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OFFICIAL REPORT
(HANSARD)

Monday, December 4, 2017

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

CONTENTS

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

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THE SENATE

Monday, December 4, 2017

The Senate met at 6:30 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Chantal Petitclerc: Honourable senators, yesterday was the International Day of Persons with Disabilities, an excellent reminder that living with a disability in Canada still presents many challenges and obstacles. This year marks the thirty-fifth anniversary of the accident that left me a paraplegic. I was barely 13 when my life was turned upside down. To tell the truth, I don't think about it very often. With time, my wheelchair became like a pair of shoes that I put on every morning.

However, when I was at the park a few weeks ago, I was shocked to see a little girl who must have also been about 12 or 13, who was unable to play with her little brother because she could not access the playground. She reminded me of how hard it is for children to have to live with a disability. In Canada, over 27,000 young people have a disability. Did you know that only one playground in the greater Montreal area is completely accessible to people with disabilities? Every child should be able to play sports and compete, but children with disabilities have very few opportunities to have this sort of essential experience. With regard to the cost of sporting equipment, it costs \$5,000 for a handcycle and \$4,000 for a basketball wheelchair or a sit ski. That is not easy for families. A total of 27 per cent of children with disabilities live in poverty as compared to 18 per cent of children without disabilities.

I was shocked to learn that 73 per cent of children with disabilities in Quebec schools said that they had been bullied. I was also shocked to learn that couples have to wait for years to adopt a child either here or elsewhere, unless they want to adopt a child with a disability since, sadly, those children often remain in orphanages for years without being adopted.

Canada sees itself as a welcoming land, and yet Canadian citizenship is still being denied to families that have a disabled child for fear that they will be a burden. I cannot help but think of my friend Tatiana, who is paraplegic like me and who remained in the orphanage until the age of seven, when she was adopted by a family. Today, she is a world record holder and medal winner with an impressive career under her belt. She is proof that each of us has more potential than limits and that we, as a country, must ensure that every one of the 27,000 young Canadians living with a disability has the opportunity to realize his or her full potential and contribute to our country.

The first step to getting there may be something simple, like making playgrounds accessible to everyone.

Thank you.

[*English*]

THE LATE HYMIE SKOLNICK

Hon. Marc Gold: Honourable senators, Montreal lost one of its icons last week when Hymie Skolnick passed at the age of 96.

The son of Jewish Russian immigrants, Hymie Skolnick bought a small snack bar in the Mile End district in 1942 and renamed it as a nod to his bowling nickname, Beauty. Beautys quickly became an institution in Montreal, a classic diner in a city famous for its food. Indeed, the renowned U.S. food critic Alan Richman named it "best restaurant city" in a *Town & Country* piece last year, but the figure who stood out most for him was Hymie. He said:

There should be a statue of Hymie Skolnick erected. He's unbelievable, the single best thing in Montreal — maybe even the world. . . . One of the greats of Montreal dining.

The food at Beautys was, indeed, terrific. "Everything is fresh, nothing frozen," Hymie would say with great pride. You may have enjoyed lox and cream cheese on a bagel in your time, but I can assure you that you haven't lived until you have had a Beautys Special on a late Sunday morning. As for eggs, nothing quite measures up to Beautys famous Mish-Mash omelette, a sinful blend of eggs, hotdogs, green peppers, onions and salami. I can feel my arteries clogging up just thinking about it. And as all the late-night boulevardiers of my fair city would attest, Beautys served up one of the best hangover breakfasts in Montreal.

But it was not the food that made Beautys so special; it was Hymie. As Bill Brownstein wrote of him in the *Montreal Gazette* last week:

He was one of a fast-dwindling breed of Montreal originals. A force of nature, a familiar face at the Beauty's counter, always there to greet customers from sunrise throughout much of the day, every day of the week. And he continued shepherding the hungry into his eatery up until two months ago.

As, indeed, he did. Hymie would greet everyone who arrived at Beautys with his trademark "You're welcome." Everyone in town got the same warm treatment, from the many celebrities who dropped in when they were in town; to the countless regulars for whom a meal at Beautys was part of their regular routine, if not an almost religious-like ritual; to *Monsieur et Madame Tout-le-Monde*, who just walked in off the street for the first time.

Hymie infused his welcoming and warm spirit into everyone who worked there. His son Larry, my good friend and bandmate; his granddaughters Julie and Elana; and all the staff.

What makes a city great is its people, and Montreal lost one of its greats last week in Hymie Skolnick. May he rest in peace, and may his memory be a blessing to all who knew and loved him.

Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Matthew Parent. He 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!

• (1840)

Hon. Marilou McPhedran: If I may just clarify, Matthew Parent is the Manager for Climate Change Mitigation for the Government of Nunavut.

THE OTTAWA TREATY

TWENTIETH ANNIVERSARY

Hon. Marilou McPhedran: This evening, I rise to speak about two important events which occurred yesterday, Sunday, December 3.

December 3 marks the twentieth anniversary of the signing of what has become known as the Ottawa Treaty, the treaty to ban anti-personnel land mines, signed in 1997, a groundbreaking win for Canada and the world.

While the 2001 Nobel Peace Prize was deservedly awarded to NGO grassroots activist Jody Williams for galvanizing organizations in many countries to advocate for the land mines ban, I want to salute Dr. Lloyd Axworthy, former Foreign Affairs minister, who championed the Ottawa Treaty. Without his leadership and some innovative bending of the conventional diplomatic rules, the treaty could have not gathered such international attention and would not have been passed.

This important treaty has resulted in real, substantive change. Worldwide, lives have been saved. Land mines were once responsible for the deaths of 20,000 people every year. The Ottawa Treaty, with the unstoppable efforts of civil society, some governments and the UN, has since lowered that number to about 5,000, still way too many.

[*Translation*]

This marks a major change and a step forward for human rights around the world.

[Senator Gold]

[*English*]

Colleagues, December 3 was also the UN International Day of Persons with Disabilities, as noted by Senator Petitclerc. Anyone caught in a land mine faces death or a life challenged by disability. This year's theme for the International Day of Persons with Disabilities is transformation toward a sustainable and resilient society for all, embedded in the rationale and principles of the Ottawa Treaty.

While deaths have decreased due to the treaty, those who survive deserve to be able to live their rights through advocacy and implementation of the Ottawa Treaty, with leadership from Canada on both fronts. Not all countries have signed the treaty. Approximately 60 million people remain at risk. I invite senators to join Mines Action Canada at a reception just down the hall, in 256-S, which is expected to last past 8 p.m. this evening.

[*Translation*]

I invite you to join us in this important discussion on the Ottawa Treaty and the rights of people with disabilities.

Thank you. *Meegwetch.*

ROUTINE PROCEEDINGS

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-45— DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 2017

TWENTY-SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Serge Joyal, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Monday, December 4, 2017

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-SECOND REPORT

Your committee, to which was referred Bill C-60, An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal

certain Acts and provisions that have expired, lapsed or otherwise ceased to have effect, has, in obedience to the order of reference of November 22, 2017, examined the said bill and now reports the same without amendment.

Respectfully submitted,

SERGE JOYAL
Chair

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

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

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE NANCY BÉLANGER, COMMISSIONER OF LOBBYING NOMINEE, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN NINETY MINUTES AFTER IT BEGINS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, at 9:30 a.m. on Friday, December 8, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Nancy Bélanger respecting her appointment as Commissioner of Lobbying; and

That the Committee of the Whole report to the Senate no later than 90 minutes after it begins.

[*English*]

COMMISSIONER OF LOBBYING

NOTICE OF MOTION TO APPROVE APPOINTMENT

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with section 4.1 of the *Lobbying Act*, R.S.C., 1985, c. 44 (4th Supp.), the Senate approve the appointment of Nancy Bélanger as Commissioner of Lobbying.

NATIONAL ANTHEM ACT

BILL TO AMEND—DISPOSITION OF BILL—
NOTICE OF MOTION

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

That notwithstanding any provisions of the Rules or usual practice, immediately following the adoption of this motion, or, if a vote relating to Bill C-210, An Act to amend the National Anthem Act (gender), had been previously deferred, immediately following that deferred vote:

1. the Speaker interrupt any proceedings in order to put all questions necessary to dispose of Bill C-210, without further debate, amendment or adjournment;
2. if a standing vote is requested in relation to any question necessary to dispose of the bill under this order, the bells to call in the senators ring only once and for 15 minutes, without the further ringing of the bells in relation to any subsequent standing votes requested under this order;
3. no standing vote requested in relation to the disposition of the bill under this order be deferred;
4. no motion to adjourn the Senate or to take up any other item of business be received until the bill has been decided upon; and
5. the provisions of the Rules and any previous order of the Senate relating to the time of automatic adjournment of the Senate and the suspension of the sitting at 6 p.m. be suspended until all questions necessary to dispose of the bill have been dealt with.

[*Translation*]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

Hon. Percy Mockler: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I give notice that, later this day, I will move:

That during the month of December 2017, for the purposes of its consideration of government legislation, the Standing Senate Committee on National Finance:

- (a) have the power to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
- (b) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may then be adjourned for more than a day but less than a week.

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

Hon Senators: Agreed.

• (1850)

[English]

STUDY OF THE MINISTER OF FINANCE'S PROPOSED CHANGES TO THE INCOME TAX ACT RESPECTING THE TAXATION OF PRIVATE CORPORATIONS AND THE TAX PLANNING STRATEGIES INVOLVED—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE AND DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on National Finance, have the power to meet for the purposes of its study on the Minister of Finance's proposed changes to the *Income Tax Act*, even though the Senate may then be sitting, with the provisions of rule 12-18(1) being suspended in relation thereto; and

That the Committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF FEDERAL ESTIMATES GENERALLY

Hon. Percy Mockler: 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 Wednesday, January 27, 2016, the date for the final report of the Standing Senate Committee on National Finance in relation to its study on such issues as may arise from time to time relating to federal estimates generally, including the public accounts, reports of the Auditor General and government finance, be extended from December 31, 2017 to December 31, 2019.

QUESTION PERIOD

FOREIGN AFFAIRS

CHINA—DETENTION OF JOHN CHANG

Hon. Yuen Pau Woo: My question is for the Government Representative in the Senate. The Prime Minister is currently in the People's Republic of China with a group of business leaders. John Chang, who is the proprietor of Lulu Island Winery of

Richmond, British Columbia, would have been in that delegation were he not languishing in a Chinese jail and has been so for the last 20 months.

The charges against Mr. Chang appear to be flimsy at best. He was put before a Chinese court in May of 2017, but the presiding judge has yet to make a judgment.

Senator Harder, can you tell us if the Prime Minister and his cabinet ministers are advocating for Mr. Chang with Chinese leaders while they are on mission in the People's Republic of China?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He will know that in the press reports just before the departure of the delegation, the Minister of Foreign Affairs, in her capacity as minister responsible for consular affairs, reported that she had indeed raised this case with her counterparts and that it was her expectation and intention that the Government of Canada, at the highest level, would raise the case again when the delegation visited the People's Republic of China.

I have not, at this point, had a report as to whether this case was raised, but I can only repeat that the minister has made that commitment.

Senator Woo: Senator Harder, one of the particular problems in the case against Mr. Chang is that it appears to violate China's commitments under the WTO customs Valuation Agreement. To the extent that there may be a legitimate dispute over the valuation of wines that are imported into China, the Valuation Agreement provides for a step-by-step process to deal with this issue, short of putting Mr. Chang into prison.

