



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, February 16, 2016

The Honourable GEORGE J. FUREY  
Speaker

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## THE SENATE

Tuesday, February 16, 2016

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

Prayers.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. George Elliott Clarke, Canadian Parliamentary Poet Laureate.

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

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

## SENATORS' STATEMENTS

### ENERGY EAST PIPELINE

**Hon. Percy Mockler:** Honourable senators, I rise once again to speak on the economically vital nation-building project that is the Energy East Pipeline, for New Brunswick and Atlantic Canada. This time I want to examine a paradox: We have oil in Canada that is landlocked and inaccessible to tidewater.

I want to share a recent poll by the Montreal Economic Institute of 1,000 respondents. The result shows that 59 per cent of Quebecers think that Western Canada is the best place to import oil from, and that the safest means of transportation for that oil is the pipeline.

This is why Energy East becomes more crucial to enhancing Canada's position in the international oil marketplace.

Why are we importing so much, when we have abundance in our own country?

I will quote Claudia Cattaneo from a recent column published in the *Financial Post*. She said:

Overall, refiners in Quebec, Ontario, Newfoundland and New Brunswick imported about 650,000 barrels a day from foreign producers in 2015. In addition to Saudi Arabia, the oil came from the United States, Algeria, Angola, Nigeria, because there is insufficient pipeline capacity to import it from Western Canada, which produces far more oil than it needs.

The economic rationale, honourable senators, is plain to see. Oil is and will continue to be part of the global economy for years to come. We can make a choice. We can refine the product from

other countries, or we refine our own and in the process create good Canadian jobs for Atlantic Canada. Yes, we can do it.

We will not tax our way to prosperity. That has never worked anywhere. We would be foolish to think it would be effective now. As I conclude, Energy East is expected to raise approximately \$482 million in tax revenue for New Brunswick and Atlantic Canada during the construction and development phase. These funds would help build schools, roads, hospitals and our infrastructure for a better quality of life in Atlantic Canada. Thank you, honourable senators.

[*Translation*]

### DEMOCRATIC REPUBLIC OF CONGO

#### BRINGING ADOPTED CHILDREN TO CANADA

**Hon. Mobina S.B. Jaffer:** Honourable senators, these days there is no shortage of sad and heartbreaking stories in the world. In all this chaos, there are people desperately trying to create a better world.

Today, I want to draw your attention to two people who spare no effort to give hope to Canadian families. The Ambassador of Canada to the Democratic Republic of Congo, Ginette Martin, and adoption consultant Andrea Bastin are working tirelessly to ensure that 29 young children from the Democratic Republic of Congo who were adopted by Canadians can join their adoptive parents in Canada.

Recently, eight of those children received exit visas and were able to join their parents in Canada. Those families are extremely happy and have nothing but good things to say about Ambassador Martin and Ms. Bastin. They know that it is thanks to their hard work that their cases were settled.

However, these messages of joy and relief are overshadowed by the sadness and frustration felt by the families who still have not had the good fortune of welcoming their adoptive children home to Canada. There is no good reason for these children not to have authorization to leave their country. These children have already been adopted by Canadians.

Franklin Roosevelt said:

We cannot always build the future for our youth, but we can build our youth for the future.

We must provide this opportunity to these children. As long as they are living far away from their new family, they will live in uncertainty and instability.

Honourable senators, let us do everything we can to help Ambassador Martin and Andrea Bastin unite these children with their new families in Canada.

[*English*]

I would be remiss if I did not recognize the hard work and efforts carried out by the Minister of Foreign Affairs,

Stéphane Dion, who has done his best to try and obtain exit visas for these Canadian children. He is also working hard to bring the children home. I would like to take this opportunity to thank Minister Dion, Ambassador Ginette Martin and Andrea Bastin for their efforts to bring these Canadian children home.

Thank you.

### THE LATE STUART MILTON HODGSON, O.C.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise to pay tribute to Stuart Milton Hodgson, who was the Commissioner of the Northwest Territories from 1967 to 1979, during a time of monumental change. Mr. Hodgson died on December 18, 2015, at the age of 91.

• (1410)

While Stu did many great things in his life — including joining the Royal Canadian Naval Reserve against his mother's wishes at the age of 17 and then serving in the Second World War as an anti-aircraft gunner on a frigate on the Murmansk run, where he shot down a Junkers 88 enemy warplane; and after leaving the NWT became the head of BC Ferries and TransLink, Chair of the International Joint Commission, and a citizenship judge — I want today to focus on his lasting legacy in the North.

Commissioner Hodgson, appointed by Prime Minister Pierre Trudeau, moved the remotely administered territorial administration from Ottawa to Yellowknife in 1967 as one of his first tasks. The entire administration — files and personnel — was transported to Yellowknife in two airplanes: a DC-4 and DC-7. As George Tuccaro, present Commissioner of the NWT, described Stu Hodgson as a big man — six feet, two inches — who was a big boss. Initially he was the government of the Northwest Territories, but during his tenure he put the NWT on the national map and paved the way for elected representatives to take over the territorial government.

