



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 116

OFFICIAL REPORT
(HANSARD)

Thursday, May 4, 2017

The Honourable GEORGE J. FUREY
Speaker

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, May 4, 2017

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

Prayers.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

May 4th, 2017

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 4th day of May, 2017, at 11:30 a.m.

Yours sincerely,

Stephen Wallace

Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, May 4, 2017:

An Act to prohibit and prevent genetic discrimination
(*Bill S-201, Chapter 3, 2017*)

An Act to amend the Controlled Drugs and Substances Act (assistance — drug overdose) (*Bill C-224, Chapter 4, 2017*)

[*English*]

SENATORS' STATEMENTS

THE SENATE

Hon. David Tkachuk: Honourable senators, I wanted to relay to you that on Monday afternoon at five o'clock, I began my trip here from Saskatoon to Ottawa. Because of incidents that

happened at the Toronto airport — I won't go through the whole thing or else I will use all of the statement time — but between Air Canada and Pearson Airport, I didn't arrive here until 2:30 p.m. on Tuesday, and found that I could not get into my own office in the Victoria Building. It was evacuated because of a gas leak on Queen Street.

Of course, not knowing when the Senate would adjourn, I thought I would come over here to make sure I was marked present and people knew that I was here. I wasn't going to bring this up, but then Senator Harder brought it up yesterday that I didn't have a tie on, on Tuesday. I was in blue jeans, of course, and had on my travel clothes, so I wanted to clarify why that was. In all my 24 years here I have never showed up in the chamber in casual clothes. I wanted to clear this up so people didn't think dressing down for the Senate on Tuesday was my idea of modernization.

I apologize to my colleagues, and I want it to be part of the record that it was not something that I did on purpose.

Some Hon. Senators: Hear, hear!

[*Translation*]

INTERNATIONAL DAY OF LA FRANCOPHONIE

Hon. Mobina S. B. Jaffer: Honourable senators, I recently had the privilege of attending the Francophonie celebrations in Vancouver. It goes without saying that I was very proud to attend this event to celebrate la Francophonie in my province, British Columbia. These types of celebrations are proof that la Francophonie is indeed alive and well in Canada.

I attended this event with my dear friend and staunch defender of francophone culture, Padminee Chundensing, president of La Fédération des francophones de la Colombie-Britannique.

Rendez-vous de la Francophonie is part of the events organized every year around the world on the International Day of La Francophonie to promote the French language and its many cultural expressions.

I applaud this initiative, which not only gives French Canadians an opportunity to reconnect with their culture and their language but also gives all Canadians who want to know more the opportunity to immerse themselves in francophone culture.

The event brought together over a hundred people and more than 30 Franco-Columbian organizations.

These celebrations of the Francophonie would not have happened without the amazing work of the organizing committee, including Marc Grignon, chair of the official languages committee of the British Columbia Federal Council, and the master of ceremonies, Benjamin Stroll, executive director of RésoSanté.

I would also like to congratulate Laura Kostur, a Service Canada senior business expertise consultant who won the 2016 British Columbia Federal Council's official languages award of excellence for her exceptional contribution to promoting official language in the province.

I wanted to bring these celebrations of the Francophonie in Vancouver to your attention today because we are the voice of this minority. It is up to us, as senators, to remember that the Francophonie is part of Canada and that it is our duty to defend its members' rights and interests. Thank you for your attention.

Hon. Senators: Hear, hear!

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of leading visible minority women from Toronto. They are: Ritu Bhasin, President, Bhasin Consulting; Doris Chan, Vice-President, Senior Portfolio Manager, TD Wealth Private Investment Counsel; Linda M. Chu, Broker, Sotheby's International Realty Canada Brokerage; Seema Jethalal, Regional Director General, Ontario Region, Canadian Heritage; Denise O'Neil Green, Assistant Vice-President/Vice Provost Equity and Community Inclusion, Ryerson University; Noelle Richardson, Consultant; and Nalini Stewart, Vice-Chair, Ontario Cultural Attractions Fund. They are the guests of the Honourable Senator Omidvar.

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

Hon. Senators: Hear, hear!

VISIBLE MINORITY WOMEN

Hon. Ratna Omidvar: Thank you, honourable senators. I am very pleased to welcome a group of leading women from Toronto. As you can see, they have come from all parts of the world, but they are all proudly Canadian. They also come from all walks of life.

They are leaders in business, academia, corporate life, public service and in civil society. They ascribe to a wide set of political views. If you think our discussions here are far-reaching, you should hear us when we are gathered in a living room in Toronto. But we have some things in common, and I think it's important to point those out.

First, these women are all leaders and role models for young girls in our society. Second, and perhaps more important, they are all minority women in the majority world, but they have embraced their minority status informally as a group to ensure that other women, especially young girls, are not held back in their ambition.

This matters because we have evidence gathered again and again that your position, income and job security are impacted by the colour of your skin, and that the colour-coded labour market is very much alive and well.

• (1340)

Adding to this, as the divide between men and women exists, so does the divide between minority men and minority women. Minority women earn even less than minority men, so there is a double-barrelled glass ceiling: first your gender and then your race.

With this stark picture, I'm even prouder to welcome this group of women to the chamber, to remind us of what is possible and congratulate them on their leadership. They are on a visit to the Senate, and they were in the Legal and Constitutional Affairs Committee today. I'm sure this visit will enrich their lives as their visit to us enriches our perspectives. Thank you very much.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Pauline Browes, former Minister of State for Environment, responsible for Parks Canada. She has been involved in preserving and protecting the Rouge Valley as a national park for over 30 years. She is the guest of the Honourable Senator Oh.

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

Hon. Senators: Hear, hear!

PHILIP RITEMAN, O.N.L.

Hon. Fabian Manning: Today, I'm pleased to present chapter 17 of Telling Our Story.

Mr. Philip Riteman survived Auschwitz and Dachau but had nowhere to go after the Holocaust; that is, until pre-Confederation Newfoundland took him in.

Philip Riteman was barely a teenager when the Germans arrived in Poland in 1941. The Nazis drove his family and many others out of their town and into the ghettos before taking them to Auschwitz. Within a week at that infamous concentration camp, Philip's parents, grandparents, five brothers, two sisters, several aunts, uncles and cousins were all sent to the gas chamber. At the time of his selection, Philip lied and told the Nazi guard that he was 18 years of age and a fellow prisoner told the guard that Philip was a locksmith. This ultimately saved his life. In fact, he was only 14 and had no such profession.

He performed hard labour for the Nazis from 1939 until May 2, 1945. His personal identification number was 98706.

Philip was liberated in May of 1945 at the age of 17 and weighed just 75 pounds. His American liberators tracked down relatives in Montreal, Canada and what was then the separate Dominion of Newfoundland. The Mackenzie King government, at that time, prohibited Jewish immigration, and therefore refused him entry. The Dominion of Newfoundland, however, where he had an aunt, welcomed him with open arms.

In 1946, his mother's sister, who lived in St. John's, went to the Newfoundland government to see if Philip would be permitted to come live in Newfoundland. Chief Justice Browne said, "By all means, sure, bring him in," and then helped her fill out the paperwork. When Philip arrived at the airport, Chief Justice Browne met him there and told him, "If there is anything else you want, we can help you. Anything you want." "I just want to be a free man," Philip said, and indeed, he was.

Initially not able to speak English, he started out with nothing and began selling goods door to door. Most of Philip's Newfoundland friends and associates knew he was Jewish and originally from Poland, but he told almost no one that he had survived the Holocaust. He spent over 35 years in Newfoundland, where he built a very successful business and raised a family. When asked about his arrival in this strange place called Newfoundland, Philip Riteman said, "It was there that I found my humanity again; the people were so kind."

For 40 years, Philip never spoke of his Holocaust experience, but in 1989 he decided to speak out to ensure that the brutality of what he had endured and that had taken so many lives would never be forgotten. He spoke out despite the pain. He said, "I want you people to know what did happen, what human beings could do and how low the human beings could go and do this."

His memoir, *Millions of Souls: the Philip Riteman Story* is a story of survival and beating the odds. I suggest you take the time to read it.

Mr. Riteman has received many awards and honours for his efforts to tell the world of his life experiences. He received the highest award of our province, the Order of Newfoundland and Labrador, in 2016. He received an honorary degree from Memorial University in 2006, and when addressing the convocation ceremony, said, "I've seen what no man should ever see — no other human being. I speak to schools and universities. I speak for millions and millions who cannot speak." He is indeed a credit to the human race.

That rock in the Atlantic Ocean called Newfoundland may have been Philip Riteman's first step on what would become a life of meaning, freedom, love and understanding, and a realization of a dream that love and kindness will always win over hate and oppression.

WORLD OVARIAN CANCER DAY

Hon. Terry M. Mercer: May 8 will mark the fifth World Ovarian Cancer Day. On July 2016, my wife, Ellen, celebrated 20 years since her surgery for ovarian cancer. She remains

cancer-free, which is almost unheard of for those who suffer from this disease.

Every fall, in Halifax, at the Ovarian Cancer Canada Walk of Hope, my family walks for her and for all the mothers, daughters, wives, nieces, sisters, granddaughters, aunts and friends to raise money for research for a cure and the development of early detection methods for ovarian cancer.

World Ovarian Cancer Day is another opportunity each year to raise awareness and educate us all on this disease, which sadly takes the lives of 140,000 women each year internationally.

Honourable senators, ovarian cancer has the lowest survival rate of any gynecological cancer. Survival rates in Canada have not improved. Symptoms are still very often misdiagnosed, and late diagnosis often means more victims from the disease.

We need to do more to educate on early warning signs. We need to do more to support those who are suffering from this disease. We need to do more to help find a cure. We need to do more to encourage increased research funding to accomplish all of these goals.

On this upcoming World Ovarian Cancer Day, I encourage you to spread the word about the efforts to help us fight this disease.

I would like to thank everyone who has generously supported my family in our walk with Ellen every year. With your continued help, we will find a cure.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

SOFTWOOD LUMBER CRISIS

NOTICE OF INQUIRY

Hon. Ghislain Maltais: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the softwood lumber crisis.

[English]

QUESTION PERIOD

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

SUPPORT FOR WORKERS IN SOFTWOOD LUMBER INDUSTRY

Hon. Larry W. Smith (Leader of the Opposition): My question for the Leader of the Government in the Senate concerns an answer he provided during yesterday's Question Period. I would like to give the government leader an opportunity to clarify some remarks that he made.

In answering Senator Martin's question on providing emergency assistance to our softwood lumber businesses and workers, the government leader pointed to \$40 million in the budget to promote increased wood use here in Canada. The government leader stated, "The initiatives I described are not 'eventually;' they are now." I would like to draw the attention of the government leader to page 128 of Budget 2017. It states that Natural Resources Canada will be provided \$39.8 million to promote the use of wood over four years, beginning in 2018-19.

• (1350)

Could the Leader of the Government tell us how this eventual funding for Natural Resources Canada qualifies as emergency assistance for softwood lumber companies, their workers or communities across Canada dependent on the forestry sector? These people need help now.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and for Senator Martin's question and other senators who have consistently asked questions on this important matter.

When I reviewed the transcript yesterday, just to prepare for today, I did enumerate a number of initiatives including, for example, access to Employment Insurance and the measures that the government had taken to, within 48 hours, have direct lines to the companies affected. I reviewed the EDC relationship and the BDC relationship—in the case of EDC, 400 companies—and the kinds of lines of credit that are available.

I did also reference in that litany matters that were before Parliament in the context of the budget, and as with all measures before Parliament in the budget, they don't come into effect until the budget. I do think that speaks to the importance for this chamber, in its pre-study and ultimately when the budget does get here, to act quickly on the matter with respect to softwood as well as related items, including the Innovation Fund to which the forestry industry has access.

I was in no way suggesting that the budget items were forthcoming forthwith. But the other items were completely available, and have been, and are indeed engaged with companies and workers affected immediately.

Senator Smith: In his answer yesterday to Senator Martin's question on providing emergency assistance, the government leader also mentioned programs for retraining and career counselling. Forestry workers in communities across our country are very worried as they see their livelihoods placed in jeopardy by the countervailing duties imposed by the United States on our softwood exports.

What kind of message does it send to these workers and their families when, in the midst of the crisis, their government talks about helping them to retrain and find new careers?

Senator Harder: Again, these are a suite of opportunities available to workers. Clearly, diversification is also a response that the government is working on with the private sector. Canada Wood is a well-known organization in promoting that diversity. It was funded by the previous government and this government—enhanced funding.

I think it's important that we have a broad range of responses, not just one, and clearly some level of diversification of markets is highly desirable in this sector as in other sectors.

THE SENATE

ROLE OF OPPOSITION

Hon. Denise Batters: My question is to the Leader of the Government in the Senate.

Senator Harder, in the last sitting week, I asked you a question about the Trudeau government's discussion paper for the Senate. Rather than answer that question, you replied:

A former Conservative senator sent me a note the other day, and I would use it as a response, with all due respect to the original syntax of Barry Goldwater: "Excessive language in defence of old-style partisanship is no virtue. Moderation in defence of less partisanship is no vice."

That is an interesting choice of language, especially ostensibly coming from a former Conservative senator, as you stated in this chamber. But something about that didn't sit right with me, so I googled it. Imagine my surprise when I discovered that in fact you gave the same response, word for word, when trying to avoid answering Senator Plett in this chamber one year ago. On May 19, 2016, you replied to him:

I would also, in the context of his question, suggest—I'm using the syntax of Barry Goldwater's famous speech—that excessive language in defence of old-style partisanship is not virtue; moderation in defence of less partisanship is no vice.

It's a tricky thing that Hansard, Senator Harder. You told this chamber on April 12, 2017, that you got this quote from a former Conservative senator's note the other day. Yet you had used exactly the same quote nearly one year earlier in 2016.

I know you don't particularly like answering our questions, Senator Harder, but why would you portray to this honourable chamber that a former Conservative senator had so recently sent

you this quote to defend the Trudeau government's attempt to destroy the opposition in the Senate?

Hon. Peter Harder (Government Representative in the Senate): Yes, it does seem like yesterday. Let me simply reserve the right to repeat it again. But I won't do that today.

Let me respond by saying the documents that I have urged for consideration before the Modernization Committee are those of my office and myself and do not represent the Trudeau government's view on the modernization of the Senate.

I can also reassure all senators that the objective of the modernization and the proposals I put forward is not at all to render the opposition meaningless in this chamber, but rather to improve the overall collective performance of this institution.

Senator Batters: Senator Harder, with a \$1.5 million office budget, you'd think your staff could at least write you some new material or maybe just ensure that your material is accurate. When looking up your recycled quote, I also discovered how much you mangled the very intent and meaning of the words of Barry Goldwater.

Here is actually what he said:

Extremism in the defence of liberty is no vice . . . and moderation in the pursuit of justice is no virtue.

This is, of course, the complete opposite of the point that you were trying to make.

Rather than just giving us flippant responses that aren't accurate, wouldn't it just be easier to answer our questions?

Senator Harder: Yes.

INTERNATIONAL DEVELOPMENT

FUNDING TO COMBAT MALARIA

Hon. Mobina S. B. Jaffer: My question to you, leader, is on the issue of malaria. For all the years that I have been here and before, I have worked on the issue of malaria in Africa and spent a lot of time in the villages in Africa. I have been working to eradicate malaria forever from our continent.

I was very pleased that last spring the government made a \$785 million investment towards malaria prevention to the Global Fund. The Global Fund spends about half its resources to procure and purchase drugs and mosquito nets to prevent malaria. Its goal is to eradicate malaria completely by 2030.

Honourable senators, when I go to the villages, a \$10 net saves four children's lives for five years. That's what we can constructively do.

By increasing our funding for malaria control, we strengthen efforts enabling health professionals in countries like Uganda, Nigeria and Ghana to take the required precautions for this disease. These actions also reduced Ebola from spreading by a

significant amount. However, leader, even with the funding that we have given to the Global Fund, it still struggles on establishing emergency responses and long-term responses as more diseases break out around the world.

I know you may not have an answer today and I respect that, but my concern today is that as new terrible diseases attack people, malaria will be forgotten.

I would like for you to tell us, what are the government's plans to make sure that one day our earth is malaria free?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and for her years-long commitment to eradicating malaria and other infectious diseases, particularly in Africa.

The honourable senator will know that governments of Canada, over the last 15 years, have consistently been part of the international Global Fund in this regard and working with the private sector, particularly the Gates Foundation, with respect to malaria, tuberculosis and AIDS.

The Senate will know that last September, the Minister of International Development, along with the Prime Minister, hosted the fifth Global Fund Replenishment Conference, which raised a total of US\$12.9 billion to end AIDS, tuberculosis and malaria by 2030, with AIDS and tuberculosis being included in the fight on malaria.

Of the total global commitment, Canada pledged to invest \$804 million over three years. That clearly goes a long way in continuing Canada's engagement in the abolition of malaria from the scourge of the earth.

I would be happy to inquire further of the minister responsible whether there are further steps being contemplated in the next round of replenishment as it comes forward.

• (1400)

As well, senators will know that not this year but next year Canada will host the G7, and it is in that context that much of the impetus for the Global Fund has taken place. While I can't commit for the government, obviously, this is one area where Canada has historically over a number of years used the opportunity to encourage further efforts.

Senator Jaffer: Thank you very much for your answer.

Leader, I always dream that one day we will not say "malaria, polio, TB or Ebola." We will say "one-stop shopping." In a village, whether a child has measles, smallpox or malaria doesn't matter. The mother can lose the child.

May I ask that you please discuss with the minister whether we could move to looking not at what disease you have but that we have a comprehensive small clinic in places? Because when I go to the villages, I have to sometimes say to the people working on the ground, "This year is not malaria year because we will get no funds; maybe next year." It should not be that we choose between diseases. We should be looking at one comprehensive approach to

deal with all diseases. My worry is that the G7 will again focus just on polio because the polio lobby is so strong. So I urge you, Senator Harder, to look at a more comprehensive response.