The China customs agency did not follow this procedure and has, instead, detained Mr. Chang for over 20 months without a proper judgment delivered by the courts.

As long as Mr. Chang remains detained under dubious grounds, how will the government assure Canadian businesses that they can trust the China customs agency to abide by the provisions of any free trade agreement that is negotiated with Canada?

Senator Harder: Again, I thank the honourable senator for his question. He will know that the discussions are ongoing with respect to a potential trade agreement. The questions that he is raising about the assurance of conformity with WTO obligations are ones that the Government of Canada has raised on a number of occasions and, I am sure, will continue to raise. They affect not only this tragic case, which deserves and merits attention, but also other commercial arrangements that Canadian enterprises are experiencing.

Hon. Yonah Martin (Deputy Leader of the Opposition): I actually have a supplementary to the questions that Senator Woo has asked, and I thank Senator Woo for asking these questions.

I have a question regarding the charges against Mr. Chang, that it should be within a trade or business sphere rather than something criminal. I wonder if you had heard that raised, that

[The Hon. the Speaker]

this was a business person doing business in China. The severity he has met is concerning to all Canadian businesses, and this should be looked at as a business matter.

I think you understand what I'm asking, senator. This was something I had read and had been raised by supporters of Mr. Chang.

Senator Harder: Yes, senator. Without getting into the details of this case, as would be appropriate in certain instances, I do want to reinforce what the honourable senator is saying and, indeed, was referenced by Senator Woo's question. There are procedures and obligations countries take under the WTO which allow for the resolution of differences of interpretation and differences of points of view that are not part of the criminal process, that are part of the commitments and adjudication of commercial disputes.

It would seem to the observer of this case that that is indeed the more appropriate remedy. Again, I hesitate to get into the details of the case given the privacy concerns and the concerns that one could imagine in the case of advocating for Canadians in the People's Republic of China, but the point that you make is an appropriate one and one that we need to bear in mind.

[Translation]

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 October 18, 2017, by the Honourable Senator Wallin, concerning public safety and RCMP vacancies; the response to the oral question of October 25, 2017, by the Honourable Senator Brazeau, concerning justice and the Indian Act — definition of Indian; the response to the oral question of October 26, 2017, by the Honourable Senator Batters, concerning justice and the litigation management cabinet committee; the response to the oral question of October 26, 2017, by the Honourable Senator Seidman, concerning health and the reporting of adverse drug reactions; the response to the oral question of November 1, 2017, by the Honourable Senator Wallin, concerning national defence and missions and recruitment; the response to the oral question of November 2, 2017, by the Honourable Senator Maltais, concerning finance and the Superintendent of Financial Institutions; and the response to the oral question of November 2, 2017, by the Honourable Senator McIntyre, concerning justice and legal aid funding.

PUBLIC SAFETY

RCMP VACANCIES

(Response to question raised by the Honourable Pamela Wallin on October 18, 2017)

The Government works to ensure that the Royal Canadian Mounted Police (RCMP) have the resources and support they need to do their jobs and keep Canadians safe. While over half a billion dollars were cut from the RCMP

from 2011 to 2015, the current government has been providing temporary funding while undertaking an Integrity Review.

The RCMP received over \$96 million in the Supplementary Estimates (B) 2016-17, over \$92 million in the Supplementary Estimates (C) 2016-17, and is requesting over \$28 million in the Supplementary Estimates (B) 2017-18. Moreover, the Fall Economic Statement 2017 included an additional \$100 million to support RCMP operations and the RCMP's External Review Committee.

Importantly, the RCMP is now graduating more new officers than it has in years. There are 1,152 graduating cadets this year and 1,280 cadets due to graduate next year. This is more than triple the number of graduating cadets in 2013-2014.

Other RCMP initiatives to help address vacancies and meet the needs of the jurisdictions the RCMP serves include authorizing overtime, calling up reservists and temporarily re-assigning staff.

On August 22, 2017, the Protection and Response Team was launched in Saskatchewan. It is comprised of 258 armed officers, of which 120 are from the RCMP and municipal police services. Also, in June 2015, F Division (Saskatchewan) created a Relief Unit with the purpose of helping detachments maintain quality policing during critical staffing shortages and ensuring that remaining members get adequate and unfettered time off.

JUSTICE

INDIAN ACT—DEFINITION OF INDIAN

(Response to question raised by the Honourable Patrick Brazeau on October 25, 2017)

The Supreme Court of Canada's Daniels Decision was a landmark court decision and the Government of Canada is taking a considered, responsive, and collaborative approach to addressing it in a way that builds on the Government's reconciliation agenda.

The Government of Canada welcomes and respects this decision, which will guide our work with Indigenous peoples to advance real reconciliation and renew the relationship, based on recognition of rights, respect, and partnership.

Central to this work will be ensuring that the voices of Métis and Non-Status Indian peoples are reflected in the path forward. We've been working closely with the Métis Nation, the Congress of Aboriginal Peoples and others to identify next steps on developing a response to the decision and address its impact on communities.

For example, the Congress of Aboriginal Peoples recently held a symposium which provided a forum for building a greater understanding of Daniels between grassroots Métis, Non-Status, Status Indians living off-reserve and the Government of Canada.

As well, the Government of Canada recently signed an Accord with the Métis Nation, as a sign of our continued commitment to working with the Métis Nation on policy and specific issues aimed at improving the socio-economic conditions for the Métis people.

The Government of Canada will continue to work closely with these groups and others to jointly develop a way forward in responding to the Daniels Decision.

LITIGATION MANAGEMENT CABINET COMMITTEE

(Response to question raised by the Honourable Denise Batters on October 26, 2017)

Finance Canada

The Cabinet Committee on Litigation Management supports the Minister of Justice by reviewing the government's litigation strategy and considering the policy, financial and legal implications of litigation involving the Government of Canada. The Minister of Finance is a member of this Cabinet Committee.

Cabinet Committees follow the principle of Cabinet confidence and Committee proceedings are not publicly disclosed.

HEALTH

REPORTING OF ADVERSE DRUG REACTIONS

(Response to question raised by the Honourable Judith Seidman on October 26, 2017)

Health Canada is committed to implementing all of the authorities granted under *Vanessa's Law*. Many key authorities came into force upon Royal Assent, including the ability to: recall unsafe drugs and medical devices; order a label change; disclose confidential business information; and issue higher fines or penalties.

Some measures take additional time and require consultations with stakeholders and the development of regulations before they can be implemented, including mandatory reporting of adverse reactions by health care institutions.

Health Canada has consulted extensively with stakeholders on mandatory adverse drug reaction reporting by health care institutions. Supporting regulations for the new mandatory reporting authority will specify which health care institutions are required to report, scope of products which would require reporting, as well as the definitions of serious adverse drug reaction and medical device incident.

No final decisions have been made regarding the draft regulations. Health Canada is currently reviewing the feedback from a consultation paper released this past summer. The department will advance regulations for consultation in 2018 that will enable better quality and increase the quantity of adverse drug reactions and medical device incidents reporting, while not causing undue burden on the healthcare system.

NATIONAL DEFENCE

MISSIONS AND RECRUITMENT

(Response to question raised by the Honourable Pamela Wallin on November 1, 2017)

At the end of fiscal year 2016-17, the Canadian Armed Forces (CAF) comprised of 66,096 Regular Force members and 26,804 primary Reserve Force members. Both the Regular and Reserve Forces are below their authorized strength due to unachieved recruiting targets and higher than anticipated attrition.

Through *Strong, Secure, Engaged*, the Government is committed to increasing its ranks by 3,500 Regular Force members to 71,500 total and 1,500 Reserve Force members to 30,000 total. Enhanced recruiting and retention strategies have been developed which will increase intake and mitigate attrition in order to enable the forces to attain their full authorized strength as soon as practicable.

The Government is also committed to increasing the size of the Canadian Special Operations Forces by 605 personnel. The Canadian Special Operations Forces Command is focused on meeting this growth target without sacrificing the culture of excellence for which Canada's Special Forces are known.

As of October 19, 2017, there were 1,780 CAF personnel deployed on 14 international operations around the world. The most notable operations are Operation IMPACT with 550 personnel deployed across Iraq and neighbouring countries; Operation REASSURANCE with 817 personnel deployed across Central and Eastern Europe and Operation UNIFIER with 189 personnel deployed in the Ukraine.

FINANCE

SUPERINTENDENT OF FINANCIAL INSTITUTIONS

(Response to question raised by the Honourable Ghislain Maltais on November 2, 2017)

Finance Canada

The Office of the Superintendent of Financial Institutions (OSFI) is an arm's length, independent agency that supervises federally regulated financial institutions.

On October 17, 2017, OSFI published its revised Guideline B-20: *Residential Mortgage Underwriting Practices and Procedures*, which will come into effect on January 1, 2018. These changes reflect the potential risks caused by high household indebtedness across Canada, and by rapid real estate price growth in some markets. The revised guideline includes several policy changes, including a mortgage rate stress test for uninsured mortgages, similar to the qualifying rate stress test already in place for insured mortgages. The purpose of the stress test is to ensure that Canadians can afford their mortgages even if interest rates rise. Borrowers make payments based on their contract rate, not the qualifying rate.

Lenders may sell pools of insured residential mortgages into the Canada Mortgage and Housing Corporation (CMHC) securitization program, providing them with cost-effective mortgage funding which can in turn lower costs for borrowers. However, as the B-20 changes target uninsured lending and do not affect eligibility for mortgage insurance or CMHC securitization programs, they are not expected to affect borrowing costs in these channels.

JUSTICE

LEGAL AID FUNDING

(Response to question raised by the Honourable Paul E. McIntyre on November 2, 2017)

Department of Justice

The Government has taken significant steps to support the provision of legal aid services in Canada. Budget 2016 increased the federal contribution for criminal legal aid, which had stood at \$112.4 million annually for over a decade, by \$88 million over five years. Subsequently, beginning in 2021-22 the federal allocation will be increased by \$30 million annually over 2015-16 levels.

Concurrently, the Government is also ensuring the funding is allocated as fairly as possible among jurisdictions. In collaboration with our provincial and territorial partners, we have developed a new funding distribution formula based on legal aid service demand factors and delivery costs. This distribution formula is now being used to allocate federal legal aid dollars.

Additionally, the Government is engaging the provinces, territories and legal aid plans in efforts to measure the impact of legal aid service delivery, for individuals and for the justice system as a whole. Legal aid plans across the country have implemented a variety of innovations to improve service delivery to vulnerable groups, including the working poor, Indigenous communities, persons with mental health issues, and others. We recognize the need to systematically assess the results of those efforts and promote efforts to replicate successful strategies across the country.

[English]

ANSWER TO ORDER PAPER QUESTION TABLED

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—BILL C-56
AND LIMITS ON THE USE OF ADMINISTRATIVE SEGREGATION

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 53, dated June 21, 2017, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, respecting Bill C-56 and limits on the use of administrative segregation.

• (1900)

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being nearly 7 p.m., pursuant to the order adopted November 30, 2017, I leave the chair for the Senate to resolve itself into a Committee of the Whole to hear from Mr. Raymond Th  berge respecting his appointment as Commissioner of Official Languages.

COMMISSIONER OF OFFICIAL LANGUAGES

RAYMOND TH  BERGE RECEIVED IN COMMITTEE
OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Raymond Th  berge respecting his nomination as Commissioner of Official Languages.

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

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

Honourable senators, the Committee of the Whole is meeting pursuant to an order adopted by the Senate on November 30. The order was as follows:

That, at 7 p.m. on Monday, December 4, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Raymond Th  berge respecting his appointment as Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than 90 minutes after it begins.

