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Tuesday, November 27, 2018

The Honourable GEORGE J. FUREY,  
Speaker

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

## THE SENATE

Tuesday, November 27, 2018

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

Prayers.

### SENATORS' STATEMENTS

#### RENAMING OF LAKE TO HONOUR CREE WOMEN

**Hon. Lillian Eva Dyck:** Honourable senators, as people who spend a great deal of their time delivering speeches, I believe it is beyond redundant to state that words are powerful. Words can affect us in many ways: They can be good, bad or ugly.

Kellie Wuttunee, a lawyer with the Saskatchewan Aboriginal Women's Circle Corporation, experienced this truth first-hand when she found herself lost by a group of lakes near Unity, Saskatchewan, last year. As she searched Google Maps to find her way, she was horrified, angered and bewildered to learn the lake she was parked by was named Killsquaw Lake.

Immediately Ms. Wuttunee began to reach out to elders and others in her community trying to figure out how this lake, located a mere 20 kilometres from her home, came to bear such an ugly name — a name commemorating a massacre where a group of Cree women were killed by Blackfoot soldiers more than 100 years ago.

After an extended period of consultation lasting more than a year, a decision was made to rename the lakes Kikiskitotawānawak Iskēwak Lakes. The Cree words mean, "we honour the women." An official nomination for the name change was made by Ms. Wuttunee to the provincial government, who accepted it without hesitation and formally approved it November 20.

The importance of this renaming is best iterated by Ms. Wuttunee who said:

Words are powerful; names are powerful. They inform our identity, and with actions like these, we are reminding each other and telling the world that we can learn from our mistakes and move forward together. . . . Even if unintentional, the previous name was harmful. By changing the name, we are giving a voice to the ones who are silenced. . . . [and] to properly respect and honour First Nations women, we can no longer have degrading geographic names in Saskatchewan.

Many were heartened by how the project was spearheaded by women. Chief Sylvia Weenie from the Stoney Knoll First Nation, and cultural adviser on the project, stated, "As caregivers and providers for our nation, we are the backbone of our nations. . . . It was truly amazing to have the women come together and keep it going. It is important to them."

This name change is especially important for future First Nations children to learn of their history in a positive light. I wish to thank Kellie Wuttunee, Chief Sylvia Weenie, the elders and all others involved in this process. 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 Mr. Terry Pendry, Stud Groom and Manager to Her Majesty Queen Elizabeth II, at the Royal Mews, Windsor Castle. He is accompanied by his spouse, Mrs. Susan Pendry.

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

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

#### 16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

**Hon. Wanda Elaine Thomas Bernard:** Honourable senators, I rise today to acknowledge the 16 Days of Activism against Gender-Based Violence. Gender-based violence is defined as the use and abuse of power and violence to harm people based on their gender identity, gender expression or perceived gender. It is perpetrated against women, trans people, two-spirit individuals and other LGBTQ people who face violence due to sexist and patriarchal understandings of sex and gender. During this campaign, I encourage all Canadians to expand their knowledge on this topic and take action.

The UN has reported that globally one in three women will experience physical or sexual violence over their lifetime. Gender-based violence is not limited to physical and sexual abuse. It is a spectrum that includes street harassment, financial abuse and femicide. It happens online, in the workplace, on the street, in the classroom and at home.

There are higher rates of violence perpetrated against people who are marginalized by gender and other intersecting identities, like race, age, religion and ability. Black and Indigenous women, women with disabilities, queer and trans people all face more violence, especially when they belong to multiple groups that experience oppression.

16 Days of Activism calls on everyone, especially allies, to challenge cultural norms and perceptions about gender. Allyship is one of the greatest tools at our disposal. Use your power and privilege to advocate for change, including challenging misogynistic comments or "locker room talk," volunteering at a local organization, introducing information about gender-based violence into your home and workplace, raising awareness and creating safer environments around you.