Senator Harder: I will take up that with the minister responsible.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

QUESTION FOR CHAIR

Hon. Pierrette Ringuette: My question was for the chair of the committee whom I advised yesterday that I would have questions for him, and he had promised that he would be here this afternoon. Unfortunately, that doesn't seem to be the case, so could you please keep my name on your list for the next Question Period? Thank you.

[Translation]

JUSTICE

PENALTIES FOR ILLEGAL MARIJUANA SALES

Hon. Pierre-Hugues Boisvenu: Honourable senators, with Bill C-45, an act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other acts, the government is boasting about its intent to impose very tough maximum sentences. Those selling marijuana to minors will serve a 14-year sentence. Often, these minors are young teens and the dealers belong to street gangs.

At the same time, with Bill C-38, an act to amend an act to amend the Criminal Code (exploitation and trafficking in persons), the government wants lighter sentences for, quite often, the same street gangs that lure the same teens into child prostitution.

Does the Leader of the Government in the Senate not consider the government's position to be a fundamental contradiction? On the one hand, it is giving lengthy sentences to street gangs who sell marijuana to children and, on the other hand, the same street gangs who lure children into prostitution will serve shorter sentences.

I would really like an explanation of this contradiction because I just cannot understand it.

[English]

Hon. Peter Harder (Government Representative in the Senate): I want to assure the honourable senator that the Government of Canada does not view this as a contradiction. It views it as the appropriate response in the circumstances of the particular bills that are before Parliament. I would be happy to bring the point of view of the honourable senator to the attention of the Minister of Justice.

[Translation]

Senator Boisvenu: Well then, Leader of the Government in the Senate, could you explain why Bill C-45 would establish a 14-year sentence for those who sell cannabis to children while Bill C-38 would shorten sentences for those who lure these same children into child prostitution? I just cannot understand this contradiction.

[English]

Senator Harder: As I've indicated, it is the view of the government that those are the appropriate responses to the issues that are referenced in the legislation you cite. I would be happy, as I say, to bring to the attention of the minister your concern with respect to the different treatment. Obviously, there will be an opportunity in this house to debate that legislation when it comes here.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VACANCIES AND BACKLOG OF CASES AT IMMIGRATION AND REFUGEE BOARD OF CANADA

Hon. Paul E. McIntyre: My question is for the Government Representative. It concerns vacancies and backlogs at the Immigration and Refugee Board.

My understanding is that last year, the Immigration Appeal Division had a backlog of over 10,000 cases, and the Refugee Appeal Division had a backlog of over 2,000 cases. I further understand that the refugee and immigration appeals divisions have seen 14 adjudicators let go recently while another 39 will have their appointments terminate this year.

As we know, the current government has made changes to the Governor-in-Council appointment process. Could the Government Representative inform us if the government has any concern that the changes to the appointment process at the Immigration and Refugee Board will lead to an increase in the backlog of cases that have to be dealt with, a backlog which has already grown too much in our criminal justice system?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and for raising the importance of efficient backlog management at the Immigration and Refugee Board, along with other more judicial procedures.

I will inform myself with respect to the vacancies and the plans of the government and be happy to report to the honourable senator with respect to that. He was kind enough in his question to reference the fact that the changes in the GIC appointment process the government has put in place were designed to achieve an appointment process that had better balance in the representativeness of the GIC appointees. I do know, as all senators do, that that has caused delays in some appointments, and I will inform myself with respect to the IRB and report back.

Senator McIntyre: Thank you for your answer, leader.

In conducting your inquiry, could you find out exactly how many vacancies currently exist at the Immigration and Refugee Board?

Senator Harder: I will indeed.

PROCESSING OF WORK PERMITS FOR CAREGIVERS

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate. This is actually a question for the minister from a couple of days ago.

I had asked a question of his predecessor last fall, and I was unable to receive an adequate answer at that time, so I will try again now. My question is about the caregiver program and the unacceptable wait times for applicants in this category.

As you know, thousands of persons come to Canada each year to assist our society, performing caregiver jobs for children, the sick and elderly. Many of the caregivers are from the Philippines and they are mainly women. The deal for these caregivers in Canada is that after two years of service, they can apply for permanent residency here.

The processing time for these applications has increased from 39 months to the current 47 months. That is almost four years. Adding the two years of service, the applicants are away from their families for at least six years.

What are the minister and the department doing to shorten the processing time and limit the hardship suffered by these caregivers, including family break-up and alienation from children and spouses caused by their lengthy absence?

The only thing that has been done so far is the lowering of the quota for this class by 4,000, which has totally the opposite effect. How does this support IRCC's gender-based analysis policy that the department supposedly undertakes, considering that it mainly affects women?

Hon. Peter Harder (Government Representative in the Senate): Like the honourable senator, I wish he had time to ask the minister. As a consequence, I will inquire of the minister and report back.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order adopted on May 2, 2017, I leave the chair in order for the Senate to resolve itself into Committee of the Whole to hear from Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission. Senator Eaton, the Speaker *pro tempore*, will preside.

• (1410)

PRESIDENT OF THE PUBLIC SERVICE COMMISSION

PATRICK BORBEBY RECEIVED IN COMMITTEE
OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission.

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Nicole Eaton in the chair.)

The Chair: Honourable senators, rule 12-32(3) outlines procedures in a Committee of the Whole. In particular, under paragraphs (a) and (b), "Senators wishing to speak shall address the chair" and "Senators need not stand or be in their assigned place to speak".

Honourable senators, the Committee of the Whole is meeting pursuant to an order adopted by the Senate on May 2. The order was as follows:

That, at the end of Question Period on Thursday, May 4, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

I would now ask the witness to enter.

(Pursuant to Order of the Senate, Patrick Borbey was escorted to a seat in the Senate chamber.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole to hear from Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission.

Mr. Borbey, thank you for being with us today. I invite you to make your introductory remarks, after which there will be questions from senators.

Patrick Borbey, Nominee for the Position of President of the Public Service Commission: Thank you, Madam Chair. Honourable senators, good day.

[Translation]

I am pleased to be here to introduce myself and to answer your questions about the position of President of the Public Service Commission.

As you know, the Commission has a long and prestigious history as an institution of Canada's Public Service. Over a hundred years ago, Parliament passed a law that created the commission so that Canadians could be served in both official languages by highly-skilled and non-partisan public servants who represent Canada's diversity and are appointed on the basis of merit.

[English]

Through the passage of time and the adoption and implementation of legislative amendments, such as the modernization of the Public Service Employment Act in 2003, the Public Service Commission's mandate has remained very clear: first, to appoint or provide for the appointment of persons to or from within the public service according to the act; second, to conduct investigations and audits in accordance with the act; and third, to administer the provisions of the act relating to political activities of employees and deputy heads.

[Translation]

I would like to now provide a bit of information on my background and why I believe I bring strong qualifications to this important leadership position.

My career in the public service spans almost 35 years. In fact, my first experience with the public service started in May 1982 when I was employed as a student under the former Career Oriented Summer Employment Program with what was then the Department of Industry, Trade and Commerce. I have to admit that this was not my first choice. I had worked in the mining sector to pay for my education until then. However, my experience that summer changed my life, and I knew I had found my calling.

[English]

Since those early days, I have had the privilege of working in a dozen different departments and in many different roles. I have worked with program delivery officers, park wardens, administrative assistants, policy analysts, inspectors, communications specialists, regulators, economic development officers, sports experts, scientists, diplomats, information technology specialists, accountants and human resource advisers, all very different roles but with a common commitment to excellence in serving their country and fellow citizens.

I have also worked with dedicated public servants in every part of our country, serving diverse populations. I was particularly impressed with our employees in the territories who work closely with indigenous Canadians to help them meet their needs and aspirations.

[Translation]

I also have thirty years of experience in a management role. I have had lead responsibility for human resources in a large department — Health Canada — as well as in a smaller agency — the Privy Council Office. A common challenge in both organizations was helping employees, managers and human resource professionals navigate the complexities of our staffing system.

This is why I was an enthusiastic supporter of the modernization of our human resources legislation in the early 2000s. In fact, under this initiative, I co-led, with a representative of the bargaining agents, the development of new guidelines for labour-management consultative committees and for co-development in the workplace. These were adopted in 2003 along with the amendments to the Public Service Employment Act.

[English]

I have also been involved in a number of large- and small-scale machinery changes that had important human resource implications, including the creation of the Department of Canadian Heritage in 1993.

In the mid-1990s, I led the work on the establishment of Parks Canada as a separate agency, including the design of its human resource plan, policies and systems. This was a rather complex project, as Parks Canada was a large organization, with thousands of employees in every region of the country, including many small, remote locations. I worked closely with a wide range of stakeholders from central agencies to bargaining agents in developing a separate employer regime for the new agency, which was eventually adopted through legislation.

[Translation]

I have also had the experience of a deputy head with overall authority and accountability for human resources matters. While CanNor may have been a small agency, managing in the North had its challenges. One of those was the recruitment, development and retention of Indigenous employees.

In that context, I worked closely with colleagues from other departments and agencies, with employees in Nunavut, as well as with the Public Service Commission and the Canada School of the Public Service, to create an innovative program called the Inuit Learning and Development Pilot Project. Through this initiative, Inuit citizens from Nunavut benefitted from developmental assignments in federal departments and agencies, were offered a culturally-appropriate suite of learning tools and mentorship, and were successful in pre-qualifying for federal positions at the end of the pilot's 18-month period. The pilot was evaluated and as a result has now been continued, with a new cohort.

[English]

While I have not worked at the Public Service Commission, you can see that I have over the years worked closely with the commission as well as other federal institutions with human resources responsibilities.

In that context, in my most recent position at the Department of Canadian Heritage, I had the privilege of serving on the PSC's deputy minister advisory committee. This committee provided guidance to the PSC in the design and implementation of its modernization agenda. My colleagues and I were, for example, very supportive of the new direction in staffing, which was adopted and put in place just over a year ago.

I hope this quick overview of my background will demonstrate that I have acquired much experience and knowledge that would be of direct benefit as President of the Public Service Commission.

[*Translation*]

Before closing, I would like to talk briefly about my priorities for the Public Service Commission. First of all, I recognize that I have much learning to do and my first priority will be to engage with the commissioners, the senior management team, and all the employees of the Public Service Commission, and to listen to them. I know my predecessors have done a great job in fostering innovation within the organization, and I want to build on the positive changes that have already been made. However, I know we can do much more in modernizing our approach to staffing, while at the same time protecting the merit principle and safeguarding the professional, non-partisan nature of the public service.

• (1420)

[*English*]

We know that there will be many departures from the public service in the coming years, and this will provide the opportunity to recruit and develop a new generation of public servants. My hope is that we can attract a broad diversity of Canadians to the calling of serving their country and that the public service of tomorrow will truly reflect the Canada of today from coast to coast.

As a proud son of a small community in northern Ontario, I know that there are talented Canadians in every region of the country who would love the opportunity to join the public service. The PSC's recruitment systems and activities must ensure that we take advantage of this rich and diverse pool of talent.

[*Translation*]

We also have to do a better job of making the public service a model organization when it comes to accessibility. We need to go way beyond just meeting the minimum requirements for accommodation; we need to design our organizations and workplaces so they embrace the tremendous potential of persons with disabilities.

[*English*]

I would also like to find innovative and better ways to attract and retain young Canadians into the public service. I have always been a big fan of student employment, given my own personal experience, and I think our millennials bring skills and competencies that can help transform the public service.

For such digital natives, the concept of open government is a natural, as is the effective use of social media. In my current position, I have been amazed at the potential of data analytics to

[Mr. Borbey]

re-think how we manage our programs and activities in ways that ultimately will better serve Canadians. But in order to succeed in recruiting and retaining such talent, we need to find much more efficient and effective ways to staff positions without compromising on merit. The long time it takes us to staff is a source of frustration for candidates, employees and managers alike, and it does not serve the public well.

[*Translation*]

Finally, I would also like to make official languages a key priority. One of the basic values of our public service is respect for both of our official languages and our commitment to serving Canadians in the language of their choice. We have made significant progress in this area since I first joined the public service, but we still have challenges to meet.

For example, our methods of evaluating language proficiency must be adapted to reflect technological advances, and we must promote bilingualism actively in our recruitment activities.

[*English*]

I look forward to working with the dedicated and professional team of women and men at the PSC in pursuing these priorities, and I will also make great efforts to engage our many stakeholders, including the bargaining agents and the deputy heads of the more than 70 departments and agencies with almost 200,000 employees who fall under the jurisdiction of the Public Service Employment Act.

[*Translation*]

In closing, I would like to recognize the special relationship that exists between the President of the Public Service Commission and Parliament. I must confess that this is a new field for me, and I have a lot to learn, but it's a role I'm eager to assume. It will be a great pleasure for me to work with you.

It will be my pleasure to answer your questions. Thank you. Merci. Meegwetch. Qujannamiik.

Senator Smith: Mr. Borbey, thank you for agreeing to join us today. My question is about how important it is for the public service to respect both of our official languages. The Commissioner of Official Languages said:

Approximately 40 per cent of positions in the federal public service are designated bilingual. In some provinces, the percentage of bilingual positions in federal government offices is less than 4 per cent.

In your view, how can we ensure that Canadians living in official language minority communities and those living in rural regions have access to public services in the language of their choice?

Mr. Borbey: Thank you, honourable senator, for the question. Certainly, promoting official languages is a priority. I believe we have made a lot of progress. Official language minority

communities are much better served, but there is still a long way to go, obviously.

As you know, the government is currently renewing its action plan to ensure that communities are well supported across the country. The public service must also do its part. As you have rightly stated, the percentage of bilingual positions is quite low in a number of regions, but we hope that there are enough positions to provide direct support to these communities.

The commission will keep at it and, with the right assessment tools, it will ensure that standards are complied with. However, it is up to the individual departments and the employer to ensure that these positions are created and filled in the regions.

[English]

Senator Day: Thank you, Mr. Borbey, and welcome to the Senate of Canada.

Mr. Borbey, on March 4, 2014, the Government of Canada announced measures to give priority hiring opportunities in the federal public service to retiring Canadian Armed Forces personnel. In a press release of that date, Canadians were told:

Beginning a new, meaningful career is an important part of a successful transition from military to civilian life. . . .

Unfortunately, over 25 per cent of veterans who were given priority hiring status to apply for positions in the public service were unable to find a job. In fact, according to a response from the Public Service Commission to a written question submitted by Senator Downe in Question Period:

Beginning January 1, 2005, and until April 30, 2016, there were 585 medically released Canadian Armed Forces members who did not receive an indeterminate appointment by the time their priority and entitlement expired after five years.

They were entitled, they looked for five years.

Mr. Borbey, no veteran deserves to be left behind like this. We have over 585 in that period. How will you ensure that this hiring problem will be remedied, and what are your thoughts on the five-year priority window for hiring? Is that enough given that these veterans are transitioning to new careers and perhaps learning to live with new bodies?

Mr. Borbey: Thank you, honourable senator, for the question. I should start by saying that I too am grateful for the service of the men and women who serve our country in the Armed Forces. This is an important initiative that was undertaken by the government. Our veterans bring skills, knowledge and experience that is valuable to the public service, and it's incumbent upon us to make sure that we help them in every way possible.

I will have to turn my attention to this issue obviously if and when I occupy the position. I did look at the statistics, and it does appear that progress has been made over the last year or so. There

were over 200 members who were placed through the priority system. It represents approximately 25 per cent of the priority placements in the Public Service of Canada, and I know that there are currently approximately 450 members listed in the priority system and, as you know, waiting for referral to positions.

This is an important issue that I will certainly want to spend some time on in the new position and then report back hopefully on progress to this chamber.

Senator Day: Mr. Borbey, a few years ago, it's my recollection that the Public Service Commission changed its model of operation such that it delegated the appointment process to the deputy heads in the various departments, and then the Public Service Commission acted as a review or overseeing agency as opposed to an appointment agency.

• (1430)

Would you give this chamber your undertaking to look into that model to determine whether perhaps that could be part of the reason for this most unacceptable hiring result with respect to priority?

Mr. Borbey: Honourable senator, thank you for the question. We're talking about a trend that has taken many decades. I think the delegation of authority to deputy heads originally goes back to the Glassco Commission. The Public Service Commission has been operating under a delegated model for decades. It would be my responsibility, as president, to manage that delegated model. There are delegation agreements that are entered into with each of the deputy heads, and it's our responsibility to make sure they are exercising those authorities according to the act. There are oversight tools available to ensure that. There is reporting. There is also the possibility of doing audit work. Either we, or deputy heads themselves, do audits of their staffing.

In the last year, the Public Service Commission changed its approach to staffing and provided further delegation — for example, in the audit area — but it is also undertaking a system-wide audit to see if there are trends, such as in the area of staffing for veterans, where intervention is required.

As you know, we retain oversight authority in the ability to investigate in cases where we may feel there are problems with the staffing system in individual departments.

Senator Christmas: Welcome, Mr. Borbey, and thank you for appearing before us today.

My question to you deals with employment equity with respect to indigenous peoples. I was heartened to learn last week of the promotion of Gina Wilson, formerly Associate Deputy Minister of Public Safety, to the role of Deputy Minister of Status of Women. Ms. Wilson is an accomplished senior executive with a 21-year record of distinguished service across a number of departments and federal agencies. She is a testament to her Algonquin home community of Kitigan Zibi, near Maniwaki, Quebec, and a shining example of high achievement, both within the indigenous community and across the Public Service of Canada.

Mr. Borbey, we need to hear more success stories like that of Ms. Wilson, which leads me to my question.

Sir, a 2013 study by the Standing Committee on Human Rights regarding employment equity in the federal public service found that Aboriginal peoples do not have equal access to opportunities in senior management or the top salary group and that the hiring of Aboriginal peoples is trending downward. The study also found that Aboriginal peoples were clustered in departments that provide services to indigenous communities.