I would now ask the witness to enter.

(Pursuant to Order of the Senate, Raymond Th  berge was escorted to a seat in the Senate chamber.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole to hear from Mr. Raymond Th  berge respecting his appointment as Commissioner of Official Languages.

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

Raymond Th  berge, nominee for the position of Commissioner of Official Languages: First, I want to thank the committee for welcoming me today so that I may have the opportunity to introduce myself, to tell you more about myself, and to talk to you about the issues and challenges related to linguistic duality in Canada. I am honoured that my candidacy is being considered for the position of Commissioner of Official Languages, a key position for enhancing the vitality of official language communities and promoting linguistic duality as a fundamental value of Canadian society.

First, I want to share some of my experiences with you. I am originally from Sainte-Anne-des-Ch  nes, Manitoba, from a French-Canadian family. Back then, we were referred to as French-Canadian. At home, there were always discussions about French-language education. I remember my mother being involved in school board elections, in recruiting an adequate number of students to establish what could be considered a French class, and in the advisory committee for the creation of the Bureau de l'  ducation fran  aise, which, incidentally, is currently compromised by the assistant deputy minister position being abolished. We must always remain vigilant.

The battle for French-language education was waged by generations and it is not over yet. The advent of official bilingualism and the Official Languages Act was a milestone for my generation. The enthusiasm for bilingualism was palpable and sparked a curiosity in me that led me to study linguistics in order to better understand and better grasp the very nature of language, which is at the heart of my identity, a central value that defines me.

When I returned to Manitoba, the *Bilodeau* case had led to negotiations between the Soci  t   franco-manitobaine and the provincial government concerning an amendment to section 23 of the Manitoba Act. It was at that time that I became the head of the Soci  t   franco-manitobaine. An agreement was ratified by the community. The euphoria was short-lived because once people found out about the agreement, certain groups quickly mobilized against it.

Suddenly, Manitoba was plunged into a language crisis that lasted for several months. The government backpedalled, public hearings were held in anglophone communities, there were municipal plebiscites on francophone rights, and, of course, there were threats. The government finally abandoned the project and the *Bilodeau* case went to the Supreme Court of Canada.

I am reminding you of these events because they marked the start of my professional career, which has always revolved around fostering understanding and the advancement of official language communities in my capacity as a professor, researcher, administrator and even public servant.

[English]

Research is one of the key tools that we have to inform language policy. During the 1980s and 1990s, I had the privilege to be involved in numerous research projects individually and collectively with colleagues from across the country. We investigated various aspects of ethno-linguistic vitality, bilingualism, language learning and other topics. The result is the existence of a rich and robust evidence base to guide language policy development.

During this time, beyond academic conferences, I was asked to give countless talks on language-related topics to community groups, parent groups and stakeholder groups. Parents were seeking assurances about the language of instruction and its impact on student success — francophone and French immersion parents alike.

The courts have also relied on research findings and expert testimony to arrive at their decisions.

[Translation]

I am currently the Chair of the Canadian Institute for Research on Linguistic Minorities, which also works with the Quebec English-speaking Communities Research Network.

[English]

My role as a senior public servant responsible for French-language education in two provinces, located in anglophone departments, was more often than not to provide an understanding of the realities and aspirations of the francophone community to colleagues, deputy ministers and ministers. The expectation of the community is that you would defend and promote those policies and initiatives that advance French-language education. In both instances, I was often given the responsibility for French-as-a-second-language programming.

[Translation]

One example of a community project is the Universit   francophone en Ontario. I was asked to oversee the first group of experts to examine how best to respond to the need for post-secondary education in the southern and southwestern parts of the province. Today, a bill was introduced in the chamber.

As president of the Universit   de Moncton, I conducted a broad consultation of the francophone and Acadian university community in order to develop the first strategic plan for the

university. During my tenure, the university developed its first academic plan, increased its research revenue, established the position of complaints commissioner, and modernized its governance and transparency mechanisms.

The Université de Moncton is a key player in the Canadian and international francophone community. International students account for almost 20 per cent of our student body. The institution is evolving to better meet the aspirations of Acadia and the francophone community.

[English]

One trend that is changing the face of minority language communities in Canada is the arrival of international students and French-speaking immigrants from Africa, the Maghreb and other French-speaking countries. International students have contributed to enriching student life on campus and in the community. Immigration is one of the keys to the continued vitality of minority language communities.

• (1910)

But our communities have to be open and willing to embrace newcomers who speak French but who do not necessarily share the same heritage. This trend brings together the themes of diversity and linguistic duality. How do we manage such change? Are communities prepared to accommodate?

[Translation]

Where are we on the objectives of the Official Languages Act? The anglophone minority in Quebec and francophone communities outside Quebec are different. However, their development or decline will depend on a combination of factors, including socio-demographic factors, exogamy, immigration, early childhood, and technology.

There has certainly been progress in the areas of education, health, and the legal system, for example. The social context is constantly evolving, which means that linguistic duality will always be at the heart of the Canadian federation, as it has always been. This issue is not resolved, which is why it is important for the federal government to reaffirm linguistic duality as a priority.

We find ourselves at an important crossroads as we await the next Action Plan on Official Languages. The official languages regulations on communications with and services to the public are currently being modernized. The Mendelsohn-Borbey working group on language of work in the federal government has shown that some workers still have difficulties using French as their language of work. Lastly, the fact that the Commissioner of Official Languages made just one recommendation in her latest report spoke volumes. The recommendation was, and I quote:

As the 50th anniversary of the *Official Languages Act* approaches, the Interim Commissioner of Official Languages recommends that the Prime Minister, the President of the Treasury Board, the Minister of Canadian Heritage and the Minister of Justice and Attorney General of Canada assess the relevance of updating the Act, with a view to establishing a clear position in 2019.

[English]

In English, we have a term: speaking truth to power. I fully intend to speak truth to power, because when you believe in something it means taking a risk, it means standing up for something, and that is the role of the commissioner.

Humbly, I do believe that I have what it takes to carry out the work of commissioner. My depth of knowledge of the issues and the challenges related to linguistic duality speaks in part to why I am the right person to take on the role of commissioner and tackle those challenges within the mandate of the office.

I have also demonstrated my leadership qualities in a number of organizations — academic, government and community.

[Translation]

If you would do me the honour of giving me this responsibility, I will continue to keep the commitment of previous commissioners to defend, protect and promote linguistic duality as a fundamental value of Canadian society.

Thank you for your time. I will be pleased to answer any questions.

Senator Smith: Thank you for your presentation, Mr. Thériège.

[English]

As you surely know, six months ago honourable senators heard from the government's previous nominee for the position of Commissioner of Official Languages. The appointment process surrounding that nomination was criticized not just by the members of this chamber but by groups and associations across Canada. Basically, it was due to the concept of notification versus consultation. I think we all agree on that.

Mr. Thériège, I have three sub-questions. First, could you please summarize the process by which you came to be here for us tonight?

Second, why did you put your name forward? What motivated you to put your name forward for this position? In that discussion, if you could give us a little bit of background on how you might want to address some of the anglophone minority in Quebec issues, I think that would be helpful, not to say that you wouldn't address the issues of the French language in the rest of Canada.

Third, how and when did you apply? What process did you go through for testing and interviews? Just give us an outline of the process you went through to get to this point today, if you wouldn't mind. Is that clear?

Mr. Thériège: With respect to the process, I can't comment on the process other than to say I was part of the process. After July 28, an announcement was made that the position was open. I applied for the position. A couple of days later I was called by a company called Boyden, which was headhunting, and they asked me if I would consider putting my name forward, and I said yes.

From that point on, from August until October, it was radio silence. Then we were called for an interview in October, followed by a number of tests. One was a language test, and then there were psychometric tests. I have no idea why, but we had psychometric tests. Then there were reference checks; I was asked for references. Two weeks ago or thereabouts I got a call from the deputy minister at Canadian Heritage saying that my name would be put forward. That is it. That is all I can really say about the process.

With respect to what motivated me, I think, as I mentioned in my remarks, we are at a very important point in the place of official languages in Canada. I have a sense that over the last little while we've lost some ground. The communities aren't what they used to be. We've had stagnation in terms of investments. I think what I really want to do is try to move that forward.

With respect to the anglophone community in Quebec, there are a lot of perceptions as to what it's about. If you go back to the days of 1976 and the early 1980s, there was a perception about what the Quebec anglophone minority was about. Today, if you look at the data, you can find some of the reports of the previous official languages commissioners, but also in the research centre, we do work with the anglophone community in Quebec.

We find that especially outside Montreal there are socio-economic issues around literacy, education and services. There are things happening in the province. For example, there are mergers between hospitals and social services that are reducing the number of services and therefore reducing the vitality of the community. A lot of work has been done through the various research fora that I work with to try to better understand. The thing is, the role of the commissioner is to defend all language minorities, be they francophone or anglophone. As commissioner, you have to make sure that this is what you do. You defend the minority in both official language communities.

I think that with the research we've done through QUESCREN and the institute, we've got a good handle now on where we're going in terms of the Quebec anglophone minority.

[*Translation*]

Senator Tardif: Welcome to the Senate of Canada, Mr. Th  berge.

When you appeared before the Standing Senate Committee on Official Languages on November 6 as the Co-chair of the Consortium national de formation en sant   and President and Vice-chancellor of the Universit   de Moncton, you said:

It is important to reposition the official languages file among political priorities. All the surveys show very strong support for bilingualism in Canada. . . . It is extremely important that the file return to its position on the national scene.

Could you tell us how you would go about that if your appointment is approved here this evening?

[Mr. Th  berge]

Mr. Th  berge: First, as I mentioned in committee, according to the polls, over 80 per cent of Canadians support bilingualism, so it seems to me that there is a consensus on the place of bilingualism in our country.

As I mentioned in my introductory remarks, we get the impression the matter has been resolved, but it hasn't. I feel that this issue is not getting the attention it deserves on the government policy agenda. In future, the commissioner will have to work with parliamentary committees, parliamentarians, and all of the community networks to advance the concept of linguistic duality as a value-added for Canadian identity.

Unfortunately, in recent years, the official languages file has not been the priority it once was in terms of government policy. The commissioner's role is therefore to work with decision makers and convince them to put official languages back where they belong on the government policy agenda.

• (1920)

Senator Tardif: Thank you.

You talked about a modernized act, but I have a question for you before we talk about modernizing the act. You mentioned the recommendation issued by the interim commissioner, Ghislaine Saikaley. Her one and only recommendation to us was to modernize the act. Is that a priority for you? If so, which parts of the act do you feel deserve a closer look?

Mr. Th  berge: Modernizing the Official Languages Act is certainly a priority. Some parts of the act are not well defined. For example, some aspects of Part VII relate to helping communities thrive and other positive measures, but that is not actually defined anywhere. It would be useful to consider drafting a regulation based on Part VII to better identify and define those terms.

Of course, we are also working with Part IV, but that work is already under way. In my opinion, however, Part VII is most important to the development of official language communities.

Senator Tardif: How can the government ensure respect for the principle of substantive equality as defined by the Supreme Court of Canada in *DesRochers*?

Mr. Th  berge: I think a long-term effort will be required before equal status of both languages is truly achieved. That is the ideal, but we are still a long way away from that ideal. The goal is to continue working with parliamentarians and the committees to move forward on this file.

Senator Tardif: I would like to come back to the role of the commissioner.

