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OFFICIAL REPORT
(HANSARD)

Thursday, May 30, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, May 30, 2019

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

CHATEAU LAURIER EXTENSION

Hon. Serge Joyal: Honourable senators, I think it is only proper to draw your attention to a project to expand the Château Laurier, which is located across the street from the Senate building, because the Château Laurier is part of Parliament Hill's historic core. Indeed, many of you stay at the Château Laurier when you are in Ottawa for work. The same underground tunnel we use to get to the Senate committee rooms also leads to the Château Laurier.

[*English*]

Let me remind you that back in 1912, the Château Laurier's architects, Ross & MacFarlane from Montreal, also developed the plans for the Union Station, where we sit now. The objective at that time was to build two outstanding buildings to give visitors to Ottawa the impression of a grand and perennial national capital in the classical historical style of ancient Rome, with a train station modelled on the Roman public baths of Emperor Caracalla, and an impressive hotel with all the charm of a medieval castle with its turrets and towers.

Today, the historical integrity of the Château Laurier is threatened by an expansion project that would add a modern addition to the original construction that would have, as commented on by Mayor Jim Watson, the subtlety of a pile of containers.

Heritage Ottawa, a group of concerned citizens, has pushed to compel the developer to review the plan and take into account the importance of the immediate environment because the expansion project would drastically change Ottawa's historical horizon line, which includes the Parliament Buildings on the east side with the green space of Major's Hill Park.

Honourable senators, we cannot remain indifferent to the historical mistake that will happen with this ill-conceived expansion project, as very nearly happened before.

Let me remind you that in 1966, the federal Public Works Department had decided to demolish the train station where the Senate sits now to allow for parking spaces, supposedly to accommodate the thousands of visitors who would flock to Ottawa for the celebration of the Centennial the following year. What a disaster it would have been. We would not be sitting here today in this beautiful historic building.

Senators should have their voices heard as standing against the proposed expansion project of the Château Laurier because the architectural details are ill matched. It does not take into account the character and soul of the original building and its built environment and, in fact, it is part of an exercise of maximizing commercial profitability.

Parliamentarians represent the loyal customers who support the profitability of the Château Laurier. We are also trustees of the integrity of Parliament Hill. Let us have our voices heard in denouncing such a historical error. I believe future generations will credit us for preventing this mistake, as we today thank those who prevented the demolition of this very Senate building in 1966.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Coralee Cusack-Smith, Dawna Ward and Debbie Kilroy. 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!

[*Translation*]

FIREARMS LEGISLATION

Hon. Pierre J. Dalphond: Honourable senators, as our debate on Bill C-71 draws to a close, today I would like to salute the women, men and organizations that are campaigning for a ban on assault weapons and handguns.

[*English*]

First, I would like to pay tribute to the Canadian Doctors for Protection from Guns and its spokesperson, Dr. Najma Ahmed, a trauma surgeon in Toronto.

This grassroots organization represents physicians working in collaboration with nurses, paramedics, psychologists, researchers and other front-line health care professionals.

For them, the proliferation of firearms represents a threat to public health. They deal with the harmful consequences of firearms on a daily basis. Their testimonies are extremely relevant. Pro-gun lobbies have attempted to silence them by filing disciplinary complaints and issuing all kinds of threats. They have responded with determination and professionalism.

[*Translation*]

The second group I want to highlight is PolySeSouvient, whose members are primarily family and friends of the victims of the tragedy that occurred in Montreal on December 6, 1989.

Its two main spokespeople, Heidi Rathjen and Nathalie Provost, are themselves survivors of the Polytechnique massacre and have dedicated their lives to advocating for gun control. The group is campaigning to ban handguns and assault weapons, limit magazines to five cartridges, and prohibit pinned magazines that can be converted to hold more than five rounds.

Like all these groups, I believe there is an urgent need to ban all handguns and assault weapons and to follow New Zealand's example before tragedy strikes again. These groups remind us that the guns used at the Polytechnique, at Dawson College and at the Quebec City mosque are still being sold in Canada.

In closing, I want to express my solidarity with the family members of victims of gun violence, who are marked for life. I want them to know that we will keep working to make Canada safer.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Keely Phillips, who is the daughter of the Honourable Senator McCallum. She is accompanied by a group from the Elizabeth Fry Society.

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

Hon. Senators: Hear, hear!

TORONTO RAPTORS

Hon. Salma Ataullahjan: Honourable senators, on Saturday, May 25, history was made in Toronto when the Raptors won the Eastern Conference championship, advancing to the NBA finals for the first time ever. Thousands of people lined up for hours in the rain just for a chance to watch the sold-out game from outside the stadium.

When the Raptors won, the city erupted into an all-out party. Streets were filled with overjoyed fans celebrating into the early hours of the morning, emptying the streets when the lights turned green to allow traffic to pass and returning home peacefully without any incidents of vandalism, violence or arrests, in true Torontonian fashion.

• (1340)

Basketball was created by a Canadian. The first ever professional basketball game was played in Toronto in 1946, but Toronto did not even get its own team until 1995 when the Raptors were named by *Toronto Star* readers.

In the short time since formation, the Raptors have become known throughout the NBA for their loyal and diverse fans, epitomized in Superfan Nav Bhatia, who has not missed a single home game since the team's formation, or in the Raptors mascot, who has been played by the same person for the entire history of the franchise.

The Raptors are not, however, known for winning championships. They enter tonight's matchup as the clear underdogs against Golden State Warriors, a team entering their fifth straight NBA final appearance, coming off three championship wins. Not a single player on the Raptors was picked higher than fifteenth in the draft. No team before has ever made it to the NBA finals without at least one player being picked higher than fourteenth, but the Raptors are used to facing obstacles and beating the odds both as a team and individually.

Serge Ibaka's family were forced to flee their home and live without electricity or running water when he was just nine after the deadliest conflict the world has seen since World War II broke out in Congo. Pascal Siakam was scouted at a small basketball camp in Cameroon. When his father passed soon after, he wasn't allowed to leave America to attend the funeral. When Fred VanVleet was just five, his father was shot to death.

When asked about the Raptors being looked at as the underdogs, Siakam said, "I have always felt like that, my life in general, so nothing different."

The win on Saturday was serendipitous, with the Raptors scoring 100 points in their hundredth game of the season and the Raptors' hundredth playoff game in franchise history to win the series for Toronto, the 6ix, by six points in six games. Tonight's game is serendipitous as well as the NBA finals return to the city where it all started in 1946. Toronto faces off against the team that traded us our first ever star player in Vince Carter back in 1998. Golden State's star player Steph Curry lived in Toronto as a kid where he would play with Vince Carter while his father was playing for the Raptors.

The odds might not be in our city's favour to win the championship but that's never stopped us from making history before, and it definitely won't stop us from rooting harder for our team than any other NBA city can. Thank you.

Senator Manning: We The North!

GOVERNOR GENERAL'S INNOVATION AWARD

CONGRATULATIONS TO RECIPIENTS

Hon. Pamela Wallin: Honourable senators, yesterday at Government House, the Governor General's Innovation Awards were presented to five amazing Canadian projects and the innovators that inspired them.

Sweet Dreams is a Social Impact Bond funded program designed to keep mothers and children together, rather than having children forcibly removed because of child welfare concerns. The mothers must commit to a plan to safely parent. Sweet Dreams has kept 53 of 54 families intact.

With the financial support of Conexus Credit Union; Eric Dillon; the Mah family, Wally and Colleen; Donald Meikle; and the EGADZ Saskatoon Downtown Youth Centre, and inspired by Senate Medal recipient June Draude, who launched this first-ever Social Impact Bond in all of Canada while serving as the Saskatchewan Minister of Social Services, together they have used this innovative financial tool to change lives and futures for the good.

Innovation is spurred by a desire for change, to dream bigger, and they have. Let me mention now the other award winners: Dr. Garnette Sutherland of Calgary who developed a new generation of MRI imaging; Jad Saliba, founder of Magnet Forensics, advancing digital evidence in human trafficking and terrorism investigations; Joelle Pineau of Montreal, a leader in using AI for robot-assisted health care; from Burnaby, B.C., Chief Ronald Ignace and Dr. Marianne Ignace, who are using Western scientific knowledge to research and capture Indigenous wisdom and knowledge from the past; and SmartICE, from Newfoundland and Labrador, a social enterprise to help Inuit communities adapt to unpredictable ice conditions, a project led by Trevor Bell, Shelly Elverum, Jenny Mosesie and Shawna Dicker.

Congratulations to the 2019 Governor General's Innovation Award winners.

ARTHUR SCAMMELL, C.M.

Hon. Fabian Manning: Today I'm pleased to present chapter 59 of Telling Our Story. Newfoundland and Labrador is well known for its unique heritage and culture, which is brought forward in so many ways especially through our music. We are also known as the land of the codfish, but there is another species that is steeped in our folklore and that is the fish with large eyes, eight arms and two tentacles, known as the squid. As usual, a Newfoundlander wrote a song about it.

Way back in 1928, as part of a high school project, fifteen-year-old Arthur Scammell from the community of Change Islands penned a song titled *Squid Jiggin' Ground* that would eventually become a classic East Coast sensation. The lyrics of the song describe the way of life of the local Newfoundland fishermen and is sung to the traditional Irish tune, *Larry O'Gaff*. The song is unique in that it describes the method of jigging for squid and the type of equipment and circumstances revolving around such an activity.

When Gerald S. Doyle included the song in his popular songbook, the song became an immediate favourite, thanks to its lively tune and colourful lyrics such as:

> Oh, this is the place where the fishermen gather,
> In oilskins and boots and Cape Anns battened down.
> All sizes of figures with squid lines and jiggers,
> They congregate here on the squid jigging ground.

Scammell's recording of the song, released in 1943, is generally considered the first commercial recording of a Newfoundland folk song. He reported that between 1942 and 1979, sales of the record and sheet music earned him $35,000 in royalties.

On April 1, 1949, in ceremonies marking Newfoundland's confederation with Canada, the tune was played as the representative song for Newfoundland on the carillon of Parliament Hill in Ottawa.

On his live DVD recording *Across This Land With Stompin' Tom Connors*, recorded at the Horseshoe Tavern in Toronto, you can hear a great rendition of this Newfoundland classic. This song was also recorded by Harry Hibbs, The Irish Rovers, George Hamilton IV, Ryan's Fancy and even Hank Snow. It is a favourite of many people in our province.

During the 1930s Arthur Scammell taught school in several Newfoundland outports before leaving to attend McGill University. The greater portion of his adult life was spent as a teacher in Montreal.

He wrote several other songs and publications about the traditional Newfoundland outport way of life. In 1977, he was awarded an Honorary Doctor of Laws Degree from Memorial University, and in 1988 was named a member of The Order of Canada. In 2011, Scammell was inducted into the Canadian Songwriters Hall of Fame. The school in his hometown of Change Islands was renamed the A.R. Scammell Academy in his honour in 1990.

Throughout his life, Arthur Scammell attempted to convey some of the positive aspects of life in a Newfoundland outport community, which, despite their disadvantages, he saw as providing a sense of community and personal satisfaction that the larger centres and cities lacked. In one of the verses of his famous song, he sends a warning to those big city slickers who may come to visit when he penned:

> Now if ever you feel so inclined to go squidding,
> Leave your white shirts and collars behind in the town,
> And if you get cranky without your silk hanky,
> You'd better steer clear of the squid jiggin' ground.

Mr. Arthur Scammell is another great and passionate Newfoundlander who left us an incredible legacy. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2019-20

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

Hon. Lucie Moncion: Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Joint Committee on the Library of Parliament entitled *Main Estimates 2019-20: Vote 1 under Library of Parliament* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

CORRECTIONS AND CONDITIONAL RELEASE ACT

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

Hon. Chantal Petitclerc: Honourable senators, I have the honour to present, in both official languages, the thirty-fifth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act.

(*For text of report, see today's* Journals of the Senate*, p. 4883.*)

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

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

• (1350)

[*English*]

CHARITABLE SECTOR

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Terry M. Mercer (Acting Leader of the Senate Liberals): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Special Senate Committee on the Charitable Sector be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 28, 2019, a final report relating to its study on the impact of federal and provincial laws and policies governing charities, non-profit organizations, foundations, and other similar groups; and the impact of the voluntary sector in Canada, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-UNITED STATES-MEXICO AGREEMENT

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the joint statement from Canada and the United States released on May 17 regarding the steel and aluminum tariffs.

That joint statement includes a section which states that the tariffs may be reimposed:

> In the event that imports of aluminum or steel products surge meaningfully beyond historic volumes of trade over a period of time . . .

That joint statement does not define what constitutes a meaningful surge. The Minister of Foreign Affairs was recently asked to explain what it meant. Minister Freeland admitted she could not do so at the time.

Senator Harder, this vague wording is a point of concern for both steel producers and workers. Could you please tell us what "surge" means? Are we still vulnerable to the U.S. putting these tariffs back into place?

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

He will know that today is an important day in the progress that Canada and the United States and Mexico are making with respect to the free-trade agreement with the visit today of the Vice President of the United States and the tabling yesterday of the implementing legislation here in Canada.

It was important to Canada that the steel and aluminum tariffs be dealt with before Canada proceeded with the ratification process. The Government of Canada is, of course, delighted that has happened.

With respect to the specific question being asked, the honourable senator will know that there are discussions under way as to what precision one should apply to a surge, although Canada has committed to ensuring that there is no inappropriate use of Canada as a platform for third-country exports to the United States and that these discussions are ongoing. Canada is hopeful and committed to ensuring that the steel and aluminum tariffs remain out of the scope of the United States government in terms of actions that they have taken.

We should all be hopeful, as we continue to recommit to our common economic space in North America, that we get back to both the relationships and the economic performance that one would hope could be achieved through the ratification process which will be before this Parliament very soon.

Senator Smith: Could the Leader of the Government in the Senate maybe give us, as quickly as possible, a one-line definition of "surge?" I think the question is: Is it a rise in volume or product between two places? It would be helpful if we just had a simplistic definition. I would thank you for that very much.

In addition to the threat of the so-called snap-back tariffs being reinstated on our steel and aluminum exports, we are still dealing with the softwood lumber duties imposed by the United States.

In March 2016, the Prime Minister promised a softwood lumber deal with the United States within 100 days. We still don't have a deal. This ongoing dispute has impacted communities across our country, including in Quebec where the forestry sector is a key part of my home province's economy.

Senator Harder, what real progress, if any, is being made to resolve the softwood lumber dispute with the U.S.?

Senator Harder: I thank the honourable senator for his question.

He will know that the priority in terms of the economic relationship has been the negotiation and now the ratification of the renewal of the NAFTA. Canada has given priority to the resolution of the aluminum and steel sector dispute. There are ongoing discussions. Indeed, the issue of lumber exports was and remains on the agenda, including today, for ongoing discussion and resolution.

The important thing for Canada's interest is that we are engaging with our American partners, and our Mexican partners for that matter, with an assurance that the common economic space of North America is not threatened by unilateral action by any one partner.

NATIONAL REVENUE

CARBON TAX

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

I recently asked you, leader, a question concerning high gas prices across our country and particularly in my home province of British Columbia. Angus Reid recently found that 44 per cent of Canadians say rising gas prices have made it harder for them to afford necessities. For those who are already struggling to afford gas, that number rises to 86 per cent.

