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OFFICIAL REPORT
(HANSARD)

Tuesday, October 17, 2017

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, October 17, 2017

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON APPOINTMENT
TO THE SARGASSO SEA COMMISSION

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise on behalf of the government to acknowledge and congratulate former Senator Wilfred Moore for his recent appointment to the Sargasso Sea Commission by the Government of Bermuda.

As you know, the Sargasso Sea is a critical and unique ecosystem in the North Atlantic Ocean, a sea bounded not by land boundaries but by currents that form an ocean gyre. The Sargasso Sea plays a crucial role in the life cycles of species, including European and American eels, tuna, billfish, porbeagle, sharks, sea turtles, migratory birds and cetaceans. The marine biologist Dr. Sylvia Earle has referred to the Sargasso Sea, with its floating mats of seaweed, as "the golden rainforest of the ocean."

Now joined by former Senator Willie Moore, the Sargasso Sea Commission will continue its work to promote international recognition, protection and understanding of this important open-ocean ecosystem. In doing so, the commission will lead the way in upholding the international Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea.

As the Honourable Dominic LeBlanc, Minister of Fisheries and Oceans, noted in this chamber last November, Willie Moore was for years a leader in efforts for Canada to become a signatory of this Hamilton Declaration. The following month, Senator Moore joined Minister LeBlanc in Mexico at an international conference on biodiversity, where Canada did that just that.

On a personal note, as you will know, having recently become a grandfather, I am ever more mindful of the importance of preserving the natural world and its creatures for future generations, and I'm grateful for Senator Moore's dedication and leadership. Please join me in congratulating our former colleague on this new role and in offering our support for his important work to protect the Sargasso Sea.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a parliamentary delegation from the Croatian Parliament led by His Excellency Gordan Jandroković, Speaker of the Croatian Parliament. He is accompanied by Her Excellency Marica Matkovic, Ambassador of Croatia to Canada, and a delegation from the Parliament and Offices of Croatia.

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

Hon. Senators: Hear, hear!

THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON APPOINTMENT
TO THE SARGASSO SEA COMMISSION

Hon. Jane Cordy: Honourable senators, I wish to join Senator Harder in congratulating former Nova Scotia Senator Wilfred Moore. On October 3, the Government of Bermuda appointed former Senator Moore to a three-year term as a commissioner for the Sargasso Sea Commission.

This is an acknowledgment by the Government of Bermuda of Senator Moore's dedication and expertise in raising awareness of the importance of protecting sensitive marine ecosystems. The Sargasso Sea Commission was established as a result of the Hamilton Declaration, an aspirational declaration bringing interested countries together for the purpose of high seas conservation.

The Hamilton Declaration was signed in 2011, in Bermuda's capital of Hamilton. Canada did not, however, become a signatory until late 2016. It is likely that Canada would not have signed this declaration had it not been for the persistence of Senator Moore. Previously, there was little interest on the part of the Canadian government to sign the Hamilton Declaration. However, Senator Moore persisted. He wrote a number of successive ministers of Foreign Affairs, who each referred the matter to Fisheries and Oceans. Fisheries and Oceans would then indicate that it was a matter for Foreign Affairs.

Senator Moore was not discouraged by government indifference, and he steadfastly continued to advocate Canada's accession to the Hamilton Declaration. We all know that Senator Moore is tenacious.

Senator Moore finally found a willing partner in the current Minister of Fisheries and Oceans, the Honourable Dominic LeBlanc. During Question Period in the Senate on November 1, 2016, when Minister LeBlanc was in this chamber to answer questions, Senator Moore took the opportunity to ask him directly about the Hamilton Declaration and whether or not Canada would sign on.

The minister replied:

> With respect to your very specific question, you have been a leader in Canada on this important issue of having the Canadian government become a signatory to the Hamilton Declaration. Obviously, our government is fully supportive of global, science-based efforts to identify areas of ecological significance and recognize that collective action to conserve these most sensitive areas, like the Sargasso Sea, is obviously of great importance. I have instructed my officials to begin the process of understanding what the required procedures are for our country, Senator Moore, to sign that declaration.

One month later, on December 1, 2016, Senator Moore joined Minister Dominic LeBlanc as Canada signed, in the presence of the Bermuda government, the Hamilton Declaration.

Honourable senators, I am proud to acknowledge the contributions of our former colleague Willie Moore. His appointment to the Sargasso Sea Commission is well deserved. I extend my warmest congratulations to Senator Moore on this great honour.

Hon. Senators: Hear, hear.

WORLD FOOD DAY

Hon. Norman E. Doyle: Honourable senators, yesterday was World Food Day, so I want to take a few moments to inform you that our Agricultural Committee had the opportunity a week or so ago to visit Nova Scotia and Montreal. We held a number of meetings and met with approximately 15 panels to solicit views on the effect of climate change on the agricultural, agri-food and forestry sectors. All the presentations were great.

At the risk of appearing to favour a presenter from my own province, I have to say I was intrigued, taken aback and even amazed to hear the facts on Canada's food industry that were related to us by Dr. Gabriela Sabau of Memorial University.

First of all, Dr. Sabau's arguments on why Canada needs to transition to a low-carbon economy were compelling. However, it was an eye-opening experience to hear her present some shocking statistics on the management of the food industry — here in Canada and around the world.

In her presentation she pointed out that food is an industrial product; we can transport it globally and waste it at will. According to Dr. Sabau, in 2013 Canada exported $46 billion worth of food, representing half of the value of agricultural production. These exports were composed of both primary commodities and processed food.

We're proud of our agricultural production. However, it was amazing to also learn that, in Canada, 6 billion kilograms — 14 billion pounds — of food annually are either lost or wasted at the household and retail levels.

Believe it or not, that amount of wasted food, expressed in 2010 numbers, represents 30 per cent of our food supply.

• (1410)

Food wastage is costing Canadians an estimated $31 billion per year. This also has a damaging impact upon our environment — to say nothing of the part we play in contributing to world food hunger.

Moreover, Dr. Sabau told us that 1.1 million Canadians, including many children and indigenous peoples, experience food insecurity. And, we can add to that the horribly unsettling fact that about 9 million people around the globe die of food hunger every year.

Dr. Sabau is correct. In such a modern, progressive part of our world, we cannot continue to justify this terrible waste of nutrition, especially when hungry people and hungry nations stand in need.

The debate, or better still, the discussion, must begin in earnest if we are ever going to live up to the commitment unanimously passed by the House of Commons to eliminate poverty in Canada by the year 2000. To say the least, we are way behind schedule, but a good place to begin the elimination of poverty is by eliminating the terrible waste of food in our over-fed country.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Julia Quiñonez, Arturo Alcalde Justiniani, María Martín, María de la Luz Arriaga, Isabelle Bourassa, Steve Stewart, Rachel Vincent, Laura Ramirez and Marie-Eve Marleau. They are the guests of the Honourable Senator Munson.

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

Hon. Senators: Hear, hear!

HUMAN SERVICE DELIVERY SYSTEM

Hon. Lillian Eva Dyck: Honourable senators, I had the pleasure of speaking with Dr. Chad Nilson, from the Centre for Forensic Behavioural Science and Justice Studies at the University of Saskatchewan, who informed me about two important and exciting social innovations in my home province of Saskatchewan that I hope will inspire others in Canada.

In 2011 the Hub Model of Collaborative Risk-Driven Intervention was formed in Prince Albert. This model relies upon early risk detection, limited information sharing among multiple human service sectors, and rapid deployment of interventions where individuals and families are facing situations of acutely elevated risk. To date over 70 communities in Canada are now practising this model. Evidence has shown in this approach reduces risk by connecting people to services before harm occurs.

The latest social innovation to emerge in Saskatchewan actually had its birth place on-reserve. For the past year, Muskoday First Nation has been operating the Muskoday

Intervention Circle. This gathering of multiple human service providers uses the principle of the hub model to detect risk and deploy interventions.

However, the Muskoday Intervention Circle goes one step further, by integrating its health and human services to provide ongoing holistic support that helps individuals and families continue to build the stability they need for a healthy, productive lifestyle. This multi-sector coordinated support process has reduced long-standing barriers to service, helped better meet client needs and has strengthened the overall capacity of Muskoday First Nation to meet the needs of community members.

In an online video about the initiative, Muskoday Chief Austin Bear shares that, "Our people are receiving better quality services because our professionals are now integrated and collaborating." Elder Wilfred Bear has observed that, "Through this circle, we are able to solve emerging problems before they become major issues." Overall, reaction from the community has been very positive.

One point I would like to highlight is that all of Canada could share a valuable lesson learned in this small First Nation of 600 people. That is, that to be effective in human service delivery, we must make sure the system meets the needs of the people and not expect people to meet the needs of the system. Step by step, Muskoday First Nation is examining every component of the status quo to make sure that its own human service delivery system meets the needs of its people.

This social innovation has been replicated in Ochapowace First Nation, also in Saskatchewan.

Honourable senators, I applaud Muskoday First Nation and Ochapowace First Nation for initiating the hub model and for stepping up to mobilize resources and do what's right for their people.

[*Translation*]

CO-OP WEEK

Hon. Lucie Moncion: Honourable senators, a major event is happening at the local, provincial, national and international levels. Co-op Week, which is from October 15 to 22, is an opportunity for cooperatives and credit unions to invite the general public to learn more about the cooperative business model and the actual work cooperatives do for the economy.

This year's Co-op Week, which is based on the theme "Build a Better World Together," is a chance for us to celebrate cooperative values. This 35th annual Co-op Week seems like the right time to reflect on the cooperative movement in Canada and highlight its contribution to the economy and to social justice.

Cooperatives are an integral part of the Canadian landscape, as they have played a crucial role in the promotion of community health and prosperity. They help improve living standards and seek to cultivate the best possible relationships with their members and employees. Cooperatives have a much more personal, more human way of doing business that enhances their relationships and demonstrates their genuine concern for the financial well-being of every individual. What cooperatives prize above all is collective wealth, not the wealth of a few individuals.

Cooperatives also help create jobs, improve local living standards, and boost the social economy. Each year, cooperatives put over a half a billion dollars back into the community in the form of donations, sponsorships, dividends, start-up loans, and support for the elimination of poverty, improvements to green space, and countless social causes.

The year 2017 brought growing recognition of the impact of cooperatives and mutuals. On April 5, our House of Commons colleagues unanimously passed a motion to recognize, support, and promote the cooperative movement in Canada. That gesture was the first step toward greater recognition of the cooperative movement.

Among other things, the motion called on the federal government to consult with the provinces and territories, indigenous leaders, and other important groups about how best to promote and support the cooperative model. That consultation was meant to help the government renew its commitment to developing cooperatives.

The cooperative movement recently announced a new $25-million investment fund to help cooperatives expand. Financed by 14 Canadian cooperative investors, this strategic fund will fill a gap and support social finance initiatives. We hope that this initiative will be of interest to the government, which is currently investing in innovative new social finance tools through the social innovation and social finance strategy co-creation steering group. Participants in any social finance strategy would be wise to look to the cooperative movement, where they might find partners already engaged in having a positive social impact on the lives of Canadians.

Cooperatives have so many reasons to be proud of what they do, and Co-op Week is an opportunity for them to put their presence and their contributions front and centre. They are vital to healthy economies in Canada and around the world, and that is worth recognizing and celebrating.

Please give a warm welcome to the financial cooperative members who visit your offices today for their day on the Hill. Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Natalie Appleyard, Michele Biss and Harriett McLachlan. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Kim Pate: Honourable senators, today, on the International Day for the Eradication of Poverty, I want to acknowledge the work of the members of the Dignity for All campaign who were present on Parliament Hill this afternoon, as well as the work of more than 70 other groups around the country that are active on this issue.

Anti-poverty workers are calling for a human-rights-informed and fully funded Canadian poverty reduction strategy in upcoming budgets starting now. Our charter and our international obligations guarantee equality of opportunity and access to resources, but that has not been the reality for 1 in 7 Canadians — those who live in poverty.

[*Translation*]

The time has come to eliminate the glaring economic, social and racial inequalities and the gender inequality that have been part of Canadian society for too long.

[*English*]

We see the worst effects of this inequality in indigenous communities.

• (1420)

I would also like to acknowledge in the gallery Dr. Val Napoleon, whose visionary leadership has been instrumental in ensuring that many of these issues are known, not just in terms of the indigenous and legal communities but also in the efforts in support of education and reconciliation.

As we strive to fulfill our senatorial mandate to redress marginalization and impoverishment in our society, I urge all honourable senators to keep the need for a guaranteed liveable income at the centre of our discussions and our actions.

The Dauphin, Manitoba Mincome project has taught us that the guarantee of a viable, liveable income supported by strong, continued investment in public health care, education and social programs improves mental and physical health, lowers health care costs, lowers crime rates and the costs of courts, police and correctional services and it increases public safety. A guaranteed liveable income could mean the difference between investing in our people and communities rather than our prisons and courts, and the benefits of such an investment are evident, in terms of saving taxpayers' money, creating a stronger social safety net and building healthier and safer communities, not to mention a more fair, just and equitable society for all.

As we mark the International Day for the Eradication of Poverty, let us look to Finland, where "universal basic income" has reportedly improved mental health and created greater incentives to work, improved innovative entrepreneurship and reduced crime. Let us follow cities such as Barcelona and Utrecht, which are beginning to implement a guaranteed liveable income, and let's also honour Ontario's foray into this field.

[*Translation*]

Let's have the courage to make the ambitious changes needed to finally eliminate systemic inequality.

[*English*]

Let us provide for all what we so commonly take for granted — a viable, liveable income for all.

Thank you, *miigwetch*.

Some Hon. Senators: Hear, hear.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Val Napoleon. She is the guest of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

SECURITY INTELLIGENCE REVIEW COMMITTEE— 2016-17 ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the report of the Security Intelligence Review Committee, entitled *Accelerating Accountability*, for the fiscal year ended March 31, 2017, pursuant to the *Canadian Security Intelligence Service Act*, R.S.C. 1985, c. C-23, s. 53.

[*English*]

INDIGENOUS AND NORTHERN AFFAIRS

ANISHINABEK NATION EDUCATION AGREEMENT— DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the *Anishinabek Nation Education Agreement* between participating First Nations and Canada.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINETEENTH REPORT OF COMMITTEE PRESENTED

Hon. Leo Housakos, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, October 17, 2017

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

NINETEENTH REPORT

Your committee recommends that the following funds be released for fiscal year 2017-18.