As we continue through this era of #MeToo, it is more important than ever to believe survivors of gender-based violence. We have heard the disturbingly high statistics. It is time for change and time for action. Incidents of violence are not isolated events. They are a reflection of structural and systemic sexism and heterosexism.

This week we are looking at the #HearMeToo campaign. Let us take this opportunity over the next 16 Days of Activism to highlight the work being done in the community, at the grassroots level and continue to address gender-based violence. Thank you.

• (1410)

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation of refugee organizations and religious freedom advocates. They are the guests of the Honourable Senator Ngo.

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

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

### VIETNAMESE REFUGEES IN THAILAND

**Hon. Thanh Hai Ngo:** Honourable senators, I rise today with great honour to acknowledge the delegation visiting Ottawa from the United States, Montreal and Toronto to discuss the grave human rights situation related to the Vietnamese Montagnard refugees in Thailand.

Systemic oppression by the Vietnamese Communist Party over the past years has severely oppressed the Montagnards, a religious minority in the highlands of Vietnam. The communist government of Vietnam has considered their worship illegal since the fall of Saigon in 1975, and for this reason the Montagnards have suffered a wave of persecutions.

Honourable senators, according to the United Nations High Commissioner for Refugees, there are now more displaced people around the world than ever because of wars, violence and persecution.

The Vietnamese Montagnards have been deprived of their cultural rights, forcibly displaced from their ancestral lands and imprisoned for practising their religion by the Vietnamese Communist Party.

In April 2014, I hosted a round table on religious freedom in Vietnam to discuss the dire state of freedom of faith and belief in Vietnam, and we built an understanding that this persecuted group has been chastised by the Vietnamese Communist Party for historically supporting American troops in their fight for democracy during the Vietnam War. During our discussions, it was made clear that the Montagnard people have been victims of killings, kidnappings, torture, family separations, forced faith renunciation and harsh jail sentences.

[ Senator Bernard ]

Four years later, I am proud to welcome the delegation of organizations, religious freedom advocates and community leaders from the United States and Canada who share a common vision for the Montagnard people in Vietnam and the refugees whose safety and future remain uncertain in Thailand.

Please join me in encouraging their endeavour as we renew our efforts for the plight of Montagnards and refugees alike. 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 representatives of the UN Women. They are the guests of the Honourable Senator McPhedran.

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

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

### 16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

**Hon. Marilou McPhedran:** Honourable senators, as co-host with Senators Bernard and Coyle, I salute that Ottawa, Canada has been chosen by UN Women to launch this year's global campaign #HearMeToo for the 16 Days of Activism Against Gender-Based Violence.

[*Translation*]

The 16 Days of Activism campaign is a worldwide initiative. Year after year, it stands against gender-based violence in every corner of the globe. Every year, UN Women holds its 16 Days of Activism campaign from November 25, the International Day for the Elimination of Violence against Women, to December 10, International Human Rights Day.

[*English*]

For months now, Senators Bernard, Coyle and I, with our teams and the High Commissioner of South Africa to Canada, have been planning for today with UN Women's Executive Director Ms. Phumzile Mlambo-Ngcuka, her Chief of the Civil Society Division Ms. Lopa Banerjee and Ms. Ines Estaban Gonzalez.

Colleagues, Canada demonstrates global leadership and commitment to the rights of women and girls as full human rights and crucial to the realization of the sustainable development goals by 2030. We can and are doing more.

This morning we paired students and officials from the University of Ottawa and Carleton University to listen to concerns about sexualized violence on campus.

At lunch, we had the first meeting of the Canadian Association of Feminist Parliamentarians.

At 3 p.m., we are hosting a diplomatic round table on the 16 Days of Activism with a focus on intersectionality, impacts and strategies.

At 5 p.m., we invite you to join us in Room 100 of the Sir John A. Macdonald Building to mingle with our UN guests, other parliamentarians and members of the diplomatic corps, key civil society experts and young leaders.

Please join me, colleagues, in thanking UN Women for their leadership globally and reiterating our commitment to upholding human rights, women's rights, girls' rights, gender rights in Canada and abroad. Thank you, *meegwetch*.

