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(HANSARD)

Wednesday, October 3, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, October 3, 2018

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

Prayers.

SENATORS' STATEMENTS

RESIDENTIAL SCHOOLS

Hon. Mary Jane McCallum: Honourable senators, I rise today to respond to a recently aired radio ad about the "myths" of residential school by the Frontier Centre for Public Policy.

I would like to briefly address and dispel the myths that this ad propagated.

Myth No. 1: The average stay was less than five years, and the vast majority of Aboriginal youth never attended a residential school.

Truth: Residential schools robbed me and many others from my reserve of our childhood, and most of the survivors that came from my reserve stayed over five years, many up to 10 years. It has also robbed our children, grandchildren and great-grandchildren of their opportunity to learn from land-based knowledge in our own languages. Being robbed of my childhood has had lasting effects on my behaviours, attitudes and decisions to this day.

Myth No. 2: There is little evidence that abuse that was suffered by a grandparent had any effect on the academic success of the generations that followed.

Truth: Academic success depends on variety of factors, including intelligence, work ethic, determination, spirit, purpose and service. These were behaviours and attitudes I inherited from my parents and my elders which cannot be attributed to residential school or assimilation.

As a former residential school student, I have suffered my fair share of prejudice and discrimination. I have seen first-hand the effects that intergenerational trauma can inflict on families and communities. Residential school upended our way of life, and we as a people, including our children, are still reeling from this seismic shift as we continue to navigate a world that, at one point in my own lifetime, seemed incomprehensible.

Myth No. 3: Former students of residential schools retained more of their language and traditional culture than those who did not attend and are more active and likely to provide leadership in regaining their language.

Truth: As a former student, I was robbed of my language and culture. I went into the system speaking only Cree, the language given to me by the Creator, and I came out 11 years later speaking only English. As one Indigenous scholar said, "The robin doesn't sing the sparrow's song."

In the past five years, I have started to regain my language, but I am still unable to speak fluently. It has been difficult for me to deal with the shame I inherited due to the brainwashing about my Indigeneity.

Honourable senators, when agitators are able to attract widespread attention and anger, it indicates that the general population has not fully embraced the need to understand and support their Indigenous neighbours.

These unprovoked attacks on Indigenous identity continue to create a situation of conflict in Canadian society. Canada is a leader in recognizing and celebrating the rights and freedoms of newcomers to maintain and practise their languages and traditions. Why then do Indigenous peoples need to continually fight for the same treatment and recognition?

Colleagues, I maintain that this ad aired by FCPP is detrimental to the cohesion of Canadian society, and I am greatly disheartened by its conception. I condemn it in the strongest possible terms.

Thank you.

LATONIA HARTERY

CONGRATULATIONS ON EXPLORERS CLUB HONOUR

Hon. Norman E. Doyle: Senators, today I wish to recognize the significant honour that was given to Newfoundland and Labrador archaeologist and explorer Dr. Latonia Hartery by the prestigious Explorers Club of New York in July 2018.

The Explorers Club was founded in 1904 and, since its beginning, has served as a meeting point and unifying force for explorers and scientists worldwide. Its famous honour roll ranges from the historic Captain Bob Bartlett to modern-day astronaut Buzz Aldrin.

Dr. Hartery credits her upbringing in Milltown, on Newfoundland's south coast, with leading her on this journey of discovery and inquiry. Her father was a helicopter pilot who took her on flights so that she could see the rugged coastline, isolated communities and even migrating caribou herds. Hartery recounts the impact these helicopter journeys would have on her inspired career:

> One day, my father was to take some people from *National Geographic* to Francois and I asked if I could go. I had a test the next day, and my parents said, "No."

Hartery further recounts that she begged and pleaded with them that day, but they refused. The next morning, however, her father said okay. Hartery, who was just eight or nine years old at the time, said she was amazed to see these people from the United States so interested in investigating the life and culture of the residents of Francois. "It was incredible to see these three Americans with their cameras and their delight at exploring," said Hartery, "and I didn't even know that this could be your career. . . . That was a very formative day that I think changed my life probably forever."

Hartery has a PhD in circumpolar archaeology from the University of Calgary. Over the last 15 years, Hartery has sailed through the Northwest Passage nine times and circumnavigated Newfoundland 12 times.

Since 1998, she has also worked as an archaeologist on Newfoundland's Northern Peninsula in the Bird Cove-Plum Point region, where her research is helping reconstruct 5,000 years of culture and history.

In addition, Dr. Hartery is recognized for her pioneering research in analyzing plant residues on stone tools at sites in the Arctic and Subarctic.

Senators, please join me in congratulating Dr. Latonia Hartery, the first Newfoundland woman to become a fellow of the Explorers Club of New York.

[*Translation*]

THE LATE CHARLES AZNAVOUR

Hon. Dennis Dawson: Honourable senators, it is rare to see artists stand the test of time, be popular on both sides of the ocean and have such a good command of different languages.

Charles Aznavour was popular in France, Canada and the United States — one of the few figures to gain such influence in the music world.

Charles Aznavour, singer and actor, passed away suddenly on October 1 at the age of 94. This man left an indelible mark on the province of Quebec, which he visited many times throughout his long career.

Monsieur Aznavour launched his career in 1946 at the age of 18. After he was discovered by Édith Piaf, he began his love affair with Quebec in 1948. He performed at the Au Faisan Doré and Chez Gérard cabarets in Quebec City together with Pierre Roche, and put on a series of shows for a year and a half. He remained in Quebec for two years and wrote songs, performed in shows and became friends with prominent members of Quebec's music scene.

• (1410)

Few French singers enjoyed the kind of name recognition Monsieur Aznavour achieved in the non-French-speaking universe. Throughout his career, Monsieur Aznavour — and he was always Monsieur Aznavour — was an inspiration to people not only in Quebec, but around the world. He recorded over 2,000 songs in various languages, including French, English, Italian, German, Armenian — the language of his ancestors — Russian and, most recently, Kabyle.

Monsieur Aznavour was a great friend to Quebecers. He even visited Quebec in 2008 for Quebec City's four hundredth anniversary. In 2009, he was awarded an honorary doctorate from the University of Montreal for his contribution to francophone culture. While accepting the Ordre national du Québec, he said, "I came here as a bloody Frenchman, but before long I felt like a proper Quebecer."

Every tale must come to an end. The death of Charles Aznavour marks the end of a long and rich chapter in Quebec's musical history. I would like to extend my sincere condolences to his loved ones and the cultural community.