Scrutiny of Regulations (Joint)

General Expenses	$	2,250
Total	**$**	**2,250**

Respectfully submitted,

LEO HOUSAKOS
Chair

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

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

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fabian Manning: Honourable senators, with leave of the Senate and notwithstanding rule 5-5, I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, October 17, 2017,at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM

Hon. Jim Munson: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Thursday, December 15, 2016, the date for the final report of the Standing Senate Committee on Human Rights in relation to its study on prisoners in the correctional system be extended from October 31, 2017 to October 31, 2018.

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, Question Period will take place at 3:30 p.m. today.

[*Translation*]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

VETERAN AFFAIRS—DEPUTY MINISTER

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 50, dated April 11, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, respecting the Deputy Minister of Veterans Affairs Canada (part 1).

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 50, dated April 11, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, respecting the Deputy Minister of Veterans Affairs Canada (part 2).

HEALTH—JORDAN'S PRINCIPLE

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 54, dated June 21, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, with respect to Jordan's Principle (Health Canada).

INDIGENOUS AND NORTHERN AFFAIRS—JORDAN'S PRINCIPLE

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 54, dated June 21, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, with respect to Jordan's Principle (Indigenous and Northern Affairs).

[*English*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions: the response to the oral question of September 21, 2017, by the Honourable Senator Carignan, concerning the Canada-European Union Comprehensive Economic Trade agreement; the response to the oral question of September 27, 2017, by the Honourable Senator Carignan, concerning the infrastructure bank; the response to the oral question of February 28, 2017, by the Honourable Senator Dagenais, concerning mental health (Public Safety); the response to the oral question of February 28, 2017, by the Honourable Senator Dagenais, concerning mental health (Treasury Board); the response to the oral question of February 28, 2017, by the Honourable Senator Dagenais, concerning mental health (Veterans Affairs); the response to the oral question of March 2, 2017, by the Honourable Senator Gagné, concerning mental health and home care – official languages; and the response to the oral question of September 20, 2017, by the Honourable Senator Griffin, concerning funding for literacy programs.

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

(*Response to question raised by the Honourable Claude Carignan on September 21, 2017*)

Agriculture and Agri-Food Canada (including the Canadian Pari-Mutuel Agency)

The dairy sector is an important contributor to Canada's economy. The Government of Canada wants the sector to prosper and continue to provide good jobs and quality products for Canadians.

The Dairy Farm Investment Program is a five-year, $250-million program to help Canadian cow's milk producers improve productivity through upgrades to their equipment. The Dairy Processing Investment Fund is a four-year, $100-million program to support dairy processors improve productivity through capital investments and access to expertise. The $350 million was outlined in the Government's 2016 budget and represents a significant public investment in the sector.

The first intake period for the Dairy Farm Investment Program is now complete, and covers the first three years of the program. Producers who have not submitted an application for the first phase of the program will be prioritized for the second phase, which should be announced in the next few months. The Dairy Processing Investment Fund continues to accept applications from the sector.

INFRASTRUCTURE AND COMMUNITIES

INFRASTRUCTURE BANK

(*Response to question raised by the Honourable Claude Carignan on September 27, 2017*)

As announced by the Prime Minister on June 15, the Government supports a federal investment from the long-term *Investing in Canada* infrastructure plan to support the Reseau electrique metropolitain light rail transit network in Montreal.

The Government is on track to meet its goal of having the Canada Infrastructure Bank operational in late 2017. Once the Bank is operational, it will be possible for the Province of Quebec and the Caisse de dépôt et placement du Québec to submit an investment proposal to the Bank for its independent analysis. Given that the Canada Infrastructure Bank is not yet operational, the Crown corporation does not yet have an email address or website.

HEALTH

MENTAL HEALTH

(*Response to question raised by the Honourable Jean-Guy Dagenais on February 28, 2017*)

Public safety officers work hard to protect and help Canadians when they need it most. As a result, public safety officers are often exposed to traumatic events that may lead to mental health problems, such as post-traumatic stress injuries (PTSI). The Government recognizes the importance of supporting public safety officers, and Public Safety Canada (PS) continues to work with the Health Portfolio – in consultation with Veterans Affairs Canada, the Department of National Defence, provinces and territories and other key partners – to develop a coordinated action plan on PTSI for public safety officers.

In support of this action plan, extensive consultations have taken place with public safety officers, mental health professionals, academia, and all levels of government. This work is also informed by the recommendations from the October 2016 report of the Standing Committee on Public Safety and National Security on operational stress injuries in public safety officers, and the work published by the Standing Senate Committee on National Security and Defence regarding mental health issues in the Armed Forces.

Over the coming months, PS will continue to work with key stakeholders to advance the development of the action plan on PTSI, which disproportionately affects public safety officers.

(*Response to question raised by the Honourable Jean-Guy Dagenais on February 28, 2017*)

- Established in March 2015, the Joint Task Force on Mental Health in the Workplace is co-chaired by the Public Service Alliance of Canada and the Treasury Board of Canada Secretariat and is comprised of bargaining agent and employer representatives. The Joint Task Force was created to determine how the government can best align with the National Standard of Canada for Psychological Health and Safety in the Workplace.

- The Joint Task Force released a report with recommendations in December 2015 and a second report in April 2016. The Joint Task Force is continuing to work together to provide guidance to federal public service organizations to take action on mental health.

- In June 2016, the Government of Canada released the Federal Public Service Workplace Mental Health Strategy. There are three strategic goals:

  1) Changing the culture;

  2) Building capacity; and

  3) Measuring and reporting on actions.

- In February 2017, to help support federal public service organizations, the Government of Canada launched the virtual presence of the joint union/employer Centre of Expertise on Mental Health in the Workplace, a key recommendation by the Joint Task Force.

- The Government of Canada is committed to working with bargaining agents to improve how mental health issues are addressed in the workplace.

(*Response to question raised by the Honourable Jean-Guy Dagenais on February 28, 2017*)

Veterans Affairs Canada provides access to a wide range of mental health services, support and information for Veterans and their families.

Veterans Affairs Canada funds a network of 11 operational stress injury (OSI) clinics across the country, as well as satellite clinic service sites closer to where Veterans live. Each OSI clinic provides services through telehealth (distance health services) to support those living in remote areas.

Veterans Affairs Canada also has a well-established national network of around 4,000 mental health professionals who deliver mental health services to Veterans with post-traumatic stress disorder and other operational stress injuries.

The Veterans Affairs Canada Assistance Service (1-800-268-7708) or TDD (1-800-567-5803) is a confidential counselling and referral service delivered through a nation-wide team of mental health professionals and available 24 hours a day, seven days a week, to Veterans, former RCMP members, their families, and caregivers.

Our Government, as part of Budget 2017, further expanded access for families of medically released Veterans to all 32 Military Family Resource Centers (MFRCs), the Family Information Line and CAFconnection.ca.

Veterans Affairs Canada and the Department of National Defence are developing a joint suicide prevention strategy for Canadian Armed Forces personnel and Veterans which is set to be released this fall.

MENTAL HEALTH AND HOME CARE—OFFICIAL LANGUAGES

(*Response to question raised by the Honourable Raymonde Gagné on March 2, 2017*)

Mental health and home care were identified as priorities in the Government's campaign platform, which committed to re-engaging with provinces and territories on a new Health Accord that would "make home care more available, prescription drugs more affordable and mental health care more accessible."

Our Government is pleased to have reached an agreement on a *Common Statement of Principles on Shared Health Priorities* with provinces and territories which outline key priorities for federal investments in mental health and addictions, and home and community care.

Budget 2017 made a historic targeted investment of $11 billion over ten years directly to provinces and territories to improve home care and mental health services. This ensures a fair distribution of funds to support communities, including official language minority communities.

Health Canada delivers the Official Languages Health Contribution Program. The objectives of the Program are to improve access to health services in the minority official language, and to increase the use of both official languages.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

FUNDING FOR LITERACY PROGRAMS

(*Response to question raised by the Honourable Diane F. Griffin on September 20, 2017*)

One of the Government's key priorities is to help Canadians develop the skills they need for good quality jobs. Given the skills gap that exists, the Government is working closely with provincial and territorial governments to support the integration of literacy and essential skills into

employment and training programs. Provinces and territories are able to draw on the almost $3 Billion in federal funding provided through the Labour Market Transfer Agreements to customize skills training to meet local needs, including literacy.

In addition, Employment and Social Development Canada provides funding to projects to develop innovative approaches to improve the quality of literacy and essential skills training and to replicate and scale-up approaches that have been proven to be effective. These projects are located across the country, including in Atlantic Canada. One example of such a project is LearnSphere Canada, which has been provided $1.6 million in funding to develop test and evaluate an Atlantic-wide bilingual essential skills training program for small and medium-sized enterprises. Through these direct investments, the Government of Canada complements the programs led by provinces and territories.

ORDERS OF THE DAY

PRECLEARANCE BILL, 2016

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Mitchell, for the second reading of Bill C-23, An Act respecting the preclearance of persons and goods in Canada and the United States.

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

Hon. Senators: Question.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I move the adjournment in my name.

(On motion of Senator Day, debate adjourned.)

• (1430)

CANADA BUSINESS CORPORATIONS ACT
CANADA COOPERATIVES ACT
CANADA NOT-FOR-PROFIT CORPORATIONS ACT
COMPETITION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act.

Hon. Lucie Moncion: Honourable senators, I rise in this chamber to debate a bill for the first time.

[*Translation*]

Today, I would like to talk to you about Bill C-25, an act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act. I listened closely to Senator Wetston's speech when he introduced the bill at second reading, and I read a great deal about the governance of Canadian corporations. This matter is of great interest to me given my training as a corporate director and since I have served on several boards of directors throughout my career.

I believe that Bill C-25 is important. It seeks to improve certain operational aspects of Canadian companies in the area of governance. The section of the bill on majority voting is interesting and welcome. It gives elected individuals greater legitimacy and ensures they have the support of voting shareholders.

The sunset clause is also one of the bill's elements that will ensure better oversight of results and make it possible to change those elements that practice will show to be less effective. Furthermore, I support the proposed five-year timeframe considering the work involved in a revision.

My speech today will deal with four elements of this bill. The first concerns the inclusion of women on corporate boards, the second is diversity, the third is the length of terms of office, and the fourth is measures to be introduced to ensure that proposed changes are made.

The first concerns increasing the number of women on corporate boards. To begin with, we all know that the proportion of women on corporate boards of Canadian corporations is not at all representative and this situation cannot be addressed by the usual argument of diversity. Simply put, women are not a minority. In fact, women represent just over 50 per cent of the Canadian population. Thus, the fact that only 14.2 per cent of the members of board of directors of Canadian corporations quoted on the stock exchange are women is even more incongruous. This disparity requires our full attention.

Research has shown that gender-diverse boards perform better. If we compare businesses in the top quartile of female representation on boards to those in the bottom quartile, we can see that those in the first group report at least a 66 per cent higher return on investment, a 53 per cent higher return on equity, and a 42 per cent higher return on sales.

My goal here is not to put women on a pedestal, but to present facts showing that women participate more in board meetings, are more tenacious in addressing thorny problems, and tend to be more independent because they have few or no ties to their corporations' senior executives. There is evidence that more gender-diverse boards are better able to resolve complex, slippery problems. Female participation in discussions changes group behaviours and attitudes; their presence leads to deeper consideration of the issues, enhanced oversight of executive actions, and more new ideas.

Let us turn now to education. Women's levels of education, skill and experience have long been factors in conversations about their ability to hold seats on boards. Nowadays, women outnumber men in many fields of study, including administrative sciences, health sciences, and social sciences. They make up 62 per cent of Canada's university student population. It should therefore be clear that boards with more women are no less competent. On the contrary, competence and competition among members could well increase.

Now that we all agree on the merits of increasing the number of women on corporate boards, let us see how that can be achieved.

Women are obviously excluded from the old boys' club's informal networks. This is a problem, because new board members are typically recruited through these informal networks. In 2009, 73 per cent of new board members were recruited based on recommendations from existing members. There was no formal process in place. Under the principle known as "similarity bias", existing board members primarily recommend other men with similar profiles to their own. Left to their own devices, companies struggle to increase the number of women on their boards. If this trend continues, we will not see satisfactory representation until 2082.

Norway, Spain, France and the Netherlands have all introduced measures requiring companies to increase female representation on their boards. In Norway, the first nation to adopt this type of measure, the percentage is now 40 per cent. Before these measures came in, it was below 10 per cent. The competitiveness of Norwegian businesses fluctuated briefly while the changes were being made, but it is now very high. Furthermore, Norway's economic performance has been strong since the changes were adopted. Switzerland, Great Britain and Germany are considering following Norway's lead.

Canada could follow suit by amending the bill to require female board representation to increase at a much faster pace. Imposing a quota on each board would be one alternative. After five years, it would be re-evaluated based on the results achieved. It could be set relatively low, to avoid creating disturbances in the market and to reassure businesses with regard to their board composition.

Some studies suggest that, if quotas are an effective way of increasing the number of women on boards of directors, they are less effective when it comes to encouraging women to remain on them. Considering the results we were achieving when there are no quotas and how long it took for things to evolve, we need to adopt measures that will bring about meaningful change.

The second area of improvement is diversity. The notion of diversity is very vague, and it is not clearly defined in Bill C-25. What does diversity really mean? Are we talking about gender, ethnic origin, language, skills, culture, education, physical, mental or intellectual limitations, term lengths, or other things? This catch-all term can be spun and interpreted many different ways. More importantly, it does not guarantee room for women on boards of directors, but rather confines them to a statutory provision suggesting that women contribute to the diversity of corporate boards.

If we want to make room for women on the boards of Canadian publicly traded companies, we need to talk about gender equality and add a clear provision to that effect in Bill C-25.

In addition, the term "diversity" needs to be defined as it is in the Employment Equity Act and include, among other things, aspects related to sexual orientation.

It is appalling that, in 2017, we still have to fight and beg for room on corporate boards. It is appalling that women are being placed in a "diversity" category that isn't even defined and that, for many people, is just a quick and easy fix to a tiny problem. As a believer in gender equality, the current government has an opportunity to correct this situation, which has been going on for far too long. The time is now. The membership of a board of directors is important and has a direct impact on a company's performance.