[Translation]

### VANIER CUP 2018

#### CONGRATULATIONS TO UNIVERSITÉ LAVAL ROUGE ET OR

**Hon. Ghislain Maltais:** Honourable senators, I am pleased to draw attention to Université Laval Rouge et Or, which emerged victorious at the 2018 Canadian university football championship. On Saturday, the team defeated Western University 34 to 20 to win the Vanier Cup.

The Université Laval Rouge et Or has quite a history. In recent years, it has won the Vanier Cup 10 times and made it to the finals another four times. It is the most successful team in Canadian university football. An average of 15,000 fans come out to watch each game.

The Rouge et Or's record stands at 127 wins and only 12 losses since the team was founded. Sixty-three of its players have been drafted into the Canadian Football League, and one of them, Antony Auclair, was even signed by the American National Football League and now plays for the Tampa Bay Buccaneers.

It would be remiss of me not to mention the Calgary Stampeders' Grey Cup victory over the Ottawa Redblacks. It seems that the Alberta team was a more well-oiled machine, dear colleagues.

I want to congratulate all the players, team officials and everyone connected with the team, not to mention the fans, of course. Football is a sport that all Canadians are very proud of.

[English]

## ROUTINE PROCEEDINGS

### BUDGET IMPLEMENTATION BILL, 2018, NO. 2

#### TWENTY-EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

**Hon. Serge Joyal:** Honourable senators, I have the honour to table, in both official languages, the twenty-eighth report of the Standing Senate Committee on Legal and Constitutional Affairs which deals with the subject matter of Bill C-86, A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(Pursuant to the order adopted on November 7, 2018, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

#### TWENTIETH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ON SUBJECT MATTER TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the twentieth report of the Standing Senate Committee on Foreign Affairs and International Trade which deals with the subject matter of Bill C-86, A second Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures.

(Pursuant to the order adopted on November 7, 2017, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

• (1420)

### COMMONWEALTH PARLIAMENTARY ASSOCIATION

#### POST-ELECTION SEMINAR, MARCH 4-8, 2018— REPORT TABLED

**Hon. Salma Atallahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its participation at the Post-Election Seminar, held in Mombasa, Kenya, from March 4 to 8, 2018.

#### COMMONWEALTH PARLIAMENTARIANS FORUM, FEBRUARY 26-MARCH 1, 2018— REPORT TABLED

**Hon. Salma Atallahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary

Association respecting its participation at the Commonwealth Parliamentarians Forum, held in London, United Kingdom, from February 26 to March 1, 2018.

## QUESTION PERIOD

EXPERT COMMITTEE MEETING ON STATUS, MARCH 9-12, 2017—  
REPORT TABLED

### EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

#### JOB LOSSES

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Branch of the Commonwealth Parliamentary Association respecting its participation at the Expert Committee Meeting on Status (EXCO), held in London, United Kingdom, from March 9 to 12, 2017.

**Hon. Larry W. Smith (Leader of the Opposition):** My question is for the government leader in the Senate. Yesterday's announcement from General Motors that it will stop making cars at its Oshawa plant at the end of next year is devastating news for almost 3,000 GM workers and their families. I know all honourable senators join with me in expressing support for these workers and their families at this most difficult time.

### AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT ON STUDY OF HOW THE  
VALUE-ADDED FOOD SECTOR CAN BE MORE  
COMPETITIVE IN GLOBAL MARKETS

The closure of the Oshawa assembly plant will have an impact well beyond that community. According to the Auto Parts Manufacturers' Association of Canada, General Motors spends about \$3 billion annually on parts and tools from suppliers across the province of Ontario.

**Hon. Diane F. Griffin:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

Senator, could you help us with finding out what, if any, plan the Government of Canada has to fight to protect these good, well-paying jobs in Ontario?

That, notwithstanding the order of the Senate adopted on Thursday, February 15, 2018, the date for the final report of the Standing Senate Committee on Agriculture and Forestry in relation to its study on how the value-added food sector can be more competitive in global markets be extended from December 21, 2018 to June 28, 2019.