Carbon taxes and a lack of pipeline capacity combined have sent gas prices to record levels, making life less affordable for middle-class Canadians and, in fact, many other Canadians.

Gas prices in B.C. are so high that many Canadians are driving to the U.S. to fill up their tanks where gas is about $0.50 cheaper per litre. When will this government recognize that its policies are failing Canadians?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know the issue of gas pricing is not one that is simply determined by the Government of Canada. There are market forces and there are provincial taxes as well.

If the honourable senator is alluding to the pricing that Parliament has placed on pollution, then I stand with Parliament in saying that pollution pricing is a key way forward in dealing with climate change.

Senator Martin: That's a whole separate debate, senator, but the fact is that it seems this government is always looking for new ways to tax Canadian families. The Prime Minister's carbon tax is but one example. This government previously floated taxing health and dental benefits. It attempted to tax the employee discounts of retail and restaurant workers. It took away tax credits for Type 1 diabetics and brought in an escalator tax on alcohol. We're left to question: What next?

We know that taxing is a pattern that this government has shown us. Honourable senator, instead of lowering the tax burden, why is this government making life so much more expensive for the middle class?

Senator Harder: Honourable senators, I'm not going to get into the rhetoric of the question, but I would pose a question to the honourable senator: Why did she and her caucus oppose the tax cut which was instituted as the first action of this government?

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

NATIONAL SECURITY—TERRORISM

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

On Tuesday, I asked about those two people charged in Richmond Hill for possession of explosives. Knowing that Minister Goodale said that it was a local affair, even though we know the FBI is involved, in your answer you said:

> I think that there is an obligation on all our parts to ensure transparency within the bounds of appropriate concern for the safety and security of Canadians.

Speaking of transparency, I would like to ask you about another incident. On May 10, a fuel tanker truck crashed into an Air Canada plane at Toronto Pearson Airport. Five people were injured. It could have been much worse considering that gasoline was spilled.

That could be considered an accident, even though the driver is now facing charges of dangerous driving. What is concerning, however, is the information reported in *The Globe and Mail*:

> A spokeswoman for Peel Regional Police said the truck hit the plane three times . . .

• (1400)

Senator Harder, you will have to admit that they had to be a pretty bad driver to accidentally hit a plane three times.

A reasonable person could imagine the possibility that the driver did this purposely. In the spirit of transparency that you say you support, could you tell Canadians why this matter should not be considered a national security concern?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I will obviously make inquiries but, again, in fairness to what I said, transparency must be balanced with the obligation for national security and the protection of Canadians. I'm not saying for a moment that precludes a greater disclosure of information, but simply that I have to be informed first.

[*Translation*]

FINANCE

STATE OF THE ECONOMY

Hon. Jean-Guy Dagenais: I could not let this week go by without asking the Government Representative in the Senate a question.

The Prime Minister that you represent keeps saying that we need to talk about the Canadian economy because it is doing well. However, here are the real numbers: economic growth in the United States is at 2.2 per cent while Canada's is at less than 0.5 per cent. Investments in the residential sector have dropped by 14 per cent in Canada, the Husky and Devon oil companies are reducing their investments in Canada and redirecting them toward the U.S. because of the carbon tax, and China is no longer buying our canola and is hurting our pork producers.

Meanwhile, your Prime Minister is preparing to meet with the American Vice-President and says that he will be speaking to him about the right to abortion. Aside from being a photo op, what is the point of that meeting? Please explain to us, Government Representative, why Canadians should still have any faith in the credibility of Mr. Trudeau's economic policy.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Like him, I am glad to have the opportunity to respond to his question before the weekend.

Let me simply say that the Government of Canada is proud of the economic performance of Canadians and its economy. Over 1 million new jobs were created in the last three years. The unemployment rate is near the lowest level ever recorded. The average middle-class family of four is $2,000 better off every year compared to the situation in the previous three years. The federal debt-to-GDP ratio is on a downward track, and Canada is in the best fiscal position of any G7 country. Based on the latest Labour Force Survey for April, over 106,000 jobs were created, the majority of which are full time.

With respect to foreign investment, Canada is it the third-largest recipient of direct foreign investment in the last year.

HEALTH

HEALTH RESEARCH DATABASE

Hon. Judith G. Seidman: Honourable senators, my question is for the Leader of the Government in the Senate and relates to Vanessa's Law.

In March, Health Canada released a publicly available, searchable clinical information portal for clinical trial information on drugs and medical devices. Over two months have passed since its launch and this database still contains just two records. Health Canada indicated that more data would be posted after the final regulations were published on March 20. As of this morning, there were still only two records in the entire database, one under "Drugs" and one under "Medical Devices."

Senator Harder, how useful is a database if it contains hardly any data? When will Health Canada provide additional information to this portal as was promised back in March?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I will make inquiries and report back.

Senator Seidman: Thank you very much. I appreciate that.

Honourable senators will remember that last summer a Federal Court ruling found that Health Canada appeared to contradict the purposes of Vanessa's Law by withholding clinical trial data from a medical researcher.

Senator Harder, is the lack of information in the new portal another sign of Health Canada's unwillingness to live up to the spirit and intent of Vanessa's Law?

Senator Harder: Again, senator, without accepting the premise of your question, I will make inquiries and report back.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

FUNDING FOR PROGRAMS

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

I would like to go back to the answer you tabled yesterday on behalf of Minister Monsef regarding a question I asked you about Global Affairs Canada making a grant of $5 million to KAIROS which, in turn, gave a $500,000 grant to Palestinian organization called Wi'am. In her answer, Minister Monsef said:

> Global Affairs Canada exercises enhanced due diligence for all international assistance programming in the West Bank and undertakes robust project monitoring to ensure project funds are only used for their intended and approved purpose.

On April 1 of this year, Wi'am gave a tour to some North American students. You can learn about this trip on Wi'am's Facebook page. There are even some nice pictures. During the tour, we are told that students could learn about the status of women and "their struggle in the Golan." They were invited to the Syrian border where: "a local gave an impromptu talk on living as a Syrian under occupation." Even though the talk was impromptu, it was done in a room adorned with two large picture portraits of the mass murderer Bashar al-Assad.

Senator Harder, if I was able to get this information from something as secretive as a Facebook page, what kind of due diligence did Global Affairs do when they determined that Wi'am is aligned with Canada's interests and objectives? How can the Trudeau government still defend its support to an organization that is obviously more aligned with Syria than with Canada?

Hon. Peter Harder (Government Representative in the Senate): Again I thank the honourable senator for her question. She will know that the due diligence that our missions and officers of the International Development Assistance Program provide is designed to ensure consistency with Canada's policy while meeting the real needs of the women that are targeted with this program.

I'm informed by the department that this program is highly prized by our partners in the region and meets the concerns of the immediate needs of the women who benefit from the program.

I will continue to make inquiries if that is what the honourable senator wishes, but I think we should all recognize that helping women and children in need is not something that we should put our backs to.

Senator Frum: The nature of my question is in terms of due diligence. How is it that Global Affairs thinks it can provide due diligence when it gives funds to an organization that participates in certain types of activities? What methods do they use to scrutinize and analyze the way the money is spent?

Senator Harder: I thought I said I would make inquiries in that regard. I would also encourage the senator to follow up with me outside of the chamber so that I can assure her of that information.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sabi Marwah: Honourable senators, I have the honour to table, pursuant to rule 4-10(3), the response to the oral question asked in the Senate on May 2, 2019 by the Honourable Senator Carignan, concerning parliamentary translation services.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF COMMITTEE

(*Response to question raised by the Honourable Claude Carignan on May 2, 2019, to the Chair of the Standing Committee on Internal Economy, Budgets and Administration*)

The Honourable Senator Carignan, P.C. asked the following two questions during Question Period on May 2, 2019:

Can you reassure me that the Senate has all the necessary resources to ensure that documents will be available in both official languages before the clause-by-clause study of Bill C-69 begins?

Can he confirm that the Senate services also have the necessary resources, particularly at the Law Clerk's Office, so that we can receive our proposed amendments in due form in both official languages as soon as the clause-by-clause study of Bill C-69 begins?

The answer to the two questions are as follows:

Resources Overall:

- Despite a much heavier workload than normal, the Senate Administration, with the Translation Bureau, continues to meet its service standards in the production of both blues and final revised transcripts.

- If senators were to collectively decide that they wish these service standards to be changed to allow for quicker production of final revised transcripts, further funding would need to be found on an ongoing basis to enable the increase in capacity needed to meet these new standards.

- It should be noted that the Senate employees who create blues for committees are the same employees that create the Debates for the Senate Chamber and the longer sittings of the Senate recently and an increase in the number and length of committee meetings has placed additional strains on these resources.

Resources in the Office of the Law Clerk:

- The OLCPC has been resourced based on the traditional legislative cycle of the Senate. However, there is currently increased demand for legislative services. When legislative demand is suddenly escalated at any given time, there is no instant solution, as drafting legislation requires specialized training and experience in the Senate.

- Over the last year, an increase in demand for both legal and legislative drafting services has been noticed by the Office of the Law Clerk and Parliamentary Counsel (OLCPC). The Law Clerk is assessing the situation and intends to address any resourcing issues in the near future.

Senator Sabi Marwah

Chair of the Standing Committee on Internal Economy, Budgets and Administration

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[*Translation*]

ORDERS OF THE DAY

ACCESSIBLE CANADA BILL

MESSAGE FROM COMMONS—SENATE AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-81, An Act to ensure a barrier-free Canada, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill without further amendment.

NATIONAL SECURITY BILL, 2017

THIRD READING

On the Order:

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

Hon. Jean-Guy Dagenais: Honourable senators, today I am pleased to share my observations on Bill C-59, An Act respecting national security matters, with you.

This is a particularly important piece of legislation that I cannot support as written.

When I spoke to Bill C-59 last year at second reading, I highlighted many of the measures proposed therein. Among them are the creation of a new organization to oversee national security called the national security and intelligence review agency. Along with the new organization comes the creation of a new position, the intelligence commissioner, who would be tasked with review and oversight duties in certain security- and intelligence-related fields.

Bill C-59 also enacts the Communications Security Establishment Act and gives it new powers. It also amends the Canadian Security Intelligence Service Act to limit the exercise of CSIS's power when it comes to addressing threats to Canada's security. There are other amendments as well.

• (1410)

Furthermore, this legislation amends certain provisions of the Security of Canada Information Sharing Act dealing with Canada's security, going as far as to limit the sharing of information in some cases

In the airline sector, Bill C-59 amends the Secure Air Travel Act in relation to the collection of information from air carriers and operators of airline reservation systems to identify individuals on certain flights and prohibit them from flying.

Bill C-59 also, and more importantly, amends the Criminal Code to water down the provisions on the offence of advocating or promoting the commission of terrorism offences and raises the threshold for imposing a recognizance with conditions under the Criminal Code. Lastly, it repeals sections relating to an investigative hearing into a terrorism offence.

I said that these measures required a careful review, which the Standing Senate Committee on National Security and Defence has now completed. The review was shorter than we would have liked given the importance of the provisions. Fortunately, the committee heard from numerous very well-informed witnesses and many amendments were proposed as a result of their testimony.

As it is the duty and responsibility of senators to examine and improve the bills passed in the other place, some of us worked hard to propose changes based on the testimony of the experts who participated in our work. I believe it is important that senators realize that many of these witnesses were very knowledgeable about these matters because they have built careers in security and intelligence.

Other witnesses represented communities that have been directly affected by the scourge of terrorism. Some were forthright about their concerns with certain parts of the bill as drafted, which will weaken certain provisions of our current national security legislation. Events in recent years, and, I will say, as recently as last month, have shown us how important it is for Canada to do all it can to ensure the safety of its citizens.

Unfortunately, many of the provisions that we could and should have amended together, for reasons of security, are still part of Bill C-59. Allow me to give some examples of what Bill C-59 seeks to implement despite the testimony that was heard: it raises the threshold and introduces complexities for CSIS when conducting operations to curb terrorist threats; it raises the threshold for the courts to impose a "recognizance with conditions" on those who may be involved in terrorist activities; and it repeals Criminal Code provisions relating to investigative hearings, even though the Supreme Court of Canada upheld them in 2004.

I fear that these measures, taken together, undermine our national security. This is serious, if not outright unacceptable.

Canadians expect their political leaders to have their safety and security at heart. That is certainly not what Bill C-59 has to offer. We have before us a bill that puts new controls in place and new barriers to organizations that are tasked with fighting terrorism. I am not saying that all of this is unnecessary, but I question the political agenda underlying these measures.

I recognize that some provisions, including those that confer new powers to the Communications Security Establishment, make real improvements to our country's security. However, I find it a shame that the government also included in the bill provisions that I fear will have the opposite effect.

Thankfully, the Senate committee fought to make some small amendments to this bill, one of which will really improve the bill, in my opinion. We are proposing making it an offence to counsel another person to commit a terrorism offence. I think this is the logical minimum. Our government could not downplay terrorism and those who encourage it. I've been looking and I still don't understand why the current government thought it was a good idea to eliminate the offence of "advocating or promoting terrorism offences in general." Canada cannot stand for such a soft approach in this era of quick and easy communications that often influence people at risk of taking such actions. Encouraging terrorism must be considered an unacceptable and reprehensible act in our country.

This amendment would therefore ensure that those who advocate or promote terrorism offences in general are targeted and subject to procedures that are now clear and consistent with the definition of the word "advocate," with respect to the commission of a criminal offence.

a number of groups who appeared before the committee called for this amendment, including the Centre for Israel and Jewish Affairs and B'nai B'rith.

I can't stress this enough. I believe that this new provision is absolutely essential, at a time when the promotion and use of terrorism will be extremely dangerous unless we seriously tackle the root cause of the problem. It is obvious that these networks are known to intelligence services and have inspired horrific attacks around the world, and we need to do everything in our power to ensure that our law enforcement agencies have the tools they need to fight the threat. It would be sad if we someday came to realize that we, the Senate of Canada, did not do everything we could to fight terrorism and its proponents. Governments too often wait for incidents to happen before tightening their laws.

On another note, I am pleased that the committee adopted another amendment, one that I myself had proposed. This amendment will require the government to report on the implementation of the bill within four years of its entry into force. These reports will be extremely important, particularly because the bill will create a plethora of new review bodies, and, despite the good intentions of every stakeholder, this could undermine our security agencies' flexibility and their ability to respond swiftly to threats.

In that regard, many witnesses raised serious concerns about the role of the intelligence commissioner, who would be responsible for approving operational decisions made by the minister on matters of national security. Bill C-59 requires the commissioner to assess the "reasonableness" of ministerial authorizations. Former CSIS director Richard Fadden and Professors Wesley Wark and Errol Mendes expressed serious concerns about both the appropriateness of the provisions and their potential impact. Could there be any more powerful testimony? These are people with extensive experience in operations and surveillance. The bill was already proposing such reporting, but after six years, which was much too long. In my opinion, the amendment is not a factor.

Unfortunately, the senators opposite rejected another amendment that would have limited the commissioner's role to assessing the legality of an authorization and would have taken away his authority to assess the "reasonableness" of such an authorization. However, expert witnesses clearly explained how important it is that the minister responsible assess the reasonableness of an authorization based on the information submitted to him by the security agencies.