• (1440)

In an article by Broc Romanek entitled *Board Tenure: The New Hot Governance Topic?*, he says that low board turnover is directly related to a lack of board diversity. What is more, he says that the situation may have even regressed.

[*English*]

> Related to proper board composition is the issue of whether low board turnover is just one more factor that stifles board diversity. As well documented in numerous studies (see our "Board Diversity" Practice Area), gender diversity on boards has essentially flat-lined over the past decade – and actually has regressed in some areas. This is a real-world problem as it's been proven that differing views on a board lead to greater corporate performance.

[*Translation*]

Studies that show that diverse boards get better results than those whose members have similar profiles refer to a diversity based on professional experience and educational background. None of the findings refer to diversity based on ethnic background, physical ability, or cultural identity.

Some businesses develop a skills matrix to define the required and desired skills in their board members' profiles. They assess where the shortcomings are and ensure that new members have the necessary skills for the board to run smoothly. The process for selecting new members becomes more thorough and ensures that a certain number of required skills is covered.

The third subject for improvement has to do with terms. Bill C-25 should prescribe the maximum number of terms that board members can serve for. Those limits are tied to administrators' independence of thought and action. The bill, as currently worded, sets a one-year term, where every member of the board has to be re-elected every year and get a majority.

Setting one-year terms could have unintended consequences on how companies run. It takes time to develop a good working relationship and cohesion on a board. That just isn't possible in a year. In cooperatives, for example, board members are selected from among members of the cooperative, which can make recruitment much more difficult and onerous.

It is important to limit operational disruptions while retaining people with a wide range of complementary experience and skills who provide the team with strong policy directions. High turnover of board members is not good either, hence the recommendation for three-year terms and limiting the number of term renewals to two or three. In France, for example, an administrator who sits on a board for more than 12 years is no longer considered independent. In the United Kingdom, the board must publicly declare why it believes that an administrator who has been on the board for more than nine years is still considered independent.

Here in Canada, no such rules exist. For example, the Canadian Securities Administrators have indicated that only 19 per cent of the companies under review had adopted a combination of limits on the length of the terms or the age of their administrators. They noted that the vast majority of companies had no official mechanism for renewing board membership. Despite the fact that they are bound to comply or explain the term limits and renewal mechanisms in place, nothing seems to have changed in the operational culture.

Another aspect that should be considered in the context of Bill C-25 is the number of boards on which a person can sit at the same time. To be effective and well prepared, a board member has to devote a significant number of hours to the affairs of the corporation he or she represents, whether by reviewing documents, following up on communications, monitoring media reports and the company's performance on the stock market, or attending committee meetings and board meetings. I believe that Bill C-25 should take this aspect into account and impose a maximum number of boards on which a person can sit. These measures would contribute to improving member turnover, freeing up spaces on boards for people with complementary experience and education, and enhancing the independence of the membership.

The Hon. the Speaker: Senator Moncion, your time has expired. Would you like five more minutes?

Senator Moncion: Yes, please.

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

Hon. Senators: Agreed.

Senator Moncion: Many companies would have new blood, which would in turn foster innovation and diversity.

The fourth item with respect to improvement concerns the enforcement measures to be put in place to ensure that the proposed changes are made. Bill C-25 provides for the introduction of a "comply or explain" clause requiring that corporations either comply with the new measures or explain why they cannot. My question in that regard is the following: once an explanation is provided, are they thanked and let off the hook? As one honourable colleague asked, will corporations have to explain why they discriminate against women, ethnic groups, and youth? It seems to me that when a new measure is implemented without an enforcement mechanism, the chances that it will result in change are slim.

Sadly, we live in a society where legislation is enforced by the Department of Justice and the courts. A corporation that provides an explanation for the lack of diversity of its board of directors should not be allowed to continue doing business without making changes. The quickest and most compelling way to bring about real diversity in corporate culture is to provide for significant financial penalties for those companies that fail to implement the new measures, and yet, that is neither desirable nor recommended.

In closing, I do not entirely agree with the bill as presented. It does have provisions that will address some real problems. However, we could improve the bill by adding a clear provision on gender equality and a clear definition of "diversity" in order to avoid the multitude of definitions that would meet the specific needs of each corporation. We should also better define the mandates of the members of boards of directors and strengthen the "comply or explain" provision that applies to boards that lack in diversity.

Thank you for your attention.

(On motion of Senator Massicotte, debate adjourned.)

[*English*]

JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS BILL (SERGEI MAGNITSKY LAW)

BILL TO AMEND—AMENDMENTS FROM COMMONS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act:

1. *Clause 2, page 3*:

   a) replace line 6 with the following:

   "2 The following definitions apply in this Act."

   b) add after line 17 the following:

   "***foreign public official*** has the same meaning as in section 2 of the *Corruption of Foreign Public Officials Act*. (*agent public étranger*)"

   c) delete, in the French version, lines 19 and 20;

   d) replace, in the French version, line 34 with the following:

   « étranger Individu autre : »

2. *Clause 2, page 4*:

   a) delete, in the English version, lines 6 and 7;

   b) delete lines 8 to 10.

3. *Clause 4, page 4*:

   a) replace lines 13 to 15 with the following:

   "4 (1) The Governor in Council may, if the Governor in Council is of the opinion that any of the circumstances described in subsection (2) has occurred,"

   b) replace lines 18 and 19 with the following:

   "ferred to in subsection (3) in relation to a foreign national that the Governor in Council consid-"

   c) replace line 29 with the following:

   "mitted against individuals in any foreign state who"

   d) replace lines 31 and 32 with the following:

   "(i) to expose illegal activity carried out by foreign public officials, or"

4. *Clause 4, page 5*:

   a) replace lines 8 to 16 with the following:

   "(c) a foreign national, who is a foreign public official or an associate of such an official, is responsible for or complicit in ordering, controlling or otherwise directing acts of corruption — including bribery, the misappropriation of private or public assets for personal gain, the transfer of the proceeds of corruption to foreign states or any act of corruption related to expropriation, government contracts or the extraction of natural resources — which amount to acts of significant corruption when taking into consideration, among other things, their impact, the amounts involved, the foreign national's influence or position of authority or the complicity of the government of the foreign state in question in the acts; or"

   b) replace lines 21 to 24 with the following:

   "(3) Orders and regulations may be made under para-"

   c) replace lines 36 and 37 with the following:

   "an outside Canada of financial services or any other services to, for the benefit of or on the direction or order of the foreign national;

   (d) the acquisition by any person in Canada or Canadian outside Canada of financial services or any other services for the benefit of or on the direction or order of the foreign national; and

   (e) the making available by any person in Canada or Canadian outside Canada of any property, wherever situated, to the foreign national or to a person acting on behalf of the foreign national."

   d) add after line 37 the following:

   "(4) The Governor in Council may, by order, authorize the Minister to

   (a) issue to any person in Canada or Canadian outside Canada a permit to carry out a specified activity or transaction, or class of activity or transaction, that is restricted or prohibited under this Act or any order or regulations made under this Act; or

   (b) issue a general permit allowing any person in Canada or Canadian outside Canada to carry out a class of activity or transaction that is restricted or prohibited under this Act or any order or regulations made under this Act.

(5) The Minister may issue a permit or general permit, subject to any terms and conditions that are, in the opinion of the Minister, consistent with this Act and any order or regulations made under this Act.

(6) The Minister may amend, suspend, revoke or reinstate any permit or general permit issued by the Minister."

5. *Clause 5, pages 5 and 6*:

delete clause 5

6. *New Clause 7.1, page 7*:

add after line 5 the following new clause:

"**Disclosure**

7.1 (1) Every entity referred to in section 7 must disclose, every month, to the principal agency or body that supervises or regulates it under federal or provincial law, whether it is in possession or control of any property referred to in that section and, if so, the number of persons or dealings involved and the total value of the property.

(2) Every person in Canada and every Canadian outside Canada must disclose without delay to the Commissioner of the Royal Canadian Mounted Police or the Director of the Canadian Security Intelligence Service

(a) that they have reason to believe that property in their possession or control is owned, held or controlled by or on behalf of a foreign national who is the subject of an order or regulation made under section 4; and

(b) any information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

(3) No proceedings under this Act and no civil proceedings lie against a person for a disclosure made in good faith under subsection (1) or (2)."

7. *Clause 8, page 7*:

replace lines 6 to 18, and the heading before Clause 8, with the following:

"**Rights of Foreign Nationals Who are the Subject of an Order or Regulation**

8 (1) A foreign national who is the subject of an order or regulation made under section 4 may apply in writing to the Minister to cease being the subject of the order or regulation.

(2) On receipt of the application, the Minister must decide whether there are reasonable grounds to recommend to the Governor in Council that the order or regulation be amended or repealed, as the case may be, so that the applicant ceases to be the subject of it.

(3) The Minister must make a decision on the application within 90 days after the day on which the application is received.

(4) The Minister must give notice without delay to the applicant of any decision to reject the application.

(5) If there has been a material change in the applicant's circumstances since their last application under subsection (1) was submitted, he or she may submit another application."

8. *Clause 9, page 7*:

replace lines 19 to 25 with the following:

"9 (1) Any person in Canada or any Canadian outside Canada whose name is the same as or similar to the name of a foreign national who is the subject of an order or regulation made under section 4 may, if they claim not to be that foreign national, apply to the Minister in writing for a certificate stating that they are not that foreign national.

(2) Within 45 days after the day on which the application was received, the Minister must,

(a) if he or she is satisfied that the applicant is not the foreign national, issue the certificate to the applicant; or

(b) if he or she is not so satisfied, provide a notice to the applicant of his or her determination."

9. *Clause 10, page 7*:

replace line 26 with the following:

"10 (1) A foreign national who is the subject of an order or regula-"

10. *Clause 10, page 8*:

replace lines 5 to 8 with the following:

"(2) If the Minister determines that the property is necessary to meet the reasonable expenses of the applicant and their dependents, the Minister must issue a certificate to the applicant.

(3) The Minister must make a decision on the application and, if applicable, issue a certificate within 90 days after the day on which the application is received."

11. *New Clause 10.1, page 8*:

add after line 8 the following new clause:

"**Offences**

10.1 Every person who knowingly contravenes or fails to comply with an order or regulation made under section 4

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years; or

(b) is guilty of an offence punishable on summary conviction and is liable to a fine of not more than $25,000 or to imprisonment for a term of not more than one year, or to both."

12. *Clause 15, page 9*:

replace lines 10 to 17 with the following:

"(3) Committees of the Senate and the House of Commons that are designated or established by each House for that purpose may conduct a review concerning the foreign nationals who are the subject of an order or regulation made under this Act and submit a report to the appropriate House together with their recommendations as to whether those foreign nationals should remain, or no longer be, the subject of that order or regulation."

13. *Clause 16, page 9*:

replace lines 21 to 23 with the following:

"4 (1) The Governor in Council may, if the Governor in Council is of the opinion that any of the circumstances described in subsection (1.1) has occurred,"

14. *Clause 16, page 10*:

replace lines 9 to 36 with the following:

"(c) gross and systematic human rights violations have been committed in a foreign state; or

(d) a national of a foreign state who is either a *foreign public official*, within the meaning of section 2 of the *Corruption of Foreign Public Officials Act*, or an associate of such an official, is responsible for or complicit in ordering, controlling or otherwise directing acts of corruption — including bribery, the misappropriation of private or public assets for personal gain, the transfer of the proceeds of corruption to foreign states or any act of corruption related to expropriation, government contracts or the extraction of natural resources — which amount to acts of significant corruption when taking into consideration, among other things, their impact, the amounts involved, the foreign national's influence or position of authority or the complicity of the government of the foreign state in question in the acts."

15. *Clause 17, page 10*:

replace line 37 with the following:

"**17 (1) Subsection 35(1) of the *Immigration and***"

16. *Clause 17, page 11*:

a) replace lines 1 to 4 with the following:

"(d) being a person, other than a permanent resident, who is currently the subject of an order or regulation made under section 4 of the *Special Economic Measures Act* on the grounds that any of the circumstances described in paragraph 4(1.1)(c) or (d) of that Act has occurred; or

(e) being a person, other than a permanent resident, who is currently the subject of an order"

b) add after line 7 the following:

"**(2) Section 35 of the Act is amended by adding the following after subsection (1):**

(2) For greater certainty, despite section 33, a person who ceases being the subject of an order or regulation referred to in paragraph (1)(d) or (e) is no longer inadmissible under that paragraph."

Hon. A. Raynell Andreychuk moved:

That the Senate concur in the amendments made by the House of Commons to Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act; and

That a message be sent to the House of Commons to acquaint that house accordingly.

The Hon. the Speaker: Honourable senators, it was moved by Senator Andreychuk, seconded by the Honourable Senator Ogilvie, that the Senate concur in the amendments — may I dispense?

Hon. Senators: Dispense.

• (1450)

The Hon. the Speaker: On debate, Senator Andreychuk.

Senator Andreychuk: I think this bill is historic in many ways, and so it deserves a little refreshment on the background of the bill.

Many people working in the human rights field in Canada have, over decades, been concerned about human rights defenders and the ability of those who grossly violate human rights. We've been concerned about their ability to transfer the proceeds and, in fact, move around the world to their benefit, at the cost of lives and issues facing those who wish to abide by the rule of law in their own countries and who wish to have a better life for the citizens of that country. So defending human rights defenders is not new to Canada.

What took on some greater historic momentum was around the Magnitsky case. Sergei Magnitsky was a lawyer employed to work with Mr. Bill Browder, whose money had been taken away from him. Those of you who have not read *Red Notice* can read the entire book to understand the complexity of what was going on.

Mr. Magnitsky was not known as a human rights activist. He was a lawyer. But, when he took the case on and saw what was going on in his country, he sacrificed his life in attempting to bring justice in his country. Therefore, a motion was put in the Senate, as well as in the House of Commons, to move on the Magnitsky matter and to have a bill in the name of Magnitsky. The bill took on various forms in the House of Commons but did not come to fruition.

Bill S-226 in the Senate, introduced by me, in fact was debated and sent to the Standing Senate Committee on Foreign Affairs and International Trade. Witnesses were called. Discussion was taken, and there were comments made about some aspects of the bill. So it was, in my opinion, debated fully.