Mr. Borbey, can you please tell us what, in your opinion, should be done to engage the indigenous community more fully in the public service to increase rates of their recruitment and retention, and to optimize fully opportunities for them in the senior management ranks of the machinery of government?

Mr. Borbey: Thank you, honourable senator, for the question. Having spent a number of years working at Indigenous and Northern Affairs, as it is now called, working in the North, and having been a colleague of Gina Wilson, I certainly support your concerns and interest.

I was looking at some of the statistics, and I do believe that, from a hiring perspective, we are doing relatively well. Again, this is based on workforce availability data, which I know will change over the next year or two. But based on existing availability, in terms of hiring, we're doing well.

Based on my experience, I get the feeling that we don't do very well on retention. As you said, when you look at the statistics in terms of moving forward into senior management ranks, we are under-represented at that level. There is certainly something to be done there.

As you know, Gina has been a strong advocate in terms of promoting Aboriginal people through programs to bring them into government, but also in terms of helping them to continue their career development when they are in government. I would want to sit down and work with Gina. She has a lot of ideas, and some of them she implemented last year.

Gina implemented an innovative program of internships with the Treasury Board Secretariat. Our department had the pleasure of welcoming two members of the first cohort of interns. I hope that will, as it did for me 35 years ago, convince these young people that a career in the public service is something to aspire to.

There is an inventory at the Public Service Commission with almost 700 names of people who are identified as indigenous. I would like to know how that inventory is used and promoted, because I know that all departments are looking at ways to improve their representation, and also to bring the talent that will help departments implement the various calls of action of the TRC. I know that in our department, in the areas of language and culture, it is extremely important that we have talented indigenous employees to help guide us in terms of next steps in implementing actions in these areas.

Senator Smith: I have a supplementary question. As you enter this new role, which we're hopeful that you do, what do you see as the major improvement that you can bring to the commission?

I'm sure you have taken a look at your opportunities in terms of the mark you can make as a senior executive. What would that be?

Mr. Borbey: I talked about recruitment of young Canadians. I want to be respectful, honourable senator, of the skills that some of us more mature and experienced people bring to the public service. However, I still remember, when I entered the public service, how excited I was to be given the opportunity to contribute. I was presented with challenges that matched my level of education and that allowed me to grow. I do feel that we have become risk-averse in our organizations when it comes to bringing in new blood and people with diverse backgrounds.

I would love to be able to ensure that the commission is a beacon from the perspective of bringing in new ideas and young people, and putting them in areas where they take risks and where they may even make mistakes and they may fail, and that we're there to help them deal with failure and learn from failure. I think our organizations are too traditional and hierarchical right now, and we snuff out some of the best qualities we want in terms of new employees.

That is my passion. That is what I would like to do to transform the public service, and I hope I will be given the opportunity to do so.

Senator Smith: Having said that, from a macro-perspective, what would be the first step you would take to implement your strategy?

Mr. Borbey: We have deputy ministers who are identified, as am I, as champions, working with universities and colleges across the country. I would like to see a more organized and systematic approach to that. When I looked at the data recently, it shows that we hired fewer than 550, I believe, new graduates through our public service recruitment strategy. We had 55,000 applicants and we have hired 550. That is not a good outcome.

Now, I know that many people are hired through student programs. They come in as students and they get bridged, and that's great. But I think we have to get a much better share of the talent that is coming out of our universities and colleges. Working with my colleague deputy heads, who are all assigned to be champions of various universities and colleges across the country, I think we could do a much better job. Even if we double it next year, we would already be making a difference.

Senator Downe: Congratulations on your nomination. I would like to follow up on the question asked by Senator Day. It's not just veterans; these are medically released veterans. In other words, they have been injured in their service to Canada to such a degree that they cannot continue in their jobs in the Canadian Forces. So they go on the priority list that the government has created. The problem is, in my opinion, the delegation of authority because we have some departments participating to a higher degree than others. One would assume, for example, that DND would participate, and they have to a large degree. But Veterans Affairs has only hired 34. I have a question on the Order Paper trying to determine the rank because, after I originally made my statement, I was contacted by a number of veterans who

told me that you have to be at a certain rank to get hired at Veterans Affairs. If you're a Colonel or above, the world is your oyster. Below that rank, you're out of luck.

• (1440)

I'm going to determine if that's true or not when I get the answer from Senator Harder on behalf of the government.

Other departments, Employment and Social Development Canada, for example, hired more. They hired 56. Correctional Service Canada hired 66. Other departments, a lot fewer: Transport Canada, 11; Environment Canada, 9. But the Public Service Commission has hired 3.

Back to the original comment of Senator Day. We have these 585 medically released veterans that were determined to be qualified for positions in the public service who fell off the list because of the hiring process. So I would urge you to take a detailed look at that, particularly with the community of deputy ministers who can make a difference in this area. Hopefully, the ministers will speak to the deputy ministers and put more of an emphasis on it. I think you have a significant role, assuming you become President of the Public Service Commission, to quarterback this as well, and we can monitor it by our questions.

That was a comment. My question is: I notice that, in the legislation, you're required to live within the National Capital Region. Obviously, you have to live where you work. We have a recurring problem with Veterans Affairs Canada, which is located in Prince Edward Island and has been for a number of years. Previous deputy ministers of the department have lived and worked in Charlottetown. The current deputy minister does not, which I know is outside of your sphere of influence as a deputy minister. But, because of that, senior officials in the department obviously want to advance their careers and work where the deputy minister works. We have at least 12 senior officials in the department, over and above the deputy minister now, who have relocated to a sub-office in Ottawa because they don't want to work at the national headquarters. This has left the employees of the department — and this is where you come in and my question to you — very dispirited. They feel that the veterans and their families are not getting the benefits and the service they should receive because the senior management is missing in action. They tell us they can Skype and so on from Ottawa. The reverse is also true. They can Skype from Charlottetown, the national headquarters.

But the fact that they visit the department and don't work there on a continuous basis has really upset the employees of the department, and they tell me, on a continuous basis, that the recurring problems in the department — and you see media stories all the time — about treatment of veterans and their families that are simply unacceptable are because of the absence of the leadership of the department.

In your role, after the people are hired in a non-partisan manner, do you have any ongoing responsibility for their well-being and their ability to do their work?

Mr. Borbey: Thank you for the question, honourable senator. I think that those matters are matters that fall under the jurisdiction of the employer, which is the Treasury Board, and,

again, the delegated authority from that employer to their deputy heads. Deputy heads are responsible for organizing how work is carried out in their department, including determining which positions should be staffed in regions versus headquarters. We provide services to help them to staff those positions once those decisions are made, but I'm afraid that I don't think that the commission has a role to play beyond that in terms of the situation that you're describing.

[*Translation*]

Senator Gagné: Mr. Borbey, I see that you have a great deal of professional experience and an impressive CV.

Like Senator Smith, I am concerned about instances where there are not enough candidates to fill the positions designated as bilingual. Do you think it is up to the Commission to do something, or is it the responsibility of the minister looking to hire? What does the commission do in those situations?

I am mostly interested in how you perceive the obligations of the Public Service Commission with respect to taking positive action to prevent staff shortages. Do you know whether the Public Service Commission has already developed and applied positive measures to prevent such situations?

Lastly, how do you interpret Part VII of the Official Languages Act and to what extent do you believe it applies to an institution like the Public Service Commission?

Mr. Borbey: Thank you, senator. You've asked a number of interesting questions. Given that I don't have the information you need, I believe that, in order to do them justice, they should be referred to my colleagues at the commission.

As for my interpretation of Part VII of the Official Languages Act, I understand that it is important that every department do what is needed. Given that I am an employee of the Department of Canadian Heritage, I will certainly make sure that the Public Service Commission is fulfilling its obligations under Part VII of the act, and even beyond that, but I can't really answer that question here today.

I think we have a duty to promote bilingualism in every region of this country, and to do everything we can to encourage our staff to invest in learning another language, whether they speak French, English, or both.

Even when positions do not absolutely require knowledge of both official languages, we should promote receptive bilingualism so that people who live in remote areas, where there are very few francophones, can participate in discussions and meetings where both official languages are used interchangeably. That is a vision I would like to work toward.

What is more, many young Canadians graduate from immersion programs, even in regions where there are not very many native French speakers. That is why I think that we could focus more on these people who bring with them new skills. The Public Service Commission must take steps to ensure that these young people who are graduating from immersion programs are

able to maintain their second official language proficiency and eventually join the public service and serve Canada in both official languages.

Senator Joyal: Mr. Borbey, thank you for being here with us today. I would like to come back to the matter of recruiting the newer generations because I believe the circumstances in which we now compete with the private sector are unprecedented.

The new economy attracts a lot of talented and innovative young people who want to put their knowledge and experience to use. Private companies are very aggressive in recruiting the best candidates. On the other hand, people have always had the impression that the public service offers “cushy” jobs and that, once you join the public service, you are there for the rest of your life. You start a family and you keep the same job your entire career. That is the perception people have of the public service.

I know that’s not true, but when it comes to recruiting the best talent, you are fighting against that perception and the inertia of the public service, the perception that you get a job somewhere within the public service and you never leave. If you do, you risk being reprimanded or falling out of favour with your superiors.

There is a culture within the public service that conveys an image that I would not say is negative, but that is not attractive. What do you think you will have to do to move beyond that perception and recruit the best talent, in the same way as the major corporations seeking innovative minds, creative minds, even, dare I say, bold minds?

Indeed, you know full well that if you do not recruit these people, you will not succeed in changing the way you do things. In order to stay at the same capacity, you also have to deal with changing the way things are done. My impression is that, at present, you are at a complete disadvantage compared to the private sector.

• (1450)

Mr. Borbey: Honourable senators, I spoke a little about this in my opening comments, but when I was in university, I did not really have a very accurate and very positive idea of what the public service might be, and what it might mean to have a career in the public service. It was only after I joined, when I met people who supported me, and had exceptional managers who welcomed me and gave me interesting and fulfilling work, that I realized I was wrong. We do not talk about this positive side enough.

Last year, Canadian Heritage put its name in the running to become one of the 100 best employers in Canada, and it was recognized. The public service is very competitive, as a result of both the terms it offers all public servants and the little programs and special initiatives that each department organizes, but no one talks about this. When people do talk about it, they make it all sound so boring.

A pilot project was recently launched that used an online platform, Textio, to evaluate the positions posted in the public service. The positions were compared with ones at organizations

like Shopify or even the Bank of Canada. The program automatically assigned a point rating to the positions. Shopify received a rating of 95 per cent and the Bank of Canada received 75 per cent or 80 per cent, while we received only 5 per cent or 6 per cent.

In our employment forms, there are whole sections, underlined and in boldface, in which employees or applicants are threatened. No photographs or attachments are allowed, and no videos can be uploaded. There are all sorts of tools that we could use.

The commission recently launched a pilot project where six positions were posted using a completely different method that mirrored to some extent the practices found in the private sector. The points that were then received using the Textio program were comparable to the ratings for Shopify: 90 per cent and more. This proves that we can do it. Even the titles we give to our positions are boring.

Another problem we encounter is that the candidates who participate in our broad recruiting processes sometimes have to wait a year or more to hear back from us. That is absolutely unacceptable. There has to be a much faster process. Imagine that you are a university graduate. You are not going to sit around for six months or keep working in a restaurant while you wait, just in case the government calls.

You have raised a whole set of problems. I could talk about them at length, but there are a lot of very good things we can do to improve this reputation. For one, we should talk about our careers. There are a lot of people here who have had exceptional careers as public servants, but no one talks about that.

Senator Joyal: I get the feeling that you need to revamp the system. I am not referring to you in particular but rather to the organization you now lead. It is too static, too unwieldy. Young people cannot say that if they join the public service, their talents will be recognized, they will be promoted, they will get to travel around the country, and they will have an attractive career. You can no longer compete with the private sector. Forgive me for saying so, but you need to look just as dynamic as the biggest corporations that are looking for the best talent in the country.

There is no pride in working in the public service. No one talks about the public service as a success story, as an example for organizations to emulate. The impression is that all a public servant does in their career is shuffle paper around. No one sees the creative aspect of the position. In my opinion, that is what you need to highlight, if you want to attract the brightest and most dynamic talent. The ones who are most dynamic are the ones who take risks, who are creative. Recommending that someone apply for a position by showcasing their creative side, as the private sector might do, is virtually the opposite of what the public service does.

In my opinion, that is where you have to completely rethink the way you go about recruiting the younger generations.

Mr. Borbey: I completely agree with you.

[Mr. Borbey]

[English]

Senator Harder: I wasn't going to intervene, but I've been motivated by Senator Joyal and your earlier comments about innovation and risk-taking. If the public service were a hockey team, it would be a team of goalies. I would encourage you to ensure that we grow some scorers, some centres and advance players, and protect the organizational requirements to achieve that. I really would encourage risk-taking and the kind of innovation to which the honourable senator and you referred to in your comments. I intervene only so you can take that back as part of the mandate you have heard in this place.

Mr. Borbey: Thank you, honourable senator. We have to be careful, though — some goalies take too many risks. I thought you were going to refer to the trap, because I think that also sometimes portrays the way we play the game, namely without imagination and creativity. I think there is so much scope for that. Having been a member of the deputy community for a number of years, I can tell you there are many, many deputies. They may come across as a little boring — maybe that's part of our job description — but behind the scenes they are big fans of innovation, creativity, shaking up the system and breaking the hierarchy to a certain extent.

Sometimes I find that the hierarchy is more driven at the middle management level. That's where we have to attack it. It's not necessarily always at the senior management level.

[Translation]

Senator Dupuis: Welcome, Mr. Borbey. You made some very compelling remarks about young people. We do not have a clear picture of the costs associated with excluding persons with a disability, young people, Aboriginal people, or women. You seem to be quite determined to invest in recruiting and ultimately retaining younger people; that is what we hope to see, and we strongly encourage you to do that. Would you be prepared to commit to investing as much in hiring Aboriginal people, members of visible minorities, women, and persons with disabilities, as is currently being invested in the discrimination complaints process?

In other words, discrimination has a real cost. The money that is being invested in a system for discrimination complaints could be invested in hiring.

Looking at your commitment to promoting the recruitment of young people and making investments in that regard, would you be prepared to commit to investing as much in that as discrimination is costing now?

Mr. Borbey: I cannot really imagine what those costs are, so it is somewhat difficult for me to make that commitment. However, I can tell you that this will be a priority.

When I talk about diversity, I am thinking of diversity in terms of equity groups, the diversity of youth, and the ages of employees, but I am also thinking of diversity from a regional perspective, to make sure that our public service accurately represents all Canadians, from one end of the country to the

other. If you are asking whether I would invest my energy, our resources, and our programs at the Public Service Commission, then yes, I would certainly be prepared to commit to that.

However, I cannot answer your question about the costs involved in the complaints system. Certainly we would prefer if people didn't feel the need to resort to lodging complaints, but they are nonetheless entitled to do so. There have been cases before the courts or before complaints tribunals that have led to progress being made and managers' awareness being raised. Those bodies also have a role to play.

• (1500)

Senator Dupuis: Would you be prepared to work out those costs? There is an element of systemic discrimination within the system and, to date, we have not made efforts to eliminate it. Will you address this issue under your new mandate?

Mr. Borbey: Thank you. I will have to take it up with my colleagues who are in charge of human resources in the public service, the Secretary of the Treasury Board and the Privy Council Office, to see what we should do in that respect. I will therefore undertake to speak with them about this issue.

[English]

Senator Dyck: Welcome, Mr. Borbey. I want to follow up on the issue of hiring indigenous youth. As you know, the indigenous population is now characterized by having a little more than half the population at age 25 and younger compared to the rest of the Canadian population, with the majority of Canadians being 65 and older.

We are at a time when there is a great opportunity for hiring indigenous youth, and more young indigenous youth, particularly women, are getting their degrees.

You also mentioned summer employment and I know that for all youth, particularly for a lot of indigenous youth, financing is one of the major areas that needs to be addressed in order for students to advance their education.

In terms of your role, were you to be the president, what kind of activities specifically could you see yourself doing to address youth employment in order to keep Aboriginal youth in school, likely post-secondary, and how you could then help those people, if they chose, to continue on with a career in the public service?

I'm not thinking just of the North because you mentioned Northern Canada and Nunavik. I'm thinking of Manitoba and Saskatchewan, where at least 15 per cent of the population in those two provinces is Aboriginal.

Could you put a little meat on the answer that you gave to Senator Christmas?

Mr. Borbey: Thank you, honourable senator. I did talk a little bit in my remarks about some of the initiatives in which I've been involved in the past, and I think sometimes small initiatives can have a major impact. I mentioned the initiative that Gina Wilson

spearheaded. I think there were over 100 interns or students hired through that initiative. Again, once a student is hired, they are eligible for bridging. If they want to stick to their studies and complete their education, they can be offered a permanent position in the public service at the end of their education.

In fact, most managers probably don't know, but you can even offer a permanent position to a person who is going back to university in their last year and say, "Complete your year, get your diploma and you will have a job at the end of the day." You can actually sign a letter to that effect.

I think we need to be more proactive. When we identify such talent, let's make sure we don't lose them, like you say. They go back to school, maybe they go through a rough period, they're not sure they want to stick through it, but if they know that at the end of the day there is the potential for coming back in a career, whether it's in the department they were hired for or any department in the federal government, then bridging can happen in any department.

I want to find out more about the inventory and how that's used and whether that could be better promoted. If there are 700 people on that inventory, are we actually refilling that inventory on a regular basis, because you don't want people to sit on an inventory forever. I would like to find out more about that.

I'd like to also go back to the issue of targeting universities and being present on campus, because we know there are certain universities that have very strong Aboriginal and indigenous presence. They actually have programs through the university management that help encourage them and provide them the support as they're doing their studies, including culturally relevant support.