**Hon. Peter Harder (Government Representative in the Senate):** thank the honourable senator for his question. Like the honourable senator, I'm sure all senators are reflecting on what devastating news this is for the workers in particular, the community, the supply chains that are affected and the communities that are involved.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT  
REPORT ON STUDY OF THE POTENTIAL IMPACT OF THE  
EFFECTS OF CLIMATE CHANGE ON THE AGRICULTURE,  
AGRI-FOOD AND FORESTRY SECTORS WITH CLERK  
DURING ADJOURNMENT OF THE SENATE

The honourable senator will know that the Prime Minister has spoken with the premier of the province. The Prime Minister has spoken with the officials of General Motors, the CEO of General Motors, and is meeting today with the head of the union to ensure all the support possible available through the Government of Ontario and the federal government are available to the workers.

**Hon. Diane F. Griffin:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

This is a sector in transition, as the honourable senator will know from the announcement of General Motors. It's not a single action in Canada but one across the footprint of General Motors in North America.

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between December 3 and December 21, 2018, a report relating to its study on the potential impact of the effects of climate change on the agriculture, agri-food and forestry sectors, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

This is a situation where the government is assessing how best to support the workers and, at the same time, ensure that the programs of Canada are able to meet the needs in the coming months.

**Senator Smith:** Our energy sector has also been in crisis for some time, with tens of billions of private sector investment and thousands of jobs lost. Now we fear the loss of thousands of more jobs in our auto sector. The automotive industry is one of the most important components of Canada's manufacturing sector, contributing about \$19 billion to our GDP.

According to the most recent Labour Force Survey, our country has lost over 31,000 jobs in the manufacturing sector between October 2017 and October 2018.

Senator, could you help us understand what actions the government will take to help stop the job losses for middle-class workers employed in our manufacturing sector across Canada?

**Senator Harder:** Again, I thank the honourable senator for his question. This, of course, is a broader conversation than Question Period alone can allow, but I do want to reference the investments that governments of Canada have made over the last number of years in the areas of innovation and science, and creating new jobs that prepare us for the economy of the future. That, by no means, implies that the economy of the past is without merit or without need to innovate as well.

The investments, for example, that have been made in the autos of the future, in the science and innovation in the automobile sector, are well known to all honourable senators and are reaping benefits for the supply chain operators in Canada as well as the OEMs.

Similarly, in respect of the energy sector, there too we have a sector facing global markets that are changing. The nature of fracking has completely altered the energy landscape in North America, where the United States is now a net exporter. Our emphasis over the last number of years in areas of innovation in that sector is also important to reflect on. As we move to an economy that is less GHG dependent, innovation in clean and new technologies, these are the technologies that are of interest and are meeting some of the opportunities in Asia, in particular. I reference the LNG investment in northern B.C., which is also part of feeding the Asian market.

We are trying to transition the economy to the economy of the future, finding new markets because the old ones aren't sufficient. Nine out of ten of cars made in Oshawa were destined for export to the United States. The sedan market has declined while the other markets, including trucks, have gone up, and of course, foreign and more energy-efficient vehicles are also part of consumer demand.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### EXPORT OF PULSE CROPS TO INDIA

**Hon. David Tkachuk:** I have a question for the leader. It concerns Canada's pulse exports to India.

Saskatchewan is one of the world's leading pulse producers, and India has been a very important market for these crops. However, import tariffs and fumigation requirements imposed by that country have greatly diminished Canada's market access.

On February 23, Prime Minister Trudeau and the Prime Minister Modi of India released a joint statement in which they agreed to work closely together to finalize an agreement within 2018 to enable the export of Canadian pulses to India free from pests of quarantine importance.

Can you tell us, Senator Harder, if any progress has been made on this matter since this joint statement was issued in February?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for raising this. It's a very important issue for agricultural exporters, in particular.