You must understand that communities expect the Commissioner of Official Languages to act as a watchdog for official language minority communities. How do you see this role? Are you prepared to assume the role, knowing that you will at times have to investigate and criticize the government, including certain departments?

Mr. Théberge: It is important to understand that this officer of Parliament position was created for a reason. At some point, linguistic duality was established as a fundamental Canadian value. The role of the commissioner is therefore to defend this fundamental value. The commissioner plays several roles: ombudsman, auditor, educator, promoter, liaison, rapporteur. It is all of those things. At the end of the day, the commissioner must ensure that the Official Languages Act is respected.

I can assure you that I will fulfill that fundamental role entirely, specifically, ensuring compliance with the Official Languages Act.

Senator Tardif: Thank you.

Senator Saint-Germain: Good evening and welcome, Mr. Théberge. You have obviously read the last annual report from the Office of the Commissioner of Official Languages. I have read the last two reports, the one by Commissioner Fraser and the one by Interim Commissioner Saikaley. Both reports made it clear that the Office of the Commissioner has made considerable use of its powers and resources over the past few years to give federal institutions the tools they need and help them properly enforce the law.

You rightly referred to the importance of speaking truth to power as an officer of Parliament, a role I myself used to hold.

I would like to move on to the following subject, namely the principle of the 20/80 ratio. The last two annual reports noted that most of the rising number of complaints centred on four major federal public organizations, which have a significant influence on the application of the act across federal institutions. The four organizations are Public Services and Procurement Canada, the Privy Council Office, the Treasury Board of Canada Secretariat, and Canadian Heritage.

I would like to hear you say more about vigilance. You said that we must always remain vigilant. What do you plan to do to work efficiently and effectively, especially with these four public organizations, which are crucial to the successful application of the Official Languages Act?

Mr. Théberge: The important thing is to figure out where the governance lies. It is a matter of governance. One of the problems we currently face is the difficulty of working with four different stakeholders to oversee official languages governance in Canada. It is clear that each of these stakeholders is responsible for certain elements of the act. How can we coordinate between them? Is it possible? Should we consider reviewing the matter of official languages governance within the government? That may be a possibility. It is getting harder and harder to work with multiple stakeholders, each responsible for different elements.

I think that we will work with those who are there in order to advance certain issues, but we should perhaps also consider the issue of governance.

Senator Saint-Germain: We all know that the Government of Canada is currently working on its Action Plan for Official Languages. If you had one message for those working on this plan, what would it be?

Mr. Théberge: I would say to listen to the communities. Meetings were held with Canadian Heritage for the last commissioner's report. I took part in the consultations with Canadian Heritage on the development of the next action plan. I think that communities were very clear about their needs during the consultations, and about what action was needed not only to maintain, but also to develop official language communities.

Quite often, community organizations are in the best position to provide services. We must therefore ensure that they are equipped to provide these services.

Senator Poirier: Mr. Théberge, thank you for your speech and for being here this evening. I would also like to point out that you spent the past five years in Acadia as rector of the University of Moncton.

The biographical notes posted on the Prime Minister's website state that you were a dedicated advocate for Acadian communities during your time in Acadia. Can you tell us what are the major challenges facing Acadia right now, and how, as Commissioner of Official Languages, you plan to support Acadian communities?

Mr. Théberge: Acadia, like many other communities, faces particular challenges. First, there is a demographic challenge. Addressing demographic challenges isn't easy other than through immigration. This is obviously one of the solutions. Acadia also has the problem of north-south migration. The peninsula is the heart of Acadia. Acadia is moving southeast. This has resulted in the entirely different problem of exogamy. Previously, this was not a concern in New Brunswick. However, because of Moncton—Riverview—Dieppe, exogamy has an extraordinary impact on the number of students resulting from exogamous unions who choose to go to an English rather than a French school.

It is important to ensure that our Acadian institutions are strong. Imagine Acadia without the Université de Moncton. Acadia could not develop without the Université de Moncton. We need strong institutions. Minority institutions need additional resources to ensure that they can properly carry out their mission. We must find the means to keep our youth in Acadia. That is the reality. To that end, we must increase our efforts in education, economic development, and so forth.

Acadia is a special region. Acadia is not just New Brunswick, it is a people. It is a vibrant people. It is a people defined by an attachment to the French language. Acadia continues to be a precursor of the future. The difficulties or challenges experienced in Acadia will be experienced elsewhere. We must always consider what happens in Acadia. One thing is clear: we must ensure that our institutions are educational, co-operative, economic and solid. That is how we will advance Acadia.

• (1930)

Senator Poirier: The acting commissioner of official languages, as well as the Standing Senate Committee on Official Languages, released a study on the modernization of the Official Languages Act. Given that you have been heavily involved in matters pertaining to official languages and minority environments, can you share your vision for the Official Languages Act and the need to modernize it?

Mr. Théberge: As I said earlier, it is clear that 50 years later, Canada's demographics have changed significantly. The perception, identification or definition of a francophone is different today than in 1969. In my opinion, there are two key components of the act: Part IV and Part VII. Part VII is the important part for English and French linguistic minority communities. How do we define positive measures? What does vitality mean? What does it mean to enhance the vitality of a community? Once that is defined, departments will have to take action under the regulations. However, if there are no regulations and things are simply left fluid and vague, any action could be said to be a positive measure, since it was never truly defined.

I believe, and this is something I raised at the Standing Senate Committee on Official Languages, that it would be important to review the idea of giving the Official Languages Commissioner more power. I do not know if the commissioner should have more power, but what good is a law if there are no consequences for breaking it? That should also be part of the discussion on the modernization of the Official Languages Act.

Senator Poirier: Your career has led to you live in several French linguistic minority regions across the country. For the past five years, you have lived in my home province of New Brunswick, Canada's only officially bilingual province. What differences did you observe in your five years in New Brunswick, compared with your experience in other French-speaking parts of Canada?

Mr. Théberge: In Manitoba, where I come from, French speakers account for 4 per cent of the population, compared to 32 per cent in Acadia, so they are two very different worlds. The major difference is that, in Acadia, there are places where you can live in French, all day, all the time. In the peninsula, in the northwest, wherever, you can live in French, which is not the case in Manitoba or Ontario, in the southwest, in Toronto, in Windsor. There are a lot of challenges involved in creating these francophone spaces. It is by creating francophone spaces that we will ensure community development.

There is also the concept of institutional completeness, which refers to institutions controlled by and belonging to the minority. In each province, you can see who controls what. In Acadia, there is the school system, the university, the whole cooperative movement, et cetera. A variety of institutions belong to the minority. In many provinces, that is not the case. Minority control is often limited to the management of schools, of education. Another extremely important element in community development is the Vitalité Health Network. Every community is different.

Every community has its own narrative and its own history. In Acadia, it is deportation. In Manitoba, it is Louis Riel. In Ontario, it is Regulation 17. Going from place to place, you can see that each one has its own history, its own narrative. It is important that this history and this narrative be absorbed by everyone. The communities are similar, yet very different in terms of their history and experience. It is important to implement programs that will allow each community to develop at its own pace.

Senator Poirier: You were the Assistant Deputy Minister at the Department of Education . . .

The Chair: Senator Poirier, you have two minutes left.

Senator Poirier: . . . and at the Ontario Ministry of Training, Colleges and Universities from 2005-09. One of the major concerns of francophone organizations is the lack of transparency and accountability when it comes to federal education transfers to the provinces. If you are appointed Commissioner of Official Languages, would this be an important issue for you, and how would you address it?

Mr. Théberge: It is very important to implement accountability measures. If the federal government gives a certain province funding for a certain purpose, it is extremely important to ensure that the funding is indeed used for the purpose in question. As commissioner, it is extremely important to ensure accountability. The federal government has an extraordinary amount of power. It is constantly signing all sorts of agreements with the provinces, not just regarding education, but also regarding health and other areas. This would be a good time to ask the government to include provisions regarding respect for official languages in these agreements. In my opinion, at a time when there is so much focus on transparency, it is important to ensure that we have real transparency, and in order to accomplish that, there must be accountability.

Senator Joyal: Welcome, Mr. Théberge. I have a soft spot for the Université de Moncton. You may have seen in the archives of the university that I can practically claim the Université de Moncton as my alma mater. However, that is not what I want to talk to you about today. Rather, I want to talk about the direction you would like to take and the beliefs that you would like to express in your capacity as Official Languages Commissioner.

As I am sure you know, 10 days ago, an editorial in *Acadie nouvelle* questioned whether you truly have the drive to take up the responsibilities associated with the Commissioner of Official Languages position. It also questioned your general management approach, which is more that of a mediator than of a tough negotiator. In my view, those comments in *Acadie nouvelle* on November 24 require that you tell us about what is fair or unfair in this characterization of your management style and that you convince us that you have the will and the ability to perform these duties.

• (1940)

Mr. Théberge: Using a mediation approach is quite useful for moving files forward. We can try to be aggressive, but after a while no one listens anymore. The important thing is to work with the current stakeholders, whether they are parliamentarians, members of committees, or representatives in community organizations.

The Université de Moncton went through some tough times these past five years — which was mentioned in the editorial, by the way — and we came through it. We handled the situation. It all comes down to handling the situation.

In my opinion, the best way to proceed is to be firm, of course, but also to take an approach that allows us to move the file forward collectively. We are living in a time of compromise. Conciliation can lead to progress. Mr. Fraser himself said that repeatedly taking an aggressive approach does not produce very

satisfying results. The important thing is to advance the files. Style is one thing, but results are more important. The Université de Moncton is stronger now than it was five years ago.

Senator Joyal: You are presenting linguistic equality in Canada as a value added. I have to tell you that linguistic equality in Canada is a right. I am a francophone from a majority community in Quebec, but I am a minority in Canada. The only protection I enjoy is the Official Languages Act, which was passed in 1969, more than 48 years ago — it is no longer a novelty — and the Charter of Rights and Freedoms, sections 16 to 23, adopted nearly 35 years ago.

We are talking about rights, and when we talk about rights, we talk about respect. When we talk about respect, we must, as you say, mediate, educate and try to come to some sort of compromise. However, at some point, on principle, the Commissioner of Official Languages is required to use Part X of the act. You no doubt have it before you. Part X deals with court remedy. Subsection 78(1) reads as follows:

The Commissioner may

(a) . . . apply to the Court for a remedy . . .

There are cases where mediation will work, but there are also situations where the rights in question are not being respected and you have an obligation to go to court. In my opinion, that is what the editorial in *Acadie nouvelle* seemed to be getting at, that perhaps you do not have the necessary resolve to see things through to the end when it comes to applying the principle.

Your current role is very different from that of a chancellor or the head of a research institute. You are an investigator and a prosecutor. You are a prosecutor. The fundamental role that Parliament is entrusting to you is that of prosecutor in cases where the federal or provincial administration does not respect the rights guaranteed under the Constitution and the Official Languages Act. How can you assure us today that you have the necessary resolve and that you understand the responsibilities of the job as set out in the well-defined parameters of the law?

Mr. Thériège: I can assure you that I am prepared to take on the duties and responsibilities of the job as defined by the act. There are a number of measures set out in the act. The important thing is to ensure that we choose the right measure at the right time. I can assure you that, if legal action needs to be taken, I will see to it that it is. That is the commissioner's role. I said at the beginning that the commissioner is a watchdog. I will speak truth to power. I will advance the official languages agenda.