Honourable senators, the fact that this amendment was rejected does nothing to strengthen the bill.

Some of the amendments we adopted certainly did improve the bill, but I'm still concerned about provisions that I fear could compromise national security despite all the warnings expressed in the other place and in our Senate committee. Nevertheless, I hope the government will agree to the modest amendments the Senate made to Bill C-59.

I listened to Senator Gold describe Bill C-59 as "a reasonable, responsible and necessary response to genuine threats to Canada's national security," a bill that will "improve the operational effectiveness of our security agencies while also respecting the constitutional rights and freedoms of Canadians."

• (1420)

However, I continue to fear that this government is tipping the scales too far in favour of too many reviews, while not paying enough attention to threats to our national security. We must remember that terrorists don't follow any rules, but readily take advantage of the rules we impose on our security agencies.

In its current form, this bill further tightens the exercise of legitimate powers. However, considering our rapidly changing security reality, where threats can arise without notice, I think we need to give our security agencies the means to respond to threats quickly and effectively. Our allies recognize this need.

Australia's security and intelligence agency has the authority to take all kinds of measures, with warrants, to protect national security, measures that would otherwise be illegal. For instance it can interview and detain individuals, enter and search premises, intercept and examine mail, and conduct electronic surveillance. In the United Kingdom, security and police services can arrest individuals suspected of planning an attack. Anyone arrested under the Terrorism Act can be detained without charge for 14 days.

Some of our allies enjoy powers that are much more sweeping than those of CSIS and Canadian police forces. That was already the case before the current government introduced Bill C-59. Yet, this bill will further weaken the limited powers of Canada's security organizations.

As I stated in my speech at second reading, the government continues to claim that it "will improve the operational effectiveness of our security agencies," when we are doing the exact opposite. In my opinion, suggesting that weakening the powers of our security agencies will enhance their role does not make any sense.

Honourable senators, I am concerned that this bill still has many weaknesses, despite the amendments we made. Consequently, I oppose Bill C-59 and I hope that a government, in the near future, will address some of the shortcomings being created by this government. Thank you.

[*English*]

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 and bill, as amended, read third time and passed, on division.)

FISHERIES ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Dan Christmas moved third reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, as amended.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise to commence third reading debate of Bill C-68, government environmental legislation to restore protections for Canada's fish stocks and habitat. In particular, I wish to put a few remarks on the record regarding the 28 amendments I brought forward on behalf of government at our Fisheries and Oceans Committee. I would also note that Senator Christmas, the sponsor of Bill C-68, will speak to conclude our third reading debate.

The government amendments at committee responded directly to our Senate debates at second reading, as well as to two Senate public bills with subject matter overlap with Bill C-68. Specifically, the changes I proposed on the government's behalf deal with the subjects of water flow; designated projects; whale, dolphin and porpoise captivity in relation to Bill S-203; and shark finning and shark fin imports and exports in relation to Bill S-238.

Before touching on the details, first and foremost, I wish to thank Senator Christmas for his leadership as sponsor of Bill C-68. He brought a constructive, inspired and, indeed, inspiring perspective to his role as sponsor of this government bill. Thank you.

Hon. Senators: Hear, hear.

Senator Harder: Senator Christmas has led our examination of Bill C-68 through the lens of an independent senator but also from the perspective of a Mi'kmaw leader and ambassador to the federation. Senator Christmas has eloquently expressed his people's concerns for the health of our oceans, both for the sake of marine species in their own right and for the sake of his nation and the communities that rely on the sea's natural abundance.

The version of Bill C-68 we debate today has been much improved through the Senate's committee work, including, as a direct result of Senator Christmas' policy and contribution, three amendments to strengthen the legislation as it regards section 35 Aboriginal and treaty rights.

The government welcomes the additional clarity now contained in the bill so that Indigenous partners can be confident that their constitutionally protected Aboriginal and treaty rights are affirmed and respected within Canada's fisheries management framework.

With this goal in mind, the Honourable Jonathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard, has asked me to add the following statement to the record on behalf of Government of Canada as regards Bill C-68:

> Honourable Senators, thank you for your contributions to the debate on Bill C-68, which will restore lost protections to fish and fish habitat and incorporate modern safeguards. I would like to recognize Senator Christmas, whose sponsorship and deep engagement on this bill has not only helped bring it to where it is today, it has illuminated the reality that there remains reconciliation work to be done with First Nations.
>
> Throughout this process, Senator Christmas has not only shown his openness to working together on key concerns, but indeed he has challenged me to take a different perspective on many of these very issues.
>
> It is without a doubt that Senator Christmas not only brings a thoughtful view of this legislation but has every step of the way, ensured that the concerns of the Mi'kmaw and other First Nations have been well represented and acknowledged, with clarity and certainty.

For the Senator, who grew up with Donald Marshall and called him a friend, I know that the ruling of 20 years ago on the treaty rights of the Mi'kmaw and Maliseet First Nations is more than just an issue to him. It is a matter of sacred and binding trust.

To Senator Christmas and all honourable senators in the chamber, I make my commitment to ensure that my department moves forward on a path that respects aboriginal treaty rights and the right to a modern livelihood for Mi'kmaw and Maliseet First Nations as affirmed by the *Marshall* decision."

Honourable senators, I now wish to describe the amendments I moved on the government's behalf at the Fisheries and Oceans Committee.

First, in response to issues raised in second reading debate by Senator Plett and others, I fulfilled an earlier government commitment to address the issue of water flow being designated as fish habitat. Farmers had reasonable concerns that this definition is overly broad and could unintentionally include human-made agricultural waterways such as irrigation ditches. The amendment of the government at committee, therefore, reversed the house amendment that proposed this designation, though I would note these waterways must still follow environmental codes of practice.

Coming from an agricultural community myself — that is, Vineland in the Niagara Peninsula, which I again visited just last week — I was pleased that the government has provided this reassurance to farmers who deserve the peace of mind to do their good work, which is so important for Canadian society.

Second, and on behalf of the government, I responded to reasonable industry concerns by proposing to clarify that the permitting system for large-scale projects may include exceptions to the Fisheries Act for activities and works that do not lead to the death of fish. This series of amendments will provide the authority for the minister to make the final determinations about which aspects of a designated project will require a permit, and further confirm that only those aspects will require a permit that are likely to result in the death of fish or harmful alteration, disruption or destruction of fish habitat.

Third, I moved three amendments in relation to the Bill S-203, the ending the captivity of whales and dolphins act, now in the final stage of review in the House of Commons. The purpose of these amendments is to make technical changes and legal clarifications to the policies of Bill S-203 when that legislation comes into force. Specifically, one amendment places within the Fisheries Act the import and export restrictions for cetaceans and their reproductive materials proposed by the Bill S-203. Bill S-203 had placed these restrictions in the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, known as WAPPRIITA. As with Bill S-203, the restrictions limit the import and export of cetaceans and their reproductive materials to the purposes, if federally licensed, of scientific research or the best interests of cetaceans.

• (1430)

The reason for this change is that the government prefers to enact these provisions through the Fisheries Act as DFO has experience and expertise in matters relating to cetaceans.

The second amendment in relation to Bill S-203 involves coordinating changes between that legislation and Bill C-68 to eliminate redundancies and duplications in multiple statutes as the government intends to give both bills Royal Assent on the same occasion.

I would note for the record that for all of the policies of Bill S-203 to pass into law, specifically the captive breeding and entertainment performance animal cruelty offences, it remains necessary for Bill S-203 to receive a third reading vote in the other place as Bill C-68 only deals with trade restrictions.

Of note, this amendment also grants certain exemptions to the federal government in relation to the offence in Bill S-203, particularly to authorize the possession of cetacean reproductive materials for scientific purposes. Under Bill S-203, only provincial authorities may grant such exemptions. This adds federal authority which is necessary in relation to materials in DFO's possession for scientific purposes.

The third amendment in relation to Bill S-203 makes two legal clarifications that Marineland has requested on the record in the course of committee proceedings. Specifically, this amendment clarifies that Marineland will own the calves of beluga whales that will be pregnant at the coming into force of Bill S-203 and that the performance offence only applies to performances for entertainment purposes taking place in Canada and not to the sale of tickets for foreign shows.

For the record, these amendments are entirely consistent with Bill S-203's full legal intention, and the government has consulted with both bill sponsors, retired Senator Willy Moore and Senator Murray Sinclair, in bringing them forward.

Having moved these amendments at the committee, I would repeat in this chamber my congratulations to Senators Moore and Sinclair and to all Bill S-203 supporters. These amendments are dedicated to the many thousands of Canadians and people around the world who have worked with a determination that the world might see whales and dolphins with greater respect and compassion.

At committee, I was also pleased to move a government amendment to fully include in Bill C-68 the measures proposed in Bill S-238 to prohibit shark finning in Canada and to ban the import and export of shark fins. As with Bill S-203, the government prefers to enact these measures through the Fisheries Act rather than WAPPRIITA. As well, the government was anxious that there may not be enough time for Bill S-203 to receive a final vote in the other place, and Minister Wilkinson was determined to make the shark fin ban happen in this Parliament.

As I indicated at committee, I would like to offer the government's congratulations to Bill S-238's sponsor, Senator Mike MacDonald, and to all the bill's supporters, particularly the family of Canadian filmmaker and shark conservation hero Rob Stewart, who tragically passed away in 2017. The shark fin amendment, whose genesis is Bill S-238, is dedicated to Mr. Stewart's life's work to save sharks from extinction and to his memory.

With 90 per cent of sharks now eradicated from the world's oceans, ending the trade in shark fins is an urgent matter and the government therefore has acted with resolve.

As an overall commitment, I hope the amendments in Bill C-68 will stand as an example of the results that can be achieved when the government and the Senate work together to deliver the best possible public policy results for Canadians. I congratulate all senators for the current Bill C-68's response to Senate concerns and its inclusion of Senate policies. I hope it can be a model going forward in a more independent, positive Senate. Thank you.

(On motion of Senator Martin, debate adjourned.)

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

NINETEENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Galvez, seconded by the Honourable Senator Klyne, for the adoption of the nineteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (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, with amendments and observations), presented in the Senate on May 28, 2019.

Hon. Michael L. MacDonald: Honourable senators, as Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, I'd like to join the discussion today at report stage of Bill C-69, the proposed impact assessment act, and provide some insight to the testimony our committee heard during its extensive review of this controversial piece of legislation.

The bill will change the framework for which large-scale resource development projects are assessed in Canada. Due to the complexity and magnitude of Bill C-69 and the importance of the petroleum industry to this country, the committee decided to travel from coast to coast to hear from Canadians from all regions of the country. In addition to the many meetings we held in Ottawa, we travelled to Western Canada to hear from witnesses in Vancouver, Calgary, Fort McMurray, Saskatoon and Winnipeg. We also held meetings in Eastern Canada in St. John's, Halifax, Saint John and, finally, Quebec City.

We heard from representatives from national industry associations, oil and gas companies, mining associations, power generators, builders' associations, chambers of commerce and boards of trade, unions, ferries and airports, researchers and professors, Indigenous groups, urban and rural municipal associations, environmental organizations, investors, human rights groups and provincial governments.

The report before us today is based on the evidence we heard, over and over again, from 277 witnesses and 108 hours of testimony across our country and two weeks of arduous discussions on clause by clause. The result: 188 amendments.

I'm not going to take you through all of them. Senators Galvez and Tkachuk did well yesterday to summarize the amendments in the report, so I'd rather spend our time today focusing on the testimony that was put on the record.

It was made clear to us that the status quo does not suffice — CEAA 2012 is apparently not working — but that Bill C-69 as originally tabled in the Senate was absolutely unworkable and that it would make a bad situation far worse.

We were warned many times that if Bill C-69 was not substantially amended, it would likely become impossible for any major resource project to be built and that it would bring an industry that is already suffering to its knees. We were warned that due to the uncertainty and lack of clarity in the bill, as well as increased timelines and ministerial discretion, investment in the Canadian energy sector would continue to disappear.

That's no exaggeration. We heard about the astronomical amount of potential investment in this country that has disappeared, gone to another jurisdiction, investment that would have employed hundreds of thousands of Canadians and contributed to the funding of essential services like education and health care, for example.

The energy industry drives our economy. It is by far the largest contributor to our GDP. Canadians ignoring this truth do so at their economic peril.

I'll begin with some of the testimony that we heard about the significance of the energy industry and what is at stake for our economy.

At the request of Senator Wetston, the committee made sure to invite witnesses that could speak first hand to the implications of Bill C-69 from a financial and investment perspective. One of these witnesses was Mac Van Wielingen, founder of ARC Financial Corporation. He told the committee that the oil and gas extraction and pipeline business in Canada is eight times larger than Canada's auto parts manufacturing sector and four times larger than our telecommunications sector, and that's just oil and gas.

The committee heard that Canada's energy industry is the sixth-largest producer in the world, accounting for over $200 billion of our GDP and employing over 900,000 people directly and indirectly. I would say the stakes are very high for the Canadian economy and Canadian families.

We had the opportunity to hear from the CEO of Enbridge, Al Monaco, in Quebec City. Perhaps he put it best:

> What this could mean to Canadians is loss of tax revenues to fund education, health, and community; disappearance of meaningful, well-paying, highly skilled jobs; an exodus of our youth and talent and innovation that our sector creates; lost opportunity for economic reconciliation with Indigenous communities; and the erosion of Canada's competitiveness.
>
> This is not just an energy industry problem; it's a critical issue for Canada, so it's essential we get this bill right.

• (1440)

The committee heard endless testimony about the alarming state of investment in the energy sector in recent years, otherwise known as the flight of capital. Billions of investment dollars are leaving Canada because investors see regulatory uncertainty as a risk they are not willing to take with their money. Can you blame them? Would you take that risk? If you had hundreds of millions of dollars to spend on a major resource project, would you spend it in Canada, knowing full well that it may take 900 days for that project to be assessed, with no certainty of approval, or would you just take your money to another jurisdiction with a better chance of a timely return on your investment?

Our committee heard that Canada ranks 34 out of 35 OECD countries for the time it takes to get regulatory approval for projects. This is according to the World Bank's Ease of Doing Business Index.

Investment isn't leaving the energy sector around the world; it's just leaving the Canadian energy sector. The global demand for oil and gas is going up, and unless we get this right, energy will still be developed, just not in Canada and not to world-class Canadian standards.

The committee also heard from Grant Bishop and Grant Sprague of the C.D. Howe Institute. They told the committee that between 2017 and 2018, the planned investment value of major resource-sector projects has decreased by $100 billion in Canada. They told us that Bill C-69, as it was received by the Senate, would only make it worse.

We heard this over and over again from investors, industry stakeholders, and many chambers of commerce and boards of trade across the country. The status quo may not be working, but the original Bill C-69 would make it worse.

Michael Dilger, CEO of Pembina Pipelines, warned the committee in Calgary that the proposed system will end up favouring foreign oil, saying:

> Many foreign jurisdictions don't have nearly the ethical or environmental standards that we already impose, let alone what Bill C-69 contemplates. They're transported from halfway around the world, which is causing even more greenhouse gases. They're imported down the St. Lawrence Seaway instead of matching Canadian supply with Canadian demand . . . . It absolutely defies logic.