He did this and is remembered for travelling extensively each year throughout that vast territory, bringing government to the people. David Searle, QC, a Yellowknife MLA who was elected by his peers to replace Commissioner Hodgson as the first elected Speaker of the territorial council, said in a memorial service for Mr. Hodgson that I was privileged to attend in January of this year, that community meetings he held were so long that people would go home, have supper, a nap and return to the meetings which would still be going on until the early hours of the morning.

Stu oversaw Project Surname, which allowed Aboriginal people to be given back their original names, replacing an inhumane system of discs with numbers which had been implemented on the instructions of distant colonial administrators.

He not only developed legislation to protect northern artifacts from being looted and removed from the territory, but he also oversaw the building of a museum in which to house and protect those relics of our history.

In 1970, he made Canadians and the world aware of the North by hosting the Royal Family on an epic visit to the Arctic. He reached out to establish ties with Greenland, our northern

neighbour, once bringing the NWT Pipe Band along with him to perform there.

Also in 1970, dismayed at seeing Northern athletes consistently beaten at sporting competitions in Southern Canada, he became one of the founders of the Arctic Winter Games, which continues to this day and has produced notable national-calibre athletes.

He also brought the first elected MLAs into the government's executive council, the cabinet, and prior to his departure in 1979 he turned over his position as Speaker of the Territorial Council to an elected Speaker, David Searle, who was chosen by his peers.

That was the beginning of the development of responsible government in the North, replacing the colonial era. Stu Hodgson's deputy, John H. Parker, who became his successor as commissioner, carried on that tradition of empowering elected members of the legislature by surrendering his gavel as chair of the territory's executive council to an elected member, the then-MLA from Nahendeh the Honourable Nick Sibbeston who now sits in this chamber. Mr. Parker willingly collaborated in the final transformation of the commissioner's role from running the government to becoming its titular and symbolic head: a Queen's representative like that of a provincial lieutenant-governor.

I believe that this peaceful transition from a colonial administration remotely administered in Ottawa to a fully elected government with most of the powers of a province — the NWT took over the management of lands and resources from Ottawa in 2014 — took place because of the vision and leadership of Stuart M. Hodgson.

He was beloved by the people of the North. The Inuit knew him as Umingmak, or muskox, a tribute to his strength and stature in their eyes. His able successor, John Parker, aptly described Stu Hodgson at the memorial service as, "... a powerful force in the development and government of the North ... a big man with big visions, and the energy and ability to carry them out, which he did."

[Translation]

### ALBERTA

#### FRANCO-ALBERTANS CELEBRATING WINTER

**Hon. Claudette Tardif:** Honourable senators, as you know, winter is inextricably linked with our Canadian identity. Ottawa has its Winterlude, and many communities from coast to coast have their annual winter festivals too. Today, I would like to talk about some of the francophone winter festivals that I have had the pleasure of taking part in over the years in my home province, Alberta.

On February 5 and 6, I had the pleasure of attending the third Flying Canoë Volant festival in Edmonton. According to Daniel Cournoyer, executive director of La Cité francophone and the event organizer, the Flying Canoë Volant is more than just a celebration. As he says, "It is an invitation to discover the history of the three founding peoples — First Nations, the Metis and the French — as they come together to share their culture with all Edmontonians." Over 25,000 people took part in the 2016

edition of the event replete with lights and music and steeped in history, all inspired by a legend shared by First Nations and French Canadians.

A little farther north, in a small francophone community in Peace Country, the 34th edition of the Carnaval de Saint-Isidore once again drew in many Albertans from all over to participate in traditional activities such as taffy on snow, sleigh rides, folk music and village tales.

I am also getting ready to go to the 14th Calgary Maple Festival, which will take place on March 5 and 6 in Heritage Park. Festival-goers will enjoy entertainment by francophone performers from western Canada and Quebec. We will mark the 60th anniversary of the twinning of Calgary and Quebec City, and there will be a maple market, an exhibition of francophone services, ice sculptures, an exhibition of traps and furs, and various music and dance workshops.

Honourable senators, this is but a brief overview of the vitality of francophone communities in my province. Unfortunately, too few Canadians are aware of the richness of francophone culture in western Canada. This vitality is evident in the many winter activities recognized and appreciated by everyone, francophones and anglophones alike.

It is important to reiterate that the French language is very much present and alive in Alberta, and that we, Franco-Albertans, are certainly not afraid of winter. Alberta's 80,000 francophones and 250,000 francophiles invite you, dear colleagues, to meet with them at your leisure any time of the year.

[English]

### THE HONOURABLE YONAH MARTIN

#### CONGRATULATIONS ON 2016 KING CLANCY AWARD

**Hon. Elizabeth (Beth) Marshall:** Honourable senators, please join me in recognizing our colleague Senator Yonah Martin as one of three Canadians receiving the 2016 King Clancy Awards, presented annually in recognition of outstanding personal achievement and important contributions in support of Canadians living with disabilities.