Senator Joyal: I do not doubt your good intentions. What I'm trying to understand is how you define your understanding of your legal responsibilities, which are constitutional responsibilities under the Charter, and quasi-constitutional responsibilities under the Official Languages Act. You are very familiar with how the courts have interpreted the Official Languages Act and the Charter. This is about rights. This is not about trying to convince someone you are right and helping them think their way to the right conclusion. This is about the rights of minority language communities. By definition, they are

vulnerable to the decisions and priorities of the majority, which may not support the vitality of minority communities. That is essentially what we're talking about.

That is why the act confers these powers upon you. You actually have the power to obtain a court order. As I'm sure you remember, you did so in *Bilodeau*, and the Manitoba association intervened in *Bilodeau* in 1986 or 1987, nearly 32 years ago now. We need to know what your understanding of that is so we can be sure when we leave this room that you have the skills, the tools, the means, the conviction, and the drive to take on those who do not respect minority rights in Canada 50 years on. That is what this is about.

Mr. Thériège: I fully and completely agree with everything you just said. The commissioner's role is indeed to enforce the Official Languages Act. I can assure you that I will do my utmost to enforce the Official Languages Act. Appropriate measures under the act will be taken against those who fail to comply with it.

Senator Joyal: I wanted to share with you the definition of the federal regulations for the criteria used to determine the number of people required to justify the federal government's obligation to provide services in French. In my humble opinion, the criteria are discriminatory. You probably read the reports of the Standing Senate Committee on Official Languages and the comments made by Senator Chaput, who had proposed amendments to the Official Languages Act on this matter. Can you tell us where you stand on reforming these criteria, which, in my opinion, is completely discriminatory?

Mr. Thériège: I believe that the current criterion does not reflect the reality facing francophones, first of all. When calculating first language learned, we see that a huge number of potential francophones are missing. As a result, perhaps we need to consider other criteria rather than operating on demographics alone, perhaps criteria that are much more qualitative in terms of what's currently in place and what kinds of institutions exist in a given region. You are quite right; this calculation was done a long time ago, and the time has come not only to crunch those numbers again, but also to come up with a new approach to determine where the needs justify services being provided. This is about more than just numbers; there is a qualitative aspect in terms of institutions that is extremely important to helping these communities progress.

Senator Cormier: Welcome to the Senate of Canada, Mr. Thériège. As my colleague from New Brunswick also said, thank you for your tireless efforts in Acadia and everything you do for the francophone community.

My honourable colleagues have already asked most of the questions I had, but I would like to ask you about Part V of the act. In recent years, there has been a disturbing trend in the number of complaints received and that are eligible under Part V of the act, the part that deals with language of work. The report entitled *The next level: Normalizing a culture of inclusive linguistic duality in the Federal Public Service workplace* published last September confirms this trend.

It notes how difficult it is to use French in offices that are designated bilingual and calls on the government for increased leadership on the matter. If you become Commissioner of Official Languages, how do you plan to address this systemic problem where the government seems incapable of respecting the rights of francophone public servants across Canada, across the board? In what tangible way do you plan to address this?

• (1950)

Mr. Th  berge: The report includes a series of recommendations around five themes. There was the question of leadership, which is clearly lacking. We have found that opportunities to work in French exist in departments with strong leadership, from the deputy minister down.

Still today, working in French is not part of the culture. We are now talking about an inclusive culture.

There is the question of tools. Training in French as a second language is quite problematic. It would be important to provide public servants with enough opportunities to learn French as a second language.

Finally, with regard to stewardship and governance, we have to make people within the departments accountable for ensuring that employees can work in the language of their choice. It is often the deputy minister's responsibility. They have to be accountable for the quality of the work environment under their management.

Senator Cormier: In light of the challenges that you just identified, what role can the commissioner play? How can you, in any tangible way, have any influence on the government to meet these challenges?

Mr. Th  berge: The Office of the Commissioner of Official Languages met with the authors of the report that you mention to discuss best practices. It already provides information sessions on how to manage bilingual meetings and that type of thing. We must provide the necessary training. The commissioner will have to ensure that Part V is better enforced within the public service. The office is currently receiving many complaints regarding Part V and it seems that it is not getting enough attention.

Senator Cormier: I would like to take you back to Part VII of the act. When you appeared before the committee on November 6, you stated the following:

The status quo of federal funding for official languages over the past 10 years has contributed to the erosion of the French language. The resulting significant setback must be reversed, and we must now move forward in all fields...

You spoke about positive measures earlier. Can you tell us about some positive measures that you believe the government could implement to reverse the setbacks caused by previous official languages roadmaps?

Mr. Th  berge: One of the most important files is early childhood. It is the starting point in all our communities. Language learning must begin in early childhood, in daycares and in kindergarten. This is of the utmost importance, and the government must invest in this area.

We have already talked about a national program. What I am interested in is something that would more specifically meet the needs of francophone communities outside Quebec and the anglophone community in Quebec, which experience the same difficulties.

Several factors affect the development of communities. I mentioned early childhood education, but there is also the important issue of post-secondary education. We must invest in our post-secondary institutions to ensure that they offer programs that meet the needs of learners. When people cannot attend a French-language university, they register at an English-language university, and they therefore are no longer part of the community. The post-secondary level is therefore very important.

There is also the issue of immigration. We talk about immigration a great deal and the commissioner released a report on that. Without immigration, the population of our communities would drop significantly. Since immigration programs were implemented, the federal government has never reached its targets for francophones. We must find the means to reach these immigration targets.

Digital media is the other important factor. Newspapers are being shut down every day. Weekly francophone newspapers are really struggling. Furthermore, there is the issue of technology. Are the platforms in French? Are they accessible to francophones? Even in the public service, decisions are issued over electronic platforms strictly in English. Technology is changing the way we work. We must not underestimate its impact on the development of our communities.

Senator Cormier: In its study, the Standing Senate Committee on Official Languages heard a lot of young people talk about the importance of promoting the Official Languages Act. In Canada, it often seems as though linguistic minorities are responsible for promoting and enhancing the Official Languages Act.

As commissioner, how will you engage the Canadian majority on the importance of our official languages?

Mr. Th  berge: One of the roles of the commissioner is to act as a liaison. This means working with all anglophone and francophone communities. One example is the Canadian Parents for French organization. This group strongly supports bilingualism.

Our school system does not address the Official Languages Act. The topic of bilingualism comes up, but no one is talking about where that comes from. As I said earlier, this is a fundamental value. We must ensure that this value is reflected in our curricula.

Canada is also expanding its pool of bilingual people. It is important to use these resources to promote the rationale of the Official Languages Act. This act applies to all Canadians — not just francophones.

[English]

Senator Seidman: Mr. Th  berge, thank you for being with us this evening. Let me congratulate you on your nomination as Commissioner of Official Languages.

My question is how you plan to address the challenges facing Quebec's English-speaking communities. In executing your mandate to support the preservation and development of official language minority communities, will you commit to ensuring equitable treatment for Canada's over 1 million English-speaking Quebecers?

Mr. Th  berge: The role of the commissioner is to ensure fair treatment of all minorities, be they anglophone minorities of Quebec or francophone minorities outside of Quebec. Yes, I am committed to ensuring that all minorities are treated equally and fairly.

Senator Seidman: Thank you, Mr. Th  berge.

Recent consultations by the Department of Canadian Heritage on a new action plan for official languages in Canada found that it is difficult for English-speaking Quebecers to access federal program funding due to systemic barriers. In fact, the consultations revealed a bureaucracy standing in the way of equitable treatment for Quebec anglophones.

As Official Languages Commissioner, will you make it a priority to work with federal institutions and Quebec English-speaking communities to remove these systemic barriers which stand in the way of linguistic equality?

Mr. Th  berge: Whenever we have systemic barriers to equality, we have to work toward eliminating them and ensure that the process is fair and equitable. I will work to ensure that the system is fair and equitable.

[Translation]

Senator Moncion: Good evening, Mr. Th  berge. Thank you for your introductory comments.

My question has to do with Part III of the Official Languages Act regarding legislation. Right now, it is not mandatory to translate a form that is used in proceedings before a federal court and is required to be served by any federal institution that is a party to the proceedings on any other party. However, it can be done later, upon request. After the order is sent, it can take a long time before the document is translated and made available. How will you address this problem?

• (2000)

Mr. Th  berge: With regard to the whole issue of the legislative framework, it is crucial that all laws and rulings have the same weight in French and in English. We must therefore approach and consult the Department of Justice and the Attorney General to determine what the obstacles are. We must ask ourselves why there has been no change in the situation. Today, I do not have an answer for you. However, if this problem is raised, we will have to do the work, the analysis, and the research to ensure that we find a solution. At this point, I am unable to give you an answer.

Senator Moncion: Could you also talk to us about the position of Official Languages Commissioner and his or her powers with respect to binding agreements with federal institutions? In fact, this is your authority as the Commissioner of Official Languages to enforce binding agreements with federal institutions, to award damages, to impose sanctions, administrative fees or pecuniary administrative sanctions, and your powers with respect to repeat offences.

You spoke in part about this earlier, but I would like you to elaborate on the teeth that the Official Languages Act could have.

Mr. Th  berge: In reference to the Official Languages Committee's report on Air Canada, which is one example, we see that the Office of the Official Languages Commissioner currently has only certain powers. What might be useful in future is to identify what other types of powers could be given to the commissioner. That gives rise to some interesting questions. With respect to fines, could a department be fined? Who would pay the fine? That is something we could explore.

However, as I said earlier, if there are no consequences to breaking the law, what is the point? I think it's important to really reflect on that, and I think the commissioner has some recourse there. Personally, I think consequences matter.

I think we need to reflect on that. The report of the parliamentary committee made some proposals, but it also raised many questions as to whether that was the best approach to take. At the end, Mr. Fraser suggested that it might be a good idea for the commissioner to have the power to impose fines or other consequences for such actions. Maybe that is the point we're at now. Maybe the commissioner does not currently have enough power to ensure compliance with the law as it currently exists.

Senator Moncion: I would like to come back to something you just said, specifically that the act does not have enough teeth. One of the problems with this notorious act is the fact that the burden of proof lies with the person who files the grievance. In your new role as commissioner, how would you address an issue like that?

Mr. Th  berge: We need to minimize the burden placed on individuals filing complaints. We need to find a way to shift the burden to the commissioner when someone files a complaint. The commissioner must do his job to ensure that the investigation is conducted properly. If the burden is placed on the complainant, I assure you, there will be fewer complaints. Complaints are important; they are symptomatic. When people file a complaint, it means they are fed up, they've had enough. It means they believe their rights have been violated. However, a complaint can also represent dozens or even hundreds of people. We therefore need to facilitate the process of filing a complaint.

Senator Moncion: Air Canada is often pointed to as an example of a Canadian company that regularly breaks the law. In 2015-16, 154 complaints were filed for 45 million travellers. With that in mind, can you share your thoughts on a company like that in terms of repeat offences and penalties?

Mr. Th  berge: Air Canada will always say there have been very few complaints. That is what they tell us, but I have a feeling that travellers generally prefer not to file complaints. They put up with the service and don't file complaints. In my opinion, Air Canada's case is unique. The company's CEO says it should not be subject to the Official Languages Act. That is his position. Personally, I think that because of Air Canada's history, it should comply with the act. In the report, the committee called for Air Canada to tally up the complaints and to establish the validity of internal complaints. Some Air Canada employees say they cannot work in French. We have to make sure they can. In their testimony, Air Canada executives said there were just a few complaints, but they have no data. Getting Air Canada to collect that information is important.