I could not agree more. Where is the logic in setting our industry and workers up for failure, then allowing for foreign oil to be imported from Saudi Arabia, Nigeria, Azerbaijan and so on?

We develop our oil and gas at world-class standards. Canada is at the top tier in terms of environmental regulations. We should be proud of that and proclaim it.

Climate change is something we have to tackle from a global perspective. The best thing we could do to combat climate change is to displace dirtier energy. Theoretically, although not possible in the short term, if Canada were to provide all of the world's oil, global emissions would go down 23 per cent, according to testimony we heard from experts at committee. When the committee was in Newfoundland, we heard that our offshore oil, for example, is 30 per cent below the average for greenhouse gas emissions at extraction.

When we export our oil, gas and natural gas, we are displacing other products that are produced under far lower standards, or, in the case of our natural gas, we will be displacing coal.

The energy landscape will eventually shift to a lower-carbon future, but this shift requires massive capital investment, research and development to get there. We need to start treating our energy as part of the solution, not the problem. Stop treating our energy as if it's the pariah of the energy world. We are the gold standard, the premium product. We have the opportunity here to displace inferior products and significantly reduce global emissions.

When in Nova Scotia, we heard from Nova Scotia Power about their own ambitions for carbon reduction through electrification. They told us these projects require massive investment but that these investors need clarity — clarity not provided in Bill C-69.

When in Saint John, we heard the same sentiment from New Brunswick Power. We also heard from the Atlantica Centre for Energy about how the inability to build pipelines is only resulting

in increased transportation by rail, which comes at a much higher risk. Oil by rail has doubled in Canada in the last two years. Regarding Bill C-69, we were told:

> The net result will be that no new investment is made in state-of-the-art pipelines, yet other transportation will continue to grow unabated. Bill C-69 does not increase the protection of health, safety and the environment by moving oil to rail. It will not be a win-win. It will end up being a lose-lose.

Mr. Van Weilingen also provided some perspective about the negligible effect that phasing out our oil sands will actually have on global emissions:

> If we phase out our oil sands, our lost barrels would be replaced by other suppliers of heavy oil.

He continued:

> The net reduction in global greenhouse gases from the phase-out of our oil sands would be 0.03 of 1 per cent. The impact on the globe would be negligible. For further context, the increase in greenhouse gas emissions from China and India in 2018 relative to 2017 was equivalent to adding 10 Canadian oil sands sectors per year. Canada's oil sands greenhouse gas emissions are immaterial to the issue of global emissions and climate change.

The world needs more Canadian energy, not less of it.

Across the country, we heard witnesses raise concerns over several key aspects of Bill C-69. I've mentioned some of them already.

From an industry perspective, several key areas of concern were mentioned repeatedly. Concern was raised over the unfettered scope and opportunity for litigation and delay, that there are substantial opportunities to impede, potentially forever, even the soundest of investments in high-quality projects. There are legitimate concerns about timeline uncertainty, something that we heard from nearly everyone. This is a major concern to investors.

Ministerial discretion was also a widespread concern, as well as the marginalization of life-cycle regulators.

The committee also heard from many rural and urban municipal associations. All shared the concerns of industry relating to uncertainty for investors and the implications for their communities. We heard that Bill C-69 will destroy jobs and family security and result in the strangulation of community service delivery.

I also want to address the testimony of the provincial governments, beginning with our eastern provinces. Premier Higgs of New Brunswick told the committee:

> This bill, in its current form, is an impediment to investment in New Brunswick, in Atlantic Canada and in Canada's energy sector. . . . It's very hard not to conclude that this bill is a no-pipeline bill.

Premier Higgs urged us to adopt the amendments proposed by industry, stakeholder groups and provincial governments.

The Council of Atlantic Premiers sent a letter to the federal government signed by the four Atlantic premiers, taking issue with fundamental flaws of the bill, stating that it will ". . . not meet the dual objectives of environmental protection and economic growth."

While in Quebec City, the Minister of Environment and the Fight Against Climate Change for Quebec, Benoit Charette, told us that Quebec takes issue with what they feel would be a duplication of evaluation and infringement of provincial jurisdiction, and that Bill C-69 would accentuate problems. In Ottawa, we heard from Ontario's Minister of Energy, Northern Development and Mines, Greg Rickford, who told us that Ontario shares it is concerns about Bill C-69 that have been raised by other provinces and industry associations. We heard from Manitoba's Minister of Growth, Enterprise and Trade, Blaine Pedersen, who echoed similar concerns.

Moving west, we heard from Saskatchewan's Minister of Energy and Resources, Bronwyn Eyre, who had words of encouragement for the committee:

> Certainly, if sober second thought was ever necessary, it is with this bill.

Finally, the committee heard from both former Alberta Premier Notley and newly elected Alberta Premier Kenney, both of whom spoke passionately regarding the well-known disdain that Alberta has with the proposed legislation. Premier Kenney told us that Alberta endorses the amendments proposed by CAPP and CEPA, and that Bill C-69 infringes on provincial jurisdiction.

I also bring to the attention of honourable senators that since we concluded clause-by-clause consideration, the Alberta legislature unanimously adopted a motion supporting the amendments we adopted and sent a letter to the Prime Minister indicating their support of our work. This letter was signed by the leaders of all four parties in the Alberta legislature, including former Premier Notley.

• (1450)

Honourable senators, although most of the focus in the media has been on Alberta, as you can tell from the testimony we heard from provincial governments, this really is a pan-Canadian issue.

The Hon. the Speaker pro tempore: Senator MacDonald, your time is up.

Senator MacDonald: I am asking for five more minutes.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator MacDonald: Nine of ten provinces are sending a clear signal to this government that Bill C-69 needs significant revision.

Before I conclude, I want to share some of the testimony that was heard from several Aboriginal groups involved in resource development. Their presentations certainly resonated with me.

In Calgary, we heard from Chief Roy Fox of the Blood Tribe, representing 13,000 members, 45,000 members of the Blackfoot Confederacy and over 130 First Nations who are members of the Indian Resource Council.

Chief Fox told the committee that, in the past seven decades, First Nations have progressed from being passive royalty recipients to employees, partners and owners in the oil and gas sector. He explained how this has benefited the Blood Tribe, providing critical funding for housing, cultural and recreational services, educational programs and has helped provide a path to self-determination and financial sovereignty.

In Saskatoon, we heard from Sean Willy, President of Des Nedhe Development, which is 100 per cent owned by English River First Nation, north of Saskatoon. He told the committee that Bill C-69 will eliminate opportunities that can support Indigenous people's rights to economic reconciliation and self-determination.

Speaking about the growing number of First Nations involved in the energy sector he said:

> This is not a trend that's going away.

In Vancouver, we heard from Calvin Helin, the President and Chairman of Eagle Spirit Energy Holdings, proposing an energy corridor from Fort McMurray to Lax K'walaams on the northern coast of British Columbia. It has the support of 35 First Nations and would be 85 per cent equity owned by First Nations. The project would be a game changer for First Nations in the area, some of whom, as Mr. Helin told the committee, typically have 90 per cent unemployment.

We also heard from Brian Schmidt of Tamarack Valley Energy, and an honorary chief of the Blood Tribe. He explained how First Nations are, first, being hurt and, foremost, by the downturn of investment:

> . . . investors and companies will simply move their capital from Canada to other jurisdictions.
>
> Capital can move, but First Nations cannot move their territory.

Colleagues, we have to get this right. We have the opportunity to ensure that Canada has the framework in place to be a stable and responsible energy provider to the world.

It was clear to me that the overwhelming evidence this committee heard pointed to the fact that Bill C-69, as it arrived to us in the Senate, was inadequate and fundamentally flawed. We heard that amendments would need to be a system — an untorn fabric adopted holistically — in order to make this bill workable.

Canada shares a common geographical, environmental and economic zone with the United States. It's imperative that we provide our workers and regions with the framework necessary to be competitive in that environment.

Honourable senators, the Conservative members of the committee proposed a package of amendments that were based entirely on the evidence we heard from key national industry stakeholders, the provinces and municipalities, and the proposed amendments that they felt were imperative in order to fix the bill.

And I want to acknowledge the work that the ISG members of the committee did in presenting their own package of thoughtful amendments. Thankfully, the committee was able to accept our package of amendments and work collaboratively to incorporate much of the package of amendments put forward by ISG members.

I think the objective here, colleagues, is to have a system where everyone directly affected by a project is confident that they can have their views and concerns heard, where industry and stakeholders are confident that there will be clarity and certainty in the process, with reasonable timelines and without the risks associated with unilateral political discretion on timelines and approvals.

If we get this right, we can get projects built that are in the national interest, that are environmentally sound and create hundreds of thousands of jobs, all the while getting our premium product to market and reducing climate emissions.

I want to note that we heard, over and over again, from witnesses from the energy sector that they welcome a rigorous process and expect nothing less.

That, colleagues, is the objective, and I think the report on the table from this committee can help get us there.

I urge all of you to adopt the committee's report, and I sincerely and seriously urge the government of the country to accept the results of our deliberations.

We need to listen to Canadians. We have listened to Canadians, and I urge the government to do the same. Thank you.

Hon. Dennis Glen Patterson: Honourable senators, I'm pleased to rise today to speak to the committee report on Bill C-69.

The Standing Senate Committee on Energy, the Environment and Natural Resources adopted over 180 amendments to this legislation, the greatest number of amendments to a government

bill that I've seen in my service as a senator. By the way, that was on top of the amendments that were approved the other place, which I think numbered around 100.

While this sheer volume of amendments is unusual, I would like to underline to all of my colleagues that Canadians very clearly asked us to make major changes to this legislation. We heard no fewer than 277 witnesses testify on the bill, and we travelled to nine cities, from Vancouver to St. John's, Newfoundland and Labrador, to gain a full understanding of how the bill affects different regions of Canada. Everywhere we went we heard that Bill C-69 would have major consequences for Canadian workers unless we amended it.

I remind my colleagues that the committee received substantial amendment requests from nine out of ten provincial governments. The pushback against this bill from so many different provinces — represented by Liberal, Conservative and NDP governments — was unprecedented.

I, too, would like to focus my remarks today on the province of Alberta. To recap, the previous government, led by Premier Rachel Notley, came to Ottawa to demand an extensive suite of amendments to Bill C-69. Premier Notley told us:

> . . . Bill C-69, as it is currently written, does not work for Alberta.

We heard the same message from Premier Kenney when he came to testify to the committee days after being sworn in:

> . . . if this bill continues in anything like its current form, it is unacceptable.

Recently, Premier Notley's NDP government fell to the United Conservatives and Premier Kenney's party earned a large majority after campaigning in staunch opposition to many NDP policies.

When it comes to Bill C-69, former Premier Notley and Premier Kenney largely agreed. Premier Kenney criticized Bill C-69 in the strongest terms, telling the committee:

> . . . this bill, if passed in anything like its current form, will, in the submission of the Alberta government, be a disaster for the Canadian economy and will seriously rupture national unity.
>
> If it passes in anything like its current form, the Government of Alberta will launch an immediate constitutional challenge . . . .

Sobering thoughts.

Furthermore, Premier Kenney endorsed the suite of amendments put forward earlier in the year by the previous provincial government. The Province of Alberta is united across the political spectrum in demanding amendments to Bill C-69.

Colleagues, we listened to those demands carefully. Allow me to go through the Alberta government's specific amendment requests.

They asked us to amend the definition of cumulative effects to explicitly prevent downstream emissions tests. This test was arbitrarily imposed on the Energy East application after four years of review, directly resulting in the termination of the project. This amendment is included in the committee report before you in the exact language requested by Alberta. It was labelled CPC-1.04 V6.

They asked us to allow for the creation of some qualifications for granting a person standing in an assessment. Namely, is a person affected by the project, or does the person have relevant information or expertise? The committee adopted an amendment labelled CPC-1.37c to address this request.

They asked us to amend section 4 to clarify that projects under exclusive provincial jurisdiction will not be captured by a federal assessment process set out in Bill C-69. This includes projects like intraprovincial pipelines and short pipeline extensions. This amendment is included in the committee report in the exact language requested by Alberta. It was labelled CPC-1.09 V6.

They asked us to amend section 9 to put science-based boundaries on the unlimited ability of the Minister of Environment and Climate Change to designate projects for federal review. The same amendment was requested by the Government of Newfoundland and Labrador. This amendment is included in the committee report. It was passed in the form of two separate amendments, CPC-1.13a and CPC-1.13b.

• (1500)

They asked us to amend clause 22(1) to clarify that the act only applies to effects within federal jurisdiction. Almost all provinces — not only Alberta — are concerned that Bill C-69 overreaches into areas of provincial jurisdiction. This amendment was adopted by the committee under the label CPC-1.19d, version 6.

They asked us to amend clause 27 to clarify the scope of public participation provided for in the act. This amendment was adopted by the committee under the label CPC-1.22d.

They asked us to amend clause 47 to reverse Bill C-69's discriminatory treatment of Canada's pipeline regulator, which the bill will rename as the "Canadian Energy Regulator," instead of the National Energy Board. This request was adopted by the committee under the amendment labelled ENEV-1.35.

They asked us to amend clause 51 to clarify the scope of public participation when a project is assessed by a review panel. The adopted amendment CPC-1.36b addresses this request.

They asked us to amend clause 62 to put a hard limit on the length of project assessment. This is covered by amendment CPC-1.42a.

They asked us to amend clause 63 to address the overly negative focus of the bill when laying out the factors that must be considered in an assessment. This is covered by two adopted amendments, CPC-1.42b and CPC-1.42c.

They also asked us to amend clause 117 to address the makeup of the advisory councils that will be created under Bill C-69. This request is reflected in the amendment ISG-1.66 version 2.

Finally, Alberta asked us to create a privative clause to shield decisions made under the act from legal challenge. A senior Justice department lawyer told the committee that Bill C-69 creates more opportunity for legal challenge compared to CEAA 2012. Anti-development groups will take advantage of those opportunities to obstruct projects unless there is a privative clause. The committee adopted an amendment that would create one entitled CPC-1.48, version 6.

As you can see, the committee report on Bill C-69 respects the wishes of Alberta's government and official opposition, and, most importantly, those amendments have been endorsed by Premier Kenney. I believe that their amendments along with those made by other provinces have made the bill better, and I implore all of my colleagues to vote for the adoption of the report before us.

I want to comment on the committee work. I was grateful for the decision to travel across Canada to hear submissions on Bill C-69, though that was not achieved without opposition from some committee members, who, I'm sure, would not wish to be named now.

The committee hearings showed the high degree of concern about this very large bill — all 392 pages. At one point, I thought it was legislative drafting gone wild. Particular concerns were expressed from our natural resource sectors, not only corporations but also small businesses and workers who depend on good-paying jobs in the resource sectors. The oil workers, the miners, the builders of pipelines and drill ships reflect the economic pillars on which this great country was built.

This bill was seen by many in its last version as unbalanced, an attack on the very sources of our strength and the future of this great country. It was pointed out that in all of its 392 pages, the word "competitiveness" appeared only twice and that neither the words "economy" nor "economic growth" appeared at all. Happily, these shortcomings were addressed in the report before you today.

Now, that travel took time, and I thank the Senate for the support given to make that possible. This may be seen to be a precedent building on the Finance Committee's consultations across the country on proposed changes to business taxes, but I think that's a good precedent for legislation of such significance.