The consensus — perhaps I'm speaking for the entire committee but certainly for the steering committee — was that the intent of the bill was being supported by everyone. The need to have human rights on the same equal footing as other aspects of foreign policy was not in question. I think all members of the committee agreed that human rights is a significant factor.

There was some discussion around whether it would tie the hands of the government. It was never my intent nor, I think, that of the proponents of the bill to tie the hands of the government. It was intended to be a tool for the government to use to signal to the world that human rights is a factor in our foreign policy and that we act on what we say.

While we have been party to many international agreements, we did not have a corresponding law within our statutes that would cover foreign officials who grossly violate human rights from the ability of bringing their assets or coming into this country. That is the effect that Bill S-226 addresses, and it is to ensure that sanctions can be levelled against those who commit internationally recognized gross violations of human rights and attempt to either bring their assets into this country or to come into this country.

In other words, as Mr. Kara-Murza said in his testimony, we become enablers if we, in fact, allow these people to profit and do so on our soil. Therefore, the intent of the bill was to ensure that human rights are protected in Canada to the fullest extent possible, but it was never intended to tie the hands of the government.

From the start of the bill, I invited the government to participate and to bring forward any amendments that they thought were important in the management of such a bill. Consequently, the Foreign Affairs Committee first passed the bill and brought it forward to the chamber. The chamber unanimously voted to pass the bill.

At third reading stage of Bill S-226, I reiterated that I would be consulting with the government and all of those involved with the bill — that is members over in the other house, human rights activists and everyone — to ensure that we maintain the integrity of identifying human rights violators but not to unduly hamper the government in its interpretation of human rights. So we left the discretion in the hands of the government to come forward with amendments that they thought would facilitate but not take away from the intent of the bill.

Once the bill passed the house here, it went over to the other house. I and others involved with negotiations were given the amendments. Some were not proceeded with. Some were negotiated and accepted. Consequently, the House of Commons Standing Committee on Foreign Affairs and International Development put forward the amendments that were agreed to, and the amendments as passed by their committee were deposited with the House of Commons at the end of June. So the amendments have been posted and available to all in order to provide feedback.

The house, last Wednesday, unanimously passed the bill as amended, and it is now before us.

To sum up all of the amendments, some of them are quite technical, to bring in definitions that would be equal to others under the Special Economic Measures Act. Others are what I would call choices. For example, in the bill we said "property." The government response was that it would be better to have "property of a person" deleted and to substitute it with a civil law definition of property. This is in keeping with what other economic measures have stated.

In the bill, there were indicators of significant corruption as being indications of human rights violations. That was changed because, quite rightly, the government pointed out that while it was an exhaustive list, it was not fully exhaustive, and, therefore, not naming all of the types of corruption, it would be better to put in "significant corruption" and leave the details for regulations.

In the bill, we talked about "government officials." The government response was that "foreign public officials" would be a broader term, encompassing more officials of a foreign country. Of course, that was accepted.

There are other amendments, and some of them are what I would call procedural amendments to be in line with what the other aspects of SEMA are like. So the government's amendments, I think, are not of substance against the intent of the bill but an addition on how it could be administered.

From day one, this bill has been a work-in-progress. It is the first attempt at including human rights in such a Special Economic Measures Act. No doubt, we will continue to follow it, gain experience, and perhaps there will be more changes. I think that would be the way a law in this area should evolve — cautiously, carefully, but allowing for the government to have as much discretion as is necessary on the first tranche.

Of course, much will be in regulations, and it will be up to the Senate and senators to follow the regulations to ensure that the intent of the bill is followed. I believe we can do so.

• (1500)

One other area of concern was that those that may be listed under the Special Economic Measures Act would be dealt with by a ministerial discretion. Well, built into an amendment now, it allows for further action by those that are the subject of the list to be given an opportunity with the minister. There is also some reflection on discretion for the minister to absorb costs on behalf of those people should it be necessary.

Again, these will be fully fleshed out in the regulations.

Suffice it to say, I very much appreciate the work of the Standing Senate Committee on Foreign Affairs and International Trade. Once the house had passed the bill — and I thought it would be inappropriate if I did it before that because I wasn't sure what they would do on third reading. As we do not like them preempting us. I did not feel I could preempt them. But I did alert the committee that it was in the works on the other side and that as soon as it cleared third reading in the house, I would alert the committee of the amendments, provide the amendments and ask the committee to provide me any comments with respect to them. I received comments in support only. Therefore, I believe that this bill warrants passing with the amendments as a first start on a long road to continue to have Canada at the forefront of human rights issues.

Obviously, I want to thank the people — and there are entirely too many — across Canada and around the world who have worked on this bill. I have acknowledged them in previous speeches, and therefore I don't intend to go further.

I want to thank the Standing Senate Committee on Foreign Affairs and International Trade, and particularly the deputy chair, who was very supportive of this bill from day one, to the extent — and I'm sure he won't mind me saying so — that I think it cost him a visa for international travel to Russia. That is a commitment that needs to be highlighted and noted, and so I pay tribute to Senator Downe and his tenacity on this bill. Equally, all other members were dedicated and concerned for human rights, but concerned that the right balance be struck; so I certainly want to acknowledge all of them.

I would like to acknowledge Mr. James Bezan, who was the proponent of the bill in the House of Commons. He gave me full rein to deal with the issues and supported me throughout; I very much appreciate that. I appreciate the unanimous resolution in the House of Commons.

I also think there are many senators who have worked on human rights issues who would have brought this bill forward. I happened to be in the right place at the right time. Timing is everything in this place. I thank all of the human rights activists and defenders in this room, including those on the Human Rights Committee, as I look at the chair.

Above all, I thank Mr. Magnitsky. He gave his life for rule of law and democracy.

Hon. Senators: Hear, hear!

Senator Andreychuk: But I thank more the thousands and thousands whose names we do not know who did exactly what Mr. Magnitsky did. The bill is for them. Thank you.

Hon. Senators: Hear, hear!

Hon. Percy E. Downe: I apologize, colleagues. I was at another meeting with the Credit Union so I got here late. I hope I don't repeat Senator Andreychuk's comments, but I will be very brief.

I heard her thanking people as I was coming in, and I wanted to add my comments to those. Many people made this possible, of course, including Senator Andreychuk, who led the charge on the bill, but I just reviewed those who spoke at second reading — Senators Wells, Moore and Frum — in this chamber, and those who spoke at third reading — in addition to Senator Andreychuk, of course — Senators Woo, Duffy, Saint-Germain and Gold, all of whom made passionate interventions over and above all those who spoke at the Foreign Affairs Committee. It is a long list — you know who you are — and I won't repeat them.

It's important to emphasize what one of our main witnesses, Irwin Cotler, indicated when he came before the committee, that this is not an attack on Russia, although the Russians perceive it that way because of the name of the bill. This is really an attack on people who are committing offences overseas, human rights abuses, stealing money from others, and then using the goodness of Canadians to launder that money.

We have all seen the media reports that indicate millions of dollars from the Magnitsky file are already in Canada, either in housing or banks, and that's what this bill will prevent. These people who do these offences in other countries should not get away with it by using Canadian banks and financial institutions to launder their money.

I am very pleased with the tremendous cooperation. I heard Senator Andreychuk covering it off, saying it was unanimous in the House of Commons. We all know the history. Many have worked on this for years. It was a commitment of all the political parties in the last election to do it. For a host of reasons, it was delayed.

I want to, as I'm sure Senator Andreychuk did, highlight the Minister of Foreign Affairs, Chrystia Freeland, who was cooperative and helpful in moving the legislation along, along with a host of others.

It's a significant bill, and I'm delighted that it's going to be passed, hopefully. I will caution people that if you want to go to Russia, you may want to abstain from the vote because Senator Andreychuk, myself and others are barred from going there. Russia took it very personally that we were advocating for this bill. I have been to Russia before, and I am sure we will get there again when they lift the visa restrictions on us.

It's unfortunate that the Russians are taking it so personally, but they are one of the main offenders, and the Magnitsky bill proves that, and I hope we will be able to pass it in the near future. Thank you, honourable senators.

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.)

[*Translation*]

CANADA EVIDENCE ACT
CRIMINAL CODE

BILL TO AMEND—AMENDMENTS FROM COMMONS CONCURRED IN

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources):

1. *Clause 2, page 2*:

   a) delete lines 1 and 2;

   b) replace line 25, in the French version, with the following:

   « (8) Le tribunal, l'organisme ou la personne ne peut autori- »

   c) replace line 26, in the English version, with the following:

   "in evidence by any other reasonable means; and"

   d) replace lines 29 to 31 with the following:

   "dentiality of the journalistic source, having regard to, among other things,

   (i) the importance of the information or document to a central issue in the proceeding,"

2. *Clause 2, page 3*:

   replace lines 2 to 5 with the following:

   "source and the journalist.

   (8.1) An authorization under subsection (8) may contain any conditions that the court, person or body considers appropriate to protect the identity of the journalistic source."

3. *Clause 3, page 4*:

   a) replace lines 14 and 15 with the following:

   "(2) Despite any other provision of this Act, if an applicant for a warrant under section 487.01, 487.1,"

   b) replace line 17 with the following:

   "under section 487, an au-"

   c) replace lines 19 to 24 with the following:

   "order under any of sections 487.014 to 487.017 knows that the application relates to a journalist's communications or an object, document or data relating to or in the possession of a journalist, they shall make an application to a judge of a superior court of criminal jurisdiction or to a judge as defined in section 552. That judge has exclusive jurisdiction to dispose of the application."

4. *Clause 3, page 5*:

   a) add after line 2 the following:

   "(4.1) Subsections (3) and (4) do not apply in respect of an application for a warrant, authorization or order that is made in relation to the commission of an offence by a journalist.

   (4.2) If a warrant, authorization or order referred to in subsection (2) is sought in relation to the commission of an offence by a journalist and the judge considers it necessary to protect the confidentiality of journalistic sources, the judge may order that some or all documents obtained pursuant to the warrant, authorization or order are to be dealt with in accordance with section 488.02."

   b) replace line 3 with the following:

   "(5) The warrant, authorization or order referred to in subsection (2) may contain any"

   c) replace line 8 with the following:

   "rant, authorization or order referred to in subsection (2) has the same powers, with"

   d) add after line 10 the following:

   "(7) If an officer, acting under a warrant, authorization or order referred to in subsection (2) for which an application was not made in accordance with that subsection, becomes aware that the warrant, authorization or order relates to a journalist's communications or an object, document or data relating to or in the possession of a journalist, the officer shall, as soon as possible, make an *ex parte* application to a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 and, until the judge disposes of the application,

(a) refrain from examining or reproducing, in whole or in part, any document obtained pursuant to the warrant, authorization or order; and

(b) place any document obtained pursuant to the warrant, authorization or order in a sealed packet and keep it in a place to which the public has no access.

(8) On an application under subsection (7), the judge may

(a) confirm the warrant, authorization or order if the judge is of the opinion that no additional conditions to protect the confidentiality of journalistic sources and to limit the disruption of journalistic activities should be imposed;

(b) vary the warrant, authorization or order to impose any conditions that the judge considers appropriate to protect the confidentiality of journalistic sources and to limit the disruption of journalistic activities;

(c) if the judge considers it necessary to protect the confidentiality of journalistic sources, order that some or all documents that were or will be obtained pursuant to the warrant, authorization or order are to be dealt with in accordance with section 488.02; or

(d) revoke the warrant, authorization or order if the judge is of the opinion that the applicant knew or ought reasonably to have known that the application for the warrant, authorization or order related to a journalist's communications or an object, document or data relating to or in the possession of a journalist."

e) replace lines 12 and 13 with the following:

"rant, authorization or order issued in accordance with subsection 488.01(3), or that is the subject of an order made under subsection 488.01(4.2) or paragraph 488.01(8)(c), is to be placed in a packet and sealed by the"

f) replace lines 20 and 21 with the following:

"part, a document referred to in subsection (1) without giving the journalist and relevant me-"

g) replace line 23 with the following:

"produce the document."

5. *Clause 3, page 6*:

delete lines 22 and 23.

Hon. Claude Carignan: moved:

That the Senate concur in the amendments made by the House of Commons to Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources); and

That a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable senators, today we received a message from the House of Commons informing us that Bill S-231 had been amended and passed at third reading. As you know, in order for a bill to receive Royal Assent, it must be passed in the same form in both places.

Before I go on, I want to say that I met with officials from the Minister of Justice's office to discuss the bill before any amendments were tabled. The amendments we discussed were carefully thought through and are based on feedback from the Department of Justice and its legislative counsel.

I therefore have no qualms about supporting the amendments to Bill S-231. They are also supported by the press groups and journalists who attended the hearings in the other place.

• (1510)

[*English*]

On April 11, this bill received unanimous passage in the Senate. It is now back from the House of Commons with a few amendments, which were also passed unanimously. Let's take a few minutes to review the amendments made in the other place.

[*Translation*]

The bill's main takeaway is that it takes precedence over any other legislation. The government wanted to avoid any and all unintended effect in the absence of a rigorous analysis of all the applicable laws that could be superseded by these provisions. I do not have a problem with this amendment. In any case, dear colleagues, under the rules of interpretation, when a specific provision exists in a law, it takes precedence over a general provision. Should the opportunity arise, the courts will know how to properly interpret the legislator's intention.

Another amendment concerns the provisions governing the issuance by the court of the authorization to disclose information or a document in a proceeding. Instead of referring to the "essential" document, it will refer to the "essential role of the information or document in the proceeding." I find this change to be appropriate and more precise. It is not always easy to determine whether information is essential, but it is much easier to establish that it is important.

Continuing with this amendment involving the authorization of disclosure found in subclause 2(8) of Bill S-231, the provision concerning the conditions for the use of disclosed information is given greater prominence thanks to the new paragraph 2(8)(i). Previously, this provision was part of the list of general conditions that the courts had to meet in order to issue the authorization. Now, this provision has been made a standalone

section in order to lend it more weight. It will now be paragraph 2(8)(i). This is a significant improvement that I cannot help but support.

[*English*]

The next amendment specifies which judges can issue warrants, authorizations and orders. They are judges from superior courts of criminal jurisdiction or judges under section 552, and we are adding that these judges must have exclusive authority to deal with requests. It is mainly a technical amendment, but it has the merit of reinforcing the intent of the legislator. Of course, I support this amendment.