In addition to Luke Anderson and Warren Jestin, Senator Martin received this important award last week, on February 6, from the Canadian Foundation for Physically Disabled Persons. These annual awards recognize the outstanding accomplishments of people with disabilities, as well as those who have made important contributions on their behalf.

Since her appointment to the Senate in 2009, Senator Martin has frequently supported initiatives directly relevant to persons with disabilities.

Active in the Paralympics, Senator Martin provided assistance to the Korean Paralympic team during the Vancouver 2010 Paralympic Winter Games and she was appointed honorary adviser to the Korean Paralympic Committee in recognition of her support.

[ Senator Tardif ]

Since 2012, Senator Martin has co-chaired, with our own Senator Munson, the Rolling Rampage on the Hill, an annual event on Parliament Hill aimed at promoting the sport of wheelchair racing and showcasing Canada's elite wheelchair athletes.

In 2015, Senator Martin brought forward a unanimously adopted Senate motion, along with Senator Jim Munson, to recognize June as Deaf-Blind Awareness Month. Senator Martin is a champion of the values of diversity and inclusivity: values that are central to the lives of persons with disabilities. The King Clancy Awards celebrate the ability and remarkable power of the human spirit.

Honourable senators, please join me in congratulating the Honourable Yonah Martin, a dedicated Canadian, on receiving this award.

• (1420)

## ROUTINE PROCEEDINGS

### PHYSICIAN-ASSISTED DYING

#### NOTICE OF MOTION TO AUTHORIZE SPECIAL JOINT COMMITTEE TO DEPOSIT FINAL REPORT WITH CLERK

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Special Joint Committee on Physician-Assisted Dying be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its final report between February 24 and February 26, 2016, at a time of day that the Senate is not sitting, and that the report be deemed to have been tabled in the Chamber.

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE INCREASING INCIDENCE OF OBESITY WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the increasing incidence of obesity in Canada between February 29 and March 4, 2016, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

## THE SENATE

### NOTICE OF MOTION TO ENCOURAGE THE GOVERNMENT TO EVALUATE THE COST AND IMPACT OF IMPLEMENTING A NATIONAL BASIC INCOME PROGRAM

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

That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.

[Translation]

## OFFICIAL LANGUAGES

### STUDY ON BEST PRACTICES FOR LANGUAGE POLICIES AND SECOND-LANGUAGE LEARNING IN CONTEXT OF LINGUISTIC DUALITY OR PLURALITY—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REQUEST A GOVERNMENT RESPONSE TO THE SIXTH REPORT OF THE COMMITTEE TABLED DURING THE SECOND SESSION OF THE FORTY-FIRST PARLIAMENT

**Hon. Claudette Tardif:** Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the sixth report of the Standing Senate Committee on Official Languages, entitled: *Aiming Higher: Increasing bilingualism of our Canadian Youth*, tabled in the Senate on June 16, 2015 and adopted on June 19, 2015, during the Second Session of the Forty-first Parliament, with the Minister of Canadian Heritage being identified as minister responsible for responding to the report.

[English]

## ORDERS OF THE DAY

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Day, for the second reading of Bill S-213, An Act to amend the

Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

**Hon. Stephen Greene:** Honourable senators, if Senator Mercer, in moving Bill S-213, can quote Charles Dickens about its being the best of times and the worst of times, surely he will allow me to quote Shakespeare's *Julius Caesar*:

. . . I am constant as the northern star.

Colleagues, despite what I'm going to say about the bill, I am constant in my belief that senators have to find a way to choose our Speaker.

Honourable senators, I wish to applaud the efforts of Senator Mercer for picking up the ball from our retired colleague, Senator Oliver, also from Nova Scotia. There must be something in the water down there that makes us all so great, or maybe it's just a little too much rum; I don't know. Senator Oliver also believed in an elected Speaker for this place.

In fact, during the recent working sessions on modernization hosted by Senator Massicotte and me in October, which many colleagues attended, electing our Speaker was one of only two issues in our pre-conference questionnaire where reform ideas were embraced unanimously. There are many issues we need to grapple with in the modernization of our chamber operations, but none is more important than our ability to choose our Speaker by secret ballot. So I agree with Senator Mercer's intent. Where I have a little bit of difficulty is the method by which Senator Mercer proposes to do this, namely, an amendment to the Constitution Act, 1867.

Senator Mercer has clearly stated why we don't need or want to open ourselves up to the possibility of constitutional wrangling; and I agree as it appears as though Parliament can make these changes to the Constitution without the need for provincial input. When I spoke to Senator Mercer's previous iteration of this bill last year, I argued that there are non-legislative tools we could use to choose our Speaker, and I still believe those to be the better way. I ask you to permit me to put some comments on the record once more as well as to offer additional points.

Senator Mercer believes there is an appetite for change in the Senate, with which I couldn't agree more; and he points to the Prime Minister's new method of making appointments to this place as evidence. However, honourable senators, Senator Mercer's evidence buttresses my argument. The new senatorial appointments committee is being undertaken outside legislative or constitutional changes. The committee will review nominations and submit a list of potential candidates for the Senate to be considered by the Prime Minister. There was no change in the legislation before the Minister of Democratic Institutions announced the makeup of the committee. It is simply a change in the operations of the government and the Governor-in-Council. Maybe we can use this example for choosing our Speaker, namely, change the operations of government to make what we want happen.