At the end of the day, those intense coast-to-coast consultations meant we were hard pressed for time to consider amendments, let alone do clause-by-clause consideration of the bill. There was indeed a prospect that the committee work would founder due to a lack of time to sift through what turned out to be, as you've heard, 187 amendments.

This was solved, to the credit of the Senate, albeit at the last minute, amongst leadership to accept the thoughtful amendments proposed by industry stakeholders and other interests. Although I have identified certain amendments in my remarks today as "ISG" or "CPC" according to the complex colour-coded matrix we worked from, which was prepared in record time by our law clerks and committee clerks, these really should be considered as committee amendments.

Now they are not perfect. I still have concerns, but I think the end result is that a bill with flaws has been made better. I think we have made it more balanced.

And I want to say that there was a subcommittee appointed, and I was privileged to be part of that. We worked very hard — morning, noon and night. We were supported by very able staff from all quarters. I want to mention that I have a picture that was snapped late one night with Senator Carignan, Senator Wetston, Senator Woo, Senator Cordy, Senator Mitchell and Senator Tkachuk. Senator Tkachuk still had his sports jacket on at that late hour — his suit. He stood out in the picture.

In tribute to the capable staff that supported us all, I would particularly like to take the liberty of acknowledging my very hardworking Director of Parliamentary Affairs, Claudine Santos, for the diligence and energy she poured into that work.

We worked hard in a balanced way with goodwill and respect, and I think we've made the bill better. My fondest hope as we move the bill forward in accepting this report is that it does not get cherry-picked or tampered with in the other place. There may be some technical flaws that can be fixed, but it was a massive effort of the committee.

Senator Galvez, as a rookie chair, had a baptism by fire chairing that committee, and I don't mean that disrespectfully, but you were a rookie chair, I think it's fair to say. But we got the job done, not without challenges and some temper tantrums here and there. We worked hard. I think the ultimate result is a good result, although it may not be perfect and acceptable to everyone. But I really hope our work is respected in the other place. We heard today, on another Senate bill, that amendments were accepted unanimously by the other place. I really hope that can happen with this bill.

I commend it for your positive considerations. Thank you.

Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

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

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

• (1510)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boyer, seconded by the Honourable Senator Bellemare, for the second reading of Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting).

Hon. Vernon White: Honourable senators, I rise today to speak in support of Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting), which brings important updates to the Criminal Code.

I begin by congratulating Senator Boyer on her speech on this bill; a great job.

Bill C-84 would amend the Criminal Code to broaden the scope of three criminal offences in order to prohibit certain activities related to bestiality and animal fighting. The first is to amend the Criminal Code to define bestiality. Although the Criminal Code in section 160 criminalizes bestiality, it does not include any definition of the term.

This bill is in direct response to *R. v. D.L.W.*, where the court found that in the absence of a statutory definition in the Criminal Code, the common meaning of bestiality is limited only to penetrative sexual acts. For clarity, *R. v. D.L.W.* was a case where a man was convicted of multiple sex offences against his teenaged stepdaughters. Included in the original charges was a single charge of bestiality in relation to actions between the offender, a family pet and one of these victims. The Supreme Court of Canada determined the offender could not be convicted as bestiality as defined in the Criminal Code of Canada required sexual penetration by the accused.

This is why Bill C-84 seeks to add a definition of the term bestiality to section 160 of the Criminal Code in order to ensure that bestiality offences apply to all acts for a sexual purpose with an animal.

Another amendment is to broaden the scope of prohibited activities pertaining to violence and cruelty toward animals and animal fighting. Animal fighting most often involves two animals set against each other in a violent conflict for human entertainment and often gambling. We know that animal fighting, especially dog fighting, is a significant problem linked to organized crime, illegal gambling and illicit trafficking of drugs and weapons. Dogs used in fights are often seriously wounded or killed.

There are currently two offences in the Criminal Code that specifically address animal fighting. One prohibits encouraging, aiding or assisting in the fighting or baiting of animals. This is a hybrid offence with a maximum penalty of five years on indictment or a maximum of 18 months' imprisonment and/or a fine not exceeding $10,000 for summary. This offence fails to capture a number of other activities associated with participating in the deplorable activity of animal fighting.

Bill C-84 proposes to broaden the scope of the offence to include a wider range of activities, including encouraging, promoting, arranging, assisting, receiving money for, or taking part in the fighting or baiting of animals, including prohibiting any of these activities with respect to the training, transporting or breeding of animals for fighting or baiting.

These changes will ensure that all aspects of animal fighting are prohibited, ensuring that all persons in the chain of this criminal behaviour can be held accountable. These changes target the financial incentives associated with this crime and will act to discourage those involved in this unacceptable and criminal behaviour.

The bill also amends section 447 to expand the offence related to the keeping of a cockpit used to allow for rooster fighting, to include any arena for any animal fighting. Currently, under the Criminal Code, the offence only applies to a cockpit, excluding arenas for the purpose of dog fighting and other types of animal fighting. This offence as it exists in the Criminal Code is extremely narrow in scope, a reflection of its historical origins when cockfighting was the primary form of animal fighting in Canada.

Academic research supports the links between animal violence and human violence. Violent acts toward animals have long been recognized as indicators of a dangerous psychopathy that does not confine itself to animal abuse. In the words of humanitarian, Dr. Albert Schweitzer:

> Anyone who has accustomed himself to regard the life of any living creature as worthless is in danger of arriving also at the idea of worthless human lives.

Animal abuse is not just the result of a minor personality flaw in the abuser. It is a symptom of a deep mental disturbance. Research in psychology and criminology shows that people who commit acts of cruelty toward animals rarely stop there. Many of them move on to their fellow humans.

Someone like Luka Magnotta is a case in point. He kept escalating because he was not apprehended for his acts of animal cruelty, despite posting videos on line. He progressed to murder and Jun Lin paid the price for that with his life. Jeffrey Dahmer, Ted Bundy, John Wayne Gacy, Devin Kelley, the Norwegian killer of 77 youth Anders Breivik, and others are examples where it began with animal abuse and progressed to the murdering of humans.

Canada's criminal animal cruelty provisions are a century out of date, regularly resulting in animal abusers escaping prosecution for sadistic cruelty. Although Bill C-84 is a step in the right direction, it is narrow in scope and is but a small effort toward improving Canada's outdated animal cruelty laws.

During the debate that preceded the House of Commons vote, representatives from all parties repeatedly highlighted the importance of protecting animals, improving Canada's legal protection for animals, and advancing animal rights more generally. Many MPs pushed the government to uphold its promise to overhaul Canada's animal cruelty laws and spoke in support of striking an all-party committee to examine the issue.

Honourable senators, although Bill C-84 is considered a modest bill, I would argue it is a step in the right direction. I support it and hope for a more comprehensive reform in the future. I hope you, too, will support Bill C-84 as the other place did unanimously. Thank you.

The Hon. the Speaker: It was moved by the Honourable Senator Boyer, seconded by the Honourable Senator Bellemare, that this bill be read the second time?

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Boyer, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

INDIGENOUS LANGUAGES BILL

SIXTEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Aboriginal Peoples (*Subject matter of Bill C-91, An Act respecting Indigenous languages*), tabled in the Senate on April 30, 2019.

Hon. Lillian Eva Dyck: Honourable senators, before I begin I thank the Clerk of the Aboriginal Peoples Committee, Mireille Aubé, who masterfully arranged for all the additional meetings that the committee had to undertake in order to complete its pre-study in as quick a time as possible.

I would also like to thank Brittany Collier and Marlisa Tiedemann, the analysts from the Library of Parliament, who, of course, are essential to the operation of the committee.

During its pre-study of Bill C-91, an Act respecting Indigenous languages, the Aboriginal Peoples Committee heard from over 30 witnesses who shared their hopes, concerns and perspectives on the bill. Our report is divided into four main themes: One, regarding the inadequacy of funding; two, inadequacy of consultation; three, obstacles with regard to language, education and instruction; and four, issues with regard to service delivery in Indigenous languages, particularly in the North.

With regard to funding, Algonquin Elder Claudette Commanda reminded the committee that Bill C-91 does not guarantee funding for Indigenous languages. While there is no funding amount included in the legislation, the government has announced funding to implement its measures. Budget 2019 proposes to invest $333.7 million over five years, beginning in 2019 to 2020, with $115.7 million per year ongoing to support the proposed Indigenous languages act.

Witnesses identified characteristics that they believe are essential to ensure funding. This funding contributes to language revitalization. They requested that funding must be permanent, long term and reflect the diversity of Indigenous peoples and languages, including those who live off reserve and in urban centres.

As emphasized by the Native Women's Association of Canada:

> This funding must be consistent with Jordan's Principle to ensure there are no jurisdictional disputes.

Further on, another important characteristic that was raised by witnesses is that funding for Indigenous languages should not duplicate existing services or create more bureaucracy.

• (1520)

Bill C-91 proposes to establish an office of the commissioner of Indigenous languages. Helen Klengenberg, the Official Languages Commissioner of Nunavut, stated that the proposed office of the commissioner of Indigenous languages ". . . will be a duplication of services and an unwise use of public funds that could be used instead to enhance what is already in place in Canada."

With regard to consultation, or what the government now fondly calls pre-engagement sessions, we heard from a lot of witnesses that they were not satisfied with that. In particular, the committee believes that Bill C-91 must better reflect the needs of the Inuit. In fact, the previous speakers to this bill at second reading, Senators Patterson and Coyle — and I can't remember who else spoke — have raised these issues already. These are the comments that came to us from the pre-study.

If the bill does not include the specific Inuit needs and priorities, the title of the bill is misleading, because it is actually mostly silent on the needs and issues that the Inuit people wish to have included.

With regard to language education and instruction, Francyne Joe, President of the Native Women's Association of Canada, emphasized:

> . . . Indigenous language preservation and revitalization must embrace the traditional ways of passing on languages from generation to generation. This means Indigenous women must lead the development of community-based language-learning programs.

Our committee implores the Government of Canada to ensure that any Indigenous language legislation or strategy recognize the critical role of women, mothers and grandmothers in language transmission. Typically, we only think of certified teachers, but in essence, it's the fluent language speakers, like family members, mothers, grandmothers — *kookums*, *mooshums* — who are the ones transmitting the language to family members. However, we don't necessarily recognize them and make way for them to be incorporated into the actual payment of teaching. The committee was cognizant of that.

With regard to service delivery in Indigenous languages, we heard that in Inuit Nunangat, people whose mother tongue is Inuktut do not have access to federal services in their own first language, even though Inuktut speakers are the majority in Nunavut and Nunavik. Of course, this is not an acceptable situation.

Aluki Kotierk, the President of NTI, told of the committee:

> . . . what we want to see in Inuit Nunangat, that Inuit are able to walk with dignity and receive services that are available and comparable to other Canadians who receive services, but in their own language rather than relying informally on relatives, whether it be a niece, nephew, grandchildren or children.

They would do the interpreting for that person, let's say, at a federal office somewhere downtown.

The last comments I'll make are with regard to our conclusion. The committee recognizes the critical importance of Indigenous language reclamation and revitalization, and understands that federal legislation to support Indigenous languages plays a key role in supporting future generations of Indigenous language learners. However, your committee is gravely concerned about key issues raised by witnesses.

First, many witnesses were concerned about the adequacy of funding. Your committee notes these concerns. However, it is mindful about the limitations of the Senate's ability to amend legislation that would require an additional appropriation or levy a tax. The committee urges the Government of Canada to take this concern seriously and continue to address it as Bill C-91 is implemented.

Furthermore, it remains unclear how funding will be distributed to First Nations, Inuit, and Metis organizations. We believe that to truly support Indigenous language revitalization with respect to funding, priorities should be given to the communities and community-based organizations actually undertaking this work rather than going to political organizations.

Second, the co-development process led to significant disappointment for many participants, including ITK and the Metis Settlement General Council. Your committee believes that the concerns raised by them must be included in the bill. These concerns include suggested amendments to the bill to ensure the inclusion of Metis settlements under the act as well as addressing the lack of federal services in Inuktut in Inuit Nunangat.

In addition, organizations representing or providing services to Indigenous women and urban Indigenous people felt they were overlooked in the development of Bill C-91. I can't help but mention here the Aboriginal Friendship Centres scattered across the country that provide a wide array of services, but because they are located in cities and they provide service to everybody, not discriminating on the basis of identity, they often get overlooked. It is difficult for them to get adequate and sufficient funding.

The committee believes that Bill C-91 must better meet Inuit needs and priorities. In the time remaining, the committee urges Canadian Heritage to work collaboratively with Inuit to resolve their concerns, including providing feedback on ITK's proposed annex to the bill that sets out what they wanted to see in the bill and which was not included; it was left out.

To ensure this takes place in a timely manner, the committee will be ready. We have written to the minister to ask for update on the progress. We will likely recall the minister and ministerial representatives to appear before the committee prior to clause by clause. We actually have already done that. I don't even know what day that is. It was just within the last week. We were having so many meetings, back to back.

The Government of Canada is seized of these matters, and we expect these issues to be resolved. However, if the issues flagged in this report are not addressed, your committee may wish to recommend amendments to the bill during its clause-by-clause consideration of Bill C-91, which is slated for the coming Monday.

To conclude, your committee has emphasized that significant improvements need to be made to Bill C-91. In addition, should the bill pass both houses of Parliament and receive Royal Assent, your committee will continue to monitor its implementation and progress to ensure the concerns raised by witnesses are addressed. Thank you.

(On motion of Senator Martin, debate adjourned.)

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

SEVENTEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Aboriginal Peoples (*Subject matter of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families*), tabled in the Senate on May 13, 2019.

Hon. Lillian Eva Dyck: Honourable senators, the Aboriginal Peoples Committee was authorized to examine the subject matter of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families. It examined the said subject matter and now reports as follows.

The committee held six meetings, heard more than 30 witnesses and received many detailed briefs on Bill C-92, which seeks to recognize and affirm Indigenous jurisdiction over child and family services. The committee supports this primary objective of the bill. Indigenous groups, communities or people who choose to exercise their jurisdiction will no longer be subject to provincial child welfare laws that apply as a result of section 88 of the Indian Act.

After a one-year period for negotiating a coordinating agreement with the federal minister and the provinces has lapsed, the Indigenous law will prevail over provincial and federal laws where there is a conflict.

• (1530)

This was made abundantly clear by one of our witnesses, Dr. Mary Ellen Turpel-Lafond. She said very clearly how this was a significant advance to get out of section 88 of the Indian Act so that you're no longer subjected to provincial jurisdiction.

Our report has nine recommendations and I will go through them very quickly. The first one, as you might guess, has to deal with funding. That seems to be first in every report dealing with Aboriginal peoples.

We recommended to ensure that funding for Indigenous child and family services will demonstrate substantive equality; ensure equal access to services and benefits in a matter according to standards that meet any unique needs and circumstances, such as the cultural, socio-economic and historical disadvantage; and include an explicit reference to Jordan's Principle in the preamble of the bill.

As always, there are gaps in funding between what the federal government will provide to a First Nation, delivering services on a reserve, versus the amount of money that the province will provide to off-reserve people. Typically, the provincial funding is significantly higher. Funding has to be equalized so that the same amount of money will be devoted towards funding on-reserve programs for child and family services.