The senator will know that fumigation requirements are viewed by the Government of Canada and many of the producers in Canada as an unfair barrier. The agreement to which he refers is an important one, and I will endeavour to make inquiries as to where we are in those discussions.

I do know the Minister of Agriculture has met with his counterparts. I don't know the status of those discussions at this point.

• (1430)

**Senator Tkachuk:** I think they had made it clear they were trying to finish the negotiations by the end of 2018.

Does the government still maintain that an agreement will be achieved by the end of this year? If it is not, will you commit to telling us in the first weeks after Christmas why no agreement has been reached?

**Senator Harder:** Yes, of course, I will.

## NATIONAL DEFENCE

### ROYAL CANADIAN AIR FORCE—SHORTAGE OF PILOTS AND OTHER PERSONNEL

**Hon. Paul E. McIntyre:** My question for the Leader of the Government in the Senate concerns chapter 3 of last week's report from the Auditor General concerning the Royal Canadian Air Force, a vital component of Canadian and North American defence.

The report stated that National Defence has only 64 per cent of the trained CF-18 pilots it needs to meet the government's requirement that our NORAD and NATO commitments must be fulfilled at the same time. The Auditor General has also found the RCAF has a shortage of maintenance technicians for these aircraft.

Given that these positions require long periods of training, could the government leader please tell us what National Defence is currently doing to address this serious shortage of pilots and other personnel in the Royal Canadian Air Force?

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

First, the Government of Canada welcomes the report of the Auditor General. The Minister of Defence, last week, accepted all of the recommendations of his report and, indeed, in anticipation, as the senator will know, there are conversations between the department and the Auditor General has already taken steps to respond to the recommendations.

In particular, I would reference the focused recruitment for 200 specialized personnel in the maintenance area, as well as recruitment for pilots that is under way. Clearly, there is a need

for these specialized recruitment efforts, as they are essential for the well-being of our military capabilities of which, as the honourable senator will know, are to ensure we are able to deal with events in North America and Europe simultaneously.

**Senator McIntyre:** Thank you for the answer, leader.

As a followup, two years ago, the government cancelled plans to buy the F-35. It forced the RCAF to continue to operate nearly 40-year-old CF-18s for the foreseeable future. As a matter of fact, an article published by the Canadian Global Affairs Institute pointed out that:

. . . some Canadian pilots have been considering whether to join the Royal Australian Air Force because it would give them a chance to fly highly advanced F-35 fighter jets.

Senator Harder, has the government considered to what extent the morale problems of the air force might be contributing to the current pilot shortfall? Has the Auditor General's report caused the government to reconsider its interim purchase of used Australian jets?

**Senator Harder:** I thank the honourable senator for his question. Let me be clear that the Government of Canada is seeking two objectives. The first is to ensure we are well equipped to meet the obligations of our strategic plan, which, as I indicated, is to be able to deliver on NATO and NORAD commitments simultaneously. This requires an augmentation of the existing CF-18 force, which is why the government is making this interim purchase, the first arrivals of which are expected in the coming weeks, as I understand. That commitment is to ensure that job one is done; that is to say, the ongoing operational and strategic interests of Canada.

At the same time, the government is committed to an open process of procuring aircraft for the replacement of this fleet, which, as the honourable senator indicated, is aging. That process is proceeding apace and is funded, as the honourable senator will know, in the plan of the government, so that the replacement aircraft can be in place for the necessary transition from CF-18s to the new aircraft. In the meantime, that process will ensure there is a smooth transition of Canada's capacity to deliver on our strategic commitments.

[*Translation*]

## TRANSPORT

### VIA RAIL

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. We learned this morning that the contract to replace VIA Rail's fleet of trains serving the Quebec-Windsor corridor is being awarded to Siemens. The contract is worth \$1.5 billion. The engineering will be done in Germany, while the trains themselves will be manufactured in California, which means practically no economic benefits for Canada.

Is the Trudeau government putting any pressure on VIA Rail to reconsider that decision, which is detrimental to the Canadian economy?