Air Canada is an important symbol for Canada. When the company was privatized, it committed to complying with the Official Languages Act. That was a commitment. It was one of the reasons privatization was allowed. Even though 25 or 30 years have gone by, that commitment is still in place. We need to look at ways to get compliance with the act. Fines might work, but there is clearly systematic obstruction on Air Canada's part. There has been progress, measurable progress, but only with a great deal of effort. As I said earlier, Air Canada is a very important symbol. The company would rather not be subject to the Official Languages Act, but because of its symbolic value, we cannot let the company continue to violate passengers' rights.

Senator McIntyre: Mr. Th  berge, welcome to the Senate, and thank you for the great work you have done for francophone minorities.

It is clear that there are not enough mechanisms to ensure that the Official Languages Act is properly enforced. Senator Joyal mentioned the possibility of going before the courts in cases of non-compliance with linguistic obligations. I will tell you that I totally agree with that. That being said, should institutions be sanctioned for failing to meet their linguistic obligations? Should there be one central institution with the power to enforce all of the act's provisions?

Mr. Th  berge: In the last 30 or 40 years, francophones outside Quebec seeking to advance their rights have primarily turned to case law and sought remedies through the courts. At some point, that became the preferred tool.

Today, again, as we were saying earlier, if an institution does not comply with the Official Languages Act and the only recourse you have is the courts, that may be enough, but there may be other possibilities. One thing is clear: institutions can be held accountable. They must comply with the law. As long as we do not have the means to enforce the act, attitudes will not change. These are attitudes. There is an attitude at Air Canada and it will not change until we have a way to force it to change. We will look at giving more powers and bringing in enforcement measures if that is what we have to do.

• (2010)

Senator McIntyre: Does the Official Languages Act, in its current form, adequately reflect new technologies and recent jurisprudence?

Mr. Th  berge: I do not think that the existing act reflects new technologies at all. This is a challenge we are currently facing. Some reports are posted on government websites in English, but not in French. It is quicker to do so.

Some aspects of the act are in jurisprudence but have not been defined, although they should be. Once we have a definition of positive measures or of the development or vitality of a community, we should perhaps then ask the courts to clarify the definition. However, for the time being, a number of aspects in the act are quite vague.

Senator McIntyre: Should we rely more on asking provincial and territorial governments and/or the private sector to help ensure that the objectives of the Official Languages Act are met?

Mr. Th  berge: One of the roles of the commissioner is to act as a liaison, to work with organizations, and with the provincial and territorial governments. Some provinces, like New Brunswick and Ontario, have an official languages commissioner. A number of provinces have laws on services in French. Every year, ministers meet to discuss francophone issues.

It is important that everyone make the act part and parcel of their reality. I'll use the example of education in French. All too often, people think French-language education falls under federal jurisdiction, but that is not the case. Education falls under provincial jurisdiction, but the provinces expect the federal government to pay for education in minority communities.

It is therefore extremely important to ensure that all levels of government, from the federal all the way down to the municipal level, make this act part and parcel of their jurisdiction.

Senator McIntyre: Would it be a good idea for the federal government to include measures in the Official Languages Act to ensure a periodic review?

Mr. Th  berge: In my opinion, every piece of legislation should be reviewed regularly. We could certainly consider including a five-year or ten-year review schedule.

Things change quickly these days. I'm not sure that fax machines even existed when the Official Languages Act was first passed. With today's new technology, everything is changing. Considering how rapidly things are changing, I think it's important to include a mechanism to be able to amend the legislation.

[English]

Senator Raine: Thank you. French immersion schools in British Columbia are very popular. Every year, parents line up for some schools in the wee hours of the morning, and it appears there are not enough spaces for all families who seek to enrol their children in French immersion.

I understand that your role will include not only the cultural anglophones and francophones, but also second-language training in our two official languages. In British Columbia, it's obvious that there's a real shortage of teachers. Last fall, some

two months into the school year, the Conseil scolaire francophone de la Colombie-Britannique was short about 50 teachers, and they were really struggling.

I'm wondering if you have any ideas or anything that you could express to deal with this situation, especially in the provinces where there are a lot of francophone citizens but they don't really live in cohesive communities. From my own experience, I know that many people would like their children to become proficient in both of our official languages.

Could you comment on how you see your role in championing the second language aspect of both of our official languages?

Mr. Th  berge: Yes. French immersion is a victim of its own success. French immersion is an educational innovation from Canada. It's from McGill University, as we all know.

The single most important factor right now is the lack of teachers. That's not only in British Columbia; it's across the country. We don't have enough French immersion teachers. Our graduates at Universit   de Moncton, if they are willing to move, get an average of six to seven offers in one day, and most of those are to go to Western Canada.

So there is definitely an issue there. We have to increase the number of students in faculties of education in the French immersion stream. In the past, most French immersion teachers came from the French-as-a-first-language stream, and they would just transfer to French immersion programs.

I think that French immersion is one of the best tools we have to increase bilingualism in this country, but we have to follow through. It's not good enough to have French immersion from kindergarten to Grade 9 or Grade 12. We have to have opportunities and post-secondary education facilities so that they can continue to learn French as a second language.

Numerous task forces have been put in place — I led one in Manitoba many years ago on the shortage of French-language teachers. It's nothing new. In a place like New Brunswick, the problem we have is that we don't have enough students. Everybody wants our students. They want the teachers, the lawyers and the nurses. We just don't have enough people registered in the faculties of education.

We need more internships to increase the visibility of French as a second language. French immersion is a jewel, and we have to make sure it continues to shine and that we have enough teachers. That's the bottom line. We don't have enough teachers, and we have to encourage more students to go into French-language immersion teacher training.

If we look at teacher wait-lists, there are no wait-lists for French immersion teachers or even French-as-a-first-language teachers. That's the issue: We don't have enough teachers. What can we do? We have to promote a lot more in those areas where we have francophone teachers who are willing to move. That in itself is a challenge. People like to live in their own communities.

Senator Raine: Is there a thought at all of recruiting from France?

Mr. Th  berge: As a former dean of a faculty of education, I have some fairly clear ideas about recruiting teachers from France in the sense that it would take a long period of time to acclimate to the way we teach. The North American way of teaching is quite different from the French way of teaching. The pedagogical models are quite different. It would take time to adapt to our realities.

We have to make sure that young people know there is the option to be a French immersion teacher. They have to be aware of it. Students in French immersion also have to see it as a possibility for a career, not just being part of a French immersion program. That's the big issue.

• (2020)

I think maybe we could use technology, at some point in time, to bridge, but, at the end of the day, we need more French immersion teachers.

Senator Raine: If I flip the subject around the other way, I'm just wondering what the situation is in Quebec in terms of francophone Quebecers immersing their children in English. Is that a possibility as well?

Mr. Th  berge: Not to the same degree. I would say it's probably not allowed. It's a totally different environment in terms of English immersion in Quebec than for French immersion in Quebec and outside of Quebec.

Senator Raine: I appreciate that, but I have a gut feeling that if we find Quebecers who learn English well, then they also would have an opportunity to go into post-secondary French immersion teaching and be less afraid to move to the other end of the country.

Mr. Th  berge: I'll give you an example from British Columbia. I taught a course in British Columbia a number of years ago, a master's course to French teachers. They were French as a first language and French immersion teachers. I had 17 students in my class, 16 from Quebec and 1 from Alberta. So there already is a trend for teachers from Quebec to move to other parts of the country, whether it's Manitoba, Saskatchewan, Alberta. It's not a big trend, but it is a trend.

[Translation]

Senator Maltais: I have just one question to ask. I will give my colleagues a chance to speak.

Mr. Th  berge, your time in the hot seat is coming to an end. As part of your job description, you have a duty to uphold the Charter of Rights and Freedoms. Your predecessors did not always manage to do that — far from it — and all that remains as recourse is the courts. This is a very long process. People get discouraged, do not see it through, and do not feel supported.

As part of your new mandate, can you ensure the best possible support to those who will have to uphold their own country's Charter?

Mr. Th  berge: The Court Challenges Program has been reinstated and, in my opinion, this is much more the responsibility of another department than it is of the

commissioner. However, the commissioner can certainly take part in identifying the cases that would be useful in better defining the Official Languages Act. Let's not forget that when people end up in court it is for good reason. What do we want to see clarified and on what point do we want to get a ruling?

There have been good cases and not-so-good cases in the past. You have to make sure that the answer you are looking for in the courts is the one that will fix the problem. For example, in British Columbia, the Supreme Court of Canada recently issued a ruling involving a school. The responses were mixed. The school obtained more money to do renovations. However, that was not the ruling the complainant was looking for. The idea was to have fundamental rights recognized under section 23 of the Charter, which had been contravened. Before going to court, you have to make sure that you have a good case. The commissioner can play an intervenor role, especially before the courts, but the cases have to be good and have to help clarify certain situations.

Senator Mockler: I would like to welcome you to the Senate of Canada. I had the opportunity to speak with you previously. Since your appointment, we have had the opportunity to deal with a number of issues together. I thank you for visiting New Brunswick.

I would be remiss if I failed to highlight some of the points that you made in your presentation. You went over your track record, painting a very accurate picture. I would like to commend you on your nomination. I think that you will be able to make important changes to help modernize the Official Languages Act from both a provincial and federal perspective.

As I recall, in 2002, the Government of New Brunswick modernized its Official Languages Act under Bernard Lord's government. Once that law received Royal Assent, it was praised by both the anglophone and francophone populations of New Brunswick, including Acadians and even the Brayons.

What role should New Brunswick play and what role could it play in modernizing the federal Official Languages Act?

Mr. Th  berge: New Brunswick is the only province in Canada that is officially bilingual. That is common knowledge. It was quite a process for New Brunswick to get to that point, and part of it involved the Official Languages Act and Part XVI of the Canadian Charter of Rights and Freedoms.

New Brunswick is an example, and we could look at how the province got to the point where, as you said, both communities enthusiastically welcomed the law. Why? Because, in some ways, this legislation represents the two communities coming together. Contrary to what one might sometimes hear, the province was not divided. The purpose of this legislation was to bring the two communities together.

Today, New Brunswick is a province that is truly bilingual in terms of the services it offers, but its bilingualism goes much deeper. Cities like Dieppe and Moncton are officially bilingual. The efforts start with the province and continue at the city level. In my opinion, this is an appropriation of the act, of this duality, that defines what New Brunswick represents today.

[Mr. Th  berge]

It is important to look at how we could play a role in terms of consultation, to see what is being done to feed the discussion on the modernization of the federal act. Canada has had some terrific successes. New Brunswick is one example. However, we must always be vigilant. Sometimes changes sneak in. We do not see them coming. Then, all of a sudden, we realize we have lost a position, an institution, a service. There is never a direct line you can draw. You win some, you lose some. You take a step forward, you take a step back. That is why the commissioner must always remain vigilant.

The Chair: Honourable senators, the Committee of the Whole has completed its deliberations.

[English]

Honourable senators, the committee has been sitting for 90 minutes. In conformity with the order of the Senate of November 30, I am obliged to interrupt proceedings so that the committee can report to the Senate.

I know that you will join me in thanking Mr. Th  berge.

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

Hon. Senators: Agreed.

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

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Nicole Eaton: Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Mr. Raymond Th  berge respecting his appointment as Commissioner of Official Languages, reports that it has heard from the said witness.

• (2030)

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Gagn  , for the second reading of Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts.

Hon. Michael L. MacDonald: Honourable senators, I rise this evening to speak to Bill C-49, the transportation modernization act, at second reading.