[*English*]

When you go back to your office, ask Alexa or Siri — whatever your favourite tool is — to play some Charles Aznavour for you for the rest of the afternoon and you'll be enjoying the afternoon quite well. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Katherine Buhler and Sean Simmons. They are the guests of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

UNIVERSITY OF PRINCE EDWARD ISLAND
CANADIAN UNIVERSITY DUBAI

CONGRATULATIONS ON JOINT VENTURE

Hon. Diane F. Griffin: Honourable senators, I rise today to tell you about an exciting new partnership between the University of Prince Edward Island and Canadian University Dubai. Canadian University Dubai is a private university in the United Arab Emirates which offers education based on the Canadian curriculum. There are students from over 100 countries receiving a Canadian-style education there.

UPEI and the CUD have collaborated on a memorandum of understanding that aims to implement joint initiatives concerning the environment. One manifestation of this partnership was the recent Conference on Global Climate Change, Biodiversity and Sustainability that took place last April in Dubai. Dr. Adam Fenech, Director of the UPEI's Climate Research Lab, was the driving force in organizing the conference that featured renowned international and local climate change experts, conservationists and academics.

After the success of the conference, the two universities entered into further discussions on ways to collaborate. They are currently finalizing an agreement to jointly offer UPEI's bachelor degrees in Environmental Studies and Bachelor of Science in Applied Climate Change and Adaptation programs in Dubai which CUD President, Dr. Karim Chelli, says is a "direct response to the issues we face."

Canadian University Dubai will begin accepting students into the joint program in September 2019. Honourable senators, join me in congratulating the University of Prince Edward Island and Canadian University Dubai for this exciting new initiative.

OUR LADY OF CALVARY MONASTERY

Hon. Rose-May Poirier: Honourable senators, I rise today to share with you a bit of hidden history of my region of Kent County in New Brunswick. At about 40 kilometres from my home in Saint-Louis-de-Kent, you will find the community of Rogersville. This community of 1,166 people is known to be a very religious community, with different groups and institutions involved in its everyday life. One of those groups is the Trappist Monastery at Our Lady of Calvary.

It all started in 1902, when Monseigneur François Richard had a dream of repatriating monks from France, where they were not wanted, and bringing them to the parish of Saint-François-de-Sale in Rogersville. Six monks arrived on a cold November night to take possession of an old farmhouse and a few out buildings deeded to them by Monseigneur Richard. From these humble beginnings and hard labour of the six original monks, as well as those who joined them over the past 115 years, the monastery has grown and prospered.

Over the years, the monastery operated a pig farm, a sawmill, a grist mill, a cement block factory, a laundry, a post office, a hostel and a large-scale hen house.

There has been no lack of innovation and adaptation with the community of the monks in Rogersville, but a monastery must be financially self-sufficient. For Our Lady of Calvary, in the latter part of the 20th century, its primary source of revenue has mostly been farming: dairy and poultry. With an aging population and a lack of new recruits, there was a lack of succession in the community. As the dairy herd was the most labour intensive and financially draining, it was decided to sell it off.

Honourable senators, if the monastery has been able to keep its dairy farm for so long, it is due to the hard work and dedication of Brother Stephen Hewett. Originally from Cape Breton, Brother Hewett joined the abbey 35 years ago, as a young man of 24. As he recounts, he was hitchhiking one day on the Cabot Trail and the first car he saw stopped to pick him up. Six hours later, he was in Rogersville at the abbey. That long-ago drive changed the course of not only his life but also the life of the abbey, which has been his home ever since.

As they face many important challenges, I would like to recognize the continued hard work the monks of Our Lady of Calvary monastery have shown through their devotion to service, solitude, prayers and manual labour but also to their dedication to the beautiful community of Rogersville.

[*Translation*]

ROUTINE PROCEEDINGS

CANADA REVENUE AGENCY ACT

BILL TO AMEND—THIRTY-THIRD REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, October 3, 2018

The Standing Senate Committee on National Finance has the honour to present its

THIRTY-THIRD REPORT

Your committee, to which was referred Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax), has, in obedience to the order of reference of June 5, 2018, examined the said bill and now reports the same with the following amendments:

1. *Clause 2, page 1*:

(*a*) Replace line 7 with the following:

"**2 (1) Subsection 88(2) of the *Canada Revenue Agen-***"; and

(*b*) replace lines 12 to 14 with the following:

"**(2) Section 88 of the Act is amended by adding the following after subsection (2):**

(3) Once every three years, commencing with the year that is three years after the coming into force of this subsection, the annual report required to be submitted under subsection (1) must include the statistics referred to in subsection 88.1(2) for the fiscal year that ends in the year that is three years before the year the annual report is submitted.".

2. *Clause 3, page 2*: Replace line 17 with the following:

"**(2)** The Minister shall, for the purpose of subsection 88(3), collect, com-".

Respectfully submitted,

PERCY MOCKLER
Chair

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

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

[*English*]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 16, 2018

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 16, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

• (1420)

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 16, 2018, at 2 p.m.

[*Translation*]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROCESSES AND FINANCIAL ASPECTS OF THE GOVERNMENT'S SYSTEM OF DEFENCE PROCUREMENT

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 be authorized to examine and report on the processes and financial aspects of the Government of Canada's system of defence procurement.

That, in conducting such a study, the committee take particular note of the extent to which the defence procurement processes:

- incorporate mechanisms to ensure value-for-money and Canadian economic benefits are achieved;
- utilize cost effective, timely and efficient procedures;
- clearly and transparently report on planned and actual expenditures;
- compare processes and costs from other markets around the world; and
- other related matters.

That the committee submit its final report to the Senate no later than December 31, 2019, and retain all powers necessary to publicize its findings for 180 days after tabling of the final report.

[*English*]

QUESTION PERIOD

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question for the government leader concerns the announcement made earlier today by Minister Sohi on the government's next steps on the Trans Mountain pipeline expansion project. Five weeks ago, after the Federal Court of Appeal ruling that overturned the federal government's approval

of the project, Minister Sohi stated that the government would "find a path forward on this as quickly as possible so that we can resume construction."

This morning, the minister announced that the government will not appeal the ruling to the Supreme Court. What changed? Why didn't the government seek a stay of the ruling to allow the construction on the project to resume?

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

It is the government's view that the quickest way forward is to not appeal the decision of the Federal Court but rather take the Federal Court's direction as a basis on which to proceed. This is why the government has engaged former Supreme Court Justice Frank Iacobucci to lead in these discussions, to ensure the consultations meet the standards that have been set so that progress can be made as soon as possible.

You will also note that in the announcement made by the minister this morning, he repeated the conviction of this government that this project is meritorious and that it ought to proceed. But it ought to proceed with the benefit of court's direction.

Senator Smith: This morning, Minister Sohi said that a Supreme Court appeal would not be efficient because it could take years. At the same time, the minister refused to put a timeline on completing the Indigenous consultation process.

In business, at least you have an estimated timeline. Where is the plan? Now that a former Supreme Court judge has been appointed, is he making the plan? Who is in charge of this and who decides the timeline on whatever plan there is? It seems to be confusing and honestly lacking some direction. So I'm asking, in a positive way, would you be able to find out what the direction is, what the timeline is so that expectations of public could be met? We have imported $120 billion of oil since 2012. This is a serious issue.