[ Senator Harder ]

[*English*]

**Hon. Peter Harder (Government Representative in the Senate):** I will take the honourable senator's question under advisement. However, let me say VIA Rail is a Crown corporation making decisions at arm's length from the government in the interests of Canada.

[*Translation*]

**Senator Carignan:** The U.S. has the Buy American rule requiring 65 per cent domestic content, which could soon go up to 70 per cent. In Europe, the European Parliament issued a directive requiring up to 25 per cent domestic content. In Canada, however, even when a Crown corporation like VIA Rail launches a procurement process, it doesn't bother including any domestic content requirements in the call for tenders. Can you explain that to Canadians?

[*English*]

**Senator Harder:** Again, as the honourable senator will know, successive governments of Canada have entered into bilateral and multilateral arrangements to allow Canadians access to public procurement outside of our borders. Those arrangements are reciprocal. They have benefited Canada and are part of the necessary outward-lookingness, particularly of an economy of our size. They are ones which, again, successive governments have enjoyed.

## DEMOCRATIC INSTITUTIONS

### ELECTION INTEGRITY

**Hon. Linda Frum:** Leader, last week, the government tabled in the other place an answer to an Order Paper question regarding the role Russia played in the 2015 election. The government would not give any detail on such interference for reasons of international affairs.

What does the Trudeau government have to hide regarding Russian meddling in the last election? Why not tell Canadians exactly what the Russians did? If they did not do anything, why not say so?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senators for her question. The response of the government stands for itself: reasons of national security, which are not known to me but are known to those who must know, are the basis on which this government has responded. As the honourable senator will know, there are ways in which Parliament has some insight into these matters. It is not through the generalized committees of Parliament but through the National Security and Intelligence Committee of Parliamentarians.

I do not know whether that has been the case. This government is operating to ensure the security of intelligence matters, if they are involved, and respond in a fashion that protects the interests of Canada while apprising Canadians of the very real concern of Russian interference, not only in the past but in the future.



**Senator Frum:** Would the honourable senator not agree the integrity of our election results is a subject of interest to all Canadians and all political parties? It is not the proprietary interest of one political party, the Liberal Party.

**Senator Harder:** I believe the Government of Canada acts in the interests of the Government of Canada. The security interests of the Government of Canada are those of the security interests of Canada.

Our system is based on deference to those in authority to protect the interests of Canada and to trust the judgments that are being made with the appropriate oversight of various bodies, including the National Security and Intelligence Committee of Parliamentarians.

• (1440)

**Senator Frum:** If there was Russian interference or an attempt to affect the outcome of the 2015 election, is that not information that should be shared with Canadians?

**Senator Harder:** Again, senator, I am left with the same response. That is to say, when reviewing what is in the national interest and national security, those who are charged with making those decisions make those decisions in the interest of Canada. The Government of Canada has been responsive to the extent that national security allows and will continue to do so.

should include provisions for meeting the applicable goals and targets referred to in the Federal Sustainable Development Strategy.

Finally, the bill was also amended to make consequential amendments to the Auditor General Act. These amendments are required because the Auditor General Act referenced sections of the Federal Sustainable Development Act that have changed or been removed. These amendments maintain the consistency between the Auditor General Act and the Federal Sustainable Development Act that has been key since the Federal Sustainable Development Act came into force.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

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

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

## FISHERIES ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Christmas, seconded by the Honourable Senator Deacon (*Ontario*), for the second reading of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

**Hon. Dennis Glen Patterson:** Honourable senators, I would like to begin by echoing the sentiments of my colleague Senator Plett, who voiced his support for the objective of this bill to protect fish and their habitat for future generations. I also support that objective, as I did when the Conservative government introduced amendments to the Fisheries Act in 2012.

These amendments not only supported the conservation of fish but ensured man-made structures being built on or around bodies of water that do not support fish were not subject to the massively bureaucratic and cumbersome process of regulatory approval.

The government of the day found current rules on fish habitat in the Fisheries Act were indiscriminate, confusing and far-reaching. It subjected all activities, from the largest industrial development to the smallest personal project on private land, to the same rules, which is unnecessary to protect the productivity of our fisheries.