If we can partner with them, for example, OCAD University, which I'm familiar with, has an indigenous arts program. Can we partner with them and have some of those students, when they graduate, come and work in the arts administration field at Canadian Heritage?

I think there is a lot we can do working directly with universities where the students are already enrolled to make sure they understand they need to stick with it and there might be something really interesting waiting at the end.

Senator Dyck: Would Aboriginal youth employment in the public service be one of your priority areas?

Mr. Borbey: Certainly it would be one of my priorities. I talked about diversity. I also think there is a particular attention that is required to career progression. Again, we are meeting workforce availability in terms of hiring of indigenous people but they're not sticking. They're leaving. And sometimes they get experience with us and then they go back to their community, they go back to a provincial or territorial administration and they do well and that's great. But if they're quitting for the wrong reasons then we need to know about that. And we can see that they're not accessing the ranks of senior management at the rate they should and that's an area we should really focus on.

[Mr. Borbey]

The Chair: Senator Dean, you have less than five minutes, but please go for it.

Senator Dean: Thank you.

Congratulations on your nomination, Mr. Borbey. I've read and you've spoken today about the importance of a non-partisan public service. I believe that's very critical. For the most part our public services are non-partisan and it's an important part of the role those public services play in our system of democracy.

Can you speak to us about the steps you think will be necessary to give more profile to a non-partisan public service? How do we keep that on the front burner amidst all of the noise associated with public services?

Mr. Borbey: Thank you, honourable senator. It's a very important question. It's an important part of the mandate of the Public Service Commission and one probably where I have less experience, I will be very honest, but one I will certainly want to learn.

The first step starts with ensuring a strong level of awareness amongst our public servants. I was looking at some data recently on the most recent survey, which indicated that there was about a 75 per cent level of awareness in terms of how to deal with political activities and the non-partisan nature of the public service, but it was 80 per cent at the older, more experienced category, and it was only 65 per cent, 67 per cent amongst the new hires. That indicates we're not necessarily getting the message as well to some of our more recent graduates.

We also have the additional challenge that we now live in a 24-7 connected world, where everybody is on social media. I'm on Twitter, and I'm careful with my posts, but maybe somebody who is a PM2 who has just joined the public service and is excited about something that a certain political leader from another country has done is not really thinking about the potential consequences and how those will follow them later on in their career.

I think we really have to get to that particular area. It's less about "I should not put a sign on my lawn," but it's about the kind of behaviour in social media. I think that's important. And I have to admit that that's an area where we need to spend more time.

At the other extreme, we have actual instruments or tools to investigate and then take measures when there is a violation or a complaint that's filed with the commission. We do have the tools to actually deal with that and ensure any obvious cases are dealt with.

• (1510)

I think it's a spectrum of activity that we need to focus on. Thank you.

The Chair: Honourable senators, the committee has been sitting for one hour. In conformity with the order of the Senate of

May 2, 2017, I am obliged to interrupt proceedings so that the committee can report to the Senate.

I know that you will join me in thanking Mr. Borbey for appearing before us in the Committee of the Whole today.

Honourable senators, is it agreed that I report to the Senate that the witness has been heard?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Nicole Eaton: Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission, reports that it has heard from the said witness.

ORDERS OF THE DAY

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

SECOND REPORT OF COMMITTEE— DEBATE CONTINUED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 32:

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Carignan, P.C., for the adoption of the second report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an Inquiry Report from the Senate Ethics Officer*, presented in the Senate on May 2, 2017.

The Hon. the Speaker: Honourable senators, pursuant to rule 12-30(2), a decision cannot be rendered on the report, therefore it is deemed adjourned until the next sitting.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Debate continued.)

[*Translation*]

CONTROLLED DRUGS AND SUBSTANCES BILL

BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Fraser, for the third reading of Bill C-37, An Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts, as amended.

Hon. Jean-Guy Dagenais: Honourable senators, the Standing Senate Committee on Legal and Constitutional Affairs, on which I have served for five years now, passed some significant amendments to Bill C-37 that we are to debate in this chamber.

The bill is good but it had some flaws, and after hearing from numerous witnesses, senators wanted to correct the flaws with certain amendments to the medical- and community-related provisions.

I am going to use a buzzword to encourage you to adopt these provisions quickly and that word is “reconciliation.”

As senators, we must all make an effort to reconcile our points of view on three fundamental rights that are at stake in Bill C-37. There is the right of ill and intoxicated people to inject themselves at safe sites and the right of Canadians to express their views and their apprehensions before safe injection sites are set up in their community. Those people deserve some respect, but they were forgotten when Bill C-37 was drafted.

The third right that all of us must reconcile our views on is the right of our police officers to intervene more effectively to eliminate the production and distribution of extremely dangerous chemical drugs. All of this is happening in a context where government intervention is urgently needed.

This is what we heard from Constable Craig Fairbairn, the drug treatment court liaison officer for the Ottawa Police Service:

Bill C-37 does not directly speak to the drug treatment aspect of the opioid crisis. In fact, the word “treatment” only appears once in the entire 64-page document. Herein lies a major shortcoming of Bill C-37.

We also heard from Dr. Mark Ujjainwalla, a doctor who specializes in addiction treatment and a board-certified American Society of Addiction Medicine physician. He has been working in this field for 30 years in Ottawa. Here is what he told us:

Encouraging injection sites is a monumental step backwards in the treatment of both addiction and mental health. It denies these sick individuals the appropriate and meaningful treatment they deserve.

Enabling already sick IV drug users to use illicit opiates and amphetamines is essentially palliative care and they are destined to die.

Honourable senators, that's why we have an amendment that covers this. We have to support Senator White's amendment, which forces the system not to abandon addicts in thrall to dangerous drugs.

As a society, we cannot just let people who are sick and intoxicated keep using drugs without doing something to try to help them.

Bill C-37 was introduced by the Minister of Health, so it should have gone further. That is what the committee did upon completing its study. The bill left out the health aspect and put the focus on drug use, which seemed like the wrong approach to us.

Furthermore, injection sites that will be set up across the country encourage criminal behaviour. Nuisances, syringes, drug dealers, all of these will be concentrated in certain Canadian communities. Once again, I will quote Constable Craig Fairbairn, of the Ottawa Police. This is what he told us:

Supervised consumption sites, as they stand today in Canada, enable drug addicts and encourage criminal behaviour. Although SCS make it safer for addicts to consume drugs, it does nothing to prevent or treat the addiction and its underlying factors. Instead, SCS promote self-destructive substance abuse and enables criminality. Simply put, the user is still getting their "poison of choice" through drug trafficking or by other means of criminal behaviour. In turn, organized crime continues to benefit while society and communities deal with the repercussions of crime and drug abuse.

To address this police officer's concerns, we must support two other amendments that foster citizen participation in the application process set out in Bill C-37.

Let us first discuss Senator McIntyre's amendment, which will ensure that there is a minimum period of consultation before the approval is granted.

At present, the minister could carry out consultations in a single day and the permit could be granted to the applicant. That is definitely unacceptable and, above all, disrespectful of all those who might have something to say before a decision is made, and who might even hope to influence that decision. The amendment concerns the duration of the consultation before an exemption is granted for a drug consumption site.

The current wording of the bill stipulates that the public has 90 days to provide comments to the minister, but the bill does not set out a minimum timeframe. A consultation period could be one day, two days and so on. By proposing a minimum of 45 days, we are ensuring that Canadians have the time needed to get more information, to ask questions and to reflect before sharing their opinions on the impacts of the minister's decision.

[Senator Dagenais]

We must support Senator Boisvenu's amendment. It seeks to create an advisory committee that would make it possible for the individuals and organizations affected to provide feedback after a safe injection site is established in a given area. The Minister would thus be kept informed of concerns around these injection sites and of the impacts they have, and could take informed action if the need arises.

• (1520)

Canadians, mayors, police services, and the provinces deserve to have a voice and to be heard in an open consultation process, before a permit is granted. It is all very well to give sick and intoxicated people access to syringes, but, first and foremost, families have the right to live in safe communities.

I may be repeating myself, but no one here in this chamber would want to have a drug injection site move in next door without having a say. The proposed amendments are therefore in keeping with the respect that legislators must show for people and communities.

I would like to say, however, that Bill C-37 is not all bad, and our police services will find some of its provisions satisfactory. Police and border services need provisions to enable them to more effectively combat the manufacture and distribution of fentanyl, this lethal drug that has already caused the deaths of numerous Canadians. It is being called a crisis, and Canada's police and health services are on high alert.

[English]

There is talk about a crisis and all police services and the country's health are on high alert because of it, so we have to go further, fast, to fight it.

[Translation]

Addressing the problem at its source, as this bill provides, will make it easier to block the equipment and components used in making this product from entering the country. It will also enable the minister to identify other new drugs when action is urgently needed in order to protect Canadians.

We agree, then, that the situation is urgent, and I urge you to adopt our Senate committee's report speedily. Thank you.

(Debate suspended.)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation led by Commander Shahid Sohail Rao, from the National Defence University of Pakistan. They are the guests of the Honourable Senator Ataullahjan.

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

Hon. Senators: Hear, hear!

CONTROLLED DRUGS AND SUBSTANCES BILL

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Fraser, for the third reading of Bill C-37, An Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts, as amended.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Bill C-37, an Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts, as amended.

I have to say to you, senators, and you've heard me speak many times about this, but I want to thank the government for bringing this bill in front of us.

As I have said many times, and I'm going to repeat it again, when I am on my way home at 11 p.m., the streets will be full of ambulances. On my way home on East Hastings Street, it will be full of fire trucks and police cars like I've never seen in all the years I've lived in North Vancouver.

It occurred to me the other day to ask: What does that mean? It's not just that the streets are full of ambulances, but also people who fall. I had a relative who fell a few weeks ago. She sat on the ground for 12 hours because there was no ambulance to take her to the hospital. She was not dying, so they could not go to her first. That's how it affects the community. So I very much appreciate the government once again bringing this bill in front of us.

Before discussing the substance of the bill, I would like to share the story of a young man from Vancouver who died because of opioids. His story shows just how deadly fentanyl and other opioids can be.

The night before he died, Dylan, a 21-year-old student, went out with his father to have dinner at an Indian restaurant and celebrate his graduation from Capilano University.

Dylan's mother said her son was "well on the road to recovery" from drug problems that he suffered in the past, and was working closely with a private psychologist to be completely free from addiction.

This all changed when he bought a single pill from a drug dealer after the celebration. His mother describes what she saw when she came home the next day:

The condo was filled with police. They would not let me see him. I waited for four hours for the coroner. I wanted to cover him up. I just wanted to hold my baby.

That was the last time I gave Dylan a kiss. He was in a body bag.

[*Translation*]

The goal of Bill C-37 is to avert this kind of tragedy. Situations like Dylan's are played out every day in my province, British Columbia. On April 27, British Columbia set a new record. In a single day, emergency health services responded to 130 overdose calls, so it was a terrible record. As Senator Campbell told us yesterday, there were also 120 deaths in British Columbia in March. That works out to about four deaths a day in a single month.

Every time I go back to Vancouver, I see with my own eyes the toll this crisis is taking. I see ambulances all over the city, especially on Hastings Street East. Hastings Street was the heart of downtown Vancouver, a place for retail stores, restaurants, and hotels. Because of the damage done by drugs, it has become the city's most beleaguered neighbourhoods. We cannot allow this situation to continue. I strongly believe that Bill C-37 is the answer to this crisis.

[*English*]

Instead of simply tackling one of the elements of this crisis, Bill C-37 adopts a comprehensive approach to deal with this issue. It sets several objectives focusing on harm reduction.

The first objective is dealing with the trafficking, importation and manufacture of controlled substances. In other words, Bill C-37 will be targeting what is known as the precursors of fentanyl and other opioids, the products used to make them. Bill C-37 uses three tools to accomplish this goal.

The first tool is the expansion of section 7.1 of the Controlled Drugs and Substances Act, which deals with the offence of possession, production, sale or importation of anything knowing that it will be used to produce or traffic in methamphetamine.

Under Bill C-37, this offence will now apply to anything that is intended to be used to produce or traffic in any controlled substance. This includes the pill-press machines that criminals have been importing into Canada so that they can create bootleg fentanyl. It also includes substances that are used to create drugs and opioids. It is no understatement to say that these precursors are the issue at the heart of the opioid crisis.

At the Standing Committee on Legal and Constitutional Affairs, Acting Chief Superintendent Andris Zarins of the RCMP told us that nearly all of the organized crime groups in Canada are involved in one or more aspects of the illicit drug market involving precursors. So long as these precursors are allowed to travel across Canada because of organized crime, this crisis will never end and our communities will never be safe from these opioids. By tackling this part of the drug trade, Bill C-37 will block fentanyl and other opioids before they are even created.

The second tool involves removing the exemption in the Customs Act that prevents officers at the border from inspecting mail weighing 30 grams or less.

Fentanyl is far more potent than the drugs that we have seen until this point — 100 times more powerful than heroin. Even milligrams of fentanyl can kill a person. With 30 grams of the substance, you could kill as many as 15,000 people. With this change, officers in the CBSA can take action to deal with this new and hard-to-track threat.

The final tool this bill introduces to fight precursors also realizes that the threat that drugs present is always evolving. To deal with this fact, Bill C-37 allows for the minister to temporarily add more substances to the Controlled Drugs and Substances Act.

Without this tool, our officials would never be able to keep up with the new tools that criminals in Canada develop to avoid being detected by the law. Acting Superintendent Zarins described the importance of this provision well when he stated:

• (1530)

Sophisticated organized crime groups and criminal facilitators are exploiting Canada's drug control efforts by producing and trafficking new substances that have yet to be captured in our laws and, as such, are not illegal. For instance, in order to circumvent current drug control laws, some of these groups make slight modifications to the chemical structure of a controlled substance and are thereby able to produce and traffic them with relative impunity.

If our system is not able to become flexible and react to these new drugs as they come into existence, we will simply be faced with another crisis as criminals adapt.

We must be ready to deal with the evolution of drugs, or criminals will simply continue to exploit our system.

As I mentioned earlier, this bill is important because it understands that there is no one solution that can completely solve the opioid crisis. It employs multiple strategies.

In addition to tackling the precursors, the bill also makes it easier to create supervised injection sites, which have been some of our most important resources in fighting the battle against opioids.

According to Health Minister Philpott:

Many cities and communities across the country desperately want to be able to open supervised consumption sites.

She continues:

The evidence is abundant that when properly established and maintained supervised consumption sites save lives without increasing drug use and crime in the surrounding area.

These facilities are one of our best ways of saving lives as this crisis continues.

Dr. Perry Kendall, the Provincial Health Officer for British Columbia, summarized the importance of these sites well when she stated:

It actually pains me to think that had the conditions of Bill C-37 been in place years ago, we in B.C. would have had more consumption sites and would have been better prepared to respond to this onslaught.

He continues:

Supervised consumption sites do save lives, prevent the spread of communicable diseases, reduce public disorder and, perhaps most importantly, they initiate care and refer individuals with mental health and substance use disorders into community-based systems of care.

Unfortunately, it has been incredibly difficult for many of these supervised injection sites to actually gain the approval that they need to operate.

Honourable senators, currently there are 26 different requirements that our laws impose on these facilities before they can actually start helping our communities.

The process that the government currently uses to verify whether or not these places can operate can take as long as a year and nine months.

Under Bill C-37, this process will be greatly simplified. Instead of having to satisfy 26 different requirements, facilities will only have to go through five. Further, it makes the application process itself far simpler, making it easier for facilities to apply to become safe injection sites.

These changes will ensure that they can start saving lives as soon as possible.

Before concluding, I would like to share one last story with you. I still think of the haunting story of a mother from my province, Petra Schulz, who told me about the death of her son Danny. She said:

At 25 years old, Danny had been clear for a year, until I walked into the bathroom to discover his body on the floor. We called 911, but it was too late. According to experts, Danny dissolved one single fentanyl pill in water, and took it the following night, after coming home from work. Losing a child is the worst thing that can happen to a parent. There are many, many parents who suffer in silence.

Honourable Senators, with so many parents suffering because they have lost their children to this crisis, it is time for us to come together and support Bill C-37.

The bill recognizes two realities. On one hand, it recognizes that this crisis will never end until we can prevent opioids from coming

into Canada in the first place. This is why Bill C-37 is also adopting several measures to target the precursors of fentanyl.

On the other, it recognizes that the threat of fentanyl is already here in Canada, and is doing immeasurable harm to our people, especially our children. To address that fact, it is empowering supervised drug consumption sites across Canada.

This is why I support Bill C-37. It understands that there is not one solution that can completely solve the opioid crisis. We must, therefore, approach this issue from as many angles as possible to ensure that we have truly dealt with it.

Every day we wait to pass this bill means another four people will have died in my province in British Columbia. Honourable senators, I ask that we pass this bill as soon as possible so that the four people who are dying in my province every day get help, their families get help, and we stop this crisis. Thank you very much.

Hon. Vernon White: Honourable senators, I want to start by thanking the committee for their work on Bill C-37, in particular the sponsor, Senator Campbell, and the critic, Senator Dagenais.

I stand today to offer my support for Bill C-37 as amended in committee. That is a bill that has many segments. As we have heard, most are easily supported as they provide clear and convincing steps toward the further battle against illegal drug activity in Canada while at the same time supporting those facing addictions.

Today I want to speak to one specific amendment to this bill that was passed in committee. The amendment relates specifically to section 56, pertaining to supervised consumption sites. The legislation prior to amendment spoke to the exemptions and the utilization of those sites. But now I want to paint a picture of an addict using a supervised consumption site today, under the legislation.

Often a criminal organization will manufacture or import a non-medical substance often made in the basement of a building, and will move that substance to a dealer on the streets who will, in essence, traffic that very poison to an addict who will often commit four, eight, twelve crimes on that day to be able to purchase that poison to walk into a supervised consumption site, where they will facilitate the use of that poison.