[*Translation*]

In addition, this amendment specifies that the requester must know that the request relates to a journalist. With the explosion of social media and various digital platforms, the proliferation of stakeholders in the news world can create some confusion around the true profession of certain individuals. This amendment adds the notion of "recognition" of the profession as a subject of interest for law enforcement agencies.

As a result of this change, another amendment creates a new section to cover situations in which a public servant who obtains a warrant with respect to an individual without knowing that that person is a journalist — who therefore does not comply with the provisions that apply to a warrant, authorization or order regarding a journalist — must immediately inform ex parte a judge of a superior court of criminal jurisdiction or a judge within the meaning of section 552 so that the judge can uphold, change or cancel the warrant that was initially granted. Until the judge reaches a decision, the public servant in question must refrain from examining or reproducing, in whole or in part, any documents obtained under a warrant, authorization or order. In addition, the public servant must place the documents in a sealed package and keep them somewhere that is inaccessible to the public. I'm sure you'll agree, honourable colleagues, that this change is entirely appropriate.

[*English*]

Another relevant amendment reflects concerns raised in committee. It adds a new section to the bill to specify that the rules governing the issuance of a warrant, an authorization or an order concerning a journalist will not apply if a journalist is the subject of a criminal investigation following the commission of an offence. However, the amendment will also give the judge the discretion to protect the journalist's sources, even if the journalist is under investigation for committing an offence. This amendment seems evident, but I invite you, honourable colleagues, to support it.

[*Translation*]

Lastly, the final amendments are grammatical and linguistic amendments of a technical nature. There is no need to explain them and I urge you to support them.

Honourable senators, the government's proposed amendments are serious and were thoughtfully prepared. I think this shows that the government understands the importance of the problem that Bill S-231 seeks to address. Indeed, this bill addresses a major issue, that of freedom of the press, one of the pillars of our democracy, protected by section 2 of the Canadian Charter of Rights and Freedoms.

Sources and whistleblowers are vital to investigative journalism. Passing Bill S-231 is the right thing to do. We are stating emphatically that we believe in the importance of the media and that we recognize their essential role in a society that celebrates democratic values, the accountability of our leaders, and the transparency of our institutions.

In closing, I would like to thank the many people who contributed to this bill in one way or another. I would also like to thank you, esteemed colleagues, for unanimously supporting this bill. I am especially grateful to Senator Pratte, who, on multiple occasions here and elsewhere, spoke in favour of the principles related to the protection of journalistic sources.

Of course, I would also like to thank member of Parliament Gérard Deltell, who deftly sponsored this bill in the other place. He convinced his colleagues from all parties that this was an urgent matter, and they responded accordingly. I would also like to express my deep appreciation to the Minister of Justice, Ms. Wilson-Raybould, and her staff, who were always available to discuss this bill and very open to the idea.

I encourage you all to support the House of Commons' message about Bill S-231. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

FOOD AND DRUGS ACT

BILL TO AMEND—SIXTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (*Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics), with amendments*), presented in the Senate on October 5, 2017.

Hon. Kelvin Kenneth Ogilvie moved the adoption of the report.

He said: Honourable senators, this bill deals with amending the Food and Drugs Act with regard to cruelty-free cosmetics. The committee heard from the sponsor of the bill, Senator Stewart Olsen, from Health Canada officials and from six expert witnesses over a period of two hearings. In the end, the committee agreed to two amendments, both of which were recommended by the sponsor of the bill after considerable consultation.

The two amendments are identical; they are simply inserted at different points in the document. What they deal with is the issue that the sponsor became convinced that the bill's going into effect immediately following Royal Assent, which would bar the importation or use of cosmetics in Canada that had used animal testing from being approved, would make the transition from the current situation to that regulation too short. She introduced an amendment to extend that period of time four years after the bill's coming into effect.

• (1520)

Honourable senators, the committee agreed with the analysis, and Health Canada officials were there when we dealt with this particular situation. Therefore, honourable senators, I ask that you approve the committee's report.

(On motion of Senator Ringuette, debate adjourned.)

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins).

Hon. Diane F. Griffin: Honourable senators, I am honoured today to speak to Bill S-238, the ban on shark fin importation act, which would amend the Fisheries Act to prohibit the practice of shark finning. It would also amend the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act to prohibit the importation in Canada of shark fins that are not attached to the shark carcass.

I'd like to thank the senator who introduced this bill in the Senate. I'd also like to thank Fin Donnelly, Member of Parliament for Port Moody—Coquitlam, whose private member's Bill C-380, An Act to amend the Fish Inspection Act and the Fisheries Act (importation of shark fins), was defeated in the other place in 2013. The work he did on that bill lives on in this one.

I would also like to acknowledge the work of the late filmmaker Rob Stewart, whose film *Sharkwater* drew public attention to this important issue.

I've come to this place with a background in conservation. Today, I'd like to speak about some of the impacts the practice of shark-finning has on our oceans.

Two senators have spoken in this place about what extraordinary creatures sharks are. Senator Galvez reminded us that:

> The earliest known evidence of the existence of sharks is from the Silurian period, 420 million years ago.

And the senator who introduced the bill reminded us that:

> Most sharks do not spawn but give live birth, and usually with small litters. They have very slow sexual maturity, anywhere from 10 to 25 years, so their reproductive rates are extremely low.

If we continue this practice, species that flourished for millions of years prior to our interventions could be wiped out because of a human taste for soup.

My colleagues have described the horrific, wasteful way that these creatures are killed.

But today I want to remind us all that shark finning doesn't just harm sharks. In an article in the journal *Science* entitled "Cascading Effects of the Loss of Apex Predatory Sharks from a Coastal Ocean" — that's how scientists talk — the late marine biologist and conservationist Ransom Myers and his colleagues suggest that:

> As abundances of all 11 great sharks that consume other elasmobranchs (rays, skates, and small sharks) fell over the past 35 years, 12 of 14 of these prey species increased in coastal northwest Atlantic ecosystems. Effects of this community restructuring have cascaded downward from the cownose ray, whose enhanced predation on its bay scallop prey was sufficient to terminate a century-long scallop fishery.

Regarding these cownose rays, they argued that:

> Increased predation by cownose rays also may now inhibit recovery of hard clams, soft-shell clams, and oysters . . . .

Other experts have challenged Dr. Myers and his colleagues' findings, so perhaps it's safest to say that we don't yet fully understand the impact that this mass killing of sharks is having but that scientists have warned that it may also harm whole ecosystems and impact other species and the industries that depend upon them. This topic surely merits thorough discussion in committee.

Colleagues, I believe that prohibiting the practice of shark finning in Canada and prohibiting the importation of shark fins that are not attached to the shark carcass will ensure that Canadians no longer contribute to this harmful practice. I think we can all agree that this topic merits more discussion and debate. Let's send this bill to committee where we can study it further. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Ringuette, debate adjourned.)

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding further on the Order Paper, the minister is here. It is five minutes early, but with your permission, we can start Question Period five minutes early and end it five minutes earlier than designated in our order. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Jim Carr, Minister of Natural Resources, appeared before honourable senators during Question Period.

The Hon. the Speaker: Honourable senators, today we have with us for Question Period the Honourable Jim Carr, P.C., M.P., Minister of Natural Resources.

On behalf of all senators, Minister Carr, welcome to the Senate.

Honourable senators, we have a long list of senators who wish to ask questions. This is normal when we have a minister attending Question Period. It is very difficult to ask ministers to keep their responses short if senators insist on making four- and five-minute statements which contain four or five questions. In order to get as many senators asking their questions as possible, please keep your statements and preambles to your questions as short as possible so that we can get as many senators asking questions as possible.

MINISTRY OF NATURAL RESOURCES

ENERGY INFRASTRUCTURE

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour.

Good day, Mr. Minister. The private sector investment in energy products, which is worth $56 billion over the past years, has evaporated under the government's watch while growth in the U.S. energy infrastructure continues and projects of equivalent environmental standard are approved in half the time. The difference in time is material to companies assessing risk. They want to know whether they can build it and by when they can build it.

For two years the government has said, "We will rebuild the review process and things will get better." For two years project after project has been cancelled. Supporters of your government's policies celebrate these cancellations, and in some cases your government blames proponents.

Is this what you mean by things getting better? How does your new, yet-to-be-finalized review process rebuild the list of projects, replace the billions of dollars lost and bring much-needed jobs and growth to Canada's energy sector?

Honourable Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, may I begin by offering my own honour and respect for the institution that you serve. I said the last time I was in front of you, about a year and a half ago, that my political mentor and hero was the Honourable Duff Roblin, who was the Premier of Manitoba and with whom I had a very warm and long-standing friendship and relationship. I actually edited his memoirs.

• (1530)

During the course of that relationship, I developed a very deep appreciation for the work you do in this chamber. You are parliamentarians with a noble history and, I hope, a very bright and important future.

Senator, projects cancelled — you're not referring to the Enbridge Line 3 Replacement Program that was approved by the Government of Canada. You can't be referring to the Trans Mountain expansion approved by the Government of Canada, or the NOVA Gas Transmission Ltd pipeline. We've actually approved three pipelines in Western Canada that will create more than 27,000 jobs.

When we were elected, we inherited a regulatory process that needed serious amendment, but we had very important projects that were under review at the same time. We established a set of principles in January 2016 that would govern the way in which these projects were reviewed.

I'm saying that most of them have been approved. Recommendations of the National Energy Board and then a period of reflection from the Government of Canada led to their approval.

So, no, senator, we haven't cancelled all of the projects. In fact, we've approved most of them. If you have subsequent questions, I'd be very pleased to talk to you about regulatory reform and the way in which the government intends to proceed.

Senator Smith: Thank you very much, sir. That was quite the answer.

Former President Obama pursued an all-of-the-above energy strategy and ambitiously grew domestic oil and gas development as a means of retaining capital, and creating jobs and investment. He pushed what he called "foreign oil" out of the U.S. market to keep the money in the U.S. working for the U.S. When it comes to that policy as it applies to Canada, how do you think you're doing, and what can be done to help the future of Canadian oil and gas?

I recognize by your previous answer that you said many projects have been completed or approved. However, there is proof that many projects have not been.

We're trying to get at the following: The U.S. has taken a very aggressive domestic approach to make sure that they succeed with the development of their oil and gas program. What are we going to do to make sure that projects such as Energy East can be proceeded with, and we can have the success for all of our markets in Canada?

Mr. Carr: Senator, you say "we." That implies there are respective responsibilities that would not be the same if you were a proponent, a regulator or a government. I will take your "we" to refer to the responsibilities of the Government of Canada.

Our responsibility is to make sure the regulatory process is seen as credible. It hasn't been. It is the responsibility of the Government of Canada to ensure that the National Energy Board or the other regulators under our auspices are fully stocked with the resources they need to do a credible job, but it is the proponent that determines, for all of the reasons that are important to them, shareholder value, the instructions they get from their board of directors, their assessment of the international marketplace, the price of oil and pipeline capacity. They finally make a decision on whether to proceed with an application.

In the case of Energy East, TransCanada decided to withdraw the application. The situation had changed dramatically. Why? Because of a variety of reasons that would include the difference in the price of oil between the time they showed their — the senator is shaking his head.

There's a difference between $120 a barrel and $48 per barrel. There's a difference between no pipelines having been approved and three pipelines having been approved. Perhaps the biggest change of all in the environment was that President Trump approved the Keystone XL pipeline. So the situation had changed dramatically.

TransCanada made the argument and wrote a letter to the National Energy Board that it felt there had been significant changes in the regulatory process as well. We made clear at the time — and I'm pleased to make clear again — that the National Energy Board had decided to change the scope of its review, but the assessment and the criteria that would have been used by the Government of Canada would have been exactly the same as the ones that were used to approve the pipelines I referred to.

RAIL SERVICE FOR CHURCHILL, MANITOBA

Hon. Donald Neil Plett: Welcome, minister. As you know, there is a crisis in the town of Churchill in our province, yours and mine, the province of Manitoba, with regard to the lack of rail service from Gillam to Churchill. To suggest there is inaction on behalf of your government would be a gross understatement, as your government has prevented the repair of the rail line from moving forward.

Your suggestion, that there has been some holdup on the part of OmniTRAX, the owner of the rail line, from either fixing or selling the rail line is disingenuous, and your government knows that. The government has publicly stated that they would come through with funding to repair the line once a deal had been reached. However, a sale, minister, has been ready to go since June.

OmniTRAX reached a deal with Chief Dumas and the Mathias Colomb Cree Nation consortium for $20 million, a private sale. The government stepped in and blocked the sale, stating that they should partner with another First Nations alliance, One North. Chief Dumas agreed. Then the government got in the way one more time, stating that the sale cost too much. Again, it was a private sale, so they couldn't support it. No deal means no funding.

The government has assisted VIA Rail in moving their rail cars out of Churchill and has arranged to have fuel flown in for the winter.

As it is increasingly evident that this government has no intention of facilitating the repair of this line, and since we know that the only holdup has been on the part of the government, will you, minister, now admit that the intention of your government has been to make Churchill a fly-in community all along? If not, how can the government justify dragging their feet and leaving the community of Churchill without rail service and in the dark?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, it's always a pleasure to be with a fellow Manitoban in a chamber of Parliament. I enjoy our conversations when we're waiting to fly home. I appreciate your question.

I'm afraid that we don't agree on the intentions of the government. The government wants to ensure that there's a transportation link from Churchill to the south. I'm sure that the senator will agree that it was the obligation of OmniTRAX, with a written contract, to provide rail service to repair the line. They didn't repair the line, so the Government of Canada exercised its option by saying to OmniTRAX, "Either repair the line, or we will see you in court." That was the obligation of the Government of Canada.

You're asking about our intentions. Our intentions are to serve northern Manitoba with an effective transportation system with partners where we can find them. It is our responsibility as a government to make sure that northern Manitoba and Churchill are an integral part of an Arctic and northern strategy for Canada. That is the intention of the Government of Canada.

Senator Plett: Why block the sale? Why block the sale?

ENERGY EAST PIPELINE

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister, it's good to have you here. I know you visited my home province of New Brunswick not long ago.

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: I did.