The second recommendation deals with the United Nations Declaration on the Rights of Indigenous Peoples and we recommended that Bill C-92 should include a reference to the United Nations Declaration on the Rights of Indigenous Peoples in the body of the bill, not just in the preamble because, as we know, if you include it in the body of the bill, it's much more meaningful and binding as opposed to mentioning it in the preamble.

Our third recommendation was with regard to caregiver providers and standing. We recommended that Bill C-92 should be amended so that only caregivers that have a family, kinship or community relationship with the child can make representation in a civil proceeding.

Our fourth recommendation was with regard to inherent right to self-government, and it's really just a technical recommendation because the word "inherent" was missing from clause 18 of the bill. Of course, "inherent" is a very important word to include.

Our fifth recommendation has to do with the principles and best interests of Indigenous children. We recommended that the bill be revised to ensure considerations relating to an Indigenous child's connection to family, culture and community are given equal weight to considerations relating to the child's physical, emotional and psychological safety, security and well-being. Typically, what we heard is that the way that the system works now, social workers would look at the home and say, "This child has to have a separate bed and there's not a separate bed so therefore we're going to take him away," rather than considering if you take that child away from his or her family, he has lost his or her connection to the family, to the parents, to the culture and to the community, all over not having your own bed, which to some of us doesn't make a lot of sense. We were trying to say that we need to consider other things in the reasons why children are taken away and put into child and family services care.

Our sixth recommendation has to do with dispute resolution. We recommended that the Government of Canada, in collaboration with First Nations, Inuit and Metis, the provinces and territories must explore ways to facilitate effective dispute resolution, including the possibility of establishing an independent alternative dispute resolution body.

We all know that the dispute over child and family services has been ongoing for many years, many court cases. Dr. Cindy Blackstock has led the charge and championed this issue. Despite human rights court cases, we still haven't advanced as far as we can. Perhaps by having something like alternative dispute resolutions, maybe we can facilitate a better future.

Our seventh recommendation is with regard to the one-year time period for the First Nation to reach an agreement with the province. We recommended that after clause 5 of the bill, there should be a provision that clarifies nothing in the bill contravenes existing agreements, such as the memorandum of understanding between the Assembly of Manitoba Chiefs and the federal government. They have been trying for some time to reach an agreement, so why wouldn't we count the time they have spent doing this and give credit towards that in the bill? Including shorter time frames for coordinating agreements for Indigenous groups that already have initiatives under way in relation to child and family services was what we recommended.

Our eighth recommendation was with regard to data collection. The committee notes that clause 28 of the bill provides for agreements with provincial governments and Indigenous governing bodies relating to data collection. The committee heard that data is critical to keep the federal government accountable. Also, it is important to have disaggregated data, while at the same time ensuring that the privacy of Indigenous children is protected, especially in smaller communities where it would be pretty easy to identify exactly who we were talking about in the data.

We recommend that the Government of Canada should review the provisions of Bill C-92 to ensure that they can facilitate disaggregating data and that they protect the privacy of Indigenous children.

Our ninth and final recommendation would be to include a provision that would provide for initial review of the bill after three years, as well as annual reports on the bill's implementation.

We have a section called "other issues." I will conclude with this comment with regard to consultation, pre-engagement or whatever you want to call it. We say in the report:

> Finally, we recognize that while there were a variety of opinions expressed with respect to what has been described by the federal government as a "co-development" process, many witnesses who came before us challenged the idea that Bill C-92 was co-developed. Some witnesses felt that while they may have been engaged by Indigenous Services Canada and participated in information sessions in relation to the development of Bill C-92, this effort was inadequate, and could not be considered true consultation. The lack of meaningful consultation is a message heard by your committee time and time again, and we urge the federal government to review its policies and practices relating to policy development and development of legislation that affects Indigenous Peoples in Canada to ensure that this repeated concern is addressed.

I have heard that concern from the day I arrived in the Senate, and that was 14 and a half years ago. I hope the continual reminder will begin to change things. Thank you.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO AFFECT MONDAY AND FRIDAY 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 May 29, 2019, moved:

> That, for the remainder of the current session:
>
> (*a*) when the Senate sits on a Monday or a Friday it stand adjourned at the earlier of the end of Government Business or the ordinary time of adjournment, unless the sitting has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
>
> (*b*) when a vote has been deferred to a Monday or a Friday, the Speaker interrupt the proceedings, if required, immediately prior to any adjournment, but no later than the time provided for in paragraph (a) of this order, to suspend the sitting until the time for the ringing of the bells for the deferred vote; and
>
> (*c*) committees be authorized to meet when the sitting is suspended pursuant to the terms of this order.

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: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

• (1540)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 29, 2019, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 3, 2019, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;
>
> That, notwithstanding any provision of the Rules, if a vote is deferred to that day, the bells for the vote ring at the start of Orders of the Day, for 15 minutes, with the vote to be held thereafter;
>
> That rule 3-3(1) be suspended on that day; and
>
> That the Senate stand adjourned at the end of Government Business on that day.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

FOOD AND DRUGS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS—MOTION TO REFER MOTION AND MESSAGE FROM COMMONS TO COMMITTEE—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Seidman, seconded by the Honourable Senator Boisvenu:
>
> That the Senate agree to the amendments made by the House of Commons to Bill S-228, An Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children); and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.
>
> And on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Bovey:
>
> That the motion, together with the message from the House of Commons on the same subject dated September 19, 2018, be referred to the Standing Senate Committee on Agriculture and Forestry for consideration and report.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, before proceeding, I wish to move an amendment.

Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended by adding the following after the word "report":
>
> ", and that the committee hold no fewer than five meetings".

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Hon. Tony Dean: On debate.

The Hon. the Speaker: On the amendment?

Senator Dean: On the amendment, yes. Thank you, Senator Smith.

I'm happy to rise to speak on this issue this afternoon. It's very important. I rise as an independent senator to support an initiative that was launched by a highly respected Conservative senator just shy of three years ago, Senator Nancy Greene Raine's private members' bill.

I'm speaking to the subamendment now and I want to say this, that we know that this is a bill that has been debated and been processed extensively by committees in the House of Commons and in the Senate. We know that the issues raised by Senator Wallin and my other colleague Senator Black, Ontario, were canvassed extensively in those committee hearings already and received a significant degree of attention.

We know that this is a bill designed to protect kids. To protect kids from consuming at an early age — those kids particularly under 12 — drinks and food that could potentially be harmful to them. We know that this is done in the context of a public health crisis in Canada resulting from the consumption of foods that are high in saturated fats, sugar and salt.

I was at the Social Affairs Committee when this bill was considered. I know that consideration was given to the issues raised by Senator Wallin and Senator Black. Just like everybody else in this chamber I know this: That any conceivable amendments that come back from committee that are relevant to the issues raised will be out of order because of the narrow scope of the message we are debating. We all know this. We all know this going in. Senator Wallin knows it. Senator Black, Ontario, knows it. That does not mean to say this should not go to committee. What it does mean to say is that there is only one purpose to send this bill to committee, one thing that can result from it, and that is that the bill will not see passage in the Senate.

I think it is important to name that. I think it's important to be clear about that. I think that's important, that despite the virtuous interests that Senator Wallin and Senator Black, Ontario, and Senator Smith have, that it is not conceivable — and I think we all know this — that this bill will see passage.

So at this moment, with this amendment, we're talking about the difference between a bill or no bill. Let's look that in the face. Let's look one another in the face. Let's recognize that that's what this amendment is about, about no bill to protect kids, about three years of hard work on behalf of Senator Greene Raine, of my friend Senator Petitclerc and of my friend Senator Seidman at Social Affairs Committee.

That is what we're talking about. We're talking about abandoning kids and the health of kids. We're talking about ignoring the advice of the medical community, community health specialists and the concerns of parents. That is what we are doing. I think it's important that everybody in this room understand that this is the fulcrum point. Let's get that on the table.

I understand the concerns that are raised. I understand them because I heard them raised months and months ago, if not a year or so ago when I was sitting on the Social Affairs Committee. I understand the interest in getting this bill to a committee for further consideration despite the fact that any amendments that come back we know will be ruled out of order. I understand all that.

But my appeal is let's not do all of that in a way that knowingly defeats an important piece of public health legislation. Let's not do that. I'm uncomfortable about that. Our former colleague in B.C. would be uncomfortable about that. There are people around this chamber in all groups who are uncomfortable about that. I know it. You know it. That's the subtext here. I'm naming that.

Here's what I'm suggesting, and this is in the spirit of compromise. This is in the spirit of actually raising ourselves up in this place. I might use calling on the angels of our better nature, for example. How about that? How about setting aside our normal partisan, independent selves or Liberal selves and thinking about children and thinking about public health and thinking about Senator Greene Raine. I think it's important to do that.

I was going to propose an amendment, but here's what I'm going to do. I say this knowing that anything that I did today, if Senator Smith hadn't spoken — and I deferred to Senator Smith to go first. We talked. I would have proposed an amendment that would have put a time limitation on the time at Social Affairs Committee. I would have proposed an amendment that would have given oxygen to a bill that is right now, as I stand here, dying on the vine and you know it.

So we have a motion in front of us and I commend Senator Smith for adding texture to it. I'm going to ask you, Senator Smith — I had no idea what you were going to propose. I'm going to ask if you would accept a friendly amendment. Yes, I did talk about angels of our better nature, Senator Plett, and I wanted to include you in that. I really wanted to include you in that. So here is my request of Senator Smith. It is a friendly amendment. I would ask you to consider reconsidering your subamendment to the effect that the committee would report back to the Senate no later than Wednesday, June 5. I think that would give time for the Agriculture Committee to meet, to deliberate and to get back here in due course.

• (1550)

This is responsive to Senator Wallin's concept and to Senator Smith's concept. I am not going the other way; I am not going the way of rallying my friends over here, over here and over there towards defeating the motion. I am asking you to consider amending it so that we can achieve the dual purpose of getting this to committee and having another discussion about it, proposing amendments if we have to and want to and have determined whether they're in order or not, and get the Senate to a final vote on Bill S-228, which kids deserve, which the health community deserves, which the senators in here who want and need a vote deserve, and that Canadians deserve.

I am simply saying that after two, almost three years, let us have a free vote in this place on Bill S-228. We can achieve that if we are sensible, if we are thoughtful, if we're prepared to find middle, sensible ground and get this in and out of committee very quickly.

I believe that this is entirely reasonable. I believe that the Heart and Stroke Foundation and other health proponents and advocates in this country would support it. I believe Canadians would broadly support it. Why wouldn't they? This is about the health of kids and public health.

I ask you, Senator Smith — in fact, I'm going to actually plead with you — to consider this very carefully because this is about whether an important public health bill lives or dies. It's fundamentally about whether senators in this place have an opportunity to vote on an important piece of legislation. I believe that we should have that right. I would ask you to reconsider. Thank you.

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Smith, seconded by the Honourable Senator Martin that the motion be amended by adding the following after the word "report": "and that the committee hold no fewer than five meetings."

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 please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do honourable senators have an agreement on a bell?

Senator Plett: We'll defer the vote, Your Honour.

The Hon. the Speaker: The vote will be deferred to the next sitting of the Senate.

Senator Woo: Your Honour, may I seek clarification. Is it in order to defer a non-government bill to a vote?

The Hon. the Speaker: It is, Senator Woo.

Senator Woo: Thank you very much, Your Honour.

NATIONAL LOCAL FOOD DAY BILL

SIXTEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Agriculture and Forestry (Bill C-281, An Act to establish a National Local Food Day, with amendments), presented in the Senate on May 29, 2019.

Hon. Diane F. Griffin moved the adoption of the report.

Hon. Ratna Omidvar: Honourable senators, I wish to take the adjournment of this item in the name of Senator Black, Ontario.

(On motion of Senator Omidvar, for Senator Black (*Ontario*), debate adjourned.)

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 sequestrated assets.

Hon. Marilou McPhedran: Honourable senators, today I rise to speak in support of Bill S-259, An Act respecting the repurposing of certain seized, frozen or sequestrated assets.

I would like to thank Senator Omidvar and her colleagues at the World Refugee Council for their leadership on this important bill.

[*Translation*]

Dear colleagues, this bill would put us in a better position to provide redress to victims of human rights violations. It offers an innovative solution to address international concerns about the number of refugees and displaced people in several countries.

[*English*]

As noted by Senator Omidvar, this bill is a response to the World Refugee Council's report, *A Call to Action: Transforming the Global Refugee System*, which was submitted to the UN this past January.

Honourable senators, I would like to highlight the role of the World Refugee Council in regard to this bill. This bill is a clear example that committed and informed civil society organizations can and do have a strong impact on governments and lawmakers. In order to achieve the goals within international human rights law, international civil society and governments must work together. Not only is this bill a product of such collaboration, but, if implemented, it would facilitate further collaboration between civil society and governments.

Through the creation of the public registry outlined in this bill, international advocacy would be strengthened. Transparency and openness are necessary for civil society to hold us and other governments accountable for our responses to human rights violations. The more information that is available to civil society, the more civil society will work to effectively advocate for governments to respect human rights obligations and uphold human rights standards.

The Justice for Victims of Corrupt Foreign Officials Act, also known as the Sergei Magnitsky Law, came into force here in Canada in 2017. This act, which originated with leadership from Senator Raynell Andreychuk, allows Canada to freeze the assets of corrupt state officials who are known and recognized as international human rights abusers.

Upon application from the Attorney General, this bill would give provincial superior courts the power to redistribute these frozen assets. In turn, these assets could be reinvested with the goal of rebuilding and responding to the needs of the communities impacted by the human rights abusers. Decisions to redistribute frozen assets would be made at the discretion of independent Canadian judges. This is an innovative and smart way to leverage the independent role of the judiciary in Canada to assist victims of international human rights violations.

• (1600)

The principles of this bill, as identified by Senator Omidvar, are accountability, justice, due process, openness, compassion and good governance. Within this bill, I have also identified another important principle, the principle of providing effective and appropriate remedies for human rights abuses. Access to remedies is a defining feature of human rights law, both internationally and within Canada.

Our response to human rights violations is not limited to imposing consequences on a perpetrator. Our response to human rights violations also emphasizes the importance of providing a remedy for victims.

Through this bill, we would be in a much better position to provide such remedies. Because of Canada's geography, unlike what some fear-mongering Canadian politicians would have us believe, we do not experience the impact of large influxes of refugees in the same way that countries like Bangladesh, Uganda, Colombia and others do. Eighty-five per cent of displaced people in the world are in disadvantaged developing countries. One person is forcibly displaced every two seconds. These are staggering numbers.

While Canada welcomed 44,000 resettled refugees in 2017, less advantaged countries are, by and large, shouldering the burden of the world's refugee crisis, the largest such crisis we have seen yet in human history.

Of the 25.4 million refugees in the world, over half of them are children under the age of 18. Protracted refugee situations across the globe now last an estimated average of 26 years. Millions of children are spending their entire childhoods in refugee camps without adequate health care, without access to education and often without opportunity. The consequence of this is a generation of incredibly vulnerable young people who every day are being denied their basic rights.

As Senator Pate discussed, sexualized violence is endemic in refugee and conflict situations, which further contributes to the vulnerability experienced primarily by women and girls. A consequence of this increased vulnerability is that women and girls in refugee camps and conflict situations become easy targets for traffickers.