Senator Harder: Again I thank the honourable senator for his question. Clearly it is the view of the government, and it's quite understandable, that the best way forward is one that respects the decision of the Federal Court of Appeal. It is the government's view that the work of Mr. Justice Iacobucci ought to proceed on the basis that the consultations necessarily will take place. But it is also the view of the government that the best and most assured way forward is one that ensures that the government, in its consultations, is meeting the standards that have been described and advocated by the Federal Court.

Again, the Government of Canada is strongly supportive of this project. It believes that the right level of consultation ensures that projects go ahead. I would simply reference the announcement earlier this week of the LNG project, which had appropriate consultations, appropriate involvement of Aboriginal peoples and the affected stakeholder community, and led to a $40 billion investment and a project being announced.

We all have an interest in ensuring that every project has probable success built into it by respecting what is required in terms of consultations.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question to the government leader will be related to this project, but, senator, the LNG project you are talking about was led by the provincial government and consultation was done, which this government has failed to do. That is why we are where we are today.

I was curious about the two announcements made in response to the Federal Court of Appeal ruling, but neither provided a clear path forward, as the leader has pointed out. In the press conference today, Minister Sohi was asked whether there was a chance, after the Indigenous consultation process was completed, that cabinet would not proceed with the Trans Mountain expansion. He responded:

> I will not presuppose the decision cabinet will make.

Those words are concerning and we want to know, because there is not that clear sense of certainty and assurance to the workers who are wondering about their future with this project or to the taxpayers who now own Trans Mountain with a high price tag of billions of dollars.

In hearing these words, senator, is the federal government admitting that this project may never be built?

Senator Harder: I thank the honourable senator for her question. Let me make a couple of points that I think are relevant.

The Federal Court of Appeal stated in its judgment that governments of Canada, including the one the honourable senator supported, failed to meet the basic criteria of appropriate consultations. This government is committed to ensuring that its conduct comports with the expectations of consultations that the court has outlined. That is why it is entirely appropriate for Mr. Justice Iacobucci to have the freedom to move forward with the consultations as he sees fit.

It would be completely inappropriate, as the minister suggested, for the government to prejudge the process or the consultation conclusions. I also want to stress that the government continues to be of the view that this project is meritorious and necessary for the benefit of Canadians.

• (1430)

Furthermore, I would simply point out to honourable senators, that Minister Sohi will be the minister in Question Period the day we come back. I am sure that he will look forward to furthering and being even more eloquent than I can be in response to the questions.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

SOFTWOOD LUMBER NEGOTIATIONS

Hon. Paul E. McIntyre: My question for the Leader of the Government in the Senate concerns trade with our American neighbours, particularly on the issue of the softwood lumber industry.

In March 2016, the government promised a resolution to the softwood lumber dispute with the United States would be found within 100 days, but that did not occur. As the government leader may remember, my home province of New Brunswick was the only Atlantic province not to receive an exemption from the softwood lumber tariffs imposed by the U.S. administration last year. This industry is extremely important to New Brunswick, supporting about 25,000 direct and indirect jobs.

Could the government leader please tell us, with the concessions made by Canada in the new agreement, why didn't the government achieve a resolution on softwood lumber? Does the government have any expectation that a deal will be reached this year?

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

The Government of Canada continues to be of the view that resolution of this dispute, as resolution of the steel and aluminum dispute, must be given high priority. Obviously the focus has been on the NAFTA, now the USMCA. While that doesn't include the specific area of the softwood dispute, it does cover, as the honourable senator will know, the forest sector in many respects. And I would simply reference the Forest Products Association of Canada, which said:

> The USMCA will ensure certainty and improved trade stability among all three countries. . . FPAC is specifically pleased with the outcome of maintaining the existing Dispute Settlement Mechanism. . . .

So there are ways in which the agreement has advanced and secured dispute mechanisms, but there are also — we readily acknowledge — other issues that we need to continue to bring to a resolution for the benefit of Canadians.

UNITED STATES-MEXICO-CANADA AGREEMENT

Hon. Leo Housakos: Honourable senators, my question is to the Government Representative in the Senate. Yesterday Senator Eaton and myself asked questions on the new clause contained in the United States-Mexico-Canada Agreement, Article 32.10. Several experts agree this clause will essentially give a right of veto to the U.S. over our future trade deals. Let me quote Hugh Stephens, a distinguished fellow at the Asia-Pacific Foundation of Canada, the organization that our esteemed colleague Senator Woo was leading before his appointment to the Senate. Mr. Stephens said:

> We have just sacrificed our independent trade (and arguably foreign) policy on the altar of the USMCA. What were our negotiators thinking?

Indeed, that is the question, Senator Harder. What were our negotiators thinking when they kowtowed and essentially turned over our sovereign right to negotiate trade into the hands of Donald Trump?

Hon. Peter Harder (Government Representative in the Senate): I am delighted to have the senator endorse stronger and closer economic ties with China. It's not been a position he has advocated elsewhere in this chamber.

I will answer the question, because I do believe that the government was thinking clearly and in the interests of Canada when it concluded the United States-Mexico-Canada Agreement which maintained a number of the features which were vital to our future. The clause to which the honourable senator refers does not inhibit Canada from engaging with China or any other country in respect to free trade discussions or the opportunity to conclude them. It does make more specific what was implied in this agreement and other agreements with respect to the right of our partners to use such agreements where they think that third-party agreements would be adverse to the interests of our partners in the trade agreement to seek departure from that agreement. If we can quote competitors, Hugh Stephens is a friend of mine and worked in the department with me. John Weekes is a friend of mine and worked in the department with me. John Weekes was a negotiator of the original FTA. He said that this wouldn't prevent Canada from exploring or negotiating free trade agreements with any country. That is the view of the Government of Canada.

Senator Housakos: Honourable senators, just to clarify the record and let the Government Representative in the Senate know that I have always advocated for freer trade on behalf of Canada. I have done it ever since I've been here. The proof is in the pudding because I've been an advocate for many pieces of legislation that the former government put forward on free trade. I still encourage this government to continue to seek other markets like that of China in order to continue to broaden our trade horizon.

Since every expert and even members of the Trump administration are now saying that the Trudeau government did, in effect, surrender our sovereignty, could you at least table the legal opinions the government received on the interpretation of Article 32.10 in this chamber?

Senator Harder: I thank the honourable senator for his question. Let me assure him that I will bring to the attention of the ministers concerned his request. However, it would be highly unusual for a government to table such opinions.