Now, one of the primary purposes of the facility is to try and save the life of the individual who uses this non-pharmaceutical ingredient, and hopefully try and move them through their addiction process. That is the way the facility works, and I understand the importance of those facilities for saving lives.

So we're clear, an addict buys illegal, illicit substances. I try not to call them "drugs," as they are typically not a pharmacological substance but rather a basement-made poison developed by a crime group for the sole purpose of making money off addicts, which often puts that addict directly into danger beyond their addictions, as we are seeing across Canada with thousands dying in the last two years, as Senator Jaffer stated.

The amendment that passed would provide a clear change to the process by which supervised consumption sites operate today.

It states clearly that:

A person who is responsible for the direct supervision, at a supervised consumption site, of the consumption of controlled substances, shall offer a person using the site alternative pharmaceutical therapy before that person consumes a controlled substance that is obtained in a manner not authorized under this Act.

In essence, an individual will be offered a replacement for the illegal, illicit poison they may be in possession of. Under this amendment, the addict I discussed will enter the clinic with or without an illegal substance and be offered pharmaceutical replacement therapy by a medical practitioner, not a drug dealer.

The addict will not have to commit a crime or multiple crimes to obtain such a substance.

The addict will not have to worry about the potential for an overdose death as a result of using whatever poison he or she purchased from a dealer.

The public will not have to worry about being the victim of a crime committed as a result of an addict trying to raise money for their dealer.

Used in Switzerland, and to a limited degree other countries, it has seen a dramatic reduction of illegal drugs, reduced greatly the crime associated with the manufacturing of illegal drugs and has all but removed the criminal activity many addicts are or were involved in to try to satisfy their addiction.

Under such a model, rather than an addict becoming involved in criminal activity to gain funds to purchase illegal substances, they can now instead get pharmacological help from a medical practitioner and hopefully engage in dialogue to assist them through or even out of their addiction. The success in Switzerland has been widely documented and has seen high levels of acceptance.

Replacement drug therapy is supported by many police leaders, including the President of the Canadian Police Association, who represents over 65,000 police officers in this country.

As well, it was supported by almost every single health professional who appeared in front of our committee.

• (1540)

The bill as now amended will provide addicts with alternatives to what addicts previously saw in their consumption sites and hopefully will assist society, seeing that when dealing with addiction, we should try to place the options clearly between an addict and a medical practitioner, not an addict, his dealer, his victims of crime, organized crime and a medical practitioner.

I ask that all of you support the bill, as amended.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Campbell, seconded by the Honourable Senator Fraser, that Bill C-37, as amended, be read the third time.

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

Some Hon. Senators: Agreed.

Senator Martin: On division.

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

**ROUGE NATIONAL URBAN PARK ACT
PARKS CANADA AGENCY ACT
CANADA NATIONAL PARKS ACT**

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Day, for the second reading of Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act.

Hon. Victor Oh: Honourable senators, I rise today to speak on Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act.

As the critic for this bill, I wanted to take this opportunity to pay tribute to the thousands of volunteers and visionary political leaders for their decades of hard work in shaping our nation's first national urban park. Among them are Lois James, John Riley and other founding members of the Save the Rouge Valley System back in 1975. I thank the Rouge Park Alliance, Save the Rouge Valley System, Waterfront Regeneration Trust, Friends of the Rouge Watershed, Altona Forest Stewardship Committee and many environmental groups for their tremendous contributions to the Rouge Park — 40 years in the making.

I'm honoured that we have with us today the "godmother of the Rouge," the Honourable Pauline Browes.

Hon. Senators: Hear, hear.

Senator Oh: She was then the Minister of State for the Environment, responsible for Parks Canada. She is now the Chair of the Friends of the Rouge National Urban Park. It was Pauline Browes who tabled the original motion in 1990 to preserve and protect the Rouge Valley as a national park. It was supported unanimously by members of the House of Commons. The Conservative government under Brian Mulroney at that time set aside \$10 million to help protect the area.

After the Liberals were elected in 1993, the campaign for a national park lost momentum at the federal level, unfortunately. Meanwhile, however, progress was made at Queen's Park. The Rouge Park was created by Ontario in 1995. The Honourable David Peterson, Honourable Bob Rae, Honourable Mike Harris, Honourable Dalton McGuinty, Honourable David Crombie, Glenn De Baeremaeker, Alan Wells and many others have played instrumental roles, all in a non-partisan political manner. All political parties supported the creation of the Rouge Park.

It was after the Conservatives were elected in 2006 that the National Park campaign regained its momentum. Honourable Pauline Browes, Honourable Peter Kent and Honourable Michael Chong work with Rouge Park Alliance and Parks Canada to look at the best way to preserve the Rouge.

In the Speech from the Throne in June 2011, the commitment to the new park was announced. In 2012, the Conservative government committed more than \$140 million over 10 years to turn the Rouge into a new national urban park.

It was under the Conservative government that the Rouge National Urban Park was created on May 15, 2015, when An Act respecting the Rouge National Urban Park passed.

Honourable senators, looking back into history, you will find it is the Conservative government that has been bringing the Rouge National Urban Park into reality over the decades.

In the heart of the Greater Toronto Area, from Lake Ontario in the south to the Oak Ridges Moraine in the north, the Rouge National Urban Park will give urban Canadians the chance to experience a national park that has outstanding scenery, a range of wildlife habitats, and a rich cultural and agricultural heritage. It's a special place in Canada's largest metropolitan area, connecting to 20 per cent of the Canadian population with public transit — a fantastic opportunity for many without the means to visit other national parks and connect to our nation's natural beauty and rich history.

Wildlife geology, natural processes and human influence have created the particular conditions that now support a rich and diverse heritage of the Rouge National Urban Park.

Rouge National Urban Park is home to more than 1,700 species of plants and animals. Twenty seven species are at risk. There are over 225 species of birds, including eastern screech owls, blue herons, red shouldered hawks, trumpeter swans and red cardinals; 55 types of fish; and 19 species of amphibians, including the snapping turtle. There is also the rare Carolinian life zone, covering less than 1 per cent of the country's landmass, providing habitat to more species than any other life zone in Canada.

Rouge National Urban Park is also home to Toronto's only campground, one of the region's largest marshes, amazing hiking trails and some of the last remaining working farms in the Greater Toronto Area. World Bank data shows that 5 per cent of Canada's land was considered suitable for farming in 2013. Only 7 per cent of that land was actual farmland, accounting for less than 0.4 per cent of Canadian land. According to Tanya Brouwers, Consultant for the Organic Agriculture Centre of

Canada, of that small percentage of farmland, only 0.5 per cent is designated as class 1. I repeat: Only 0.5 per cent is designated as class 1.

The Rouge has approximately 7,500 acres of class 1 farmland, the rarest, most fertile and most endangered farmland in Canada. According to the Ontario Farmland Trust, prime farmland is under severe threat in Canada, particularly in the Greater Toronto Area. Between 1976 and 2011, 2.8 million acres of farmland, approximately 18 per cent, were taken out of production in Ontario. The farmers in the Rouge Park have seen their neighbours give up the lease of 1,000 acres of productive farmland. It is critical for us to take immediate measures to protect our precious forest as well as our endangered farmland.

• (1550)

Farming over several centuries produced a traditional agricultural landscape, as most of the northern third of the proposed park is agricultural property. The local farms have been in existence for centuries and come across far-reaching changes. The farming community in the Rouge is the same farm families who have been caring for the land and growing food for the people of Ontario for the past 200 years. Most of the farmers are leasing land that had been owned by their families for generations.

Agriculture remains important at the heart of communities and their culture. If the park's landscape character alters, the future of many of its people connected with farming could also be in doubt. Many of these depend for their survival on the continuation of sympathetic regimes of farming.

Many farmers left their family farms as there was no certainty in their future after the farms in the Rouge were expropriated in the 1970s. They have been frustrated for the past 40 years, never knowing what might happen. Now the average age of farmers in York region is 58. Will younger farmers stay on the land?

Honourable senators, the human history of the Rouge goes back over 11,000 years, where some of Canada's oldest known indigenous sites are found. During the late Pleistocene epoch, Paleo-Indians arrived in southern Ontario and made a living in the Rouge by hunting. Archaeological sites, longhouses, remains of pottery, flint tools and arrowheads were discovered in the Rouge Valley. First Nations used the old carrying trails as a route for trapping and trade.

The Rouge has supported human communities over millennia. Nomadic hunters, Iroquoian farmers, early European explorers, 19th century shipbuilders settled here and created the history of the park we see today. John Riley, chief science officer at the Nature Conservancy of Canada said, "This was a fully occupied working landscape long before the European colonies." Evidence of generations of occupation and activity survives in the landscape, presenting an intriguing record of the area's social history.

I read with interest stories from the Rouge park compiled by Larry Noonan, member of the Friends of the Rouge National Urban Park.

In his account, he said:

The Rouge Valley Olympic Inn was a local landmark, overlooking a dammed up Rouge River. It used to be a large swimming area.

A beautiful 1850-era privately owned house on Steeles Avenue was used for close-ups in the "Anne of Green Gables" movie. It remains a popular filming location for "Anne" movies. When the film crew arrived, they often worked day and night with large lights creating a glow that could be seen from kilometres around.

In late 1900s to mid-2000s, the Maplewood Orchards in the Rouge used to be the only supplier of apples to Loblaw's across Canada.

Wildlife, geology, natural processes and human influence have been the fundamental forces behind the creation of the particular conditions of this landscape and the rich and diverse heritage within it.

The Rouge sits alongside residential neighbourhoods, has highways 401, 407, highway 7, pipelines, Kingston Road, hydro corridors and other infrastructure across various parts of it, which typically are not allowed in national parks. There is also a former waste disposal landfill dump site and an old auto wrecker's yard within its borders.

Farming has given the Rouge much of its distinctive landscape and helped produce its range of important habitats for species at risk and contribute to biodiversity. Agriculture plays an important role in maintaining core ecological services.

The Rouge is an area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and agricultural value, where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

Honourable senators, the Rouge park is a people's park as the extent and range of this survival is exceptional. Parks Canada consulted 10 First Nations, 200 groups and 20,000 Canadians, the largest engagement program in its 106-year history, which resulted in the integrated and balanced approach adopted by the former Conservative government.

We are excited about it, not only because it is the forty-second national park in Canada, but more significantly, our very first national urban park. That is why we created new legislation to enact it because the one-size-fits-all plan doesn't apply to this very unique park.

Honourable senators, it is for these reasons that I argue the Rouge National Urban Park deserves a unique approach, not the one-size-fits-all kind, to protect its ecology, biology, culture and agriculture. The human activity is an integral part of the Rouge. In other national parks, we can't find the deeply-woven interaction of people and nature in continuity for over 11,000 years as in the Rouge.

Minister McKenna stated:

Parks Canada protects and preserves national parks because they tell stories of who we are, including the history, cultures, and contributions of indigenous peoples.

Rouge park is indeed a testament to our Canadian identity of who we are, our nature, history, roots, cultures and integration of all communities.

Bill C-18 provides the same level of ecological protection for Rouge National Urban Park as is currently provided for all national parks, whereas the majority of our national parks are in very remote, isolated areas.

While ecological integrity is appropriate in national parks, certain key elements of ecological integrity can be particularly problematic in a national urban park context. Bill C-18 makes “ecological integrity” the first management priority for the Rouge. Let’s take a look at the definition of “ecological integrity” to better understand the amendment. The definition for “ecological integrity” being added to Clause 1 of the bill is as follows:

... *ecological integrity* means, with respect to the Park, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.

• (1600)

I guess no one else could explain “ecological integrity” better than Mr. Kevin Van Tighem, former Banff National Park superintendent, who served a 34-year career in Canada’s national parks. Mr. Tighem played a key role in developing a national curriculum for Parks Canada Agency staff to help them understand, interpret and apply the concept of ecological integrity.

He questioned whether

... maintenance or restoration of ecological integrity was the appropriate standard of management to set for a national urban park, both because absolute success in this regard is likely unachievable and because of a concern that assigning that standard to a park where it likely cannot be achieved could have the effect of weakening its application in parks protected under the Canada National Parks Act that are subject to similar wording.

For instance, ecosystem processes are natural processes which naturally occur without the interference of people. These include wildfire, flooding and other natural events that renew or modify ecosystems.

Mr. Robert Sopuck, critic for Wildlife Conservation and Parks Canada, with a 35-year career in environmental conservation, said, “The true definition of ecological integrity would imply

letting forest fires burn, floods to run their course and wildlife to survive without human intervention.”

In wilderness, these could occur under ecological integrity. But what about in an urban park where farms are around, can we let wildfire burn as putting it out is against ecological integrity?

In essence, ecological integrity will also compromise the current and future cultural and agricultural activities within the park as ploughing land, getting rid of weeds, pests, insects, cutting hedgerows and putting in tile drainage are non-conforming to ecological integrity. It is as simple as that.

For these reasons, it is an unrealistic approach to an urban park. The aspiration of keeping ecological integrity in an urban park would be unachievable.

The International Union for Conservation of Nature, IUCN, the authority that sets international standards for nature protection, has conducted a global review of ecosystem recovery and restoration across a range of ecosystem types in different parts of the world. This study highlighted the need to tailor restoration strategies to the resilience of the local ecosystem, and not the one-size-fits-all.

As the critic for the original bill that enacted the Rouge National Urban Park, Senator Eggleton said:

People thought they were getting 100 square kilometres... The government is now proposing 58 square kilometres, but 44 per cent of that is owned by the province, and they’ve pulled out. What kind of a national park is this? You’ve got to be joking. What kind of a national park?

Size was the first major concern listed by Senator Eggleton. He said the government didn’t listen to the community on the size of the park as they wanted it to be 100 square kilometres. Let’s see how much parkland is added under the Liberal government. Clause 3 amends the schedule to the Act by adding 17.1 square kilometres of land to the national urban park. After all this, the bill only adds 17.1 square kilometres of parkland. That doesn’t sound like adding a lot to the original act, does it?

The Ontario government broke the legally binding MOU, withholding the transfer of land, saying the original bill didn’t meet or exceed provincial policies. This is a total excuse.

The protections under the Rouge National Urban Park Act prohibit mining, hunting and the removal of native plants, addressing waste dumping, etc. The Province of Ontario does not offer these protections for the provincial parklands.

Honourable senators, abiding by the current legislation passed under the Conservative government, Parks Canada has already completed 31 ecological restoration, farmland enhancement and scientific research projects in the last two years. Part of a larger species-at-risk restoration effort saw scores of baby Blanding’s Turtles released into wetlands. New wetlands were created, stream banks were stabilized, fish habitat was bolstered and so forth. Programs like teaching urban kids how to camp and identify frogs and birds are available.

[Senator Oh]

This is exactly what we wanted to and can achieve under the Rouge National Urban Park Act.

I commend the leadership role of Pam Veinotte, superintendent of the Rouge National Urban Park. She is like “the glue,” binding the indigenous peoples, local communities, conservation groups and farmers together through tireless efforts.

The Ontario government was asking for better protection for the park as if it has the best interest of the park at heart; but in reality, however, on the provincially controlled lands, necessary maintenance remains undone, the environment and ecosystems are being ignored, hunting continues to be unchecked as Parks Canada has no jurisdiction to enforce littering and poaching issues, to protect the endangered species and erosions on the Ontario controlled lands, unfortunately.

I saw with my own eyes dangerous sections on trails. These issues have been reported many times to the Ontario government and are still ignored. This reflects the reality of the so-called “stronger protection” by the provincial government. There is no integrity to the Ontario provincial assertions. It is all partisan politics by the Ontario Liberal government, hampering the expansion of this magnificent Rouge treasure.

• (1610)

In fact, as Former Parks Canada CEO Alan Latourelle stated:

... aggregate mineral extraction, destruction of species at risk habitat and limitless reduction of park lands for transportation purposes are not currently legally prohibited [by the Ontario legislation]

Any organization that implies that the Rouge National Urban Park Act does not meet current provincial legislation is misleading the public

In developing its management and legislative approach for Rouge National Urban Park, Parks Canada was guided by the IUCN’s Urban Protected Areas: Profiles and best practice guidelines. It is important to underline the fact that Rouge National Urban Park very clearly meets or exceeds all 30 of the IUCN’s urban protected area guidelines. In fact, based on the Agency’s review, the Rouge National Urban Park Act is the strongest legislation governing IUCN urban parks in the world.

The ecological integrity amendment is a waste of taxpayer money and waste of Parliament’s time and resources, aiming to provide political cover for the Ontario Liberal government not transferring the land.

As pointed out by Glenn De Baeremaeker, a Scarborough city councillor who assisted in drawing up the boundaries of the park more than 25 years ago, provincial concerns about the environment are “make-believe” objections. He said:

When you look at everything the federal government is doing, it is better than what we have had in the Rouge watershed ever since I’ve been involved. . . . I believe, for

partisan reasons only, the Liberal government in Ontario is saying, “We don’t want a Conservative federal government looking good.”

Apart from ecological integrity, Bill C-18 proposes the excision of lands from Wood Buffalo National Park to establish the Garden River Indian Reserve. Wood Buffalo National Park was established in 1922 on indigenous traditional territories that were the subject of Treaty 8, signed in 1899.

In the 1950s, the Garden River area became a permanent settlement for indigenous peoples who requested further community amenities. However, the 1984 Wood Buffalo National Park Management Plan identified the community as a “non-conforming use in the context of the park zoning plan.”

The final boundary of the proposed reserve had not been determined by the Canada National Parks Act introduced in 2000. Under the Conservative government, negotiations between the government and the Little Red River Cree Nation regarding the excision of the Garden River community were finalized.

This is a good example that shifts in parks policy subject people living in the park to an uncertain future. In turn, the life of many indigenous people connected with it has been in doubt. In this case, two generations of indigenous people were negatively impacted. Our parks policy should respect indigenous rights and entail reconciliation with indigenous peoples.