Similarly, I learned from the debates on a previous version of this bill on September 30, 2003, that Senator Austin reminded senators of a simple order-in-council adopted in 1935 by Prime Minister Mackenzie King reserving the recommendations for new senators to the prime minister only, apart from cabinet, which had been the practice up to that time.

While I was reading about orders-in-council, I also read about the Royal Prerogative and Royal Consent. Why, might you ask, is this important? Because, colleagues, on November 17, 2004, then Speaker Daniel Hays ruled that Bill S-13, which is identical to Bill S-213 now before us, lacked Royal Consent. Royal Consent is needed when a bill is being debated in either chamber that affects "... the prerogatives, hereditary revenues, property or interests of the Crown . . . ."

Clearly, Bill S-213 would affect the prerogatives and interests of the Crown as expressed through the Governor General by deleting section 34 of the Constitution Act, 1867 — which states:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

• (1430)

— and replacing it with, as Senator Mercer recommends:

The Senate, on its first assembling at the opening of the first session of a Parliament, shall proceed with all practicable speed to elect, by secret ballot, one of its members to be Speaker and another to be Deputy Speaker.

It was clear to Speaker Hays then, as it is to me now, that this bill affects the Royal Prerogative of appointing the Speaker of the Senate and therefore requires Royal Consent.

Those who are more learned than me on matters of Royal Consent would know that the lack of this consent cannot impede debate as long as the Senate does not proceed with third reading of the bill requiring it. However, there is an additional wrinkle that colleagues didn't need to consider in 2004, which is the current lack of a Leader of the Government in the Senate.

Royal Consent has typically been given by the Leader of the Government in the Senate, as it was during debate on the Clarity Act and the Royal Assent Act, but we find ourselves lacking a Leader of the Government in the Senate at the moment, although I imagine, and believe, there is one coming soon. But until he or she comes, who is to signify Royal Consent — perhaps the Speaker himself, as an appointee of the Crown? Maybe; but the trouble is we don't know.

To return to the methods of choosing our Speaker, former Senator Austin offered some insight. In 2003 he suggested a resolution of the Senate proposing a candidate for Speaker to the Governor General. Colleagues know that the formal method of communication between the Senate and the Crown is an address.

At the beginning of each Parliament, we could present an address to the Governor General proposing a potential Speaker, who the Governor General could then appoint. That person could occupy the office until the selection of the next Speaker in a subsequent Parliament or at the close of his term limit, which the Senate, conceivably, could control. And in the event of retirement, resignation or death of a Speaker, the Senate could again propose a candidate by way of an address, thereby creating a convention much like the new Senate Appointments Committee Convention.

[ Senator Greene ]

While Senator Mercer might not agree with this suggestion and favour more permanency in the chair, which his bill does give, I would remind senators that while the Speaker enjoys many of the same powers as his counterpart in the other place, he does not exercise them because the Senate is primarily master of its own house, including its proceedings. There have been instances in the past when the Speaker was unavailable to preside and the role fell to the Speaker *pro tempore* or to another senator, ensuring that the chair is never empty.

Remember colleagues, unlike the other place where members address the chair, we address each other. The Speaker does not intervene unless called upon by a senator, and acts as a first amongst equals to help guide the deliberations of honourable senators. If we want to elect our Speaker, which I believe we do, then we must also look at the role of presiding officer in the Senate.

Don't forget that the Speaker doesn't vote to break a tie but votes first as a senator and that his decisions can be overturned by the majority in this place. So what happens when an elected Speaker's decision is overturned? Does he or she resign? This is not addressed in this bill or in Senator Mercer's argument for it.

We should also examine the role of Speaker in the administration of the Senate. Currently the Speaker does not chair the Committee of Internal Economy as in the other place, or as the Speaker of this place before him. I like the idea of our Speaker not being in the role of the Chair of Internal Economy because the two jobs are vastly different and require different skills and comprise different responsibilities. And I am very uneasy with the amount of power in this place being conferred on one individual.

Moreover, I would like to see the Chair of Internal Economy selected by all of us in the chamber by secret ballot; not by the Selection Committee or even by the Internal Economy Committee members themselves.

I also support the notion that there should be term limits of some kind imposed on the Speaker in order to give more senators a chance to fill the role. Such a limit could be a single session, non-renewable. Such experience shared by many would broaden the ability of the entire Senate.

In conclusion, honourable senators, I support the principle of an elected Speaker, and I know many of you do as well, but Senator Mercer's bill is perhaps lacking in completeness, particularly around the idea of Royal Consent and there may be easier ways by which we can achieve the desired result.

Therefore, while I am clearly not opposed to the bill, there might be better, easier, non-legislative ways to achieve the end that most of us, and maybe all of us, want. Further, it is an open question in my mind as to whether Royal Consent is needed prior to passing the bill. I ask for enlightened argument.