Senator Day: We happened to be on the same plane, so I appreciate you travelling in that direction as well.

The biggest story in the media at the present time is one that deals with your department directly. The Energy East Pipeline project would have created jobs in New Brunswick and would have been good environmentally as well as good for the economy in both New Brunswick and the rest of Canada.

TransCanada recently announced that it's terminating the Energy East project, after the National Energy Board amended the criteria for its assessment by greatly expanding the consideration of greenhouse gas emissions. Your mandate, minister, states that you have an overarching goal "to ensure that our resource sector remains a source of jobs, prosperity and opportunity." New Brunswickers are now being denied the opportunity and the benefit of the Energy East project.

• (1540)

I would like to point out, minister — and you have already done so, but I'd like to remind honourable senators — that the Trans Mountain expansion project and Line 3 Replacement Program between Alberta and Manitoba faced different, less rigorous assessment than the Energy East project with regard to greenhouse gas emissions. The National Energy Board announced an expanded focus while the application was in process.

Minister, could you help us understand why Energy East did not get the same treatment with respect to National Energy Board assessment as the Trans Mountain expansion and Line 3 Replacement Program? You mentioned that both of those projects were successful; however, Energy East was withdrawn when the assessment project by the National Energy Board was changed in-process. Can you help us with that?

Some Hon. Senators: Good question.

Mr. Carr: Senator, as you know, the National Energy Board is independent of government. I don't think you would want it otherwise. You wouldn't want the Government of Canada instructing a quasi-judicial body about how it is going to do its business. If I were in this chamber after having made that decision, I expect that the noise level would be a lot higher than it is right now. So that's number one: They're an independent, quasi-judicial body.

Number two, they have the authority to determine within their own mandate the scope of their inquiry. The scope of their inquiry that they decided to put in place after hearing from many hundreds or thousands of Canadians was to include an assessment of downstream GHG emissions, which were outside the principles that the Government of Canada had tabled in January 2016 when Minister McKenna and I announced them to a press conference and to Canadians. Those principles would have been the ones applied to the Energy East application had it gone through the regulatory process. We made that perfectly clear to the proponent, to the regulator and to everybody else.

[*Translation*]

INDIGENOUS REPRESENTATION IN NATIONAL ENERGY STRATEGY

Hon. Marilou McPhedran: Minister, thank you for being here today.

I also want to thank you for the leadership you are showing in Manitoba, in Canada and internationally. I commend your experts on the strong, clear recommendations they have issued regarding environmental assessments submitted to the National Energy Board.

[*English*]

My question is directed to recommendations from the government's appointed experts on energy and environmental assessment. In May 2017, your government's Expert Panel on the Modernization of the National Energy Board released a report with recommendations entitled *Forward, Together: Enabling Canada's Clean, Safe and Secure Energy Future*.

The National Energy Board expert panel recommended that indigenous peoples should have a nation-to-nation role in "determining Canada's national energy strategy" and cited your role as Minister of Natural Resources to define how this commitment can be met.

At the Generation Energy Forum in Winnipeg last week, you described the national energy strategy as "ongoing conversation." My question is directed to the recommendations of experts and to you, minister: How will you ensure that indigenous voices are adequately reflected in an energy policy that is an "ongoing conversation"? And which of your expert's recommendations will you accept?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Thank you for the thoughtful question, senator.

You know that there were four distinct areas of inquiry. There was an expert panel that we established at Natural Resources Canada to give recommendations on modernization of the National Energy Board. Minister McKenna established an expert panel to review the mandate of the Canadian Environmental Assessment Agency, and then there were two parliamentary committees established, one to look at navigable waters and one to look at fisheries, in an entire review of the environmental assessment process in the country.

We now have the results and the intelligence from all four of those inquiries, in addition to countless numbers of Canadians who responded to a discussion paper that we released at the end of June. Now it's the job of the Government of Canada to make sure that all of those recommendations are aligned into a single vision for that reform.

When you talk about the vital role of indigenous peoples, we say that there have to be three pillars in place for the approval of any major infrastructure project in Canada. One is economic growth in jobs; the second is environmental stewardship; and the third is meaningful indigenous partnerships. How do you define that?

Well, the best advice we have comes from the Supreme Court of Canada, most recently in two separate judgments that actually led to different places — but this is the latest jurisprudence — and, of course, the famous *Tsilhqot'in* case in British Columbia. We operate under the assumption that there has to be meaningful consultation and accommodation, where appropriate. We have a continuing conversation with indigenous leaders, including in Winnipeg last week, where I had the pleasure of engaging in a fireside chat with your colleague Senator Sinclair and also a panel discussion with Perry Bellegarde, Chief of the Assembly of First Nations; Clem Chartier, President of the Métis Nation; and Duane Smith, who was representing the Inuit. That conversation zeroed right in on the relationship between job creation and environmental stewardship, and the relationship held so dearly by indigenous peoples between those of us who live here and the air, the water and the land that dates back, for indigenous philosophy, seven generations. Those of us living in our time have a responsibility to honour the work of those who have come seven generations before us and to leave a planet for the future seven generations that come after us. That is a value that ought not to be only honoured by indigenous communities but by all Canadians.

The definition of "free, prior and informed consent" in the United Nations Declaration on the Rights of Indigenous People is something that the Government of Canada is taking very seriously. The recent jurisprudence of the Supreme Court of Canada and very meaningful conversations and accommodation with indigenous communities is guiding our way.

It's not just a matter of theory or constitutional obligations; it's also a question of how does it work on the ground? Let me give you an example. In the case of the Trans Mountain expansion, we have put together an indigenous environmental advisory group with 117 indigenous communities up and down the line, some of whom were opposed to the pipeline project in the first place. They understand that they have a continuing role to play to ensure the safety of the construction process and of the operations and the monitoring of the line after construction.

And, senators, those terms of reference were co-developed between Natural Resources Canada and these indigenous communities. It was an act of courage for many of these chiefs to go back into their home communities to say, "Look, I know you don't support the construction of a pipeline, but it's very important that these communities be involved in being a part of the monitoring of their safe construction and operation." We're working at developing the relationship at many different levels, and we're committed to creating a new relationship based on a nation-to-nation understanding.

RAIL SERVICE FOR CHURCHILL, MANITOBA

Hon. Patricia Bovey: Welcome, Mr. Minister, and thank you for being with us today. My question also concerns the situation in Churchill, Manitoba, the gateway to the North.

I appreciate the fact that the Government of Canada has sent a motion, a notice of default demanding OmniTRAX repair and restore the railway service to Churchill.

• (1550)

I also appreciate the fact that chief negotiator Wayne Wouters continues to facilitate an agreement among all parties involved.

Short term, given the current weather, with snow today and tomorrow, I think it's unlikely that the railway will be repaired before winter. So what contingency plans does the government have in place to deal with the health and safety of the people of Churchill over the harsh months ahead? Long term, could you briefly discuss your vision of a stable, sustainable community in Churchill, Canada's northern port, for the years to come, as the Arctic itself is opening up?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, I appreciate not only the question but the passion and commitment behind the question. I know that you have recently been in Churchill personally, and anyone who visits that place comes away with a profound appreciation and understanding for the quality of life and the tenacity of the people of Churchill.

In the short term, we'll have to see what OmniTRAX decides to do. Meanwhile, we are certainly preparing for the possibility that there will be no rail service this winter. As a result, we are cooperating with the government of Manitoba to ensure that there is a sufficient fuel supply and to ensure that there is a subsidy through Nutrition North to make it more affordable to buy basic needs and groceries, but, just as important, is our commitment in the long term.

You know that times are changing. Climate change itself is having an impact on the Port of Churchill. The shipping season is longer. That's a fact. The shipping season is considerably longer today for Churchill — which is good news — than it was 5 or 10 or 15 or 20 years ago. It's also true that climate change has an impact on the roadbed, on the trail, on the train track, and that you have to factor in the consequences on both sides of that reality.

We also have to talk about the long-term role of the Port of Churchill and the town of Churchill. As I said earlier in one of my answers, the Government of Canada believes that that role and that future is integral as Canada develops an Arctic strategy for all of the important reasons that are part of the geopolitical reality that we face — Canadian sovereignty, the role of the Department of National Defence, supplying remote communities. All of these interests are important to our government, and all of them can be served by having an active role of Churchill and northern Manitoba as we move forward.

GREENHOUSE GAS EMISSIONS

Hon. Richard Neufeld: Minister, your government maintains that TransCanada pulling the plug on Energy East was a business decision. I argue that the NEB's consideration of upstream and downstream greenhouse gas emissions killed the project.

I wonder if the Trudeau government would apply the same logic to other nation building, job creating, prosperity making projects. What if Ford wants to build a new car manufacturing plant or Bombardier wants to build a new assembly line? Surely these projects wouldn't pass the government's greenhouse gas emissions smell test because of all of the emissions these cars

and planes would produce. Obtaining a social licence would be practically impossible, and consultation with Canadians and First Nations would be never-ending and consensus-free.

With that context, would the government require Ford or Bombardier to consider upstream and downstream greenhouse gas emissions if they wanted to build a new manufacturing plant and seek social licence with Canadians and First Nations? If not, why not?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, we're not going to agree on the reasons why TransCanada decided not to proceed with Energy East. Maybe we can agree that there were a variety of reasons. Maybe we can agree that the price of oil had changed dramatically. Maybe we can agree that pipeline capacity was not the same over those number of years. You will argue there were changes to the regulatory environment, and I would say they had nothing to do with the assessment that would have happened from the Government of Canada. But let's put that aside.

There were 627 people in Winnipeg last week from every corner of Canada and from around the world. They represented the oil and gas industry, the nuclear sector, green technology. The subject was: What is Canada's energy industry, energy mix, going to look like a generation from now? That is my responsibility as the Minister of Natural Resources.

The answer that I heard from many people, from every element of the industry, was that Canada is going to have a role to play, and the Canadian oil and gas industry is going to have an important role to play. I congratulate the innovators and the entrepreneurs in Alberta. Without them, there wouldn't have been the development of the oil sands in the first place. It is innovation and entrepreneurship and investments in R&D that are going to lead the way to developing those resources more sustainably.

Meanwhile, the world is moving to a lower carbon economy. Look at the market, senator. What has happened to the price of solar panels? What has happened to the use of renewable energy in Canada and around the world? How about the development of electric vehicles? This is not going to happen overnight. This is going to take decades. Your guess about how many decades is as good as mine. But I'm sure you and I could agree that we want Canada to be on the leading edge of that transformation and that the government has a role to play, but, more important than the role of government is the role of the private sector, the role of industry.

We realize that we live in an internationally competitive environment, in the energy world and in all other development sectors, in the forestry business, in the mining business, in nuclear energy. It's our job to work with the private sector to incent them properly so that Canada, through its entrepreneurship and innovation, can play a leading role.

EMISSIONS FROM SAUDI ARABIAN OIL

Hon. Michael L. MacDonald: Minister, I have a question for you as well regarding the Energy East pipeline.

Since the government put requirements in to measure downstream and upstream emissions, we've seen TransCanada pull out of the project. There are almost half a million barrels of heavy petroleum delivered every day to Eastern Canadian refineries. Most of them sail in ships' bottoms through Nova Scotia to refineries in Quebec and New Brunswick, and most of this oil comes from Saudi Arabia.

Does the government measure the upstream and downstream emissions related to the imported oil from Saudi Arabia, and, if not, why not?

Hon. Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, I'm not sure where the logic of your question leads.

Hon. Denise Batters: To the double standard.

Mr. Carr: First of all, senator, the government did not change the rules. That's a matter of fact. The National Energy Board changed the scope of the review.

Senator MacDonald: Answer the question.

Mr. Carr: That was the question. It was the preamble. We didn't change the rules.

I think that most Canadians would want us to assess the environmental sustainability of our natural resources in our way. Is it a suggestion that somehow we should use Saudi Arabian standards in how we assess Canadian oil and how Canadian oil is moved, how it's sustainably moved out of the ground and then transported across the country?

So I think that it's our job, in our nation, to have a regulatory system that's predictable, that's based on a respect for timeliness of decision making, that the proponent knows exactly, when the proponent goes in to the regulator to apply for a project, that the timelines and the process is clear. That's our intention, and that's what the reforms of the National Energy Board will hope to achieve.

NATIONAL ENERGY STRATEGY

Hon. Paul J. Massicotte: Thank you, minister, for being with us today. Much appreciated.

Last week at the conference in Winnipeg you were asked whether you would agree to develop a comprehensive strategy on how to best manage the issues relative to all of our resources. Your answer was: "I don't favour strategy. I like to do one-offs, one at a time." Now, that's the answer we also got from the Harper government, which I never agreed with. Strategy, in my definition, means you do an assessment of the environment. You define your objective. You define how you're going to get there and develop a plan.

So I'm trying to understand your answer. I presume you must have a plan. I presume you understand the constraints and, therefore, have a strategy. Could you explain to me your answer of last week in light of that practicality?

• (1600)

Honourable Jim Carr, P.C., M.P., Minister of Natural Resources: Well, senator, I'm sure I didn't say a series of one-offs. What I did say was that there would be a number of reports, and what I'm referring to is that a comprehensive legislative package will be introduced into the House of Commons throughout the next number of months that will deal with a reform of the environmental assessment process in Canada, a reform of the National Energy Board, the Canadian Environmental Assessment Agency, the Fisheries Act and the Navigation Protection Act.

That is one part of the changing environment that will govern the way energy is produced, moved and regulated in Canada. Out of that conference, there will be a series of recommendations and a series of ideas. At the same time, when we talk to the provinces about the federal government's role in establishing a Canadian energy strategy, some senators may know that the Canadian Energy Strategy actually had its frame built on the corner of Portage and Main in Winnipeg.

The story is that President Obama went to visit Ottawa and Prime Minister Harper on his first foreign trip, and during the press conference President Obama challenged Prime Minister Harper to develop a North American energy strategy with him. A few people scratched their heads and said, "What is the Canadian energy strategy that we would bring into the discussion?" And the answer was, there wasn't one. To their credit — and I won't go through the whole story — the provinces, through the Council of the Federation, developed the Canadian Energy Strategy. Why? Because the Conservative government of Prime Minister Harper had no interest in developing a Canadian energy strategy and said so. And said so.

Not only was he neutral, but he was negative.