We will have ample opportunity to debate this matter as the legislation implementing the agreement comes forward. I would simply repeat that the ministers concerned and certainly the Prime Minister have been very clear, that it is the view of the Government of Canada that this clause in no way inhibits the ability of the Government of Canada to pursue other trade agreements. It is the view of the Minister of International Trade Diversification, who had the opportunity to meet with the Senate Foreign Affairs Committee last night, to describe his enthusiasm and commitment to do just that. The government will continue to seek markets that are not yet part of trade agreements or other ways of facilitating and strengthening our trading relationship. This is imperative to the lifeblood of the Canadian economy.

ORDERS OF THE DAY

CRIMINAL CODE
DEPARTMENT OF JUSTICE ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Murray Sinclair moved third reading of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

He said: Honourable senators, I rise today as sponsor of Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

This bill has enjoyed broad support throughout the parliamentary process. It proposes reforms that would improve the accountability and fairness of our justice system as well as to modernize the criminal law to more accurately reflect life today. This bill also promotes transparency in respect of the potential effects of all government legislation on our Charter-protected rights and freedoms.

I welcome these changes, as do the overwhelming majority of individuals who have spoken to this bill during the committee process in both houses of Parliament, in the media, and through other public fora. While there have been some criticisms of the proposed changes, it is also noteworthy that many of the concerns that have been expressed to date have been addressed through amendments in the other place. All parliamentarians should be commended for their hard work and commitment to ensuring this legislation achieves the best possible outcomes for our justice system and for those impacted by it.

I thank my colleagues on the Legal and Constitutional Affairs Committee for their recent study of this bill and, in particular, Senator McIntyre for his collaboration and cooperation. The committee heard from many expert witnesses and has reported the bill back to this chamber. This committee's expeditious review of Bill C-51 speaks to this strong piece of legislation that brings forward important updates to our justice system.

Bill C-51 proposes to amend the Department of Justice Act to require the tabling of Charter statements by the Minister of Justice for all government bills. They are important contributions to parliamentary debate and ensure respect for the Charter. During our debates, it was suggested that the bill could be amended to require that Charter statements provide more information about Charter considerations relating to proposed legislation.

• (1440)

However, I believe the Charter statements tabled to date strike an appropriate balance between informing Canadians of a bill's potential effects on rights and freedoms, and being readily understandable to all Canadians. I would be worried that requiring them to provide more detailed legal information would undermine their accessibility, and they would begin to be more like "legal opinions." If we want more detailed legal information, including legal opinions, on the constitutionality of a bill, we can and do invite legal experts to give evidence at committee and in public processes.

In respect of the Criminal Code itself, Bill C-51 would, first, remove criminal law provisions that have been found to be unconstitutional by appellate courts, including the Supreme Court of Canada; second, remove obsolete or otherwise redundant criminal offences; and, third, clarify our sexual assault laws.

Honourable senators, removing provisions from the Criminal Code that are unconstitutional and thus unenforceable makes eminent sense. So, too, does removing provisions that raise unnecessary Charter risks, such as numerous reverse onus provisions that can result in an accused person being found guilty of an offence despite there being a reasonable doubt.

These kinds of changes contribute to efficiencies and also ensure that those responsible for administering the criminal law do not waste limited time and resources considering or applying laws that are no longer enforceable or that trigger Charter challenges with their associated costs in time and resources. We also must consider the impact that prolonged criminal trials can have on victims and accused persons, and the risk they run of contravening the timelines established by the Supreme Court of Canada in the *Jordan* decision.

This bill also removes outdated laws. Some have argued that reforms of this nature are relatively insignificant and do little to address the most pressing challenges facing our criminal justice system today. In my opinion, such arguments miss the point. We know, and many criminal justice system experts have said, that our criminal laws must be "cogent and contemporary," and an accurate reflection of our processes to date as well as the laws that are in keeping with the needs of society.

They must also contribute to an understanding and overall respect for the law. The proposed changes to remove offences, such as challenging someone to a duel, which is section 71, do that.

Bill C-51 has been the subject of vigorous debate, and the proposed changes to clarify Canada's sexual assault laws have been the focus of much of the debate so far, and rightly so, in my view. Canadians and people around the world are only just now willing to confront the fact that women and girls continue to be subjected to high rates of sexual harassment and violence in their homes, schools, places of work and communities. This acknowledgment is long overdue. This bill is but one step forward. We also know that only a small percentage of victims actually report such crimes to the police. Quite frankly, our society must do better.

Tackling sexual violence requires immediate, sustained and concerted action, encompassing comprehensive strategies that involve education, as well as legislative, programmatic and policy reforms.

Sexual violence has permeated the fabric of society at many levels and for a very long time. Unfortunately, generations ago, society began to tolerate sexual violence, and our laws and

policies also began to reflect this tolerance. For the sakes of our friends and family members, we must now take steps to address and eliminate that tolerance. This bill does that.

Bill C-51 supports these efforts by making changes that ensure that our criminal laws are clear and more readily understood. Parliamentarians and key stakeholders have welcomed these changes that clarify what is and is not consent. Bill C-51's changes safeguard the privacy interests of victims while upholding an accused's right to a fair trial, and they reinforce the long-established rule that it is never permissible to introduce evidence of prior sexual activity in a criminal trial for the sole purpose of showing that a victim is more likely to have consented to the sexual activity at issue or is less worthy of belief.

I strongly support these reforms and welcome the clarifications provided through amendments to the bill in the other place.

I thank and commend my colleagues who added to the debate on this bill at committee. In particular, I would like to thank Senator Pate, who, at committee, proposed amendments that sought greater certainty to the law of consent by including additional factors to be used when determining capacity to consent. While I supported her efforts at committee, those amendments were not accepted after extensive consideration and debate.

I am eager to pursue passage of this bill as soon as possible. I do not think that the amendments proposed add enough to this bill to warrant continued debate. I am satisfied with the wording of the bill as now presented, and I urge your support to ensure its swift passage.

Honourable senators, Bill C-51 is the kind of sensible reform to our criminal laws that is required. We have an obligation to ensure that our laws are fair, efficient, accessible and contemporary. Supporting this legislation helps us to meet that obligation, and it will benefit all Canadians. I urge you to consider supporting it and proceed expeditiously with it.

Hon. Frances Lankin: Would the senator accept questions?

Senator Sinclair: Absolutely.

Senator Lankin: Thank you very much for your work on this very important bill, and for relating Senator Pate's comments and concerns that led her to propose an amendment.

I want to follow up on that. I have some remaining concerns. My understanding is that a number of witnesses came forward and raised issues with respect to the definition of "incapacity to consent." In particular, the bill puts forward a provision that says that if you're unconscious, you can't be deemed to have consented to this.

The criticism from a number of legal experts and women's organizations is a fear that this draws — and I'm going to use the words that they use — "a bright line" that directs judges, and if not judges, defence will certainly argue this, that if someone is not unconscious, then they are, in most situations, able to consent. There is a criticism that that could be an outcome.