In 2018, the UN Office on Drugs and Crime released a global report on trafficking in persons, which describes how traffickers often explicitly target persons who are coping with difficult situations, including those in refugee camps. Traffickers recruit people, typically women and children, with lies and false promises of receiving payments and/or transport to safer locations outside of the camps.

The United Nations Special Rapporteur on trafficking in persons has identified examples of this and notes that trafficking has especially affected women and children. For example, the rapporteur notes:

> In some refugee camps in the Middle East, for example, it has been documented that girls and young women have been "married off" without their consent and subjected to sexual exploitation in neighbouring countries.

Refugee camps are volatile and fragile places in which to grow up. Through the redistribution of funds, Bill S-259 would likely mitigate some of the harms experienced by the most vulnerable of the vulnerable.

This bill provides Canada with the opportunity to reinforce our leadership on global human rights. Switzerland has enacted a similar law. The United Kingdom and France are also considering similar legislation. Through the implementation of Bill S-259, Canada would be leading by example to encourage others to adopt similar legislation.

International human rights violations are increasing. However, through the adoption of legislation like this, we can better position ourselves to respond to international human rights violations. Bill S-259 would enable us to provide remedies to victims, and it would demonstrate to perpetrators that abuses of power will not be without tangible consequences. Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

INDIGENOUS HUMAN REMAINS AND CULTURAL PROPERTY REPATRIATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Dan Christmas moved second reading of Bill C-391, An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property.

He said: Honourable senators, I move the adjournment of the debate for the balance of my time.

(On motion of Senator Christmas, debate adjourned.)

STUDY ON ISSUES AND CONCERNS PERTAINING TO CYBER SECURITY AND CYBER FRAUD

TWENTY-FIFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Black (*Alberta*), seconded by the Honourable Senator Pratte, for the adoption of the twenty-fifth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled *Cyber assault: It should keep you up at night*, deposited with the Clerk of the Senate on October 29, 2018.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I see this item is at day 14, so I will adjourn for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

STUDY ON PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

TWENTY-NINTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Black (*Alberta*), seconded by the Honourable Senator Bovey, for the adoption of the twenty-ninth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce, entitled *The collection of financial information by Statistics Canada*, tabled in the Senate on December 11, 2018.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, once more, I will adjourn this item for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FORTY-FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the forty-first report of the Standing Committee on Internal Economy, Budgets and Administration (*Committee budget - legislation*), presented in the Senate on May 16, 2019.

Hon. Sabi Marwah moved the adoption of the report.

He said: Honourable senators, this report contains the recommended legislative budget allocation for the Standing Committee on Internal Economy, Budgets and Administration in the amount of $2,250. This amount represents the Senate's portion, 30 per cent of the total budget application of $7,500. The budget requests funds for legal fees for its review of regulations, witness expenses, books and printing costs.

• (1610)

The Internal Economy Committee recommends the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

ARCTIC

BUDGET—THIRD REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Special Committee on the Arctic (*Budget—consider the significant and rapid changes to the Arctic and the impacts on original inhabitants*), presented in the Senate on May 16, 2019.

Hon. Dennis Glen Patterson moved the adoption of the report.

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.)

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—
STUDY ON THE FEDERAL GOVERNMENT'S RESPONSIBILITIES
TO FIRST NATIONS, INUIT AND METIS PEOPLES—
EIGHTEENTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Lovelace Nicholas, for the adoption of the eighteenth report of the Standing Senate Committee on Aboriginal Peoples (*Supplementary budget—examination of federal government's constitutional and legal responsibilities to Aboriginal Peoples—power to hire staff*), presented in the Senate on May 16, 2019.

Hon. Lillian Eva Dyck: I thought that was adjourned in Senator Martin's name.

Hon. Yonah Martin (Deputy Leader of the Opposition): I had done that pro forma.

We are ready for the question.

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.)

THE SENATE

MOTION TO REAFFIRM THE IMPORTANCE OF BOTH OFFICIAL
LANGUAGES AS THE FOUNDATION OF OUR FEDERATION
IN LIGHT OF THE GOVERNMENT OF ONTARIO'S CUTS TO
FRENCH SERVICES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Klyne:

That the Senate, in light of the decisions made by the Government of Ontario with respect to the Office of the French Language Services Commissioner and the Université de l'Ontario français:

1. reaffirm the importance of both official languages as the foundation of our federation;

2. remind the Government of Canada of its responsibility to defend and promote language rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and

3. urge the Government of Canada to take all necessary measures, within its jurisdiction, to ensure the vitality and development of official language minority communities.

Hon. Ratna Omidvar: Honourable senators, I move the adjournment of the debate in my name.

(On motion of Senator Omidvar, debate adjourned.)

MOTION TO STRIKE SPECIAL COMMITTEE ON PROSECUTORIAL INDEPENDENCE—MOTION IN AMENDMENT—SPEAKER'S RULING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Marwah:

That a Special Committee on Prosecutorial Independence be appointed to examine and report on the independence of the Public Prosecution Service of Canada and of the Attorney General of Canada;

That the committee be composed of six senators from the Independent Senators Group, three Conservative senators and one Independent Liberal senator, to be nominated by the Committee of Selection, and that four members constitute a quorum;

That the committee examine and report on the separation of the functions of the Minister of Justice and those of the Attorney General of Canada, and on other initiatives that promote the integrity of the administration of justice;

That the committee also examine and report on remediation agreements as provided by PART XXII.1 of the *Criminal Code*, in particular, the appropriate interpretation of the national economic interest mentioned in subsection 715.32(3) of the *Criminal Code*;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(1), the committee be authorized to meet even though the Senate may then be sitting;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to meet from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and submit its final report no later than June 1, 2019, and retain all powers necessary to publicize its findings until 30 days after the tabling of the final report.

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

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

1. Replacing the words "a Special Committee on Prosecutorial Independence be appointed" with the words "the Standing Senate Committee on Legal and Constitutional Affairs be authorized";

2. Deleting the paragraph beginning with the words "That the committee be composed of six senators";

3. Deleting the paragraph beginning with the words "That the committee have the power to send for persons"; and

4. Deleting the words "be empowered to report from time to time and".

The Hon. the Speaker: Honourable senators, I am now ready to rule on the point of order raised by Senator Ringuette on Wednesday, May 15, 2019.

The point of order concerned an amendment to motion 474. Motion 474 by Senator Pratte sought to establish a Special Committee on Prosecutorial Independence. Senator Plett then moved an amendment to have this study instead conducted by the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Ringuette argued that Senator Plett's amendment is not admissible as it is beyond the scope of the motion. She suggested that the purpose, or the pith and substance, of Senator Pratte's motion is the creation of a special committee. By removing the idea of a special committee, she argued that the amendment is therefore contrary to the motion.

Other senators disagreed. In particular, Senator Martin argued that the purpose of motion 474 is not to create a special committee, but to conduct a study of prosecutorial independence – the special committee is only the vehicle by which this study would take place. Senator Plett's amendment, therefore, simply proposes a different vehicle, while maintaining the core purpose of the study.

The argument really comes down to whether the purpose of the motion is the creation of a special committee, or the study of prosecutorial independence. Either would seem to be reasonable conclusions to draw.

In a ruling on February 24, 2009, the Speaker noted that, "In situations where the analysis is ambiguous, several Senate Speakers have expressed a preference for presuming a matter to be in order, unless and until the contrary position is established. This bias in favour of allowing debate, except where a matter is clearly out of order, is fundamental to maintaining the Senate's role as a chamber of discussion and reflection."

> In the present case, I do not believe that the motion in amendment has been clearly established as being out of order. As such, the Senate should be allowed to consider the question and determine for itself whether the alternative proposed by the amendment is desirable.
>
> I therefore find that the amendment is in order, and debate can continue.

On debate, Senator Pratte.

Hon. André Pratte: Honourable senators, I would like to say a few words regarding Senator Plett's proposed amendment to motion No. 474.

I am pleased to note that we now both agree on the substance of the parliamentary inquiry that is required. Indeed, the amendment proposed by Senator Plett changes absolutely nothing to the mandate of the special committee that I had suggested.

In line with the original motion, the honourable senator still suggests that the Senate committee be tasked with examining and reporting on the independence of the Public Prosecution Service of Canada and the Attorney General of Canada; examining and reporting on the separation of the functions of the Minister of Justice and those of the Attorney General of Canada; and examining and reporting on remediation agreements, in particular the appropriate interpretation of what is called the national economic interest.

As a result, the committee's inquiry would not be limited to the SNC-Lavalin controversy. However, as I made clear in my speech on the original motion, neither would it avoid the circumstances of the SNC-Lavalin affair. Both lines of investigation are essential if we are to address this issue in a non-partisan manner.

They are also vital for a genuinely senatorial approach to take place, one infused by sober second thought, meaning that we should take a step back and not limit our investigation to the details of the events that unfolded recently.

I am glad that Senator Plett has now accepted this approach. I am glad, but I am also perplexed. Indeed, in the minutes before the senator moved his amendment, his colleague Senator Batters denounced the mandate proposed and, in passing, attacked the mover's motives.

Let me recall some of the honourable senator's statements:

> . . . Senator Pratte's motion is nothing but an attempt to help the Trudeau government continue to play hide-and-seek.
>
> . . . Senator Pratte knows full well that his motion will shield the Trudeau government from accountability.

The honourable senator also stated:

> This motion is yet another attempt by the government to silence the opposition.

Senator Batters' comments relay at least two false attributions of motive in my regard, amongst others: One, that I am merely an agent of the government — this is undoubtedly surprising news to Senator Harder — and, two, that my motivation in proposing the motion is to silence the opposition.

On this point, I'll simply quote my remarks in a speech delivered in our own chamber in March 2018. I stated then, and I reiterate again today:

> I am convinced that, as long as the present Liberal government is in power, the Conservative senators should form the opposition and enjoy the rights and privileges resulting from that status.

And I also said:

> . . . in any Parliament it is absolutely essential that the people who are fundamentally opposed to the government's world view be represented firmly and constantly.

I believe profoundly in the crucial role of the opposition in Parliament. However, I'm also deeply convinced that partisan debate, as vigorous as it may be, should be respectful of the diverse opinions expressed and of the individuals who express them. When we come to a point where people of opposite sides insult each other, impute false motives and even avoid each other in a house which is supposed to be characterized by the collective wisdom of its members, we have gone too far.

• (1620)

Your Honour, in February 2017, you ruled on a question of privilege and said:

> . . . words are powerful; they do matter. This is especially true when they are used to criticize not just a different point of view, but those who hold that point of view.

I agree, and I'm certain that all senators here agree, too. We should focus on the parliamentary work before us, not on the persons in this place.

As Your Honour reminded us again earlier this week:

> When senators are addressing a subject, they should deal with the issues. To criticize a person's stand on an issue is fine, but to go behind that and start talking about the motivation or motives of an individual is really not parliamentary, and is something that should be avoided.

If we are to work cooperatively and productively in this chamber, as we must even in a partisan context, your wise words, Your Honour, should constantly guide our behaviour and speeches.

In this vein of thought, let me get back to the substance of Senator Plett's amendment. As I have highlighted, the honourable senator and I now agree on what the committee should examine, the events that gave rise to the controversy and the lessons to be learned from these events.

Senator Housakos confirmed this agreement on the heart of the motion in his response to Senator Ringuette's point of order:

> I'm going back to the original motion. It was to have an investigation on the SNC-Lavalin affair, and he [Senator Pratte] wanted to be more wholesome. He wanted to be more detailed. He wanted to review the DPA and the Justice Department, and how the Justice Department reviews DPAs. . . . That was pretty much the theme of Senator Pratte's motion. He talked about it in this chamber. He talked about it in the media. He was pretty consistent.

I want to thank Senator Housakos for his kind words, which are very different from his initial virulent reaction to my proposal.

Therefore, the only disagreement that persists between us regards which committee should be ordered to study this important matter. I suggested a special committee; Senator Plett proposes that the task be entrusted to the Standing Senate Committee on Legal and Constitutional Affairs.

[*Translation*]

Honourable senators, we are at the end of May. We have, at best, four weeks before we adjourn for the summer. It would be very difficult, if not impossible, for a special committee to conduct an in-depth study on this complex matter in the time we have left. It is even more evident that, unless we neglect government business, such as Bill C-78 and Bill C-97, and unless we do not examine Bill C-337, which is Ms. Ambrose's bill on training for judges, the Standing Committee on Legal Affairs would have barely any time to conduct a study on the complex issues surrounding the SNC-Lavalin controversy. This is why I oppose Senator Platt's amendment, which proposes an impossible scenario.

Let's come back to my proposal to appoint a special committee. The opposition senators were particularly shocked when I suggested that the committee consist of six senators from the Independent Senators Group, three Conservative senators and one Liberal senator. I opted for this formula because it reflects the membership in the Senate today. The membership of the Standing Senate Committee on Legal and Constitutional Affairs is not so different. This committee has six Independent senators, four Conservative senators and two Liberal senators. The difference between the two perspectives is so minimal that I would have expected the senators opposite to try to find a middle ground.

Unfortunately, no effort was made to do so. On the contrary, Motion No. 474 was ridiculed and the mover criticized. As a result, we ended up wasting two months of our time.

[*English*]

So here we are with insufficient time left to conduct an in-depth study of the matters involved, whatever committee would be tasked with the job. This is a missed opportunity for the Senate, which could have demonstrated, regarding an important and very sensitive issue, sober second thought in action.

Undoubtedly, other occasions will arise, but for us to seize these opportunities we will have to reach beyond overzealous partisanship and animosity, show respect towards each other, set aside assumptions of personal motives and work together to achieve the necessary compromises.

Honourable senators, with this motion on the SNC-Lavalin affair, I attempted to find middle ground between the partisan attacks of the Conservatives and the partisan dodges of the government. As usual, this attempt was met with anger on both sides. Maybe I'm simply too naive or too much of an idealist; I don't know.

Partisanship is not the issue. Partisanship is the expression of deeply held convictions. It is what drives political parties, which are at the heart of our parliamentary system. But excessive partisanship, which is characterized less by conviction than by wilful blindness, is a problem. It is a problem because it leads to populism and character assassinations, because it rejects all compromise and ends in stalemate.

[*Translation*]

In the West we are living in an era where excessive partisanship is politically profitable; naturally, it is flourishing. However, if the Senate is to play the role envisaged by the Fathers of Confederation, we must move away from the slippery slope of the fractious partisanship that has already invaded the other place. If we do not, the already large number of Canadians who are critical of the upper chamber will only increase. If we succumb to excessive partisanship, the Senate could fall into irrelevance.

[*English*]

Colleagues, in recent months, I have become more pessimistic, noting the impossibility of reaching compromises on such significant matters as the rights of French speakers in Ontario and this SNC-Lavalin controversy.

However, I'm comforted by the fact that many in this place share, if not most of my faults, at least my weakness for Senate idealism. I'm hopeful that if the idealists on all sides work together, they may prevent this chamber from being swept away by bilious partisanship. It is crucial that they do so, because if they don't, the idea of sober second thought will be reduced to empty words, endlessly repeated in this chamber but having no application in practice. Such an outcome would not only be sad for us in this chamber; it would be sad for the Senate and it would be sad for Canada.