So now that there is a Government of Canada —

The Hon. the Speaker: Order, please.

Mr. Carr: Thank you. Now there is a Government of Canada that wants to build on the work of the premiers and the provinces; and, I might say humbly, with full understanding of provincial jurisdiction in the natural resources world, but understanding that the national government could have a very constructive role to play, for example on electricity interties between provinces, I'm having conversations, including in my own province, and there is a lot of interest among the premiers. We hope to work well together.

So, senator, it's not a series of one-offs. It is a series of conversations and policies that will lead to a strategy that I hope will be embraced by many Canadians.

CLIMATE CHANGE ADAPTATION INITIATIVES

Hon. Diane F. Griffin: Thank you, minister, for being here today. My question relates to the funding program for climate change adaptation. On August 31, your department issued a call for proposals where $8.25 million will be allocated to study topics related to climate change adaptation. In speaking with representatives from the Federation of Canadian Municipalities and the Town of Stratford in Prince Edward Island, there is some concern about how the structural framework of this project-based funding model disadvantages smaller municipalities in the Maritimes due to the economies of scale. Generally, municipalities are at the forefront of climate change adaptation, such as flood mitigation.

As you know, each category is limited to between three and eight projects across the country, and there's a minimum funding floor of $100,000 for each project, where the federal government would cover 50 per cent of the cost. Combined with a short deadline of November 30, that makes it difficult for a majority of Maritime municipalities to participate.

Would you consider modifying calls for proposals by considering the following: increasing the communication for the proposals; lowering the $100,000 funding floor; reducing the required proponent funding to 25 per cent; and increasing the number of proposals per category to enable smaller municipalities in the Maritimes to benefit from these government climate change adaptation initiatives?

Honourable Jim Carr, P.C., M.P., Minister of Natural Resources: Thank you, senator, for the thoughtful and detailed question. Let me begin the answer by saying that we are continuing to have very meaningful conversations with municipalities. As a matter of fact, as recently as last week in Winnipeg, at the Generation Energy Forum, we had a chance to talk to Jenny Gerbasi, the President of the Canadian Federation of Municipalities, about many of these issues. We know that in the very important world of adaptation and resilience, the municipalities have a very important role to play. You know that the Prime Minister meets at least once a year with the mayors and the representatives of the federation.

Ministers meet with them often. I do, frequently, to factor in not only their good ideas but also their needs to work with both provincial governments and the Government of Canada to make sure that we are working together to have maximum impact.

You asked a very detailed question, and I certainly will consider it when I have a chance to have a good long look at it, which is what it deserves.

ENERGY EAST PIPELINE—INDIGENOUS REPRESENTATION

Hon. Daniel Christmas: Minister, the recent cancellation by TransCanada of the Energy East project in Atlantic Canada left many indigenous communities feeling both shocked and relieved. Many communities feel relief that their lands and sovereignty over them will not be put at environmental risk, while other First Nations rue the loss of what would be a significant economic labour market development opportunity for Atlantic region First Nations.

Over the summer months, I engaged with your department and the National Energy Board to try to gain first-hand understanding of the indigenous consultation strategy for the Energy East project, and I learned through those discussions that your department and the NEB were having some difficulty achieving meaningful engagement with First Nations in Atlantic Canada.

Can the minister tell us, in his view, whether the decision by TransCanada to abandon the plans for the Energy East pipeline were influenced in any way by either the results of the indigenous consultation process or by failure to achieve meaningful dialogue with Atlantic First Nations?

Honourable Jim Carr, P.C., M.P., Minister of Natural Resources: Senator, I can't interpret the reasons why TransCanada made its decision. That would be a conversation that you may want to have with them just to satisfy yourself as to what extent that might have been a factor. We know that the courts have spoken on that, not in the context of Energy East, but let's take Northern Gateway as an example.

The Federal Court of Appeal threw out the approval. Why? Not because the proponent had insufficiently consulted indigenous communities, not because the National Energy Board had insufficiently consulted indigenous communities, but because the government had insufficiently consulted them. That was a very important clue for those of us who wanted to make sure that that consultation stood the judicial test, because we understand that indigenous partnerships and the prosperity that we share with indigenous communities is not only a constitutional obligation but also, we believe, good economics for all of the country and for these communities.

We know, senators, that pipelines are controversial. Mayors stand up and offer a view about pipelines. Premiers stand up and offer opinions. Members of Parliament stand up. And indigenous leaders have opinions about pipelines, and they're not all the same. If he were here, Perry Bellegarde might say there are 634 First Nations across Canada. They are not all going to have the same view about energy development, so what do you do? You work with indigenous communities early on, and Chief Bellegarde says you don't build anything if you don't build relationships first. I think that is being better understood throughout Canada, and it's going to have a very important impact on how we develop these partnerships over time.

• (1610)

So I can't answer your question to try to determine the extent to which one factor played into TransCanada's decision, but I can tell you that, moving forward, meaningful consultation with indigenous communities will be very important to the Government of Canada.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm certain all senators would like to join me in thanking Minister Carr for being with us today. Thank you, minister.

ORDERS OF THE DAY

THE SENATE

MOTION TO URGE THE GOVERNMENT TO CALL UPON THE GOVERNMENT OF MYANMAR TO END VIOLENCE AND GROSS VIOLATIONS OF HUMAN RIGHTS AGAINST ROHINGYA MUSLIMS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion, as modified, of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Tkachuk:
>
> That the Senate urge the Government of Canada to call upon the Government of Myanmar:
>
> 1. to bring an immediate end to the violence and gross violations of human rights against Rohingya Muslims;
>
> 2. to fulfill its pledge to uphold the spirit and letter of the *Universal Declaration of Human Rights*; and
>
> 3. to respond to the urgent calls of the international community and allow independent monitors entry into the country forthwith, in particular Rakhine State; and
>
> That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purpose.

Hon. Jim Munson: Honourable senators, I would like to thank Senator Ataullahjan for bringing the Senate's attention to the Rohingya crisis in both the Senate Chamber and at the Senate Human Rights Committee.

Senator Ataullahjan and I have worked together for the last couple of years at the Human Rights Committee, she as the deputy chair and an incredible champion for the human rights of everyone in this country and elsewhere in the world. I admired her initiative when she said to me one day about the Syrian

refugees, "We must do a study." We did, and we made an impact in the debate in recommending to the Government of Canada to keep paying attention.

Sometimes the headlines just go away, and people forget what's happening in Syria today and what's happening with the refugees. The same thing holds true with the Rohingya.

Senator Ataullahjan's dedication to seek action to stop this tragedy, as well as to shine a light on the challenges facing all refugees, is unwavering.

This motion calls upon our government to call upon the Myanmar government to bring an end to the violence and human rights violations against the Rohingya immediately, to honour the Universal Declaration of Human Rights, and allow independent monitors into the country, especially the Rakhine State.

Canada has an obligation to do more. Canada has moved money and has sent others to that region. Canada is in a great position. We have a wonderful and credible reputation in the world of human rights, and we feel that, at least at the Human Rights Committee.

I join Senator Ataullahjan in urging the government to take that extra step. I want to add my name to this call to action alongside Senators Jaffer, Omidvar and McPhedran, who have already delivered passionate remarks on this motion.

Colleagues, as you know, the Senate Human Rights Committee held public meetings about this crisis. The heartbreaking testimony we heard described human rights offences which were shocking and monstrous. It's awful what happened in that country and is still happening but not part of the headlines today. Violations of the worst possible kind are happening to the Rohingya people, including torture, rape, attacks on young children, and villages being burned to nothing. Many have died fleeing their homes towards Bangladesh, trying to escape the actions of their country's own army. Bangladesh communities along the border are now overwhelmed by the number of people seeking asylum. As we have heard, more than half a million Rohingya refugees have fled to the neighbouring country. Local communities and humanitarian aid groups cannot keep up with the continuing influx of refugees, and their resources are being stretched very thin.

I was encouraged by Aung San Suu Kyi's announcement late last week to set up a civilian-led agency, with foreign assistance, to deliver aid and help the resettlement of Rohingya in the Rakhine State. Allowing the international community to provide aid in the region and listing repatriation to those who have fled as priorities are key to helping the Rohingya.

This gives some hope, but we haven't heard enough from her, and we have to have more than just hope. We have to have a new reality check. What has happened has happened and cannot be ignored.

In these short remarks, I agree with my colleagues that the international community needs access to the Rakhine State to assess the extent of what has taken place. The international community should be allowed in to provide aid and to help find a solution for peace.

Honourable senators, there is still so much Canada can do to help the Rohingya. This is why we must pass the motion by Senator Ataullahjan.

I have been thinking today that as a former reporter of 35 years, I covered a lot of crises and disasters in the world. We get motivated at the time as a country. When I was in the refugee camps of Cambodia, I thought at that particular time, when I saw children with intellectual and physical disabilities, babies who were basically thrown away in garbage cans on the streets of Phnom Penh, who would care for these children? So at that time I attempted to do a story or two about that to sensitize Canadians to that issue. That helped the NGOs that were working in that area to garner more money from the Canadian community. We focus on these things for a little while, and then the headlines are gone and the story disappears.

I always thought that if there was an opportunity to do more about this, I would. Well, I never thought that I would end up in the Senate of Canada. That wasn't part of the game plan. A reporter forever, always asking questions, always curious, always trying to find out more, and now I have that opportunity to speak out. As Chair of the Human Rights Committee and working with Senator Ataullahjan and others, including Senator Omidvar, this is an incredible journey each and every day for all of us to remind ourselves that we just had Thanksgiving and how comfortable and cozy it was for most of us. Maybe not all of us, but we live in a wonderful country, and we have so much in terms of generosity here.

We heard in a statement by Senator Norman Doyle, senator from Newfoundland and Labrador, about how much food is being wasted in this country. We throw it out; we don't even take a look at it. Can you imagine having a Marshall Plan to move supplies to whomever in the world to share the great resources we have in this country?

• (1620)

We don't see it today. We see a small story coming from that part of the world, but it is still happening. The Rohingya may not be in the headlines today, but the suffering remains. Imagine over 500,000 people who don't have a home — a half million people who don't have a home. Just imagine. Thank you, honourable senators.

(On motion of Senator Harder, debate adjourned.)

INCREASING OVERREPRESENTATION OF INDIGENOUS WOMEN IN CANADIAN PRISONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Pate, calling the attention of the Senate to the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing overrepresentation of Indigenous women in Canadian prisons.

Hon. Gwen Boniface: Honourable senators, I stand today to discuss a topic I hold closely to my heart. As some of you may know, my career has taken me to a variety of countries around the world. The most impactful experiences I have had have been right here at home in Canada.

I want to acknowledge that we currently sit upon the traditional unceded lands of the Algonquin people, which is that much more important considering the content I am here to share with you.

The issue of incarceration rates amongst Aboriginal peoples is staggering. As stated in the *Annual Report of the Office of the Correctional Investigator 2014-2015*:

> As of March 2015, Aboriginal inmates represented 24.4% of the total federal custody population while comprising just 4.3% of the Canadian population. In the ten year period between March 2005 and March 2015, the Aboriginal inmate population increased by more than 50% compared to a 10% overall population growth during the same period. As a group, Aboriginal people accounted for half of the total growth in the federal inmate population over this time period.

As outlined in the Truth and Reconciliation report authored by our honourable colleague Senator Sinclair:

> . . . violence and criminal offending are not inherent in Aboriginal people. They result from very specific experiences that Aboriginal people endure.

The Assembly of First Nations National Chief, Perry Bellegarde, put this perspective forward at the Standing Committee of Aboriginal Peoples meeting in May. He directed our attention to the United Nations human development index gap between Aboriginal and non-Aboriginal peoples. He shows Canada, as a country, is ranked number 6 on that index. Within the same indices applied to only Aboriginal people in Canada, that number falls staggeringly to number 63.

The national chief went on to say the following:

> It represents everything we talk about. It represents the high suicide rate, the disproportionate number of our people in jails, the 40,000 Aboriginal children in foster care, overcrowded housing, 132 boil water advisories and the 2 per cent funding cap.

The overrepresentation of Aboriginal people in the justice system is definitely not a recent discovery. In 1996, Parliament legislated principles to reform section 718 of the Criminal Code to include a section which would allow sanctions other than imprisonment if deemed reasonable under the circumstances to be considered with particular attention to the circumstances of Aboriginal individuals. This legislation was enacted due to the alarming evidence of disproportional incarceration rates. That was over 20 years ago, and the numbers keep rising. Unfortunately, the numbers are even more disproportionate for Aboriginal women.

As Senators Pate, Omidvar, Runciman and Dupuis have prefaced, the overrepresentation of Aboriginal women in the prison system deviates overwhelmingly from what should be the norm. How are over one third — 36 per cent — of federally incarcerated female Aboriginals when they make up only 2 to 3 per cent of the population? This should be an unsettling number for all Canadians, a number that indicates we should be doing more work to identify issues and needs at a much earlier stage.

Unfortunately, Aboriginal women are also victims of crime. They report being victimized by violent crime roughly three times more than that of non-Aboriginal women. They are more likely to experience risk factors for violence such as poverty, unemployment, living in a community marked by social disorder and being involved with the child welfare system. A 2014 report from Statistics Canada on criminal victimization in Canada states:

> . . . the higher victimization rates among Aboriginal people, overall, appeared to be related to the increased presence of risk factors among this group than among non-Aboriginals.

Unfortunately, these same risk factors more often than not are contributing factors to criminal charges and incarceration.

As our colleague Senator Pate mentioned previously, it is not simple pocket change to incarcerate a woman in the federal penitentiary system: $348,000 for a single woman in 2010. As Senator Pate also stated, the number of federally incarcerated Aboriginal females has risen by roughly 86 per cent from the last decade.

There is growing consensus that more needs to be done both inside and outside the criminal justice system. We should be investing at the front end of the problem, essentially in prevention.

Investing in the root issues like poverty, recurring sexual and domestic violence, a lack of both mental and physical health care accessibility, and better educational opportunities could have a significant impact on these numbers. One of our focuses should also be investing in Aboriginal youth, who are also overrepresented in the youth justice system.

According to the Truth and Reconciliation report, the youth justice system is failing Aboriginal families. Aboriginal boys make up 36 per cent of those admitted to custody; the girls make up even more at almost 50 per cent of those admitted.