I do know there are different opinions on this. Within our own esteemed membership of jurors, I know there were different positions on this. I wonder if you could tell me if you have a concern about that bright line. In particular, I think of circumstances where we often hear about date rape drugs and other things being administered that may not, in fact, have led to unconsciousness.

The Hon. the Speaker: Senator Lankin, if you have a question, please ask it. We provide a fair amount of time to preamble into the question, but this is —

Senator Lankin: I'm in the middle of the question.

The Hon. the Speaker: You're almost taking debate. There are other senators who wish to ask questions. Please, Senator Lankin.

Senator Lankin: There are particularly circumstances with alcohol or a date rape drug. Could you tell me whether that's a concern we should be worried about? Also, did the committee look at that and look at putting forward any observations around this that might guide a court looking for interpretation in the future?

Senator Sinclair: The bill itself currently has a provision that has two essential points to it. I'm paraphrasing now a bit, but I draw your attention to the fact that the bill specifies that unconsciousness is a clear inability to give consent. That's a very clear category established in the bill. Then it goes on to add something to the effect of "or any other circumstances in which the individual cannot give consent, other than unconsciousness." So it does specify that there are other situations where incapacity to consent can be raised.

The proposed amendments, or the suggestions that came from some of the witnesses, were that we should delineate those other circumstances where consent could not be given. While at that time I said that, one way or the other, it achieves the same thing, I have no difficulty saying the way the bill is now drafted, by drawing a line first at unconsciousness and saying that's clearly a situation where consent cannot be given and then allowing the court to consider other circumstances where incapacity can be established that would be sufficient for a court to also determine that consent cannot be given, would also be fine.

• (1450)

The proposal was to delineate various categories versus leaving the bill as it is, which has a general category.

I am not concerned at all that the individuals who are called upon to determine these cases will necessarily revert to the issue of unconsciousness to determine whether a person has to be as incapacitated as if they were unconscious in order for the conviction to stand, so that doesn't concern me.

There were other concerns that were raised about the fairness to the accused, but I won't comment on that now since that wasn't in your question. Thank you.

Hon. Paul E. McIntyre: Would the honourable senator take a question?

Senator Sinclair: With some trepidation, senator, I'll take a question from you.

Senator McIntyre: As you have indicated, the bill is divided into three parts and I think the most important part is Part 2. Part 2 is divided into three categories: consent, rape shield provisions and records. I have a short question for you on the idea of records. As we know, we're talking about records either in the hands of third parties or records in the hands of the accused.

Now, when this matter was debated at committee level, as you know, members of the defence counsel were not too pleased with the new procedure which has been put in place. As you know, it's a two-stage process — an application process and then an admissibility process. But the new process may require the defence to disclose elements of its case and disclose elements in its possession, as well as the relevance of that evidence to the complainant, who, for the first time, will have an opportunity to appear at the hearing either on her own behalf or with her counsel. What are your thoughts regarding the concerns addressed by the criminal defence counsel representatives?

Senator Sinclair: Thank you for the question. In the one or two minutes that remain, I will try to answer that as quickly as I can.

The issue was raised as to whether that element impinges upon the right to a fair trial of the accused. As a general principle, I do not see it doing that at all.

This measure requires that an accused person, who is in possession of records that they wish to use to cross-examine a complainant at trial, must give notice that they intend to use those records and what those records are, and then a judge must rule on their ability to use those records to cross-examine the complainant. The complainant then has the right to appear, with or without counsel, to argue about the potential usage of those records. What that is, in effect, is a requirement for an accused to disclose the documents that they have in hand.

This issue arose in *Ghomeshi*, as you may remember, where texts were produced in the course of the trial that had been exchanged between the complainant and the accused, and they had not been disclosed to the prosecutor either by the complainant or by the accused, and the prosecutor was caught short by not knowing them. In addition to that, the complainant herself was not aware of some of the texts. However, regardless of that, the court ruled on their admissibility and allowed cross-examination to occur.

The process does not impinge upon the right to a fair trial because, in my view, it is simply a requirement that the accused must disclose, as they do in some other circumstances as well. For instance, if they have evidence of an alibi, they must disclose the evidence of an alibi. I recognize that counsel who made submissions to us at committee say there is a distinction between an alibi defence and cross-examining on documents, and I accept that. Nonetheless, it's the same idea; it's the same principle.

They also argue that it impinges upon the accused's right to silence, but it does not do that because an accused does not have to testify either during the proceeding regarding the documents nor does an accused have to testify at all in the trial. It is his lawyer who can use those documents if the trial judge determines they can be used for cross-examination purposes. So the accused's right to silence is not impinged by that requirement.

So all of that said, in looking at the overall provisions, I was and am satisfied that they do broaden the area of disclosure on the part of defence counsel — this is a growing field within the legal system — but at the same time, I think it's a fair step for the courts to be allowed to require an accused to do that. Thank you.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I am pleased to rise today at third reading to speak to Bill C-51, An Act to amend the Criminal Code and the Department of Justice Act and to make consequential amendments to another Act.

Bill C-51 proposes three key measures, which, to a certain extent, are stand-alone measures that could have been dealt with in three separate bills. I would like to talk to you about the provisions regarding sexual assault and those pertaining to the obligation of the Department of Justice to table a statement on the constitutionality of bills.

With regard to the sexual assault provisions, I support the proposed amendments, despite some reservations, so that justice can better serve victims of crime during the trial. I have worked with hundreds of victims over the past 15 years, and I can safely say that any measure that strengthens the place victims have in our criminal justice system is welcome. More specifically, new subclause 278.94(3) will give complainants who participate in the hearing the right to be represented by counsel. That right already exists. In fact, Nova Scotia gives legal aid to victims for that. However, the codification of the right to counsel is a positive measure that will reassure victims.

I also draw your attention to section 278.94, which requires judges to inform complainants of this right in a timely manner or as soon as feasible.

I would also like to point out that these new provisions are an extension of the measures in Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts. I had the honour to assist in the drafting of that legislation and to sponsor it in 2015. Indeed, the third party records regime in sexual assault proceedings was amended in 2015 when the Conservative government enacted the Victims Bill of Rights Act, which included the Canadian Victims Bill of Rights and amended other acts, including the Criminal Code. Specifically, amendments to subsections 278.4(2), 278.5(2), 278.7(2) and 278.7(3) of the Criminal Code established the third party records regime.

In its December 2014 report, the Standing Senate Committee on Legal and Constitutional Affairs, on which I sat with Senator Joyal at the time, recommended a number of other amendments based on witness testimony from its 2012 report on victims records in sexual assault cases. At the time, the Senate emphasized the importance of complainants having access to an independent advisor. We recommended that victims be informed of the fact that they may make observations during the hearing. Some of the amendments in Bill C-51 are the result of the work done in 2012, 2014 and 2015.

I also want to point out that without concrete legal assistance, this type of amendment may not have the desired effect, such as giving victims more of a say in the justice system, increasing the reporting of sexual assault, and most of all, encouraging victims not to withdraw from legal proceedings.

