . . . .	8050		
<b>Visitors in the Gallery</b>			
Hon. the Speaker. . . . .	8050		
<b>Elizabeth Fry Week</b>			
Hon. Kim Pate . . . . .	8050		
<b>Harry Martin</b>			
Hon. Fabian Manning . . . . .	8051		
<hr/>			
<b>ROUTINE PROCEEDINGS</b>			
<b>Commissioner of Official Languages</b>			
2018-19 Annual Report Tabled . . . . .	8051		
<b>Internal Economy, Budgets and Administration</b>			
Fortieth Report of Committee Tabled			
Hon. Sabi Marwah. . . . .	8052		
<b>Iran Relations and Normalization Bill (Bill S-261)</b>			
First Reading			
Hon. David Tkachuk . . . . .	8052		
<b>Energy, the Environment and Natural Resources</b>			
Committee Authorized to Meet During Sitings and Adjournment of the Senate			
Hon. Rosa Galvez . . . . .	8052		
<b>National Security and Defence</b>			
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate			
Hon. Gwen Boniface . . . . .	8052		
<hr/>			
<b>QUESTION PERIOD</b>			
<b>Justice</b>			
Vice-Admiral Mark Norman			
Hon. Larry W. Smith . . . . .	8052		
Hon. Peter Harder . . . . .	8052		
Hon. David M. Wells . . . . .	8053		
<b>Foreign Affairs and International Trade</b>			
Israel—Defence against Attacks—Iranian Support of Hamas			
Hon. Linda Frum . . . . .	8053		
Hon. Peter Harder . . . . .	8053		
<b>Democratic Institutions</b>			
Senate Appointments			
Hon. Denise Batters . . . . .	8054		
Hon. Peter Harder . . . . .	8054		
<b>Health</b>			
Cannabis Regulations			
Hon. Claude Carignan. . . . .	8054		
Hon. Peter Harder . . . . .	8054		
<b>Public Safety and Emergency Preparedness</b>			
Huawei—5G Technology			
Hon. Thanh Hai Ngo . . . . .	8055		
Hon. Peter Harder . . . . .	8055		
<b>Distinguished Visitor in the Gallery</b>			
Hon. the Speaker. . . . .	8055		
<hr/>			
<b>ORDERS OF THE DAY</b>			
<b>Business of the Senate</b>			
Hon. Diane Bellemare. . . . .	8056		
<b>Canada-Israel Free Trade Agreement Implementation Act (Bill C-85)</b>			
Bill to Amend—Third Reading—Debate			
Hon. Linda Frum . . . . .	8056		
Hon. Marilou McPhedran. . . . .	8057		
Motion in Amendment Negatived			
Hon. Marilou McPhedran. . . . .	8058		
Hon. Peter M. Boehm . . . . .	8058		
Hon. Jane Cordy . . . . .	8059		
Hon. A. Raynell Andreychuk. . . . .	8059		
Bill to Amend—Third Reading . . . . .	8059		
<b>Business of the Senate</b>			
Hon. Peter Harder . . . . .	8059		
<b>Bill to Amend Certain Acts and Regulations in Relation to Firearms (Bill C-71)</b>			
Third Reading—Debate Continued			
Hon. Colin Deacon . . . . .	8060		
<b>Multilateral Instrument in Respect of Tax Conventions Bill (Bill C-82)</b>			
Second Reading—Debate Adjourned			
Hon. Mary Coyle . . . . .	8062		
Hon. Diane Bellemare. . . . .	8064		
<b>The Senate</b>			
Motion to Affect Wednesday Sitings for the Remainder of the Current Session Adopted			
Hon. Diane Bellemare. . . . .	8066		

## CONTENTS

Thursday, May 9, 2019

	PAGE		PAGE
Motion to Affect Question Period on May 14, 2019, Adopted		<b>The Senate</b>	
Hon. Diane Bellemare . . . . .	8067	Motion to Urge the Government to Cease Diplomatic Relations with Iran—Debate Continued	
<b>Adjournment</b>		Hon. David Tkachuk . . . . .	8076
Motion Adopted			
Hon. Diane Bellemare . . . . .	8067	<b>Legal and Constitutional Affairs</b>	
<b>Voluntary Blood Donations Bill (Bill S-252)</b>		Motion to Authorize Committee to Examine Certain Events Relating to the Former Minister of Justice and Attorney General of Canada and to Call Witnesses—Motion in Amendment—Debate	
Bill to Amend—Thirty-third Report of Social Affairs, Science and Technology Committee—Debate Adjourned		Hon. Denise Batters . . . . .	8077
Hon. Chantal Petitclerc . . . . .	8067	Hon. Lucie Moncion . . . . .	8078
<b>Business of the Senate</b>		Hon. Terry M. Mercer . . . . .	8079
Hon. Salma Ataullahjan . . . . .	8068	Hon. Tony Dean . . . . .	8079
<b>Criminal Code (Bill C-84)</b>		Hon. David M. Wells . . . . .	8080
Bill to Amend—First Reading . . . . .	8068	Hon. Dennis Glen Patterson . . . . .	8081
<b>Frozen Assets Repurposing Bill (Bill S-259)</b>		Hon. Lillian Eva Dyck . . . . .	8082
Second Reading—Debate Continued			
Hon. Peter M. Boehm . . . . .	8069	<b>Business of the Senate</b>	
<b>Study on a New Relationship Between Canada and First Nations, Inuit and Metis Peoples</b>		Hon. Donald Neil Plett . . . . .	8082
Fifteenth Report of Aboriginal Peoples Committee Adopted		Senator Moncion . . . . .	8082
Hon. Lillian Eva Dyck . . . . .	8071		
<b>Ethics and Conflict of Interest for Senators</b>		<b>Legal and Constitutional Affairs</b>	
Fifth Report of Committee Adopted		Motion to Authorize Committee to Examine Certain Events Relating to the Former Minister of Justice and Attorney General of Canada and to Call Witnesses—Motion in Amendment—Debate Continued	
Hon. Lynn Beyak . . . . .	8073	Hon. David M. Wells . . . . .	8083
<b>Adjournment</b>			
Motion Withdrawn		<b>Indigenous Languages Bill (Bill C-91)</b>	
Hon. Donald Neil Plett . . . . .	8075	First Reading . . . . .	8083
<b>Internal Economy, Budgets and Administration</b>			
Committee Authorized to Meet During Sitting of the Senate		<b>Adjournment</b>	
Hon. Sabi Marwah . . . . .	8076	Motion Adopted	
		Hon. Donald Neil Plett . . . . .	8084