I will not speak for long this evening as I believe the most important thing we can do at this juncture is to expeditiously refer C-49 to the Standing Senate Committee on Transport and Communications.

Once there, I'm certain that under the leadership and guidance of Senator Tkachuk it will receive the thorough hearing it requires and deserves, but which it did not receive from the house committee since the government used its majority to shut down meaningful, constructive and necessary discussion. I trust I will have a more fulsome and better informed response on third reading upon its return from committee.

This bill could easily be renamed "the transportation omnibus act" for the number of different bills being amended, especially with many of these changes being more than just technical. There are amendments being proposed for the Air Canada Public Participation Act; the Canada Transportation Act; the CN Commercialization Act; the Railway Safety Act; the Canadian Transportation Accident Investigation and Safety Board Act; the Canadian Air Transport Security Authority Act; the Coasting Trade Act; the Canada Marine Act; the Bankruptcy and Insolvency Act; the Competition Act; the Companies' Creditors Arrangement Act; the Budget Implementation Act, 2009; and the Fair Rail for Grain Farmers Act. This is an omnibus bill, plain and simple.

How this squares with the Liberal election promise not to use omnibus legislation is beyond me. Don't get me wrong; I am not complaining about an omnibus bill in principle as I believe there is a time and a place for such measures. But the Liberals did criticize the previous administration for omnibus bills and said they would do things differently. In short, they made a promise they knew they could not and would not keep. Furthermore, when our critic in the house introduced a motion in the Transport Committee calling on the committee to write to the Minister of Transport and his Government House Leader to ask them to split the bill into rail shipping, rail safety, air and marine in order to provide an enhanced — and possibly expedited — scrutiny, every single government member voted against it without even a single comment or reason why.

I found this vote particularly duplicitous since it was a Liberal member who raised the idea of expediting the passage of the bill in the first place. Unfortunately, government members were unwilling to split the bill into these natural divisions. This explains why it took so much time to reach the Senate.

While Bill C-49 is supposed to be the government's legislative response to the 2015 Canada Transportation Act Review led by the Honourable David Emerson, it would appear that what we have before us is a bill that is designed as a public relations tool more than anything.

The government's communication for this legislation has overwhelmingly concentrated on the air passenger compensation regime that is being introduced and not the other very consequential measures. Like many senators here, I travel a lot and only have positive things to say about all of the employees working for the airlines and at our airports. They show great patience as they are on the front lines when dealing with passenger frustration. Of course on occasion flights do not go as

we hope, but the government sometimes appears to be willing to pit passengers against airlines rather than fixing the structural problems in Canada's aviation regime.

This legislation does not spell out what the compensation regime will be, just that there will be one. The bill states that after consulting with only the Minister of Transport, the Canadian Transportation Agency will make regulations concerning carriers' obligations toward passengers. However, for even greater clarity, subsection 2 of proposed section 86.11 states that the Canadian Transportation Agency must comply with any instruction from the minister about setting regulations concerning carriers' obligations to passengers. What this means is that the Canadian Transportation Agency is tentatively responsible for creating the rules of service and setting what financial penalties a carrier would have to pay to a passenger in the case of a service breach, unless the minister is dissatisfied with the level of prescribed compensation that the CTA decides is appropriate, in which case he or she can dictate what that level of compensation will be.

It is noteworthy that the agency will by law be allowed to consult only with the Minister of Transport concerning the setting of these regulations and not with the consumer advocate groups, the airlines, the airports, NAV CANADA and other stakeholders in the sector.

I do not understand what the purpose is of consulting only the minister. If the Canadian Transportation Agency is to be an arm's-length organization, this legislation clearly diminishes its independence. If the minister does not allow the agency to set the parameters of the passenger compensation regime independently, then the government should just spell out in legislation what it will be and let members of Parliament and stakeholder groups decide whether this is a good proposal or not.

While it would have been preferable to have the sections of this bill dealing with air and rail examined as stand-alone pieces of legislation, I can only surmise that the government's laborious management of its legislative agenda has led us to the point where an omnibus transportation bill is the end result.

I guess we should be somewhat gratified that we are at least debating something in the transport sector, because so far the only positive initiative the government has to show regarding transportation legislation since its election over two years ago is An Act to amend the Air Canada Public Participation Act.

The only other initiative, introduced just days before the introduction of this legislation we are debating today, is Bill C-48, the oil tanker moratorium act, a bill that departmental officials conceded would impact only the future development of Canada's oil sands and no other activity in northern British Columbia.

Equally concerning about this oil tanker moratorium, which could also be appropriately named the oil pipeline moratorium, is that there is considerable support among First Nations on B.C.'s coast to pursue energy development opportunities, but the wishes of these First Nations are being ignored. For the Liberals to promote this tanker moratorium while ignoring the serious long-term economic consequences of this arbitrary decision is financially and socially irresponsible and extremely problematic.

The government goes to painstaking lengths to emphasize the amount of consultation they undertake, but it is becoming more apparent that their interest in consulting is about optics and perpetual virtue signalling and not about listening and reflecting on differing and informed views.

If Bill C-48 was not introduced for political purposes only, why is it that this moratorium has been introduced as a stand-alone bill and not as part of this omnibus package we are debating today?

Canada remains one of the most expensive jurisdictions in which to operate an airline, and this is about to become even more so with the imposition of a national carbon tax. This bill does nothing to address the systemic cost issues which are passed on to passengers that were identified by the Canada Transportation Act Review.

As has been the case with almost everything with the current government, optics and virtue signalling dominate everything, and this bill exhibits these now familiar and predictable characteristics.

• (2040)

If this legislation were truly aimed at reducing the cost of travel for the passenger while increasing service and convenience, the minister would immediately lobby to have the government's carbon tax, which will make every single flight more expensive, withdrawn. The government should think instead about reforming the air passenger security system, which was universally identified as a major irritant for all passengers during the Canada Transportation Act Review by all organizations that participated in the process.

There are some promising items in this bill. The proposals regarding long-haul interswitching, which build on the improvements introduced by the previous Conservative government in the Fair Rail for Grain Farmers Act of 2014, should provide farmers with a more cost-competitive environment through which to sell their grain, although there are legitimate concerns regarding Canadian rail services and their employees being able to compete with their American counterparts on a level playing field. The proposed changes to the Maximum Revenue Entitlement mechanism and its potential to create new railroad infrastructure, particularly in the production of new hopper cars, are welcome and should be supported.

However, I have one huge problem in principle with this bill, and it highlights the dangers inherent in the imposition of omnibus bills. Proposed amendments to the Railway Safety Act and the Canadian Transportation Accident Investigation and Safety Board Act call for the installation of voice and video recorders, LVVRs, in lead locomotives, ostensibly to gather information after an accident or incident in order to prevent future occurrences. Like all reasonable people, I do not want safety compromised in any way, shape or form, but black box technology, as exists in the cockpit of airplanes, is already installed on locomotives, and I have no objection to the use of audio recordings on locomotives, which has also been the long-standing practice in the aviation industry.

There is a serious privacy issue at play here, and I encourage all honourable senators to give this proposal a thorough and thoughtful assessment. This is an intrusion into the railroad workplace that is not deemed necessary in the aviation or the marine transport industries, yet it is being subjectively imposed on these blue-collar workers. Why are these transportation workplaces and these employees being singled out?

One of the unique characteristics of railroad accidents is that they mostly occur at level crossings, where the issue seems to be primarily one of dated infrastructure with inherent safety deficiencies. Whenever there is an incident at a level crossing, it is rarely because the train is where it is not supposed to be. If black box and audio recordings are sufficient for the proper monitoring of activity in cockpits and wheelhouses, then surely they should suffice for the cabs of locomotives.

Some opponents of this intrusive proposal claim it is unconstitutional. Perhaps it is, perhaps it isn't. But whether a judge says it is or it isn't makes little difference to me. I think it is much bigger than that. I think this is about what is right and what is wrong, and I think this is just wrong.

I spoke about this proposal to a friend of mine who is a teacher this past weekend — teaches in Moncton, actually — and this person was initially ambivalent about the idea. But when I suggested that they would then have no problem with cameras in the classroom, they immediately recognized how cameras could be used to compromise them unfairly and soon concluded how unfair this type of scrutiny could be to the individual.

I hear a lot of talk in this era of perpetual identity politics, particularly in this chamber, and about the rights of the minority. I remind honourable senators that the most vulnerable and exposed minority in the world is the individual, particularly when confronted by the power and indifference of the state.

Assurances by the government and the railway companies that privacy would not be compromised or used as a disciplinary tool leave me cold and unconvinced. The only way to ensure basic privacy in the private workspace is to maintain it. This is a slippery slope that Canada should not approach, and it represents an intrusion by the state into the private workplace, which Canadians should not condone or accept.

Video recorders in the cabs of locomotives are a line in the sand for me. Regardless of the potential merits of this bill, this provision must be removed or at least amended to allow audio recordings with black box technology only, or I, for one, will not be able to support it.

I encourage all honourable senators and the Transport and Communications Committee of the Senate to give this important matter full consideration and sober second thought.

Some Hon. Senators: Hear, hear.

Hon. Lucie Moncion: I have a question. Would Senator MacDonald accept a question?

Senator MacDonald: Of course.

Senator Moncion: I wrote it in French but I'll try to translate it into English.

In the documentation that was received by the Teamsters — they came last week to meet with a group of senators — there is a document within the pouch of documents they provided in which they are saying they are not against the use of video cameras in the cockpit or at the front of the train, but they are against the use of what the railway companies would do. They agree with the security component that comes with the video cameras, but I think the amendment they are looking for is that these recordings would only be used by the Transportation Safety Board. Could you comment on that, please?

Senator MacDonald: Certainly. I guess my first comment is that I don't quite interpret the position of the Teamsters in the way that you do, certainly from my discussions with them. The second thing is, regardless of what the Teamsters or Unifor think, this is my position. I don't believe this is the right thing to do. If black box technology and audio recordings are sufficient for an airplane and for marine transportation, then it should be sufficient in locomotives.

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

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): I move the adjournment of the debate.

The Hon. the Speaker: It was moved by the Honourable Senator Mercer, seconded by the Honourable Senator Eggleton, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two honourable senators rising. Do we have agreement on a time?

Fifteen-minute bell? The vote will take place at 9:03. Call in the senators.

• (2100)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Martin
Ataullahjan	McIntyre
Batters	Mercer
Beyak	Mockler
Boisvenu	Moncion
Bovey	Ngo
Carignan	Oh
Cordy	Plett
Dagenais	Poirier
Doyle	Raine
Dyck	Ringuette
Eaton	Seidman
Eggleton	Smith
Frum	Tannas
Galvez	Tardif
Housakos	Unger
Joyal	Watt
MacDonald	Wells
Maltais	White
Marshall	Woo—40

NAYS
THE HONOURABLE SENATORS

Campbell	Hartling
Christmas	Lankin
Cormier	Marwah
Duffy	Mitchell
Forest	Omidvar
Gagné	Petitclerc
Gold	Pratte
Greene	Saint-Germain
Harder	Verner—18

ABSTENTIONS
THE HONOURABLE SENATORS

Bellemare	Mégie—3
Dupuis	

• (2110)

[English]

[Translation]

APPROPRIATION BILL NO. 4, 2017-18

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-67, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2018.

(Bill read first time.)

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

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

INDIAN ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), and acquainting the Senate that they had passed this bill without amendment.

BUDGET IMPLEMENTATION BILL, 2017, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-63, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

(Bill read first time.)