The purpose of the Youth Criminal Justice Act introduced in 2002 was to address the circumstances underlying offending behaviour to try to rehabilitate and reintegrate children. It has been successful, to some extent, reducing youth crime and court caseloads, but unfortunately it has not impacted the number of Aboriginal children in the justice system significantly.

Many Aboriginal youth experience disadvantages from struggling with living in the legacy of residential schools, leading to addiction, mental health issues, abuse, incarceration of their parents and the involvement of child welfare agencies. In fact, the overrepresentation of Aboriginal children in custody correlates strongly but not surprisingly with the number of youth within the child welfare system.

The substantial incarceration of so many men and women due to substance abuse problems or mental health issues is constantly overshadowed. This is the case across the country and many segments of Canadian society. A 2014 report entitled *Economics of Policing* from the Standing Committee on Public Safety and National Security in the other place reported that, in Halifax, mental health and substance abuse police calls have roughly doubled in seven years. In Calgary, police respond to 70,000 calls a year due to social disorder. In Vancouver, 30 per cent of calls are related to substance abuse and mental health. And this number increases to 50 per cent in the most impoverished areas of the city.

Policing these issues is no easy task. It is challenging and sometimes dangerous. In many instances, the only authorities to respond to mental health or substance abuse calls are the police services, so often they have few community resources to work with.

Let's look specifically at indigenous police services. A 2016 Public Safety Canada report entitled *A Renewed Approach to Policing in Indigenous Communities* noted the distinct lack of funding in almost all areas. The report noted:

> Funding was consistently characterized as inadequate and communities felt restricted by insufficient funding. While policing needs have risen in many Indigenous communities in recent years, there has not been an increase in funding. All participants agreed that Indigenous police forces are operating with inadequate budgets and resources.

• (1630)

Considering all funding should be cost-shared between the federal and provincial or territorial governments, it should be surprising to us that in many cases, as the report also states, Aboriginal communities are contributing own-source revenues or borrowing money from banks in order to fund what is an essential service for safety within their communities.

Appropriate policing measures are certainly helpful, particularly within a mandate of prevention, but police alone cannot deal with the multifaceted issues. For any progress, this means that we will need a multifaceted response.

The justice system should not be the beginning, the end and everything in between for Aboriginal children, women and men who need housing, clean water, nutritious food, a proper education, effective health care and proper mental health and addiction treatments. Treatment is necessary to deal with these issues early in their progression rather than wait after the damage has already taken its toll on their lives, particularly those people impacted by drug addiction or mental health issues. This is why we need to ensure early intervention can be accomplished using alternate methods, methods that operate outside the justice system and are readily available for Aboriginal people who require the intervention.

I believe policing has taken a number of steps in the right direction, including training and better awareness programming. As was just referred to by Senator Dyck in her statement, a model has been developed in the City of Prince Albert called Community Mobilization. This is actually an idea stemming from work accomplished in Scotland and Norway. It is more commonly known as a hub model and allows service agencies, along with the police, to collectively address individuals and families who need help. This is an approach to identify and understand the risks facing individuals in the community. It is dealing with the root of the issues and the risk factors that can lead to community intervention in order to move away from simply a police response.

Another version of a hub model has been adopted by the Anishinaabe Police Service on Manitoulin Island. The Social Navigator Initiative operates in the United Chiefs and Councils of Mnidoo Mnising service area. This is a program that can identify those individuals who are at risk and direct them to proper treatment within their partner groups.

The police chief for the area, Rodney Nahwegahbow, is quoted as saying:

> If we are able to red flag an individual in crisis at the first incident, the social navigator will be able to help that individual get the help that they need through utilizing the services of the . . . hub, changing their path.

The program was adopted after observing that a disproportional number of Aboriginal offenders in their local correctional system mirrored that of the federal system and identified that this is an issue that can only be addressed collectively.

In the City of Kenora, in northwestern Ontario, key steps have been taken under a comprehensive program which includes a detox first program, recognizing that substance abuse is a health issue, not a law enforcement issue; the creation of a managed alcohol program, much like we have here in Ottawa; a mental health court; a drug treatment court; and a situation table with all agencies, including the police, identifying individual needs and services which can be provided.

In this particular city, a team of police and service agencies has been assembled to address risks for youth aged 12 to 24. This is particularly designed to address the overrepresentation of youth in the care of Child and Family Services and keep youth out of the criminal justice system.

The Centre for Forensic Behavioural Science and Justice Studies at the University of Saskatchewan has been developing a pilot project that would expand the hub model to the more remote and rural communities in Saskatchewan that face geographic and resource barriers. The aim is to find a way through technology to enable human service providers to apply the hub model in remote communities to improve opportunities for risk reduction.

Early studies have shown that the hub model is effective at reducing crime and lowering the costs to society, which in turn lower social disorganization and increase levels of informal social control.

It is important to invest the adequate funding into the alternatives to the current criminal justice system. It is clear that the current method is perpetuating the circumstances that many indigenous people face. The criminal justice system is left as the default response to issues that surround indigenous populations. It is not designed to handle the most complex of cases.

Aboriginal women are becoming Canada's fastest growing prison population. The marginalization and the criminalization of these women can be addressed in a multitude of ways. There are methods we can adopt, implement and use to attack these issues earlier to better address individual circumstances and steer people away from the criminalization and institutionalization.

As Senator Runciman so eloquently stated in his inquiry speech for those who find themselves imprisoned in the system:

> A woman may be incarcerated for a relatively minor offence committed because of underlying mental health or addiction problems, she doesn't receive the treatment she needs and she poses a threat to herself, to other inmates and to prison staff. She reoffends either inside prison walls or following statutory release and the cycle continues. Too often the response of prison authorities is segregation and restraints rather than treatment.

In this chamber of sober second thought, let's take the time to explore a multitude of responses which will further all of us on the road to reconciliation.

(On motion of Senator Lankin, debate adjourned.)

[*Translation*]

AUTISM FAMILIES IN CRISIS

TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson, calling the attention of the Senate to the 10th anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*.

Hon. Marilou McPhedran: Honourable senators, I rise today to speak to the inquiry on autism that was tabled in the other place by Senator Munson on September 28.

[*English*]

As October is Autism Awareness Month, it is important for us as senators and members of communities to review our knowledge and our commitment towards persons with different abilities. It also happens to be the tenth anniversary of the report tabled by the Standing Senate Committee on Social Affairs, Science and Technology called *Pay Now or Pay Later: Autism Families in Crisis*.

This report, adopted by the Senate in March of 2007, outlines key recommendations including:

- genuine consultation with all stakeholders, including individuals with autism for components of the National Autism Spectrum Disorder Strategy, such as treatment, education and respite care for families;
- appropriate level of funding from the federal government;
- implementation of a national public awareness campaign for the enhancement of knowledge and understanding about autism spectrum disorder;
- creation of a knowledge creation centre which includes an Internet-based web portal for reliable data on autism information;
- creation of an autism research network followed by substantial funding;
- addressing the human resource issues across provinces and territories within the field of autism spectrum disorder;
- and ensuring the proper qualification of autism as an eligible disability.

I salute Senator Munson and his colleague senators for the 2007 report and would like to extend my thanks for their diligent work on this issue. I wish we could say that their recommendations have been implemented — even a few of them.

[*Translation*]

However, Canadians have a lot to learn about autism and we must continue to stay on top of this challenge, one that many Canadians are up against.

[*English*]

Senator Munson spoke on October 3 about slow progress. Sadly, I must note that the Supreme Court of Canada ruling in 2004 — *Auton v. Attorney General* — allowed provinces to refuse to fund applied behavioural therapy for autism, and we are still struggling with the consequences of that decision as a country.

This is one of the decisions of our Supreme Court that did not extend section 15(1) of the Canadian Charter of Rights and Freedoms, the quality protections to persons living with disability. Since approximately 1 in 68 Canadians has some form of autism spectrum disorder, it is essential to understand the different facets of this disability and seek to establish ways to support those impacted under constitutional and international human rights law.

• (1640)

Canada has an obligation to all persons with disabilities to uphold their rights and their dignity. All persons are entitled to live their rights, which are not merely a concept for the wealthy or able-bodied. We as legislators must ensure that we respect and uphold the lived rights of all Canadians.

As we continue to hear more on this inquiry from our Senate colleagues, let us strengthen our commitment to learning more about how to uphold the rights of autistic persons and families, and move forward on the recommendations made 10 years ago.

I thank Senators Munson, Housakos and Bernard for their leadership on this inquiry thus far and for their dedication in this chamber to disability rights. I invite all honourable senators to promote Autism Awareness Month this month in their communities, to continue to seek to understand the various facets of autism spectrum disorder and to support services being provided to autistic persons so that they, too, can live their rights.

Thank you.

(On motion of Senator Martin, for Senator Patterson, debate adjourned.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO TAKE INTO CONSIDERATION THE FUNDING OF LITERACY PROGRAMS IN ATLANTIC CANADA—DEBATE ADJOURNED

Hon. Diane F. Griffin, pursuant to notice of September 26, 2017, moved:

> That the Senate affirm that literacy is a core component to active citizenship, a determinant for healthy outcomes, and, at its core, key to building an innovative economy with good, sustainable jobs;
>
> That the Senate urge the Government to take into consideration the particular regional circumstances of Atlantic Canada based on smaller populations, many of which are in rural areas, when determining whether to implement programs using project-based funding compared to core funding;
>
> That the Senate further urge the Minister of Employment, Workforce Development and Labour to make an exception to the present terms and conditions of the Office of Literacy and Essential Skills project-based funding programs in order to request an emergency submission to the Treasury Board for $600,000 of core funding for the Atlantic Partnership for Literacy and Essential Skills based on their 2017 pre-budget consultation submission to Parliament; and
>
> That a message be sent to the House of Commons to acquaint that house with the foregoing.

She said: Honourable senators, I will be brief in my rationale for this motion, as I've already spoken to the importance of literacy as a human right with regard to former Senator Hubley's Inquiry No. 14.

I am pleased to state that the PEI Literacy Alliance has received an eleventh-hour reprieve by the Government of Prince Edward Island. Although this commitment ensures that the PEI Literacy Alliance will have two years of stability, it represents an emergency funding commitment by a provincial government and not the federal government. I commend the P.E.I. government for providing this assistance.

However, I note the following comment by P.E.I. Workforce and Advanced Learning Minister, the Honourable Sonny Gallant:

> We will ask our federal partners to work with us during this time to find a longer-term solution that includes permanent core funding and sustainability for the PEI Literacy Alliance.

Colleagues, it's important that all four Atlantic provinces have the same stable funding provided by the federal government through a framework that allows literacy associations to actually use the funding.

I understand that recent commitments provided by the office of the Minister of Employment, Workforce Development and Labour indicate they do not see a problem with the current model of project-based funding. In fact, as you will know, I received a written answer today from Senator Harder. Once again, this answer reiterated the response I'd received previously. It shows a lack of flexibility and appreciation for what's being asked.

As noted previously, the Atlantic Partnership for Literacy and Essential Skills, the umbrella organization, has repeatedly stated that the project-based funding model does not work in Atlantic Canada. Clearly there's a disconnect between the policy advisers at the Office of Literacy and Essential Skills and the reality of Atlantic Canada. I'm hopeful that the National Finance Committee, when reviewing the estimates, will invite representatives of the Office of Literacy and Essential Skills to the committee to explain the rationale of how policies are being developed that are reflective of the needs for Atlantic Canadians.

Honourable senators, with each electoral redistribution in the other place, the relative influence of Atlantic Canada diminishes. Unfortunately, the lack of electoral clout translates into a lack of understanding by policy-makers in the National Capital Region of the specific needs of Atlantic Canadians. I do not doubt the sincerity of policy-makers when designing federal policy to assist the majority of Canadians. However, as the population of Atlantic Canada is smaller and more rural, it is not possible to develop uniform policy where a solution for larger centres like Vancouver, Calgary, Toronto or Montreal also works for Summerside, Louisbourg, Caraquet or Fogo Island.

In this manner, the motion is both pragmatic and symbolic. Senators, there is an urgent need for the federal government to provide $150,000 of core funding to each Atlantic province, totalling $600,000. We are not talking about a situation where we are asking for new program funding. Rather, we are urging that the restrictions associated with project-based funding be removed.

The motion is symbolic in that the one-hundred-and-fiftieth year of Confederation highlights the role of the Senate as the Fathers of Confederation intended, a chamber where the concerns of the smaller provinces and regions could be raised more effectively.

Honourable senators, today this is an issue that is particular to Atlantic Canada. Tomorrow, the issue could be from Western Canada. In a nation as large and diverse as Canada, I ask for your support to urge the federal government to ensure that its policies are reflective of the regional realities of the country.

Therefore, in my capacity as a senator from Atlantic Canada, I encourage you to support literacy in Atlantic Canada by supporting this motion. Thank you.

(On motion of Senator Greene, debate adjourned.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY ISSUES AND CONCERNS PERTAINING TO CYBER SECURITY AND CYBER FRAUD

Hon. Joseph A. Day (Leader of the Senate Liberals), for Senator Tkachuk, pursuant to notice of October 5, 2017, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study and report on issues and concerns pertaining to cyber security and cyber fraud, including:
>
> • cyber threats to Canada's financial and commercial sectors;
>
> • identity theft, privacy breach and other fraudulent activities targeting Canadian consumers and small businesses;
>
> • the current state of cyber security technologies; and
>
> • cyber security measures and regulations in Canada and abroad.
>
> That the committee submit its final report no later than Friday, June 29, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Eggleton, that the Standing Senate Committee on Banking, Trade and Commerce — may I dispense?

Hon. Senators: Dispense.

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*]

COMMITTEE AUTHORIZED TO STUDY ISSUES PERTAINING TO THE MANAGEMENT OF SYSTEMIC RISK IN THE FINANCIAL SYSTEM, DOMESTICALLY AND INTERNATIONALLY

Hon. Joseph A. Day (Leader of the Senate Liberals), for Senator Tkachuk, pursuant to notice of October 5, 2017, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report, from time to time, on issues pertaining to the management of systemic risk in the financial system, domestically and internationally; and
>
> That the committee submit its final report no later than Friday, June 29, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 4:50 p.m., the Senate was continued until tomorrow at 2 p.m.*)