Secondly, as for the Minister of Justice being required to table Charter statements, I would call that an empty gesture since the Charter does not include any specific right for victims of crime. It does however recognize the rights of alleged criminals and criminals.

I would like to add that if this legislation really wanted to get the job done, it would require that the Department of Justice assess the impact of any amendment to the Criminal Code on the rights of victims of crime as set out in the Canadian Victims Bill of Rights.

• (1500)

That is the reason for my reluctance to embrace the option presented in the bill as currently worded. Without this mechanism we might end up passing legislation that goes against the rights enshrined in the Canadian Victims Bill of Rights.

Honourable senators, I want to close by thanking Senators Joyal and Dupuis for their contribution to the study of this bill and I want to acknowledge the work of Senator Pate in drafting these amendments.

Hon. Senators: Hear, hear!

(On motion of Senator Joyal, debate adjourned.)

[*English*]

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle, for the second reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Tony Dean: I rise to speak to Bill C-71, and in doing so I thank my colleague, the Honourable Senator Pratte, for taking on the sponsorship of this piece of legislation. Today I would like to talk about the broader context in which this legislation is being established, that of regulation in Canada.

Regulation, as you all know, has a long history in this country. It is part of the democratic fabric of our society, and its goal is preventing risk of harm. Gun regulation sits comfortably in that tradition. We regulate across a sweep of our social and economic lives in this country in terms of finance, commerce, transport, the environment, water safety, food safety, et cetera.

Our approach to regulation has changed over time. From one that used to be predominantly one size fits all, it has been modernized over the last two or three decades and now the focus is pretty squarely on risk of harm. It is calibrated to risk.

For example, the flying of kites is more lightly regulated than the operation of nuclear power plants. It doesn't mean that kites are not regulated. If we fly them close to high tension power lines or proximate to an airport, we can expect there to be some regulation and some degree of enforcement. That is an indicator of the spectrum of regulation we have in this country and in other jurisdictions.

We can also consider regulation from across jurisdictional perspectives. If I'm living in the U.K. and I take a look at Canada's gun regulations, frankly they look kind of light and fluffy, perhaps, alarmingly to some, loose. If I'm living in Florida and I'm looking at Canada's gun regulations, I'm asking, "What are they doing up there? This is so conservative. How do they ever get a gun?"

It's interesting that risk and harm statistics vary wildly from the U.K. to Florida, possibly based on decisions made about regulatory intervention.

In my own experience as a gun owner, I acquired a Possession and Acquisition Licence in 2010 under the old gun registry. I did my training, a day and half, and I passed my test. I acquired a Possession and Acquisition Licence, or PAL, and it arrived in the mail two or three months later.

I have to say that not previously owning a gun or maybe not having considered owning a gun, I found that process surprisingly lax. Given what I was able to purchase, I found the rules of entry set pretty low on the bar.

Perhaps like Wayne in the 1992 movie *Wayne's World*, who was gifted a gun rack and observed that he didn't know what to do with a gun, I don't even possess one gun let alone the number of guns that would necessitate a gun rack. However, I indeed found myself with a gun rack. Part of that was because of access and part was because I was given a gun by a relative, a rather powerful shotgun, and that relative wanted to see my PAL. He called the RCMP office and checked that this PAL was still valid. The RCMP told him it was valid and allowed him to transfer the gun — this was all by telephone, all in my house — and the gun certificate over to me. That was a relatively easy transfer.

It's interesting that the requirement for PAL verification is being reintroduced by Bill C-71. I wonder aloud why I'm receiving so many letters of concern about it, having gone through that process. From my own perspective, it was relatively easy and straightforward.

Let's look at the data associated with risk of harm. Our approach to regulation driven by risk of harm in any sector is generally data-driven, as it should be.

What do we know, first of all, about the risks associated with firearms going in? They are potentially lethal weapons. They are designed to be lethal, historically. That was their purpose. Gun manufacturers have fine-tuned this to a remarkable extent in

terms of the weight of weapons, the calibre, the fire power and the degree to which they do damage. In Canada their regulation is calibrated, in a way, by risk of harm. We have a non-restricted category of firearms, a restricted category and a prohibited category.

I will share numbers with you. In doing this I will purposely not go into the area of guns and gangs data, which is a predominantly urban phenomenon and a terrible situation we have learned so much about in recent months.

I will keep this close to home and share some statistics that relate directly to gun owners themselves and their families, the people who are most proximate to them.

Here is what we see, partly from data I have learned and partly from data shared by my colleague Senator Miville-Dechêne last week.

Between 2014 and 2016 there was an average of 600 suicides per year in Canada by gun. It turns out to be the most common way to commit suicide in Canada, representing 75 per cent of gun deaths annually.

An average of 240 Canadians are hospitalized each year due to accidental discharge of firearms. Those shootings categorized as accidental kill an average of 13 Canadians each year. Senator Miville-Dechêne told us that the presence of firearms in a home is one of the key factors predicting mortality in the case of spousal violence. Think about that in the context of a risk-of-harm framework. We know from 2016 StatsCan data that nearly 600 women were victims of spousal abuse involving firearms. Think about that, again, in the context of risk of harm.

Senator Miville-Dechêne also reminded us of the prevalence of firearms offences in rural Canada, shifting the focus from Toronto and other urban centres to the particular aspects and culture of gun ownership and use in rural Canada. She reminded us of the prevalence of firearms offences, again focusing on the risk of harm to women, police officers and others, in a rural context.

• (1510)

Where am I going with this data and harms? Simply this: The facts are separate and apart from what is happening in the guns and gangs world. I understand a little about that because I sat, in the wake of the Jane Creba shooting in the Toronto Eaton Centre, on the Gun and Gang Task Force with then-police chief Bill Blair.

Separate and apart from urban violence, we know, and it has been demonstrated, that guns are not benign. They can and do kill people, sometimes inadvertently, more often purposely, and they are very efficient in doing that.

In this respect, we have a relatively light-touch approach to regulation in this country set against that backdrop. To go back to Florida and the U.K., we are kind of in the middle, aren't we? We are not the U.K. by a long shot, and we are a hell of a long way from Florida. Maybe that's where we are comfortable being.

From my reading of this legislation, if passed as it is — and I'm not sure that it should be; I've got much to learn — it would keep us squarely in the middle. There is nothing in this legislation that will take us toward the U.K. We may have been nudged a little towards Florida, but it might take us back. So that's kind of important.

I will finish by speaking about a couple of the Bill C-71 provisions. One is that where weapons are being transferred from one person to another, there would be the requirement of verification that the receiving party have a valid Possession and Acquisition Licence, just as my brother-in-law did when he transferred a shotgun to me several years ago. I suspect most Canadians would expect that already and that they would find relatively acceptable.