In closing, I return to the words of William Shakespeare once again, the master of the outrageous pun, in his play *Julius Caesar*. As a bitter, cold rain pelted down on Caesar's legions operating in northern France, or Gaul, Caesar turned to Cassius, his



messenger and asked, “What is this northern rain, so icy and hard?” to which Cassius raised his hand to feel the rain and replied, “Hail, Caesar.”

Thank you.

(On motion of Senator Plett, debate adjourned.)

[*Translation*]

## NATIONAL SEAL PRODUCTS DAY BILL

### SECOND READING — DEBATE ADJOURNED

**Hon. Céline Hervieux-Payette** moved the second reading of Bill S-208, An Act respecting National Seal Products Day.

She said: Honourable senators, I rise today to speak to Bill S-208, An Act respecting National Seal Products Day, a bill that is very popular on both sides of this chamber.

This bill is a symbol, and you know that in politics symbols count. It is a symbol of the recognition, by an act of Canada’s Parliament, of the importance of coastal communities and their way of life in the culture of our country. It is the expression of our pride in the difficult work these hunters and fishers do, including the seal hunt. It is our desire to show our support for these Canadians, who are faced with an unprecedented crisis orchestrated by lobby groups that are threatening the sustainability of these communities’ livelihood and their environment, which is our environment.

The choice of the date for National Seal Products Day is also symbolic, because May 20 is the day when the European Union also celebrates its Maritime Day.

The European Union, which banned Canadian seal products for so-called moral considerations and not scientific, financial or other such reasons — I will come back to that later — has been honouring its coastal communities and focusing on sustainable development since 2008.

European Maritime Day, also known as the European Day of the Sea, highlights the crucial role that oceans and seas play in the everyday life not only of coastal communities, but of all EU citizens. It promotes more sustainable European growth and job creation. It provides an opportunity for reflection by public authorities on better stewardship of coastal zones, seas and oceans by all citizens and stakeholders concerned.

• (1440)

Honourable senators, those are our objectives too. Indeed, we want to affirm that the oceans play a crucial role in the life of our coastal communities and of all Canadians. We want the sustainable economy of the sea to support the growth and job creation that these communities deserve. We are calling on the Government of Canada to pursue and expand its sustainable management of marine ecosystems.

Let’s be clear: the seal hunt in Canada is not inconsistent with these objectives. Better yet, it is an integral, inalienable part of these objectives.

The seal hunt is vitally important for many communities. It has helped bring work, growth, and employment to populations living in remote areas. Since the Royal Commission of 1986, the seal hunt has been carried out sustainably and humanely and has helped balance our marine ecosystems. The seal hunt is practiced by fishers who live from and with their environment.

That is why I am proposing May 20; because we share the same concerns for sustainable management, job creation and sustainable growth as the Europeans — and that also applies to our seal hunt.

However, times are tough for those living from the seal hunt. I began this speech by talking about an unprecedented crisis. That is so and I intend to show that. This crisis took root more than 40 years ago and has caused a stir around the world. Actress Brigitte Bardot has gotten riled up over this issue. However, this crisis is jeopardizing the future of seal hunters and their fishing activities.

As I have said before in this chamber, eliminating the market for seal products will never put an end to the seal hunt. Those who claim otherwise are manipulating public opinion. The fact is that humans will always have to manage the ecosystem they are part of and, in many cases, humans are the seals’ only natural predator.

In Canada, we have managed our ecosystem by developing sustainable management of seal species and a pain-free slaughtering method supervised by independent scientists, which I can attest to, as I have taken the course that seal hunters take on the East Coast. We did it by developing a market for seal products because only a market for those products can ensure ethical practices in the hunt, contrary to appearances and the rhetoric of vegetarian organizations. The ethical value of using all parts of an animal harvested from its environment is greater than that of doing nothing. We owe that wisdom to the Aboriginal peoples.

For its part, the European Union is playing ostrich. It seems to be asking us to bury the seal in the proverbial sand — we know that is not quite how the expression goes. Lobby groups have pressured the EU to close its markets to seal products. Still, Europeans continue to kill seals. In Scotland, animal rights and vegetarian groups are still campaigning against the slaughter of seals by salmon fishers, who, they say, are trying to protect their source of income. Sweden’s environmental protection agency allowed the cull of 400 seals in 2014 to prevent fish stock depletion. This year, the governments of Estonia and Finland have resumed allocating grey seal quotas in response to a resurgence of the species, and especially the size of the species; their grey seals are quite different from the ones we see on the shores of the Magdalen Islands.

I would therefore like to ask the following question: With no market, what is Europe doing with its seals? The answer: nothing. It is doing nothing. It just throws the dead animals into the ocean. Is that a more moral practice than using the resource as we do in Canada? Certainly not. Nevertheless, as I was saying earlier, the European Union decided to ban Canadian seal products on moral

grounds. The EU banned the commercial use of seals because it was deemed to be immoral. That does not make any sense, as I just explained. Yet the World Trade Organization decided to uphold this decision, as though its primary mandate was ethics and not trade issues. In making its decision, the European Union rejected any consideration of cruelty or threat to the species. This shows that lobby groups manipulated public opinion with their ongoing complaints that seal hunting is a murderous and barbaric practice without ever backing up their claims.