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

(Bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

Hon. Percy Mockler, pursuant to notice of earlier this day, moved:

That during the month of December 2017, for the purposes of its consideration of government legislation, the Standing Senate Committee on National Finance:

- (a) have the power to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
- (b) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may be then be adjourned for more than a day but less than a week.

He said: With leave of the Senate, I ask that the motion that I presented to the house earlier be considered immediately to enable the Standing Senate Committee on National Finance to sit for the purpose of considering government legislation.

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

Hon. Senators: Agreed.

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.)

(At 9:13 p.m., the Senate was continued until tomorrow at 2 p.m.)

THE SPEAKER

The Honourable George J. Furey

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Peter Harder, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Larry W. Smith

THE LEADER OF THE SENATE LIBERALS

The Honourable Joseph A. Day

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Yuen Pau Woo

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Nicole Proulx

LAW CLERK AND PARLIAMENTARY COUNSEL

Jacqueline Kuehl

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(December 1, 2017)

The Right Hon. Justin P. J. Trudeau	Prime Minister
The Hon. Ralph Goodale	Minister of Public Safety and Emergency Preparedness
The Hon. Lawrence MacAulay	Minister of Agriculture and Agri-Food
The Hon. Carolyn Bennett	Minister of Crown-Indigenous Relations and Northern Affairs
The Hon. Scott Brison	President of the Treasury Board
The Hon. Dominic LeBlanc	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Navdeep Singh Bains	Minister of Innovation, Science and Economic Development
The Hon. William Francis Morneau	Minister of Finance
The Hon. Jody Wilson-Raybould	Minister of Justice
	Attorney General of Canada
The Hon. Chrystia Freeland	Minister of Foreign Affairs
The Hon. Jane Philpott	Minister of Indigenous Services
The Hon. Jean-Yves Duclos	Minister of Families, Children and Social Development
The Hon. Marc Garneau	Minister of Transport
The Hon. Marie-Claude Bibeau	Minister of International Development and La Francophonie
The Hon. James Gordon Carr	Minister of Natural Resources
The Hon. Mélanie Joly	Minister of Canadian Heritage
The Hon. Diane Lebouthillier	Minister of National Revenue
The Hon. Kent Hehr	Minister of Sport and Persons with Disabilities
The Hon. Catherine McKenna	Minister of Environment and Climate Change
The Hon. Harjit Singh Sajjan	Minister of National Defence
The Hon. Amarjeet Sohi	Minister of Infrastructure and Communities
The Hon. Maryam Monsef	Minister of Status of Women
The Hon. Carla Qualtrough	Minister of Public Services and Procurement
The Hon. Kirsty Duncan	Minister of Science
The Hon. Patricia A. Hajdu	Minister of Employment, Workforce Development and Labour
The Hon. Bardish Chagger	Minister of Small Business and Tourism
	Leader of the Government in the House of Commons
The Hon. François-Philippe Champagne	Minister of International Trade
The Hon. Karina Gould	Minister of Democratic Institutions
The Hon. Ahmed Hussen	Minister of Immigration, Refugees and Citizenship
The Hon. Ginette Petitpas Taylor	Minister of Health
The Hon. Seamus O'Regan	Minister of Veterans Affairs
	Associate Minister of National Defence

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2017)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George J. Furey, <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton, N.B.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario (Toronto)	Toronto, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauson	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax - The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
Nicole Eaton	Ontario	Caledon, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ghislain Maltais	Shawinigan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas J. McInnis	Nova Scotia	Sheet Harbour, N.S.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.

Senator	Designation	Post Office Address
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné	Manitoba	Winnipeg, Man.
Frances Lankin, P.C.	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montreal, Que.
André Pratte	De Salaberry	Saint-Lambert, Que.
Murray Sinclair	Manitoba	Winnipeg, Man.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
Patricia Bovey	Manitoba	Winnipeg, Man.
René Cormier	New Brunswick	Caraquet, N.B.
Nancy Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Diane Griffin	Prince Edward Island	Stratford, P.E.I.
Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Sarabjit S. Marwah	Ontario	Toronto, Ont.
Howard Wetston	Ontario	Toronto, Ont.
Lucie Moncion	Ontario	North Bay, Ont.
Renée Dupuis	The Laurentides	Sainte-Pétronille, Que.
Marilyn McPhedran	Manitoba	Winnipeg, Man.
Gwen Boniface	Ontario	Orillia, Ont.
Éric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que.
Daniel Christmas	Nova Scotia	Membertou, N.S.
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2017)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Independent
Bernard, Wanda Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Independent Senators Group
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Bovey, Patricia	Manitoba	Winnipeg, Man.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent Senators Group
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Independent Senators Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Christmas, Daniel	Nova Scotia	Membertou, N.S.	Independent Senators Group
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cormier, René	New Brunswick	Caraget, N.B.	Independent Senators Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis, New Brunswick	Hampton, N.B.	Liberal
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Demers, Jacques	Rigaud	Hudson, Que.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario (Toronto)	Toronto, Ont.	Liberal
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George J., <i>Speaker</i>	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Independent
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Independent Senators Group
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gold, Marc	Stadacona	Westmount, Que.	Independent Senators Group
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Independent Senators Group
Griffin, Diane	Prince Edward Island	Stratford, P.E.I.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Independent
Hartling, Nancy	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative
Jaffer, Mobina S.B.	British Columbia	North Vancouver, B.C.	Liberal
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Lankin, Frances	Ontario	Restoule, Ont.	Independent Senators Group
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinigan	Quebec City, Que.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Marwah, Sarabjit S.	Ontario	Toronto, Ont.	Independent Senators Group
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCoy, Elaine	Alberta	Calgary, Alta.	Independent Senators Group
McInnis, Thomas J.	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Independent
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Pratte, André	De Salaberry	Saint-Lambert, Que.	Independent Senators Group
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Richards, David	New Brunswick	Fredericton, N.B.	Independent Senators Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sinclair, Murray	Manitoba	Winnipeg, Man.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Independent Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent Senators Group
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Wetston, Howard	Ontario	Toronto, Ont.	Independent Senators Group
White, Vernon	Ontario	Ottawa, Ont.	Conservative
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group

SENATORS OF CANADA
BY PROVINCE AND TERRITORY

(December 1, 2017)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Jim Munson	Ottawa/Rideau Canal	Ottawa
4 Art Eggleton, P.C.	Ontario (Toronto)	Toronto
5 Nicole Eaton	Ontario	Caledon
6 Linda Frum	Ontario	Toronto
7 Salma Ataullahjan	Ontario (Toronto)	Toronto
8 Vernon White	Ontario	Ottawa
9 Thanh Hai Ngo	Ontario	Orleans
10 Lynn Beyak	Ontario	Dryden
11 Victor Oh	Mississauga	Mississauga
12 Peter Harder, P.C.	Ottawa	Manotick
13 Frances Lankin, P.C.	Ontario	Restoule
14 Ratna Omidvar	Ontario	Toronto
15 Kim Pate	Ontario	Ottawa
16 Tony Dean	Ontario	Toronto
17 Sarabjit S. Marwah	Ontario	Toronto
18 Howard Wetston	Ontario	Toronto
19 Lucie Moncion	Ontario	North Bay
20 Gwen Boniface	Ontario	Orillia
21 . . . . .	. . . . .	. . . . .
22 . . . . .	. . . . .	. . . . .
23 . . . . .	. . . . .	. . . . .
24 . . . . .	. . . . .	. . . . .

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Serge Joyal, P.C.	Kennebec	Montreal
3 Joan Thorne Fraser	De Lorimier	Montreal
4 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
5 Dennis Dawson	Lauzon	Ste-Foy
6 Patrick Brazeau	Repentigny	Maniwaki
7 Leo Housakos	Wellington	Laval
8 Claude Carignan, P.C.	Mille Isles	Saint-Eustache
9 Jacques Demers	Rigaud	Hudson
10 Judith G. Seidman	De la Durantaye	Saint-Raphaël
11 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
12 Larry W. Smith	Saurel	Hudson
13 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
14 Ghislain Maltais	Shawinigan	Quebec City
15 Jean-Guy Dagenais	Victoria	Blainville
16 Diane Bellemare	Alma	Outremont
17 Chantal Petitclerc	Grandville	Montreal
18 André Pratte	De Salaberry	Saint-Lambert
19 Renée Dupuis	The Laurentides	Sainte-Pétronille
20 Éric Forest	Gulf	Rimouski
21 Marc Gold	Stadacona	Westmount
22 Marie-Françoise Mégie	Rougemont	Montreal
23 Raymonde Saint-Germain	De la Vallière	Quebec City
24 Rosa Galvez	Bedford	Lévis

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Jane Cordy	Nova Scotia	Dartmouth
2 Terry M. Mercer	Northend Halifax	Caribou River
3 Stephen Greene	Halifax - The Citadel	Halifax
4 Michael L. MacDonald	Cape Breton	Dartmouth
5 Thomas J. McInnis	Nova Scotia	Sheet Harbour
6 Wanda Thomas Bernard	Nova Scotia (East Preston)	East Preston
7 Daniel Christmas	Nova Scotia	Membertou
8 . . . . .	. . . . .	. . . . .
9 . . . . .	. . . . .	. . . . .
10 . . . . .	. . . . .	. . . . .

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
2 Pierrette Ringuette	New Brunswick	Edmundston
3 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
4 Percy Mockler	New Brunswick	St. Leonard
5 Carolyn Stewart Olsen	New Brunswick	Sackville
6 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Paul E. McIntyre	New Brunswick	Charlo
8 René Cormier	New Brunswick	Caraquet
9 Nancy Hartling	New Brunswick	Riverview
10 David Richards	New Brunswick	Fredericton

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Percy E. Downe	Charlottetown	Charlottetown
2 Michael Duffy	Prince Edward Island	Cavendish
3 Diane Griffin	Prince Edward Island	Stratford
4 . . . . .	. . . . .	. . . . .

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Donald Neil Plett	Landmark	Landmark
2 Raymonde Gagné	Manitoba	Winnipeg
3 Murray Sinclair	Manitoba	Winnipeg
4 Patricia Bovey	Manitoba	Winnipeg
5 Marilou McPhedran	Manitoba	Winnipeg
6 . . . . .	. . . . .	. . . . .

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer	British Columbia	North Vancouver
2 Larry W. Campbell	British Columbia	Vancouver
3 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
4 Yonah Martin	British Columbia	Vancouver
5 Richard Neufeld	British Columbia	Fort St. John
6 Yuen Pau Woo	British Columbia	North Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Lillian Eva Dyck	Saskatchewan	Saskatoon
4 Pamela Wallin	Saskatchewan	Wadena
5 Denise Leanne Batters	Saskatchewan	Regina
6 . . . . .	. . . . .	. . . . .

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Claudette Tardif	Alberta	Edmonton
2 Grant Mitchell	Alberta	Edmonton
3 Elaine McCoy	Alberta	Calgary
4 Betty E. Unger	Alberta	Edmonton
5 Douglas John Black	Alberta	Canmore
6 Scott Tannas	Alberta	High River

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 George J. Furey, <i>Speaker</i>	Newfoundland and Labrador.	St. John's
2 Elizabeth Marshall.	Newfoundland and Labrador.	Paradise
3 Fabian Manning	Newfoundland and Labrador.	St. Bride's
4 Norman E. Doyle	Newfoundland and Labrador.	St. John's
5 David Mark Wells.	Newfoundland and Labrador.	St. John's
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1		

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut.	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1		