There will be enhanced background checks for Possession and Acquisition Licence applicants that would look beyond the past five years, the current framework, to lifetime history, with a focus on criminal and mental health issues and, in particular, on violent offences, firearms offences, criminal harassment and drug trafficking. I suspect most Canadians anticipate this is something that happens already.

Parliament will continue to determine the classes of firearms that exist in Canada — non-restricted, restricted, prohibited — but the decision about whether a particular weapon falls within each of those categories will be moved from the purview of cabinet — and I have no idea how it got there in the first place — to specialist firearms officers in the RCMP. It is not the norm that cabinet makes decisions on regulations of that sort, which is quite different from what correspondents are suggesting to me, and we are all getting lots of correspondence on this, and it would depoliticize decision making as a result. For the life of me, I fail to see why this is being considered or would be considered an attack on law-abiding gun owners.

In summary, the 20-year requirement for keeping records, which in very limited circumstances, with a warrant under a criminal investigation, would be released. It is not taking us back to a gun registry, again something that I think most Canadians would expect.

In each of these cases, a key question for us as we move forward is the degree to which the proposed requirements are calibrated against the degree of risk associated with high-powered, potentially and actually, lethal weapons. On the face of it, given the known damage every year caused by firearms, often accidentally, in many cases likely as the result of mental health problems, and even outside of the context of gang-related activities, these proposals don't appear to be unreasonable.

I wish to emphasize that, for me, these are early days. I'm here to learn and listen. I'll make my mind up as I learn and move through the process, and I look forward to doing that. In that sense, I hope we can move this bill to committee sooner rather than later so that we can start to absorb the evidence of experts and those who know much more about guns and gun regulation than I do.

Hon. Donald Neil Plett: I have a question for Senator Dean. Would he take a question?

The Hon. the Speaker pro tempore: Senator Dean, would you take a question?

Senator Dean: Certainly.

Senator Plett: Thank you, senator. You closed off your speech by saying you were looking forward to learning. I am as well. Perhaps I should have asked these questions of Senator Pratte the other day, because he may have had the answers that you may or may not have, but I'll ask them.

First of all, here we go again with the gun registry that failed once, and now we are bringing in gun registry 2.0. I also used to own some guns. I got rid of them in the last gun registry, simply because it was not worth my while to keep them. I used them only occasionally for a little bit of target shooting and some sport hunting.

Senator, many tragic incidents have happened by criminals who do not register their firearms or who have obtained them illegally. Could you explain to us why there is no provision in this legislation that addresses either the criminal use of firearms or the problem of gun and gang violence?

Senator Dean: Thank you, Senator Plett. As you will appreciate, I regret that you didn't have the opportunity to ask that question of Senator Pratte. It is a pertinent question. I don't know the answer to it.

I am of the view that gun-related deaths in Canada are not entirely related to the use of formerly legal weapons.

The Hon. the Speaker pro tempore: Senator Dean, I'm sorry, your time is up.

Senator Dean: That's fine.

Senator Plett: I am happy to give him five more minutes.

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

Hon. Senators: Agreed.

Senator Dean: On the question of guns and gangs and criminal activity, is it the case that all guns used in criminal activity are brought in illegally from the United States? I doubt it. Is it the case that guns used in criminal activity are predominantly drawn from those stolen from the homes of registered owners? I doubt it. The truth probably lies somewhere in between.

I'm struck by the degree to which guns and gangs have become a magnet for this issue. Frankly, I'll say it's why I chose to focus my remarks today on the very real and direct harms associated with gun ownership by lawful owners, not those that have been obtained illegally. I would suspect that many of the 600 suicides annually were not committed with guns brought in by the U.S. or procured illegally. I suspect that they were in people's homes already.

On the question of the gun registry, there is absolutely no doubt in my mind that Bill C-71 is not intended to reintroduce a gun registry through the back door. It requires retailers to maintain records for 20 years and hold them close, and those records can only be revealed as a result of a criminal investigation and a warrant, in very limited circumstances, to track a firearm. We surely want our law enforcement colleagues to have that option in their arsenal of weapons in terms of law enforcement.

There is no gun registry. There is the collection and retention of retail records, many of which are done already, and those will be subject to strict privacy considerations.

I fail to see and find it hard to acknowledge that a gun registry is being reintroduced, but I'm open, along with other questions and issues, to be convinced of that as we go forward.

Senator Plett: I had a few questions. In light of time, I'll just ask one more before I ask for the adjournment.

• (1520)

Senator, there is an e-petition tabled in the House of Commons against Bill C-71 that has nearly 86,000 signatures, and I had dozens of calls, people complaining they were being locked out when they wanted to sign the petition. I suspect there were many more that wanted to get on there. This is one of the largest petitions in Parliament's history. Lawful gun owners believe that the bill imposes unreasonable regulations on them.

Will the government be open to accepting amendments to the bill from the Senate? Perhaps that should have been addressed to Senator Pratte, but maybe Senator Pratte can find a way of giving me the answer if you can't.

Senator Dean: I have been receiving lots of mail, too. I can only speak to you today as one individual, an owner of firearms who lived through the previous gun registry model and this interlude in between, and who will likely be living through whatever amendments arise from Bill C-71.

I do not find those amendments in any way onerous. Some of them are things I had to complete and did so fairly easily. Frankly, I am surprised by the degree of the voracity of what I might call the current lobbying campaign in relation to weapons, given the degree of known and demonstrated risk involved with these weapons.

I can't speak for the government. My observation is that, as an independent senator sitting in here, the government has entertained amendments on a number of bills sent to it by this place, and I don't know why they wouldn't consider amendments that flow from the debates on Bill C-71.

The Hon. the Speaker pro tempore: Senator Pratte, do you have a question?

Hon. André Pratte: Would you agree, Senator Dean, that Bill C-71 is only part of the government's initiative to fight gun violence and that —

The Hon. the Speaker pro tempore: Sorry, Senator Pratte, your time has expired.

Senator Pratte: Five minutes?

Senator Plett: No. We need to be consistent.

The Hon. the Speaker pro tempore: Senator Plett, did you want to take the adjournment?

Senator Plett: Please.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the motion say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those not in favour say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I think the "yeas" have it. The motion is carried.

(On motion of Senator Plett, debate adjourned, on division.)

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

TWENTY-FIFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER DISCHARGED

On Government Business, Reports of Committees, Other, Order No. 17, by the Honourable Serge Joyal:

> Consideration of the twenty-fifth report of the Standing Senate Committee on Legal and Constitutional Affairs (*Subject matter of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures*), tabled in the Senate on May 31, 2018.

Hon. Serge Joyal: Honourable senators, I would move that this item be considered debated in this chamber because, as you know, it relates to the implementation of certain provisions of the budget that we have already adopted. I would consider that the subject of this report has been considered and debated.

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

Hon. Senators: Agreed.