Canada should therefore not apologize for its seal hunt. We should hold our heads high and continue to assert our leadership since we are doing much better than the European Union in this regard.

If, as I said, we share the same concerns as Europe with regard to sustainable management, the fact of the matter is that Canada is well ahead of the Europeans in this area. Since the 1986 royal commission, Canada has had the courage to take a hard look at its seal hunting practices. We have re-thought our slaughter methods to ensure that the animals do not suffer. We have strengthened oversight of the hunt and improved projections for setting hunting quotas in order to keep seal herds healthy. In 30 years, the population of harp seals has tripled. Today, there are between 8 million and 9 million harp seals, the most hunted species of seal, which is also found in Canada. According to projections, that population will reach 10 million to 16 million by 2030. The population of grey seals, the largest species on the East Coast — which we have studied here in the Senate — grew from 10,000 to approximately half a million in 50 years. I am talking about animals that weigh half a tonne, if not a tonne.

On the other side of the Atlantic, the European Union has been unable to take steps to protect the Mediterranean monk seal. That species has been critically endangered for 17 years, and it is on the “Red List” issued by the International Union for Conservation of Nature. Today, there are only about 400 individuals remaining.

Bill S-208 showcases seal products, and I have to name some of them, while also refuting two false statements made by animal rights and vegetarian groups, which claim that we kill seals only for their pelts and that there is no market for any other seal products. Seal skin is used to make coats, hats, mittens, boots — probably the warmest on the market — and even wallets. Seal meat is served in some restaurants in Montreal, and the Magdalen Islands’ Côte à Côte butcher shop sells seal meat to the locals and makes charcuterie from this uniquely lean and Omega-3-rich meat. Seal meat has been available by request in the parliamentary restaurant during the seal hunt ever since I organized Parliament’s first seal meat dinner five years ago.

Seal blubber is processed into oil and was used by early settlers as both fuel and lubricant. Today, we consume it as a cooking oil and use it to manufacture dietary supplements rich in Omega-3, which is said to promote cardiovascular and circulatory health. A number of Canadian companies are involved in that industry.

There are other possible products too. Before the European boycott, studies were conducted with Greece on the use of seal heart valves in human surgeries. Currently, we use pig heart valves. Seal carcasses, particularly grey seal, which is not necessarily used for other purposes, can be processed into animal feed.

[ Senator Hervieux-Payette ]

Laval University has conducted research on seal collagen, which is used in medicine, for example, to manufacture bandages that stop bleeding, to make medical devices and to repair serious skin burns — I was going to say, for cosmetic products, as well; although I have not yet used them, such products can certainly be found on the market. Seal collagen could be particularly interesting, since it is free from industry-related diseases like mad cow disease. According to one Laval University professor, if we were to start using seal collagen, the value of a single seal could well exceed \$1,000. Therefore, there is a market, and potentially a phenomenal one.

I would now like to say a few words about the Aboriginal communities, including the Inuit and some First Nations that depend on seafood products perhaps more than any other community, and whose traditional lifestyle is tied to the seal hunt. I actually had the opportunity to speak with them during a visit I took to the Far North.

• (1450)

The ringed seal has long been a staple food for the Inuit. Professor George Wenzel from McGill University described the terrible impact that the European anti-seal hunt campaigns of the 1960s and 1970s had on the Inuit economy, which was dependent on seals. According to him, in 1963, a ringed seal skin earned an Inuit hunter \$20. In 1967, that same sealskin was worth no more than \$2.50, and after Brigitte Bardot’s protests in 1977, the sealskin was worth no more than \$1 or \$1.25. As we know, Ms. Bardot is an expert on animal welfare.

In the meantime, the way of life in these Aboriginal communities was changing and modernizing, going from dogsleds to snowmobiles, from harpoons to guns. The cost of the hunt — and not only the seal hunt — suddenly went up by as much as 50 per cent, while revenues collapsed. Consequently, these families felt discouraged and abandoned, and some people committed suicide or abandoned the hunt. Obviously, here in the southern part of the country, we have no experience with this terrible situation.

The European Union no doubt saw the error of its ways and made sure to make an exception to its recent boycott of seal products. Since 2009, it has banned seal products, with the exception of not-for-profit sales of products from the traditional hunt practised by the Inuit. In addition to reflecting an odious paternalistic and colonial attitude, however, this exception actually condemns the Inuit to just scrape by, because it prohibits them from profiting from their hunt.

Honourable senators, it is also for these communities of proud Canadians that we should create a national day to celebrate our seal and seafood products.

In closing, I would like to quote one of the “whereas” clauses of Bill S-208, which, by the way, was drafted as a result of my consultations with scientific groups. It reads:

Whereas the human species is an integral part of the ecosystem and, as a result, its role as a predator cannot be separated from the rest of nature;

We consume many other animals.