Honourable senators, I have highlighted the need to tailor strategies to the resilience of the local ecosystem in the Rouge National Urban Park. Its unique nature would apply ecological integrity in words only.

Once again, I commend the intense advocacy of long-time crusaders of the Rouge Park. My heart sunk when I learned that veteran city councillor Ron Moeser, who was instrumental in the creation of Rouge Park, passed away two weeks ago, on April 18.

I want to encourage greater collaboration among policy-makers, local communities, urban planners and other stakeholders to ensure the continued protection of natural areas for the benefit of all Canadians.

I encourage the Ontario government to transfer the provincially controlled lands for the Rouge National Urban Park as soon as possible so that the park can be protected properly. Until now, the premier refuses to say whether the Ontario-controlled lands will be transferred even if Bill C-18 passes, and so it is evident that Ontario’s decision is primarily motivated by election-year politics.

I hope the provincial government can keep its promise so that the passionate and enthusiastic advocates of the Rouge can witness the birth of our very first national urban park with their own eyes.

Honourable senators, while Canada is celebrating its one hundred fiftieth birthday, Parks Canada has provided us free entry to national parks and heritage sites to explore the beauty of our country. I hope this could include the Rouge National Urban Park.

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 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 Eggleton, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

**NATIONAL SECURITY AND INTELLIGENCE
COMMITTEE OF PARLIAMENTARIANS
BILL**

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Peter Harder (Government Representative in the Senate) moved second reading of Bill C-22, An Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts.

He said: Honourable senators, we all know where we were, what we were doing and who we were with on the morning of September 11, 2001. I had just given a speech and presentation to the Media & Telecom Conference at the annual event in Toronto when I went out to the corridor and saw on a big screen the repeat of the first airplane hitting the first tower. I rushed to the airport in Toronto to make my way back to Ottawa and was at the airport when on the screen, in live action now, I saw the second airplane, and the airport in Toronto was closed. We all rushed downtown to catch what turned out to be the last train out of Toronto to Ottawa, returning to a city that had changed because of that very event.

Indeed, on that day, the world changed. Countries scrambled to protect their borders and enact legislation as quickly as possible to maintain security for their citizens. Canada, under then Prime Minister Chrétien, brought in the Anti-terrorism Act in November 2001 in response to 9/11. Today, nearly 16 years later, we begin the debate in this chamber on Bill C-22, An Act to establish the National Security and Intelligence Committee of Parliamentarians.

• (1620)

The purpose of this legislation is simple, to establish a committee of parliamentarians to oversee the work of Canada's national security and intelligence machinery. This moment comes

to us years and in some cases decades after many of our allies created similar committees. It is beyond time to make this happen. This is not Canada's first effort at establishing such an oversight committee. Such recommendations have been made for years in one form or another. As early as 1981, the Royal Commission of Inquiry Concerning Certain Activities of the RCMP concluded that Canada needed an arm's-length civilian security agency outside of the RCMP and made the following recommendation:

The agency should be established by an Act of Parliament. That Act should define the organization's mandate, its basic functions, its powers and conditions under which they may be used, and its organizational structure. It should also provide for its direction by government and for independent review of its activities.

In 2002, the House of Commons Standing Committee on Foreign Affairs and International Trade recommended increased parliamentary oversight of intelligence in order to monitor the possibilities of heightened risks of human rights and freedom infringements.

In 2004, the Interim Committee of Parliamentarians on National Security recommended a parliamentary intelligence committee to ensure that the security and intelligence community served Canada's interests and respected the Charter of Rights and Freedoms.

In 2005, the Martin government introduced Bill C-81 to create the national security committee of parliamentarians. Similar legislative endeavours followed from Liberal MP Wayne Easter's Bill C-551 in 2013, to former Conservative Senator Hugh Segal's Bill S-220 in 2014.

All of these attempts were to create a national security committee of parliamentarians, and these efforts represent all parties from both houses. In this chamber, the Special Senate Committee on Anti-terrorism was reconstituted during the Fortieth Parliament. On more than one occasion, this committee recommended the creation of a parliamentary oversight committee. I want to quote Recommendation 16 from their March 2011 report entitled *Security, Freedom and the Complex Terrorist Threat: Positive Steps Ahead* where it said:

... consistent with the practices in the United Kingdom, Australia, France, the Netherlands and the United States, the federal government constitute, through legislation, a committee composed of members from both chambers of Parliament, to execute Parliamentary oversight over the expenditures, administration and policy of federal departments and agencies in relation to national security, in order to ensure that they are effectively serving national security interests, are respecting the Canadian Charter of Rights and Freedoms, and are fiscally responsible and properly organized and managed.

I want to thank members of that committee for their insistence in standing firm on the issue of parliamentary oversight; to the former chair and deputy chairs, Senator Hugh Segal and the Honourable Senator Joyal; and to the members of the 2011 committee. I also want to acknowledge the work of Senators Furey, Jaffer, Marshall, Tkachuk, Wallin and former Senator David Smith. I would be remiss if I did not pay tribute to the

other committee member, the late Honourable Senator and Speaker Pierre Claude Nolin. I know how much he is missed in this chamber.

[*Translation*]

In just a few short months, 16 years will have passed since the tragic events of September 11, 2001. It is high time that Canada ensured oversight. I want to thank Senator Nolin and all the members of the former Special Senate Committee on Anti-terrorism for their efforts to bring us in line with our closest allies. Bill C-22 is a huge step towards fulfilling the Senate committee's recommendation.

[*English*]

For those of you who were here in 2014, you will note that Bill C-22 is very similar to the Senate Bill S-220, as I say introduced by former Senator Hugh Segal and seconded by former Senator Roméo Dallaire. This bill was modelled on the security and intelligence committee of the United Kingdom. The U.K. committee had been in existence since 1994. Composed of members of Parliament and Lords with backgrounds in policing, security and anti-terrorism, it reported directly to the Prime Minister and has over the years gained the trust of the agency heads, stakeholders and indeed Parliament itself. U.K. oversight has evolved over the years based on the unique U.K. experiences that have made it what it is today.

Bill C-22 uses the original U.K. model but fashions it to suit our Canadian context and experience at this point in time. However, I am certain that the Canadian model will evolve in much the same way as did the U.K. model as we learn from our own experiences.

I want to quote from Senator Segal's second reading speech on Bill S-220 delivered May 27, 2014:

The entire purpose of national security and intelligence is to protect Canadian democracy and its freedoms, the very things that annoy and spur to action those violent extremists who would do harm and those who would promote terror to achieve their goals. Without full-time legislative oversight, we can't know if the protection of our freedom and way of life is actually happening.

Former Senator Dallaire's speech of June 5, 2014, also makes a compelling point noting that such a committee:

... would be forward-thinking and would be able to grasp the big picture, provide full-time legislative oversight and open channels of communication between the agencies.

National oversight would further ensure that democratic principles and Charter rights are respected.

Honourable senators, Bill C-22 goes a long way in filling the gaps and providing the information that the Senate, including current sitting senators, have sought for a number of years. Just

as maintaining the safety and security of Canadians is a fundamental duty of government, so too is ensuring that this responsibility is fulfilled in a manner that respects Canadian principles and meets Canadians' expectations.

Public confidence in our security and intelligence agencies depends on achieving both of these objectives. The establishment of a committee of parliamentarians with broad access to classified information is integral to strengthening Parliament's role in a fundamental way.

Canadians, and we as parliamentarians, expect that the work carried out by Canada's national security and intelligence community is undertaken in accordance with laws enacted by Parliament. Currently in Canada, our legislators do not have complete access to materials to make informed decisions on these issues. Neither members of Parliament nor senators have security clearances to receive classified materials or testimony. Witnesses coming before the current house or Senate committees cannot share sensitive information in a public setting, and committee members are often left with more questions than answers.

Bill C-22 would establish a committee of parliamentarians, not a committee of Parliament. Given the nature of its mandate and its exceptional access to classified information, the committee would be governed by an act and associated regulations rather than parliamentary procedure. Sitting legislators would be able to obtain materials and hear testimony that would address many heretofore unanswered questions. In the selection of members, Bill C-22 requires broad consultation with party and caucus leaders and ensuring representation from both chambers of Parliament.

I would note that the other place amended the bill to acknowledge the evolving identity of this chamber by ensuring that consultation process is done with the leader of every caucus and recognized group in the Senate. Establishing the committee in this manner would set the stage for the emergence of a credible, non-partisan voice ensuring that federal departments and agencies exercise their authorities appropriately and as Parliament intended.

• (1630)

At committee stage in the other place, the membership was increased from nine to eleven, adding an additional representative from each chamber, bringing the number of Senate appointments to three.

While the proposed model draws on best practices adopted by Canada's allies, in some respects the mandate and powers proposed in Bill C-22 go beyond those of other Westminster models, such as the United Kingdom, Australia and New Zealand.

This is true of the committee's expansive scope. The mandate of the committee is not limited to the review of matters after the fact. Instead, it can review any activity that is carried out, including that of ongoing operations.

By contrast, the Australian and New Zealand models are not mandated to consider operations.

In the U.K., the committee may review any operational matter, but only if the Prime Minister agrees that it is not part of an ongoing intelligence operation and is of significant national interest, the Prime Minister has explicitly asked the committee to study the matter, or the information is voluntarily provided to the committee by the agency in question.

Bill C-22 also authorizes the committee to review any matter pertaining to national security and intelligence activities in any federal department or agency. About 20 departments are expected to be involved in this activity in some fashion.

By contrast, the scope of review within the U.K., Australia and New Zealand models is more narrowly defined.

In the U.K., beyond their capacity to review their core security agencies, the committee may examine any institution with which it has a memorandum of understanding, currently three government departments.

In New Zealand, the committee has only the power to review its two core agencies.

The expansive scope of review contemplated by Bill C-22 also comes in stark contrast with other domestic independent review bodies in Canada that direct their efforts at specific organizations. This government-wide perspective is crucial. It creates the opportunity for comprehensive reviews of the legislative, regulatory, policy and administrative frameworks governing the activities of Canada's national security and intelligence community overall. It also ensures the committee is authorized to "follow the thread" wherever it leads.

While the Security Intelligence Review Committee, SIRC, does terrific work reviewing the activities of CSIS, it cannot follow that thread to see what happened if, for example, the information was passed along to the RCMP. SIRC, in its capacity as a complaints body, investigates and looks backward and is essentially a Monday night quarterback in this regard.

While Bill C-22 deliberately creates a broad mandate for committee, there may be circumstances in which scrutiny of an ongoing operation — a live operation in the field, for example — would cause injury to national security. In such cases, the bill allows the appropriate minister to, in effect, defer the review of an ongoing operation.

To ensure that this exception is not abused, such a determination would trigger a number of statutory requirements. First, the minister must provide reasons to the committee. The minister must also notify the committee when the review would no longer be injurious or when the operation is no longer ongoing.

Though this provision was the subject of extensive debate in the other place, I would stress that it is intended as a safety valve,

with commensurate checks and balances, to ensure that a particular review does not adversely impact an active operation.

To fulfill its mandate, Bill C-22 provides members of the committee with broad access to highly classified information, as well as information protected by solicitor-client privilege. The committee may request any information under the control of a federal department or agency, and the bill is explicit in confirming that the committee's right of access prevails over any other act of Parliament.

Cooperation with existing review bodies also offers an important source of independent expert advice, which will both augment the committee's own reviews and reduce duplication of effort.

The Standing Committee on Public Safety and National Security in the other place thoroughly reviewed this bill and introduced a number of amendments, including an important whistle-blower provision.

The government reflected on these proposed changes and introduced other amendments, most notably to reintroduce specific and limited exceptions. I would submit that these exceptions are reasonable and consistent with well-established legal principles and relevant statutory regimes.

For example, the bill would protect information that would reveal the identity of an informant or source, or of an individual protected under witness protection programs of the Government of Canada. This provision is certainly reasonable, in my view. The committee can perform its role without knowing the identity of informants or sources, or the names of individuals protected under the witness protection program.

Confidences of the Queen's Privy Council would also be protected, to uphold the rule of cabinet confidentiality, recognized by the Supreme Court as essential to democratic governance.

Equally important, Bill C-22 respects the principle of police independence, intended to guard against political interference in specific, active law enforcement investigations.

Finally, the minister retains a discretionary authority to withhold "special operational information," as defined in the Security of Information Act, on a case-by-case basis and only if its disclosure would be injurious to national security.

As a useful comparison, other international models either prevent their review bodies from reviewing operational matters, or limit such reviews to past operations.

Bill C-22 proposes a more comprehensive approach.

Honourable senators, let's be clear: The oversight committees of all Five Eyes countries face some degree of restrictions or limitations on their ability to access classified information. In Australia and the United Kingdom, the ministers responsible may

withhold sensitive information. In New Zealand, the power to withhold information is left at the discretion of the agency heads, although the Prime Minister may override the agency's decision.

In light of the committee's mandate, the bill must account for the security requirements associated with the nature of the committee's duties and functions. It sets out a number of safeguards, requiring that members of the committee maintain the necessary security clearance, take an oath of secrecy, and comply with procedures and practices to be set out in regulation.

Bill C-22 requires that the committee submit an unclassified annual report of its review directly to the Prime Minister, including findings and recommendations, as well as a summary of any special reports issued. The report will identify the number of times the review of an ongoing operational activity was determined to be injurious to national security, providing another vehicle for holding ministers to account. The committee's annual report will be tabled in each house of Parliament and referred to the appropriate standing committee for study, providing an opportunity for parliamentarians and Canadians to scrutinize any issues that may be raised.

Much has been said about the Prime Minister's review of the annual report. Given its origins — based on highly classified information — the bill provides for the report's review prior to public release. As is the case in other Westminster countries with similar committees, this review is strictly intended to ensure that protected information is not inadvertently disclosed. I would emphasize that the Prime Minister's review is done in consultation with the chair of the committee for the sole purpose of making sure that the report is, in fact, unclassified. How this is achieved, whether by blacking out lines or denoting redactions with an asterisk, is entirely up to the committee. These provisions do not provide authority for the Prime Minister to alter the committee's findings or recommendations.

The committee has full discretion to include in its report any criticism it may have on this or, frankly, any other issue. This topic illustrates an essential point.

While access to information is critical, and I believe Bill C-22 achieves the broad and largely unfettered access required, the committee's independent pursuit of its mandate is fundamental to the integrity of its work. To that end, Bill C-22 establishes the committee's mandate and powers in law.

There can be no question as to the scope of the committee's mandate or its authority to chart its own course in deciding which matters it wishes to review and in issuing findings and recommendations as it sees fit.

Canadians have called for greater accountability and transparency. The bill before us provides a sound framework to achieve just that, by creating a permanent mechanism to meaningfully enhance Parliament's role in the review of national security and intelligence activities.

Canadians want to know that the exercise of authorities is appropriate and consistent with our principles, including those enshrined in the Charter of Rights and Freedoms. Canadians also want to know that the laws in place are effective at keeping them safe.

• (1640)

Honourable senators, what I will say next is essential to the mindset that I hope will animate this chamber's review of Bill C-22. This is a bill that strikes the delicate balance between the imperative of initiating parliamentary review and the need to establish a working relationship with the security agencies, international allies and other national security agency stakeholders. That balance is absolutely fundamental to the interests of Canadians. It represents the right balance of policy in an area where Canada is only now getting off the starting blocks.

Bill C-22 is not merely a meaningful first step. It is the legislative genesis of parliamentary review of the Canadian intelligence machinery. Though there may be room to adjust and grow Bill C-22, it is by no means a minimalist approach. It allows Canada to develop its own oversight, in its own context, by its own experts, and to gain the trust of stakeholders and parliamentarians as we move forward, but it is likely not the final destination.

Section 34 of the act explicitly provides that a comprehensive review of the regime is to be undertaken by parliamentary committees in five years' time. This review will be informed by the lessons that will be learned in the Canadian context.

Given this, I would invite the Senate committee studying Bill C-22 to offer observations that can be tracked and subsequently reported on during this review. "An act to establish the National Security and Intelligence Committee of Parliamentarians" provides the balance legislators require to oversee the important work of our agencies. It offers us the opportunity to establish a strong, working relationship with those doing the important work of protecting Canadians, and it will offer us the capacity to develop our expertise, to learn and to adapt, based on the experience we will have gained together. We need to walk before we can run, and we certainly need to walk before we jump off a cliff.

Bill C-22 is to be understood as the foundational stone upon which the Canadian experience will evolve and adapt.

The capacity and context of our national security engagements were diminished by this gap of review and this glaring difference between Canada and our most important allies. Canada is perfectly capable of having effective national security and effective parliamentary review. One need not get in the way of the other, and this bill provides the road map forward.

[Translation]

Essentially, this is our opportunity to finish the work we began in this chamber.

The most vocal and energetic calls for parliamentary oversight came from our Senate colleagues, and many of them are still with us. It is very appropriate that the Senate have the last word.

I expect that this chamber will undertake a comprehensive study and I thank you in advance for your contributions.

Thank you.

[English]

Hon. Carolyn Stewart Olsen: Senator Harder, would you take a question?

Senator Harder: Of course.

Senator Stewart Olsen: I need to review this legislation, but, frankly, I'll just say that I find it one of the most terrifying pieces of legislation I've seen recently.

One thing that was missing from your very good speech on the body of the legislation is: What are the penalties for divulging top secret information?

Senator Harder: The penalties are those prescribed in the law. Frankly, I would have to look that up in the text, and I would be happy to.

Hon. David M. Wells: Senator Harder, would you take one or two questions?

Senator Harder: Of course.

Senator Wells: In the legislation, it says that there will be consultations in the Senate with groups or parties. I note that there were provisions and that it was increased from two to three in the amendment over in the House of Commons. Does this assume that, for whoever is making the appointments, when he or she does that consultation with the recognized groups or parties in the Senate, those recommendations will be accepted?