(Order discharged.)

TWENTY-SECOND REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER DISCHARGED

Leave having been given to revert to Government Business, Reports of Committees, Other, Order No. 16, by the Honourable Douglas Black:

> Resuming debate on the consideration of the twenty-second report of the Standing Senate Committee on Banking, Trade and Commerce (*Subject matter of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures*), tabled in the Senate on May 31, 2018.

Hon. Douglas Black: Honourable senators, pursuant to rule 5-7(k), I move that Order No. 16, which deals with the subject matter of Bill C-74, which was adopted last June, be discharged from the Order Paper.

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

Hon. Senators: Agreed.

(Order discharged.)

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

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

Hon. Ratna Omidvar: I move adjournment of the debate until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Omidvar, debate adjourned.)

• (1530)

[*Translation*]

THE SENATE

MOTION CONCERNING INFRASTRUCTURE OF NEWFOUNDLAND AND LABRADOR—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Doyle, seconded by the Honourable Senator Tannas:
>
> That the Senate encourage the Government of Canada to work with the Government of Newfoundland and Labrador, the only province whose major population centres are not physically linked to the mainland of Canada, to evaluate the possibility of building a tunnel connecting the Island of Newfoundland to Labrador and the Quebec North Shore, in an effort to facilitate greater economic development in Canada's Northeast, and to further strengthen national unity, including the possibility of using funding from the infrastructure program for this work; and
>
> That a message be sent to the House of Commons to acquaint that house with the above.

Hon. Ghislain Maltais: Honourable senators, today I am proud to speak to the motion of my colleague Senator Doyle.

When the Fathers of Confederation first dreamed up the great nation of Canada, they wanted to connect all of its parts, starting with Quebec, Ontario and the Atlantic provinces, all the way to Halifax. Later, it was on condition that the railway be extended westward that British Columbia joined the Canadian Confederation.

It is almost 2019, but one Canadian province — Newfoundland and Labrador — still isn't connected to the rest of the country. Why? It has always been viewed as a faraway island, but everyday life between Quebec and Newfoundland and Labrador tells a different story.

Today, the different parts of Canada are no longer connected by railways, but by roads. Later governments built the Trans-Canada Highway, but sadly, it does not extend all the way to Newfoundland and Labrador. Why? Because the distance was thought to be unbridgeable, despite studies showing that it could easily be done. A few months ago, the governments of Quebec and Newfoundland and Labrador signed an agreement to bring this project to fruition. Just as Prince Edward Island once had to be connected to the other Atlantic provinces, so too does Newfoundland and Labrador have to be connected to Quebec, and so, finally, to the Trans-Canada Highway.

Don't tell me it can't be done. France and England were at war for ages, and now they are linked by the Chunnel. The estimated cost of a link between Newfoundland and Labrador and Quebec is a billion or two for 2019.

Northern Quebec and eastern Newfoundland and Labrador have tremendous hydro resources. We need to get those resources to the people who need them. Everyone is talking about electric buses and cars, but that electricity has to be produced and transported. I am sure some of my Ontario colleagues will agree that their province is going to have to update its nuclear power plants over the next 15 years or so, but people are becoming increasingly skeptical about nuclear power.

We all know how hard it is to transport oil. Senator Harder is well acquainted with that issue, what with Kinder Morgan and Trans Mountain. Transporting oil is not easy.

Quebec and Newfoundland and Labrador have massive amounts of clean energy. They just have to get it to Ontario and the Maritimes, and that means building a fixed link. I doubt Canadians would be against that. The Governments of Quebec and Newfoundland and Labrador would cover a significant portion of the cost, but the federal government has an obligation to connect the country by road. That obligation is set out in infrastructure programs and the government's stated intent.

This has been an ongoing issue for quite a while, now. My colleague Senator Doyle was talking about it when he was a member of the House of Commons and member of the House of Assembly of Newfoundland and Labrador. Even you, Mr. Speaker, have spoken to it often. It is very important for the promotion of Canadian unity and the development of our natural resources.

The other factor is that people can't be isolated in their own country. They simply can't. If we want to bring the Canadian provinces together, this is what we have to do. Quebec is unique in that it borders seven separate jurisdictions: Ontario, New Brunswick, Newfoundland and Labrador, Nunavut, New York, Maine and Vermont. We can't leave a Canadian province isolated. The people of northern Quebec and Newfoundland and Labrador already have arrangements for medical care and for fishing and natural resource development. We need to go beyond all that, take things to the next level and develop a vision for the future.

If Canada does not embrace this vision, it will force part of its population into a circle of isolation that it does not deserve. In 1949, when Newfoundland and Labrador joined Confederation, did the Canadian government not say at the time that it would welcome the province with open arms? It did say that, but now the words must be put into action. It's time to forge the final link to connect that province with the rest of Canada, for the benefit of all Canadians, so that we see more Newfoundland and Labrador licence plates in Ontario, the Maritimes and British Columbia. We need to give Canadians an opportunity to get know one another better and enhance their economic power.

Only about 20 per cent of Labrador's resources are being developed. Obviously, in order to fully develop them, we need to be able to ship them. The Trans-Canada Highway is a natural conduit, not only for developing those resources, but also for allowing the people of Newfoundland and Labrador to be part of Canada. I believe the Senate should have a say.

I invite you, Mr. Speaker, to advocate for your province. I invite all senators, whether from Newfoundland and Labrador, Quebec, Ontario, the central provinces or British Columbia, to end the isolation of this one part Canada, especially considering how important it is to Canada's future. I'm not saying we should start digging tomorrow morning, for we need to be realistic, but this potential future project could contribute to the development of our natural resources.

Mr. Speaker, in closing, I will say one last thing. Canada's founding fathers had a vision for a country as vast as ours. However, because eyeglasses weren't as powerful at the time, they failed to see Newfoundland and Labrador. Now it is in our sights, and we want to include it in our great country of Canada. Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1540)

[*English*]

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF A NEW RELATIONSHIP BETWEEN CANADA AND FIRST NATIONS, INUIT AND METIS PEOPLES

Hon. Lillian Eva Dyck, pursuant to notice of October 2, 2018, moved:

> That, notwithstanding the order of the Senate adopted on Thursday, December 15, 2016, the date for the final report of the Standing Senate Committee on Aboriginal Peoples in relation to its study on the new relationship between Canada and First Nations, Inuit and Métis peoples be extended from October 31, 2018 to September 28, 2019.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE HONOURABLE NANCY GREENE RAINE, O.C., O.B.C.

INQUIRY—DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Opposition) rose pursuant to notice of May 8, 2018:

> That she will call the attention of the Senate to the career of the Honourable Senator Raine.

She said: Your Honour, this item is at day 15, so if I may, I wish to move the adjournment for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

(*At 3:41 p.m., the Senate was continued until tomorrow at 1:30 p.m.*)

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