I repeat, “its role as a predator cannot be separated from the rest of nature.” This statement may not seem like much, but it is in direct opposition to the ideology of animal rights groups and vegetarians who oppose the seal hunt. According to them, animals should have the same rights as humans — and indeed, these groups have taken this issue to the American courts. This is a matter of “human animals” and “non-human animals.” According to this world view where all living things are animals that have a legal personality, humans cannot prey on non-human animals.

This anti-speciesist ideology, meaning one that does not distinguish between species, is quite widespread. Millions of individuals throughout the world support it. It influences the decisions of parliaments. It closes markets. It is talked about on social networks. It motivates people to become vegans. It recruits supporters. It is the cause of criminal acts in the United States and Europe and leads to sabotage, fires, the destruction of laboratories, harassment and even death threats.

These people are serious, and anti-seal hunt lobby groups remain very active and continue to use international celebrities to solicit money from people who are unaware that they are being manipulated. After having his picture taken on a Canadian ice floe in 2006, former Beatles front man Paul McCartney raised the issue again in April 2015 in a press release published by Humane Society International, which described the seal hunt as a “senseless slaughter.”

Honourable senators, what is senseless is a billionaire who is polluting the atmosphere by taking his private jet to come to our country and impose his misguided morals on ordinary people, when he is not the one who will have to live with the consequences.

In April 2015, *La Presse* reported, and I quote:

Anti-sealing campaigns have helped inspire bans on seal product imports in the European Union, the United States, Mexico and other countries.

Eldred Woodford, president of the Canadian Sealers Association, said he won't be going to the ice for the first time in 20 years, not because he was swayed by what Paul McCartney said, but because just one buyer so far has indicated demand for 30,000 harp seal pelts.

In June 2015, *La Presse* reported that, in the previous season, sealers harvested less than 10 per cent of the quota allocated by Fisheries and Oceans Canada.

The commercial seal hunt is on its knees, but it is not dead yet. In the Magdalen Islands, there is a project to create a new industrial sector based on products derived from the grey seal. Contrary to the propaganda of anti-speciesist groups, which claims that there is no future for the seal hunt, industry players are prepared to invest, create jobs and market seal-based commercial products now. However, they need our unwavering support and determination to guarantee the stability of the market.

Honourable senators, I began this speech by saying that Bill S-208 is a symbolic way to honour our coastal communities. However, it is also a standard that proclaims a world view, that reflects an idea that mankind is sensitive and has compassion for others and for all forms of life in general; a standard that recognizes that mankind is at the top of the food chain, but interdependent with its environment; a standard that makes mankind a protector who bears the responsibility of leaving future generations a healthy and sustainable world with highly diverse life forms; a standard that allows us to provide a better future for our fellow Canadians living on the East Coast.

Dear colleagues, I invite you to support Bill S-208 and to help me ensure that the Government of Canada supports the people who earn their livelihood from this product, so that we can benefit from all the products that will be made available from a normalized commercial hunt.

(On motion of Senator Maltais, debate adjourned.)

### THE SENATE

#### MOTION AS MODIFIED TO AFFECT QUESTION PERIOD ON FEBRUARY 18, 2016 ADOPTED

**Hon. Claude Carignan (Leader of the Opposition)**, pursuant to notice of February 4, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Wednesday, February 17, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period;

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

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

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

He said: Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion by replacing the words “Wednesday, February 17, 2016” with “Thursday, February 18, 2016”, given Minister Dion’s availability.

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

**Hon. Senators:** Yes.

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

**Hon. Senators:** Agreed.

(Motion as amended agreed to.)

• (1500)

[English]

## BANKING, TRADE AND COMMERCE

### COMMITTEE AUTHORIZED TO STUDY ISSUES PERTAINING TO INTERNAL BARRIERS TO TRADE

**Hon. David Tkachuk,** pursuant to notice of February 4, 2016, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues pertaining to internal barriers to trade, including:

- existing internal trade barriers, the reasons for their existence, and their economic, social and other effects on Canadians, Canadian businesses and the country's economy;
- variations in regulatory requirements across provinces/territories, and the ways in which such variations may limit the free flow of goods and services across Canada; and
- measures that could be taken by the federal and provincial/territorial governments to facilitate a reduction in — if not elimination of — internal trade barriers in order to enhance trade, as well as to promote economic growth and prosperity.

That the committee submit its final report no later than June 10, 2016, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

He said: Honourable senators, this motion has been brought forward because the committee unanimously agreed to study the question of interprovincial trade. It's a study that was started a couple of times earlier, I think in 2006 or 2007. We never completed it because of prorogations or elections. We're going to restart the process but we think, with all the free trade agreements that are in the process of ratification now, that it's a good time for us to put this topic on the agenda of the Canadian public. That's the reason for the motion, Your Honour and honourable senators.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator Tkachuk take a question?