Senator Harder: It assumes that there will be consultations, that names will be put forward for consideration and that the person making the decisions will reflect on the basis of the consultations. It is not an automatic flow-through that is envisaged.

Senator Wells: This sounds like an agency of government. Having worked for an agency of government myself, this is what it sounds like, with the board being, in this case, solely parliamentarians. I'm going to assume that's close to correct in the next part of my question, but is that correct?

Senator Harder: Senator, I wouldn't describe it as such. It is a committee of parliamentarians first and foremost. Yes, it will be supported by appropriate staff. Staffing of the committee will be for the committee to determine. Its sole purpose is parliamentary oversight of the respective agencies.

It is much like the British model, the Westminster model. While not being a parliamentary committee, it is essentially a committee of parliamentarians to ensure parliamentary oversight of, in the Canadian case, security and intelligence being conducted across the Government of Canada.

Senator Wells: Senator Harder, would this be under the auspices of a minister or the Prime Minister?

Senator Harder: The reporting of the committee's work is to the Prime Minister, but the obligations in the law often reflect obligations of ministers.

Hon. Mobina S.B. Jaffer: Senator Harder, thank you very much for your presentation. This bill is such an important one. For the first time, we'll have oversight of intelligence agencies.

My concern is — and you heard this earlier when we had the briefing from the minister, so it's not news to you — regarding members. I have two questions.

I've always understood that senators would be one third of a joint committee. It is 11 members, and there are three. That doesn't make it one third. That's my first question.

The bigger issue is that it says that the committee is to consist of not more than three members who are members of the Senate and not more than eight members who are members of the House of Commons. As you heard me say earlier to the minister, I'm concerned about that because it could be one senator and ten MPs because it says that it could be up to three. I'm wondering if, Senator Harder, you would consider putting forward — and we're going to be studying this bill; this is just second reading — or working with us to make sure that it should not be "may" but "shall be three members."

Senator Harder: Thank you, Senator Jaffer, for your question and for the earlier discussion we had in the briefing with the minister.

As the minister indicated — and I'm happy to indicate to the chamber; let's take a look — the intent of the government and the drafters was to ensure that there would be a membership of 11, with three from this place, and that that would be the balance and the representation. Whether "shall" would give greater assurance or not, let's look at the wording and speak to the drafters as to how we can best provide the assurance your question is addressing.

Senator Jaffer: With the greatest of respect, it's great to talk to drafters, but we know what the law says. "May" means "perhaps" and "shall" means "must," and we must have certainty that our chamber is properly represented. May I ask that we all work together to make sure that it's "shall"? I don't need a drafter to tell me that; I know that. If "may" means "perhaps," then "shall" means it "must."

Senator Harder: We shall work together.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator Harder, I have a few questions for you.

Is it correct that the presumed chair of the proposed national security and intelligence committee of parliamentarians will be David McGuinty, the member of Parliament?

Senator Harder: That is the case.

• (1650)

Senator Martin: If the committee is reporting to the Prime Minister, and the chair is meeting with the Prime Minister, how can Parliament — other members, including our chamber — be assured that there will be true oversight? I ask that not because

Mr. McGuinty wouldn't be doing his work, but because he is of the same governing party. I'm just wondering how that decision was made. Is there any consideration of just having a chair that is elected by the committee? I'm curious as to how that was determined.

Senator Harder: It's determined in the legislation itself. It wasn't unusual to do this in the case of other jurisdictions when they began and established their committees. I want to assure all senators — and we will get into this in greater detail — that it is the intention of the government to have this committee be seen and to act with all of the independence and integrity that the law allows. That's why it is a legislated committee of parliamentarians and not just an advisory group.

Hon. Serge Joyal: Would the honourable senator entertain another question?

Senator Harder: Yes.

Senator Joyal: Thank you, Senator Harder, for your presentation. I was listening very carefully when you were reciting the number of initiatives that were taken in both places in relation to this proposal. In fact, I say this while looking at our colleague Senator Fraser, who was chair of the special committee that did this study on the anti-terrorism legislation introduced by the Chrétien government in 2001. In the report done at that time — if you read it — which was December 2001, there was already recommendation of an oversight. I remember very well our former colleague Senator Grafstein, myself, and others on the committee — and I'm looking at Senator Andreychuk and Senator Tkachuk, who was here a moment ago — were the first ones to propose that because there was an unbalance in the system. As you properly stated, it is essential on that committee that there is a balance.

But there is another element which in my opinion is peculiar to the Senate membership. It's the fact that senators stay while members pass on — not “pass on,” but they jump off the cliff sometimes without a parachute, as you stated, and they disappear. The quality of the membership in this chamber is such that we survive governments. You have been a mandarin of the public service. You know very well that one of the key preoccupations of the security agencies is to speak to people they can trust, and not to speak to people in a tourniquet. If they share information and they know that in six months there will be different people with whom they will be dealing, you know exactly what will happen. They clam up. We knew that when we studied previous legislation.

The only membership on that 11-member committee that will stay there are the senators. Senators will develop the expertise, the institutional memory and the capacity to understand what has been done earlier. I am here in 2017 and I was there in 2001, like my colleague Senator Fraser and many other senators here. We remember what we were told in those days from representatives of security agencies. It seems to me that we have put the cart in front of the ox. Those who should be members on that committee in greater numbers are senators. We are here to stay. We survive governments. We develop the expertise. There are many more reliable persons in this chamber, in terms of professional commitment, than in the other place, where they are driven

essentially by ambition. It's fair. That's the rule of the game here. Here we have no ambition. We are here to serve. We serve as much as we are committed to the objective of that committee.

I applaud the government initiative, but I think we need a sober second thought on the membership of this committee and on the role of senators because, as my colleague Senator Jaffer has mentioned, it's for the Prime Minister to choose up to three senators. What happens if the Prime Minister chooses only from his own group of senators whom he has appointed?

The Hon. the Speaker: Do you wish to enter the debate or are you going to ask a question?

Senator Joyal: I apologize; thank you. I need to be called back for discipline. I apologize to honourable senators.

I ask you to reopen that reflection on the membership on the committee and the role that senators should play in it.

Senator Harder: This is simply launching the discussion in second reading. We will have many occasions in committee, and in other debates on second or third reading. I just want to respond from the government's point of view that the intention is to have a balance that reflects the House of Commons and its elected and therefore democratic mandate. I dare say, in the hope that not everybody gets thrown out at the next election, that there would be stability. That has been the practice in the United Kingdom, by the way, in which there has been stability on the committee on both sides of the representation. I would also have to acknowledge that in my discussions with the Brits, the contribution of the lords that are involved is very much for the long-term institutional memory. That is the design that is expected with the presence of three senators in the bill that we have before us, so that there will be a longer term perspective from those senators who participate in this.

I look forward to having other occasions to debating this matter with you and other senators, to ensure that the government's desire of having that balance is fully understood. Hopefully, we can endorse this bill when we come to that opportunity.

Hon. A. Raynell Andreychuk: I want to follow up on Senator Martin's question. I apologize, but I had to go urgently on another matter, so I'm going to read your speech fully and address the issues in it.

Am to understand that a chair of the committee was appointed, interim or otherwise, before the legislation passed?

Senator Harder: Correct.

Senator Andreychuk: Is there some reason why that was done?

Senator Harder: It was the government's view that the appointment would help facilitate the parliamentary consideration of the bill and help broaden the understanding of

the expectations of this innovation in terms of parliamentary oversight. That appointment was made some months ago.

Hon. Ratna Omidvar: I persist. Senator Harder, thank you for that speech. You alluded a number of times to the U.K. model. I understand it's a model from which we can learn and base the legislation on, but I want you to explain why we diverge on a significant matter, which is that in Bill C-22 we are proposing a list of mandatory exclusions on access to information whereas the U.K. model has a discretionary list. Can you explain that to us?

Senator Harder: Thank you, senator. This is an item I'm sure we will also get into in committee in detail.

Let me for today say that the British experience, beginning in 1994, has evolved to where it is today. The point of departure for this legislation is not as robust frankly as the U.K. model that exists today, but it is the intention of the government to learn from our experience, to develop a Canadian experience and context and, with the five-year review, see whether and how adjustments should be made.

The architecture of the bill we have before us is, in my view, a finely balanced set of expectations by the committee, the stakeholders, the institutions and our Five Eyes colleagues, who will want to have the confidence that we have with our oversight mechanism provided strong assurances of the information that is shared being protected and held closely. This is why I spoke earlier of the need to get on with it so we can develop a Canadian experience. By no means is this suggesting that this is where we will be. As the British experience, which is now over 23 years old, has evolved, we will evolve.

• (1700)

Senator Omidvar: Thank you Senator Harder. I understand an incremental, cautious approach. I wonder, though, if you are able to tell us now or maybe we will find this out in committee that when the UK started 23 years ago, did they have a mandatory list of exclusions or did they start right away with the discretionary?

Senator Harder: My understanding is that they had a different start, but we'll get into that in committee.

(On motion of Senator Martin, debate adjourned.)

PRESIDENT OF THE PUBLIC SERVICE COMMISSION

MOTION TO APPROVE APPOINTMENT ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of April 4, 2017, moved:

That, in accordance with subsection 4(5) of the *Public Service Employment Act*, S.C. 2003, c. 22, ss. 12 and 13, the Senate approve the appointment of Patrick Borbey as President of the Public Service Commission, for a term of seven years.

[Senator Harder]

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?

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MAY 9, 2017, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 3, 2017, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 9, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

She said: Honourable senators, I just want to clarify that it will be Mr. Sohi, Minister of Infrastructure and Communities, who will be here.

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

Hon Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 3, 2017, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 8, 2017 at 6 p.m.;

That committees of the Senate scheduled to meet on Monday, May 8, 2017 be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUDGET IMPLEMENTATION BILL, 2017, NO. 1

MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 3, 2017, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures, introduced in the House of Commons on April 11, 2017, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-44 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-44 in advance of it coming before the Senate:
 - (a) the Standing Senate Committee on Foreign Affairs and International Trade: those elements contained in the Division 1 of Part 4;

(b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 3, 8 and 20 of Part 4;

(c) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 5, 9, 11, 13, 14 and 16 of Part 4;

(d) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Divisions 10 and 17 of Part 4; and

(e) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 12 and 19 of Part 4;

2. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-44 be authorized to meet for the purposes of their studies of those elements even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;
3. The various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-44 submit their final reports to the Senate no later than June 7, 2017;
4. As the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-44 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and
5. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point four into consideration during its study of the subject matter of all of Bill C-44.

She said: Honourable senators, I would like to make a small clarification before moving the adoption of the motion.

[English]

Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion by adding the word “18” after the words “Division 3, 8” in paragraph 1(b) of the motion.

[Translation]

It is simply a matter of giving the Standing Senate Committee on Banking, Trade and Commerce the mandate to examine the Canada Infrastructure Bank Act.

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

Hon. Senators: Agreed.

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

Hon. Joan Fraser: I was going to move the adjournment of the debate.

Senator Bellemare: There have been discussions about this motion, because, according to the initial bill, the Finance Committee should be the one to examine section 18, which pertains to the Canada Infrastructure Bank Act. However, there has been debate, and many senators, including Senator Day, want the bill to be sent to the Banking Committee. They think that this section should be examined by the Standing Senate Committee on Banking, Trade and Commerce. They believe that would be more appropriate since the section deals with an infrastructure bank.

I proposed the change to hasten the debate and allow the committee to get the list of witnesses right away. There is a consensus among all of the parties that I consulted, and particularly on the part of the sponsor of Bill C-44, Senator Woo. Senator Woo was also supposed to talk to Senator Forest about it since he wasn't there.

Senator Fraser: Honourable senators, it is at the request of my leader, Senator Day, and in his name, that I move the adjournment of the debate. He had to briefly step out of the chamber just moments ago.

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

Hon. Senators: Agreed.

(On motion of Senator Fraser, for Senator Day, debate adjourned.)

[English]

CANADA PROMPT PAYMENT BILL

THIRD READING

Hon. Donald Neil Plett moved third reading of Bill S-224, An Act respecting payments made under construction contracts, as amended.

He said: Honourable senators, I will be brief. It is late. We all want to go home. I need to build a shed at home, something that I had to pay for when I bought it. They didn't give me any credit.

Bill S-224, the Canada Prompt Payment Act, was first tabled in this place on April 13, 2016, over one year ago. Sadly, in that time, trade contractors across the country have continued to go out of business. Colleagues, this is too long for an issue as important and straightforward as workers getting paid for work they have completed.

This legislation had an extensive and unorthodox journey through the committee. But witnesses were overwhelmingly supportive, and truly that is an understatement. As Senator Tannas reminded us at clause-by-clause consideration, we had men in tears here. We know there is a big problem.

The problem, colleagues, is that it has become an accepted and tolerated practice in the construction industry that unpredictable delays in payment down the contractual chain are just part of the normal course of doing business. The average duration for a trade contractor to receive payment for certified work that is not in dispute is over 70 days, 10 weeks.

I have mentioned before in this chamber that this puts trade contractors in a liquidity vice. The trade contractors' revenues are subject to unpredictable delays without any flexibility on their payables. Weekly wages, payments to the CRA and payment for materials must be made within 15 days, and the list goes on.

Most trade contractors are small employers. The majority of trade contractors employ fewer than 20 employees. Trade contractors often commit all of their resources to one single project. In these circumstances, there are serious consequences when there is an increase in cash flow risk. A three- or four-month delay in making a payment when a project is absorbing all or virtually all of a trade contractor's business resources puts the survival of the business at grave risk.

I'll remind colleagues that Canada is the outlier. Nearly all jurisdictions in the Western world have prompt payment legislation, including virtually all of the U.S. states and the federal government.

• (1710)

The Canadian provinces are also moving quickly on this file. In fact, Ontario's legislation is slated to be tabled this spring.

Colleagues, we had 20 witnesses at committee. Eighteen were not only supportive but were pleading with the committee to pass this legislation quickly and to finally give them an enforceable solution to this problem. Only two of those 20 witnesses raised any concerns. Which two would those be; those that are not paying their bills on time.

Steven Mackinnon, Parliamentary Secretary to the Minister of Public Services and Procurement, while not stating he was opposed to the legislation, stated that he was told there may be some jurisdictional issues. They were told this by lawyers from Justice Canada.

As the chair knows, we pleaded with Justice Canada to send over some lawyers to testify so that we could ask them about this. Eventually, they reluctantly sent over two. Both said they could not say for certain whether the bill was unconstitutional, but there may be some concerns.

We then invited a renowned constitutional expert to testify about whether this legislation was within federal jurisdiction, and he was absolutely emphatic that this was within the federal Parliament's right to legislate. The committee accepted his opinion.

The only other witness to raise concerns was a general contractor, who of course is the party responsible for paying its bills and who is often the culprit in terms of the delays in payment and the disastrous consequences that have resulted in the construction industry.

We heard stories from trade contractors at committee who had waited 180 days, 220 days, four years, and even up to seven years to receive any payment for completed and certified work. One said that he has gotten to the point where he just won't work with general contractors anymore. Dan Lancia, an electrical contractor, told the committee:

It's a systemic problem in our industry. I don't do any government work. I do private sector work. It's systemic in [the] private sector. When dealing with general contractors, they hold on to your money.

From what I understand now, they've actually hired money managers to manage my money and not give it to me. That's becoming so much of a problem I have actually decided I don't like working for general contractors anymore. For that reason we may be slowing our business down a bit by not taking on so many projects and not hiring as many people as we usually do.

I am tired of being a bank. I am tired of having the bank call me. I am tired of having suppliers call me. I am just tired. I have been in business for 28 years. It has been a great business.

. . . The business changed 15 years ago and it's just getting worse trying to get paid.

Colleagues, what we did is work with the general contractor, the lawyer representing the national trade contractors, and the Senate law clerk's office and came up with a series of amendments to satisfy the vast majority of not only the general contractors' concerns but other concerns. Of course the committee was not able to satisfy all of the requests, but we made a compromise.

All of the amendments that I proposed at committee were accepted unanimously. As Senator Tkachuk did a great job explaining each amendment when he tabled our committee's report, I will not repeat all the details. I will, however, highlight one amendment that was recommended by Senator Ringuette, which spoke to a swift and efficient adjudication process. This was one of the most significant improvements to the legislation, and I thank her sincerely for her work on this file.

Honourable colleagues, as most of you did not have the opportunity to listen to the stories of the contractors who came before us, I will leave you with just one story, a quote from Ed Whalen who testified representing Canada's steelworkers. I asked him what he thought about the parliamentary secretary's suggestion that we simply strike up another working group or perhaps try to come up with yet another solution, and whether that would satisfy their concerns. This is what he stated, with tears in his eyes:

The ultimate problem is that we're not getting paid in time. If some process takes 120 days or longer then it's not the solution. We have expectations from our suppliers that they want to be paid in 30 days. We're running up our lines of credit. The banks are on our backs. They're ready to pull the pin.

You wouldn't get this many trade contractors in front of this Senate committee unless this was very serious. Hundreds of thousands of Canadians are at risk. Thousands of companies are at risk through no fault of their own.

We need a solution so that our guys can minimize the risk in one draw. Then they can make a business decision. At the moment it's one draw, two draws, three draws, four draws, and then unbeknownst to them the bank is on their back. They can't collect but everybody is looking for money.

This isn't a joke. We need immediate solutions. Is there some other possible way to solve this problem? The rest of the world said no. They all came down to the same common denominator, and that was legislation.

Why are we trying to reinvent the wheel? We have something sitting right in front of us. We can work on additional solutions later. Do you want these companies going down through no fault of their own?

Mr. Whalen concluded with this:

We're trying to make a living, to keep the economy going and to employ people. We're trying to build things, not feed the lawyers lots of money. All those legal fees and expenses come out of our bottom line. Right now our bottom line is nothing. Anything which delays payment and takes away from our ability to survive is money gone. We need a bit of profit in order to survive, and you're not giving it to us.