Thank you.

Hon. Pierrette Ringuette: Your Honour, first of all, I wish to thank you for your ruling on the point of order that I had brought forth.

I want to express my deep gratitude to Senator Pratte for his comments that we just heard, which are reasoned. I hope that his pessimism will change in the future, because I have a lot of optimism for this chamber.

With regard to this particular motion, I also regret that we are at this point in time with regard to this issue. I would like more time to reflect with regard to the specifics of the mandate of this committee, so therefore I would like to adjourn the debate for the rest of my time.

(On motion of Senator Ringuette, debate adjourned.)

DECIMATION OF ATLANTIC SALMON SPAWNING GROUNDS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Richards, calling the attention of the Senate to the decimation of Atlantic salmon spawning grounds on the Miramichi, Restigouche and their tributaries.

Hon. Diane F. Griffin: Honourable senators, regarding Inquiry No. 56, I move the adjournment in my name.

(On motion of Senator Griffin, debate adjourned.)

• (1630)

CONFEDERATION BRIDGE AND BRIDGE TOLLS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe, calling the attention of the Senate to :

(*a*) The importance of the federally-owned Confederation Bridge to the economy and way of life of Prince Edward Island, providing a vital link for commerce, tourism and the necessities of daily life for the people of that province;

(*b*) The heavy financial burden imposed by the toll on that Bridge, which amounted to $35.00 when it was first opened in May of 1997, but now stands at $47.75, an increase of 36 per cent, surely making the $3.70 per kilometer drive one of the most costly in Canada;

(*c*) The fact that while Prince Edward Islanders are grateful to have Confederation Bridge for the tremendous convenience and reduced transportation time for goods travelling to and from the Island, the reason Islanders initially agreed to a toll was the understanding that large scale federal transportation infrastructure programs required a “user pay” system in the form of tolls, and that was the only way they were going to get a bridge to replace the previous year-round ferry service;

(*d*) The change to that longstanding user pay policy when Justin Trudeau promised in the middle of the 2015 election campaign to cancel the toll on the replacement Champlain Bridge — like Confederation Bridge, also federally owned — being built in Montreal if he won;

(*e*) The Liberal victory in October of 2015 that resulted in the promised cancellation of the toll. However, keeping that impulsive election promise has pitted region against region and Canadians against Canadians. The feeling among many Prince Edward Islanders is that the federal government has favoured one part of the country by eliminating the toll on one bridge it owns and not on the other, and they wonder why Canadians are being treated differently depending on where they live;

(*f*) The repeated government justification for this unequal treatment — that the Champlain Bridge’s status as a “replacement” bridge warrants such inequality — rings hollow among those on the losing end of this disparity, both because the original Champlain Bridge charged a toll for 28 years, until it was paid for, and because the idea that the new Champlain Bridge is a “replacement bridge” is a distinction without a difference. Every bridge is a replacement for what came before, be that an older bridge, a ferry, or an alternate route. The decision to treat “new” and “replacement” bridges differently is every bit as much a political decision as the decision to cancel the toll on the Champlain Bridge;

(*g*) The Prime Minister’s statement, when asked in January 2017 about the unfairness of the toll on Confederation Bridge, that he would commit to, in his words “look at what can be done to make sure that people are able to travel freely and openly across this country at modest costs”, is a two year old commitment to Prince Edward Islanders that remains unfulfilled and is a promise unkept;

(*h*) Therefore, the Senate Chamber should examine and discuss the strain on the unity of Canada caused by this inconsistency in how our fellow citizens are treated, depending on where they reside in Canada and recommend to the government possible solutions to this problem.

Hon. Brian Francis: Honourable colleagues, I would like to add my voice in support of the inquiry brought forward by Senator Downe.

I’m a lifelong Prince Edward Islander, and I agree completely with Senator Downe that we Islanders are grateful for the bridge and the access it provides us to the mainland. I remember well when the ferry was the only means of transport to and from the mainland. Organizing our lives around the ferry schedule or the weather was not always easy, especially when it was for medical treatment or appointments that had taken weeks to arrange in the first place. Waiting in line at the ferry docks and heaven forbid missing your planned ferry or Mother Nature getting in the way via snow, sleet or wind were all common occurrences and made life difficult, especially in the winter months.

Prince Edward Island is tiny by Canadian standards. Our population is barely 150,000 people, but the Island is no less of a province than Ontario, Quebec or British Columbia.

The population of greater Montreal alone is over 4 million people. Our entire province is just 0.4 per cent of Canada's second-largest city. Our tax base is minuscule in comparison. On paper, to those crunching the numbers here in Ottawa, it may seem perfectly reasonable to deal with one bridge differently than another, even if both of those bridges are federally owned.

According to Infrastructure Canada's website, the anticipated traffic and trade crossings per year on the Champlain Bridge will be approximately 50 million vehicles. This includes the 11 million commuters travelling into Montreal from the suburbs.

In contrast, it is estimated that local traffic — Islanders travelling from and to home — would be 900,000 crossings annually. Tourists in the summer months, buses and commercial tractor trailers bring the total number of crossings to about 1.5 million annually. That's 50 million versus 1.5 million. I get it. Numbers don't lie.

I'm not a cynic. I don't want to believe that the decision relating to a lack of tolls on Montreal's new Champlain Bridge is a political one. But the Confederation Bridge and the Champlain Bridge are both federally owned. While the Champlain Bridge is needed for the sprawling Montreal population, the Confederation Bridge is required constitutionally. Prince Edward Island agreed to join Confederation in 1873 in part because Canada promised a year-round link to the mainland. The Confederation Bridge is that link. But a cynic might conclude that the optics of the inequity between the Champlain Bridge and Confederation Bridge might be based on something other than the government's claim that Montrealers are getting a replacement bridge.

The Confederation Bridge replaced the constitutionally mandated ferry; it was not an add-on. This isn't apples and oranges; it's oranges and oranges. If the replacement argument works for Montrealers, the same argument works for Islanders.

Senator Downe eloquently outlined the disparity and unfairness of the financial burden being placed on Islanders versus people in other parts of Canada. He also outlined the costs associated with the various bridges. I won't repeat all the numbers, but I will stress that Islanders pay $47.75 to leave the Island. Islanders are also taxpayers. So the federally owned Champlain Bridge costing $25 million annually to maintain upon completion, using federal tax dollars, is also being paid for by Islanders. Simplistically speaking, that would be $47.75 each time an Islander leaves P.E.I., plus who knows how much more each April at tax time.

The Mi'kmaq people of Prince Edward Island have inhabited the land for more than 10,000 years. When the French and English settlers began arriving in the early 1700s, we engaged in friendship treaties with them so we could live together amicably. I'm very much of the same mindset as my ancestors.

I'm not unreasonable, and I don't think Islanders are unreasonable. The convenience of the bridge far surpasses the uncertainty of ferry travel. But I read Senator Downe's speech carefully. I also reviewed the Parliamentary Budget Officer's report that Senator Downe commissioned in 2016. There are ways to deal with this.

My concern is the disparity between regions in Canada. Our geography is massive. I understand fully the need to deal with regions and population centres differently. I concur with Senator Downe that the decision relating to the Champlain Bridge has perhaps unwittingly, in my opinion, engendered resentment among Canadians and regions.

As a former Mi'kmaq chief and negotiator, I always break down a problem into the most basic components and try to identify what exactly is agreeable to both parties and what exactly needs to be done or discussed in order to reach a compromise.

Islanders agree with the government that the Confederation Bridge is necessary for the economic and lifestyle well-being of Islanders and the improvement of tourism and trade for P.E.I. Islanders and the government agree that the bridge has dramatically improved the daily lives of Islanders.

Islanders and the government disagree because it appears that one area of Canada is being treated differently than another based on a random decision in what can be argued is an identical situation.

The PBO report commissioned by Senator Downe offers some ideas worth discussing, whether it be a tax credit for Islanders in order to offset the burden of the current toll cost, lowering the toll and extending the period of payment, or the cost to taxpayers of removing the toll completely.

In the current political climate and the varying opinions on all matters great and small, there is plenty of fodder for discussion and disagreement on issues far more weighty than whether a toll is imposed on a bridge. This issue should not be one where Canadian citizens feel marginalized or ignored, depending on where in the country they reside or whether their voices are as compelling as voices elsewhere. The federal government should not be putting itself in a position where it is perceived that favouritism is being extended to a far more populous voting base.

I will give the government the benefit of the doubt and assume that this was never their intention, but I also expect the government to open the discussions regarding these problems so that Islanders can know for certain that their concerns are being recognized and addressed.

Wela'lioq. Thank you.

(On motion of Senator Stewart Olsen, debate adjourned.)

[*Translation*]

VACCINE HESITANCY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Moodie, calling the attention of the Senate to the issue of vaccine hesitancy and corresponding threats to public health in Canada.

Hon. Marie-Françoise Mégie: Honourable senators, today I rise in support of Senator Moodie's motion calling the attention of the Senate to an important issue of concern to increasing numbers of Canadians: vaccine hesitancy and corresponding threats to public health.

I don't plan to spend much time on points that my colleagues, Senator Moodie and Senator Ravalia, have already addressed so eloquently. Apart from some general points that I have no choice but to raise again, I will talk to you about what Quebec is doing to address this problem.

At the open caucus on April 10, Dr. Noni MacDonald, a professor of pediatrics at Dalhousie University, told us about the myriad and complex causes of parental hesitancy. The Public Health Agency of Canada defines these interdependent causes of vaccine hesitancy using the "three Cs" model: confidence, complacency and convenience. Addressing the problem will therefore require a multi-faceted approach.

As you know, vaccination is still the most effective way of preventing the spread of serious illnesses in our communities. It is one of the safest public health interventions to ensure protection for infants, pregnant women and immunocompromised individuals who are especially vulnerable to serious infections. Indeed, when the vast majority of the population is adequately vaccinated against an infectious disease, people who cannot be vaccinated run a significantly lower risk of contracting the disease in the event of an outbreak. This phenomenon, called herd immunity or community immunity, is the result of significant vaccination coverage within a population.

In Canada the recent resurgence of certain diseases that can be prevented through vaccination is especially worrisome. Another case of measles was reported barely a few days ago, just a few kilometres from here, and over this past weekend, two more measles cases were confirmed in the Saint John area, in New Brunswick.

However, Canada managed to wipe out the disease in 1998. Why, then, are we seeing such a dramatic resurgence? This phenomenon is not unique to Canada. Statistics show that, since the early 2000s, the number of cases of measles has been growing, despite the availability of an effective vaccine. There have been outbreaks around the world, and even our neighbour has been affected. The U.S.'s Centers for Disease Control and Prevention indicated that, from January 1 to May 24, 2019, 940 cases of the measles had already been confirmed in 26 states.

• (1640)

Honourable colleagues, we are living in a time that has seen a resurgence in some vaccine-preventable diseases but also a lot of misinformation about vaccines. More and more often we see the media and social networks feature both public health agencies that promote vaccines and their detractors, the anti-vaxxers. As a result, many people forget that there is actually scientific agreement on the benefits of immunization. In reality, less than 1 per cent of Canadians are completely against vaccination. Many experts have shown that the current proliferation of misleading information about vaccines is significantly undermining the general public's confidence in existing immunization systems. According to the Canadian Public Health Association, nearly one third of Canadian parents who have not witnessed the devastating effects of vaccine-preventable diseases question the effectiveness and safety of vaccines and are distrustful of them, even though some of those parents still get their children vaccinated.

As you can see, finding solutions to this problem is not an easy task.

Could we consider adopting certain measures, such as using a standardized vaccination schedule in every province and implementing a single immunization registry to record and track vaccination rates? These measures might benefit all Canadians.

In Canada, immunization programs are a shared responsibility — I think we all know that — between the federal and provincial and territorial governments. Policies, their planning and implementation fall under provincial or territorial jurisdiction, while public safety is a federal responsibility. As a result, there are several vaccination schedules, and immunization policies vary from one province or territory to another.

Every province or territory is seeking solutions to parents' vaccine hesitancy and trying to find ways to support stakeholders in the health care network.

Quebec's health and social services department, or MSSS, in collaboration with experts from the Institut national de santé publique du Québec, or INSPQ, produced a new vaccination schedule. This enhanced schedule, which will take effect on June 1, covers the "convenience" portion of the three Cs I mentioned earlier. The MSSS wanted to simplify things without jeopardizing public safety. It is making changes to vaccinations for children born after June 1, 2019.

I'll spare you the details, but this plan will help eliminate the number of visits, which means that parents will miss less work and there will be fewer demands on the health care network.

The federal government is also supporting work to develop and transfer knowledge and is playing an important role in sharing best practices for immunization. In 2016, it launched the Immunization Partnership Fund (IPF), which receives $3 million per year for five years, 2016 to 2021, to fund multi-year projects implemented by the provinces and territories. The IPF is designed to "support innovative approaches to increasing vaccination acceptance in Canada" and increase vaccine coverage across the country. As of April 23, 2019, four projects have been completed and 15 are still being funded. On April 24, 2019, the

federal Minister of Health announced funding for four new multi-year projects through the IPF in Nova Scotia, Quebec and British Columbia.

Honourable colleagues, I would like to draw your attention to a project funded through the IPF in partnership with Quebec's health and social services department called the Motivational Interviewing in the Maternity Ward for the Immunization of Children program, also known as EMMIE.

This program was launched in November 2017. It is currently available in 15 Quebec health institutions that provide maternity care and is to be gradually implemented in all of the province's 65 healthcare institutions with birth services. The program created the position of immunization counsellor. The counsellor is responsible for "providing parents with a personalized session to discuss vaccination when their child is born." This educational program is based on the concept of motivational interviewing in the maternity setting. Immunization counsellors listen to parents who express their needs and provide them with the tools and knowledge they require to make informed choices about the well-being of their newborn. They address their concerns. They tell them where they can go to have their children vaccinated and how they can access the vaccination schedule established by the province.

Quebec's EMMIE program, was progressively introduced following two studies, PromovaC and PromovaQ, conducted by Arnaud Gagneur, a professor in the pediatrics department at the Université de Sherbrooke and researcher at the research centre of the Centre intégré universitaire de santé et de services sociaux de l'Estrie. The studies assessed the impact of the technique of motivational interviewing on parents' willingness to vaccinate their newborn babies, and demonstrated that it is an effective strategy for promoting immunization. The EMMIE program is based on the "confidence" and "complacency" aspects of the "three Cs" model I mentioned earlier.

As a retired physician, my experience taught me that it is not enough to try to convince patients that their beliefs are wrong. Rather, it is important to provide them with information that could be useful in helping them make informed, evidence-based decisions. By the same token, it is crucial to avoid fearmongering. Instead, we must focus our efforts on the need to have a more positive conversation about the reasons underlying any hesitancy around vaccines. The various levels of government should be focusing their efforts on restoring public confidence in the immunization system. Rebuilding trust among hesitant parents will certainly take time and resources.

Honourable senators, we have to keep looking for common solutions to help our country maintain a sustainable health care system that promotes evidence-based medicine for the protection of our children and for the protection of all Canadians.

Thank you for your attention.

(On motion of Senator Duncan, debate adjourned.)

(*At 4:49 p.m., the Senate was continued until Monday, June 3, 2019, at 6 p.m.*)

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