**Senator Tkachuk:** Sure.

**Senator Fraser:** It's my usual question. Goodness knows it's a wonderful topic and I wish you joy of the study, but can you give us any indication of what the committee's general intentions would be in terms of expenses, notably travel? This is already a big country. You can spend an awful lot of money travelling from coast to coast if you really want to. Then when you mentioned free trade agreements, I envisaged the committee travelling to Brussels, Paris, London, Berlin — who knows — not to mention Shanghai, Washington, Beijing, Sydney.

Can you give us some indication of the scope of what you're planning to do?

**Senator Tkachuk:** The interesting thing is, honourable senators, it did not even come to mind that we would travel to any of those places. Now that you've mentioned it, maybe senators will take a different view of it. We've only discussed the parameters and what we're going to study. We have not looked at budget. I can assure honourable senators that if there is any travel it would be only within Canada. We have no reason to study interprovincial trade outside of the country. We're interested in studying it here in Canada. We will discuss a budget and we will, of course, bring it forward to the Senate.

**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?

(Motion agreed to.)

## FISHERIES AND OCEANS

### COMMITTEE AUTHORIZED TO STUDY THE OUTCOMES OF THE FINAL REPORT OF THE STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTY-FIRST PARLIAMENT TO CURRENT SESSION

Leave having been given to revert to Motions, Order No. 45:

**Hon. Fabian Manning,** pursuant to notice of February 4, 2016, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues arising from, and developments since, the tabling in July 2015 of its final report on the regulation of aquaculture, current challenges and future prospects for the industry in Canada;

That the papers and evidence received and taken and work accomplished by the committee on its study of aquaculture during the Second Session of the Forty-first Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than October 31, 2017, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator Manning accept a question?

**Senator Manning:** Yes.

**Senator Fraser:** It's my usual question. I know this committee has already travelled in connection with this study in the last Parliament. Senator Hubley has a particular reason to recall some of that travel. I wonder if you're planning to do any more travelling.

**Senator Manning:** No, Your Honour, we're not. This is more or less moving along now. Our committee's final report concerning its comprehensive study on aquaculture, carried out during the previous session of Parliament, was tabled with the Clerk of the Senate in July 2015. They are going through the process of taking care of it now. There will be no more travel at the present time.

**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?

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY ISSUES  
RELATING TO THE FEDERAL GOVERNMENT'S  
CURRENT AND EVOLVING POLICY FRAMEWORK  
FOR MANAGING FISHERIES AND OCEANS AND REFER  
PAPERS AND EVIDENCE FROM THE SECOND SESSION  
OF THE FORTY-FIRST PARLIAMENT  
TO CURRENT SESSION

Leave having been given to revert to Motions, Order No. 46:

**Hon. Fabian Manning,** pursuant to notice of February 4, 2016, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving

policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the Second Session of the Forty-first Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than December 31, 2017, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** A question for Senator Manning. Same question, sir.

**Senator Manning:** Same answer, madam.

**Hon. Jane Cordy:** Just as a comment to Senator Tkachuk's budget recommendation, I know that people in Sydney, Cape Breton, would be delighted if the Banking Committee were to travel there during their studies on interprovincial trade.

But for Senator Manning, it's a question that I had asked others, and I was very pleased to see that your first report would be published no later than October 31. This one, along with numerous others, is December 31. Do you understand that if all the committees who said they would publish their reports by the end of December do so, that it would be very challenging for the members of the communications team in the Senate? Would you consider changing that date to an earlier or later date?

**Senator Manning:** Thank you, senator. Certainly we can do that. We don't anticipate waiting until December 31 but, at the same time, we can easily change it back to November 30, October 31 or whatever. I will put forward October 31, 2017, just to clarify. Our intention is to do so much earlier than that. I will amend that to October 31, 2017.

**Hon. George Baker:** Since this is a study of the East Coast fishery, and since the honourable senator a moment ago asked if you would be going to Cape Breton or Nova Scotia, I'd like to ask if the chair of the committee will examine why, in Newfoundland and Labrador, we only have two weeks for a food fishery for codfish during the year, whereas in Nova Scotia, a short distance away, they can fish any time of the year they want. Given the fact that fish swim, would he undertake to examine why Fisheries and Oceans has that policy?

**Senator Manning:** Thank you. I would like to say to the honourable senator that if he says fish can swim, I truly believe him.

The question is whether they swim out of Newfoundland waters all the way to Nova Scotia waters and swim back, because there seems to have been an issue with the food fishery in Newfoundland and Labrador for many years. We're not fully convinced, Your Honour, that some of the fish caught in Nova Scotia waters are actually Newfoundland and Labrador fish. We may have to do a study into that, but we'll leave that for another day. There is no doubt that that is a major issue.

• (1510)

This reference gives us the opportunity to explore different issues within Fisheries and Oceans Canada. We're hoping, in the next little while, to invite the new minister to the committee to discuss this and other questions and concerns that we may have dealing with the federal government's policy framework around fisheries and oceans.

I will certainly take into consideration — and I'm sure the committee will take into consideration — your concern with fish

leaving Newfoundland waters and swimming somewhere else and being caught. Thank you.

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

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

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