Colleagues, it is time we give the contractors what they need to survive. All they want is to be paid for work that they have completed. They have waited long enough.

Earlier this week, we passed Bill S-229, Senator Mitchell's call-before-you-dig bill. It too had been in this chamber far too long. It is a completely non-partisan issue, and it too needs to pass the other place. We owe it to Canadians.

Let's move this along to the other place so it has a chance of passing in this session. Our trade contractors across the country, their livelihoods and their families are depending on it.

For this reason, colleagues, I humbly ask, if you would like to speak to this legislation, to do so today on behalf of the trade contractors across the country, so that we can vote on this bill today and pass it over to the other place.

Hon. Grant Mitchell: Colleagues, I appreciate what Senator Plett said about it being late. I was saying to him earlier today that it's only May and I'm already June-tired. I'm sure you are as well.

I do want to say a few words in support of this bill. Senator Plett did recognize something that is remarkable in some sense, which is that we have had two Senate public bills this week that affect the security and integrity of construction in different ways in this country.

I want to thank colleagues in the Senate who supported Bill S-229. That was very rewarding for me. I will say, as an aside, that it was only widely supported in the Senate, and that one third of my caucus didn't actually vote for it. I only mention this because I want to lay to rest, once and for all, any suggestion that I actually have any reach as a whip whatsoever.

From now on you will know why I am legitimately called "liaison." In fact, to further the analysis, I can count on my own vote, so I actually couldn't control 50 per cent of my own caucus.

I am supporting this bill for two reasons. One is, very fundamentally, common sense. The fact of the matter is that this is a question of fairness. If you do work, you should get paid for it and you should get paid for it in a timely fashion.

A corollary of that is that it's quite fundamental to the integrity of the federal government that that kind of payment is done properly and in a timely fashion.

• (1720)

The second reason is more substantive. Speaking as an Albertan, I think many people, and probably many of the colleagues in the Senate, have this sense that Alberta is a province of big companies. When you look at the buildings in Calgary, you can only imagine that it's nothing but an economy of big companies. If you see the massive development in the north, it could only be an economy of big companies.

But what I know, from having lived there for decades, and having been integrally involved in that economy, those communities and that province, as you all are in your own regions, that is not an economy driven just, if not even primarily, by big companies. That is an economy driven by small- and medium-sized businesses. They are the mainstay of the economy of Alberta, and they are probably, I expect, the mainstay of every economy in every province and territory in this country.

What I also know about small business is that it will be the mainstay of a future, diversified new kind of 21st century economy. That is a compelling and important initiative, and an important direction for the economy of my province to take.

If small businesses that are often, by and large, the subcontractors in this series of payments that are being addressed by this bill, are not paid in a timely fashion, they go out of business. This bill instinctively necessitates a respect for small- and medium-sized businesses which, as I say, have this important place in the economy of Alberta, the economy of this country and in whatever future diversified economy we will have for the 21st century.

For that reason, this bill, in honouring and in supporting small business in the way that it does, needs to have further consideration. It needs to get from here and over to the other place.

I know that Senator Plett has done tremendous work on this. There is never any doubt about his diligence with respect to whatever it is that he undertakes to do. Believe me, I've been on the other side of it a number of times.

I also know that the committee has done tremendous work on this subject. I feel and I believe in my heart of hearts that this is, again, an indication of the kind of work that the Senate is here to do for Canadians in advancing public policy issues, which often aren't considered quickly enough, or at all, by the other side.

I also know that there are some weaknesses that have been raised. I think Senator Plett has addressed each and every one of those in a very effective manner. He said something quite humorous to me a while ago. I said, "Well, I have heard it has constitutional problems," and he said, "Well, I sat on the Legal Committee for any number of years, and there has never been a bill that has appeared before the Legal Committee for which somebody didn't raise constitutional issues."

So at the very least, these issues can be considered in the other place. For those reasons, and for my belief that this supports a fundamentally important principle and a fundamentally important element of our very being as an economy and as a community in my province and in this country — small- and medium-sized business — I support this bill at third reading. I will be voting for it and I hope it is considered in the other place as quickly as possible.

Hon. Lucie Moncion: I was sitting on the Banking, Trade and Commerce Committee, and my concern has always been the same. This bill is for federal projects, and I think the concern that we all have is with provincial situations, because most small entrepreneurs are provincially regulated. So how will this legislation help provincial legislation and provincial entrepreneurs so that they will be paid promptly?

Senator Mitchell: One thing I know about this country is that it has had a remarkable history of collaboration between the levels of government. There are all kinds of instances where there have been overlaps or gaps between and amongst the federal government and the provinces. Many of those instances can be argued on the basis of constitutional parameters.

But what I also know is that when this federal government sets its mind to something, and when its public servants are asked, "We're not asking you whether we can do this, we would like you to find a way to make this happen," it may well be that it won't happen as a result of this bill being passed, in this form, in the other place. It might, but at the very least, what this bill does is send a strong message from a significant body in the parliamentary system of Government in Canada, that, if we vote for it and I hope we do, we want something done, so figure it out and find a way.

And you know what? I have confidence that all the minds over there and the minds of the public service can find a way to figure it out and work with the provinces to make it work for small- and medium-sized businesses in this country.

Hon. Joan Fraser: Before Senator Mitchell delivered his eloquent remarks, I was rising to propose the adjournment of the debate so that one of our group could speak. But while Senator Mitchell was delivering his eloquent remarks, I was persuaded by an extremely persuasive and highly respected colleague that it would be a good thing for me not to propose the adjournment of the debate. So I shall not do so.

[Senator Mitchell]

Some Hon. Senators: Hear, hear!

Hon. Howard Wetston: Thank you, Your Honour. I rise in support of this bill as well. I'll be brief, obviously. As much as there is a great desire on my part to take up the constitutional discussion, I will not do that.

The main reason I am rising to support this bill, having been on the Banking Committee and worked through the amendments and the process before the committee, is that there is a clear market failure. And where there is a market failure, it requires a response from the government to address that failure.

Basically, there is no level playing field here, and there is a clear payment cycle that has been elongated, according to the witnesses who have appeared before this committee. Something needs to be done. Senator Plett described what has occurred in other jurisdictions. Many jurisdictions, including the U.S., U.K., Ireland and Australia, et cetera, have prompt payment legislation.

To describe this briefly from my perspective, there being a market failure, something needs to address this failure. The only way to address this failure is through some public policy response, in my opinion. That response is this bill. There is a payment waterfall here, but that payment waterfall looks more like a payment trickle. That needs to be addressed.

I believe the bill and the amendments create a very balanced bill that addresses this particular problem. For that reason, honourable senators, I support the bill.

The Hon. the Speaker: Are senators ready for the question? It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Wells that the bill as amended be read a third time. Is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

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

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate).

Hon. Paul E. McIntyre: Honourable senators, as Senator Baker has often stated, I will be brief. I rise today in support of Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate), introduced by former Senator

Wilfred P. Moore and sponsored by Senator Patricia Bovey. The purpose of this bill is to establish the position of Parliamentary Artist Laureate.

The importance of visual arts needs to be recognized. By establishing the position of Parliamentary Artist Laureate, we ensure that artists have a good representation and a role to play in the heart of Canadian democracy.

Visual arts have a particular ability to shape the spirit of our society and great nation. Whether the art reflects our present, past or imagination, it is a portrait depicting our lives and history; a powerful way to bring communities from coast to coast to coast together and create a shared vision of ideals, values and hopes for the future.

• (1730)

Let me describe the contours of this proposed legislation.

The selection committee, an independent body composed of the Parliamentary Librarian, the Librarian and Archivist of Canada, the Commissioner of Official Languages, the Chair of the Canada Council for the Arts and the President of the Board of Directors of the Society of Canadian Artists will select three candidates. These candidates will then be under consideration by the Speaker of the Senate and the Speaker of the House of Commons, acting together.

Once appointed by both Speakers, the parliamentary artist laureate will become an officer of the Library of Parliament, holding the position for a two-year term.

The duties of the parliamentary artist laureate would be similar to those of the Parliamentary Poet Laureate. The selected candidate becomes a symbol of arts through which the public is manifested.

As stated in the bill:

The mandate of the Parliamentary Artist Laureate is to promote the arts in Canada, through Parliament, including by fostering knowledge, enjoyment, awareness and development of the arts.

It is a continuous campaign to promote Canadian cultural heritage, a campaign that will, all the more so, reinforce the importance of the arts in our society.

The role of the parliamentary artist laureate is not limited to producing artistic creations or sponsoring cultural events. The appointed laureate will also act as an adviser to the Library of Parliament for the purpose of acquiring new artwork which will enrich the library's already impressive collection.

Bill S-234 describes visual arts as "... drawing, painting, sculpture, printmaking, design, crafts, photography, videography and filmmaking."

This wide definition gives a lot of flexibility to the artist laureate, enabling him or her to organize various types of innovative activities.

The artist laureate will also become a reflection of our bilingual country. Nominated candidates will alternately be selected from each official language community.

As so eloquently phrased by Senator Bovey, and I quote “. . . the arts are the most powerful tool we have for social change.” And “. . . we need these tools more than ever before.”

There is nothing more powerful to express our national spirit of diversity, equality and unity than through the arts. It goes without saying that the visual arts can easily convey ideas across generations and cultures. They can address the critical issues that our society is facing and help bring solutions to better fight those issues.

Bill S-234 sends an important message to Canadians. In passing this bill, the Parliament of Canada is taking another step toward protecting our national legacy. In this digital age, where the importance of art in its original form is continuously shadowed by the prevalent digital technology commonly used, we can show that more than ever the works of art are indispensable in protecting our national identity and maintaining our values.

With Bill S-234 we will welcome artists who make significant contributions to the Canadian artistic community and are able to demonstrate artistic excellence. These artists will not only become leaders of cultural initiatives on Parliament Hill but also across the country.

In this rapidly changing world of new technologies, the value of the arts is being overshadowed. It would be unfortunate for Canadians to be deprived of the impressive and immeasurable cultural heritage we have been collecting for centuries.

Honourable senators, culture is like building a fortress. Small bricks are needed to make it solid and impenetrable. The parliamentary artist laureate is one of those bricks that will ensure our country's cultural fortress is as strong and long-lasting as it will ever be.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO STRIKE A SPECIAL COMMITTEE ON THE ARCTIC—DEBATE ADJOURNED

Hon. Charlie Watt, pursuant to notice of March 29, 2017, moved:

That a Special Committee on the Arctic be appointed to consider the significant and rapid changes to the Arctic, and impacts on original inhabitants;

That the committee be composed of ten members, to be nominated by the Committee of Selection, and that five members constitute a quorum;

[Senator McIntyre]

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 the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit 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 to submit its final report no later than December 10, 2018, and retain all powers necessary to publicize its findings until 60 days after the tabling of the final report.

He said: Honourable senators, I'm not going to keep you too long. I'm looking at the time. Thank you for giving me the opportunity to address the assembly.

[*Editor's Note: Senator Watt spoke in Inuktitut.*]

Honourable senators, I am pleased to speak with you today on the motion to create this special committee on the Arctic and I look forward to addressing the issues that are specific to Northerners who are in the Arctic region. I am happy to do this with the support of my colleagues.

Canada needs a well-articulated Arctic policy that puts Northerners first.

A special committee on the Arctic will give us a chance to look into a variety of issues that are long overdue. We plan to start with a few smaller studies on the oil and gas moratorium, and infrastructure and conservationism before moving to larger studies looking at Arctic sovereignty.

• (1740)

In December 2016, former President Obama and Prime Minister Trudeau launched a number of actions under the United States-Canada Joint Arctic Leaders' Statement, and our committee will be strategically placed to evaluate these initiatives in the Arctic economy and ecosystem, shipping, science-based management of marine resources, and the risks of offshore oil and gas activity.

As the only Inuk in the Senate, my work is multi-dimensional and deals with Inuit in Canada and across the circumpolar world. The issues are complex and require the input of my colleagues and cooperation across party lines. As an individual senator, I don't have enough resources in my office to do the work alone. I have relied on the goodwill of my colleagues to make things happen. Thank you for your generosity.

As mentioned earlier, my work in the Senate is focused on the Arctic and the Inuit. One example of this work is the mapping of traditional Inuit trails. The data is valuable for search and rescue,

and for demonstrating historic use and occupancy over an immense, rugged terrain.

We also need to consider that Arctic people are facing new challenges brought on by climate change. Inuit have been the guardians of the Arctic waters, land and sea within our homeland for thousands of years. During that time, we have managed it the best we can with limited resources, and it has often been described as one of the last pristine places on Earth.

Today, we are facing unbelievable challenges due to the changing climate. The sea ice is melting at a dramatic rate. Inuit are having to adjust to the disappearance of the sea ice, which impacts where we can hunt and fish. It also affects the wildlife that is so vital to our way of life and our economy. Our hunters are witnessing changes in the migration and behaviour of seals, whales, polar bears and much other wildlife.

With the thawing of the ice has come intense interest in the Arctic for shipping, commercial fisheries and commercial interest in the seabed for its oil and gas deposits. Inuit are deeply concerned by the risks this poses and are determined that development in the Arctic be undertaken carefully to prevent threats to the sea and the wildlife we depend upon.

Inuit should be part of the decision-making process. We are very concerned that the benefits of development may not be felt by Inuit. Our homeland is rich in resources and is making some people very wealthy, yet our communities lack resources and have a limited economy in Canada. This is deeply frustrating to me. Sustainable development in the Arctic requires the involvement of indigenous peoples in economic opportunities and in the governance of those activities to ensure that Canada should never forget that it bases its sovereignty in the Arctic on its relationship with Inuit.

Speaking on the floor of the House of Commons in 1985, Joe Clark, Minister of External Relations, said:

Canada's sovereignty in the Arctic is indivisible. It embraces land, sea and ice. It extends without interruption to the seaward facing coasts of the Arctic islands. These islands are joined and not divided by the waters between them.

We have signed agreements in four regions: Inuvialuit, Nunavut, Nunavik and Nunatsiavut. Our agreements with the Crown require that we are consulted in a meaningful way, yet implementation of our treaty is still not satisfactory. We look forward to the recommendations of the minister's task force to improve the modern treaties. We acknowledge their task is significant, because it has never been done before.

I am concerned about our processes domestically and also internationally. Even though it may be beyond the scope of this new committee, I want to alert you to areas of particular concern: Canada's failure to include us in the UN Convention on the Law of the Sea and the Limits of the Continental Shelf, and in a new international agreement for marine biodiversity in the areas of the world's oceans that are beyond national jurisdiction.

This March, Canada attended meetings at the UN through the preparatory committee that is setting up the elements that would be included, negotiating the agreement. This is being negotiated under the UNCLOS and would apply to the high seas, including the Arctic Ocean. It will set out the terms for creating marine-protected areas and the rules for environmental assessment of projects with the potential to harm biodiversity, as well as for the sharing of marine genetic resources. The impact to Inuit will be significant because of the potential to affect fish stocks and migratory marine life.

We have many areas that we would like to cover and only a short time to make it happen. Ultimately, this special committee will focus on the people of the Arctic, and we look forward to hearing from them directly.

I urge the committee to work from the principles that: Inuit, as the first inhabitants of the Arctic, have long governed the lands, waters and sea ice of the Canadian Arctic in a sustainable manner; Inuit agreed to share their lands, waters and sea ice with Canadians in return for constitutionally protected treaty rights and true partnership with Canada, which is reflected in the modern treaty; the partnership should be honoured and every step should be taken to ensure that Canada's laws and policies recognize and support Inuit's traditional and modern place in the Arctic and the implementation of treaty promises made to Inuit; and the committee must hear from Inuit in a meaningful way to understand how Canada's laws and policies in the Arctic affect Inuit.

The international community is moving into the Arctic, so we must be prepared. We need to prepare northern communities to follow the issues clearly both in Canada and in the international community, and we need to be able to discuss the needs of the North in a collaborative and informed manner.

I know that we have a strong group of senators who look forward to working on these and other Arctic issues. Thank you for your support as we move this forward.

(On motion of Senator Martin, debate adjourned.)

• (1750)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE COMPOSITION OF THE COMMITTEE OF SELECTION AND EACH STANDING COMMITTEE

Hon. Joan Fraser, pursuant to notice of May 2, 2017, moved:

That, notwithstanding the order of the Senate adopted on April 4, 2017, the date for the final report of the Standing Committee on Rules, Procedures and the Rights of Parliament in relation to its study of the composition of the Committee of Selection and each standing committee be extended from May 9, 2017 to May 31, 2017.

She said: Honourable senators, this is a simple extension of the deadline. We hope to make this report before May 31. We haven't been able to start our work on it yet, but we hope to be very efficient when we do. There was some preliminary but essential work that had to be done first.

In answer to the question that I always put to everybody, there are no costs involved and no travel.

Hon. Yonah Martin (Deputy Leader of the Opposition): Senator, would you clarify something? With the report that was dealt with at the committee the other day — I'm trying to read it quickly — could you explain again what this motion is? I'm trying to assess whether it's the report that we're adopting or something else.

Senator Fraser: This is not to adopt a report. The report that you're referring to right now has to do with the definition of recognized parties and recognized parliamentary groups, and some adjustments to the vocabulary of the Rules in light of that definition.

The report that would be required in response to this motion has to do with the composition of committees, and that will in fact be the next order of business for the Rules Committee.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF INTERNATIONAL MARKET ACCESS PRIORITIES FOR THE CANADIAN AGRICULTURAL AND AGRI-FOOD SECTOR WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Ghislain Maltais, pursuant to notice of May 2, 2017, moved:

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between May 9 and May 30, 2017, a report relating to its study on international market access priorities for the Canadian agricultural and agri-food sector, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, May 8, 2017, at 6 p.m.)

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