## ORDERS OF THE DAY

### FEDERAL SUSTAINABLE DEVELOPMENT ACT

BILL TO AMEND—SEVENTEENTH REPORT OF ENERGY, THE  
ENVIRONMENT AND NATURAL RESOURCES  
COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventeenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Bill C-57, An Act to amend the Federal Sustainable Development Act, with amendments*), presented in the Senate on November 26, 2018.

**Hon. Rosa Galvez** moved the adoption of the report.

She said: Honourable senators, the amendments in clause 5 will allow the Sustainable Development Advisory Council not only to advise the minister on any matter related to sustainable development but also to undertake a study of matters determined by the committee.

Second, the amendment in clause 8 is about measures to enforce the development of sustainable goals in the departments and agencies of the federal government. The amendment reinserts sections 12 of Bill C-57, the Commissioner of the Environment and Sustainable Development, Julie Gelfand, recommended this section be reinserted into the act. It provides that performance-based contracts with the Government of Canada

We heard from Canadians, including many in Western Canada, who had countless stories of DFO employees zealously protecting ditches, man-made reservoirs and flood plains. Fisheries protection policy should focus on the habitat that supports Canada's fisheries and not on farmers' fields and flood plains.

As Minister Ashfield said at the time:

We do not believe it is sensible, or practical, to treat all bodies of water — from puddles to the Great Lakes — the same way, and our government is making long-overdue changes . . . on what is important to Canadians.

When we debated the changes then, I gave examples of how the changes would help adopt a common sense approach that focuses on managing threats to Canada's recreational, commercial and Aboriginal fisheries and the fish habitat on which they depend.

The Conservatives' new approach drew clear distinctions between different types and sizes of projects and waterways, and took into account the potential serious harm to our fisheries. It recognizes fish habitats differ greatly. However, Bill C-68 would restore the uncertainty to potential proponents of major development while making no substantive change to the protections afforded in the bill.

During committee review of the bill, new subsection 2(2) was proposed and adopted. It currently reads:

For the purposes of this Act, the quantity, timing and quality of the water flow that are necessary to sustain the freshwater or estuarine ecosystems of a fish habitat are deemed to be a fish habitat.

Honourable senators, by adding "water flow" into the definition of fish habitats, a move not originally even contemplated by the drafters, new subsection 2(2) would increase the potential scope of pollution prevention activities under the Fisheries Act, unnecessarily duplicate tools already afforded to the minister under the bill, increase the uncertainty and confusion for proponents, unnecessarily complicate the permitting process and increase the risk of inconsistency between federal and provincial regulators.

By adding this particular wording to the bill, I fear the author of this amendment, brought forward by the Green Party of Canada, would expand the scope of the bill to assess and address potential impacts on an ecosystem rather than focusing on the impacts to bodies of water capable of supporting fish.

One stakeholder raised the question to me. I will in turn ask this to all of you: Does the inclusion of "quantity, timing and quality" of water flow to the definition of "fish habitats" give DFO the ability to treat industrial, agricultural and municipal water flow locations as fish habitat? There are various sections in the bill that already empower the minister and the department to collect samples and analyze the potential impacts of an obstruction or thing that could potentially be harmful to fish or fish habitat.

The minister, under new section 34.2(1):

. . . may establish standards and codes of practice for

- (a) the avoidance of death to fish and harmful alteration, disruption or destruction of fish habitat;
- (b) the conservation and protection of fish or fish habitat; and
- (c) the prevention of pollution.

New section 34.3(2) also allows for a minister to take a variety of actions should the minister feel it is "necessary to ensure the free passage of fish or the protection of fish or fish habitat . . ."

• (1450)

Why, honourable senators, should we support a section of the bill that is not only duplicative but confusing? I have serious concerns this bill in its current form is even enforceable. I can foresee some challenges to this current definition of fish habitats from proponents; an unnecessary and, in my opinion, wholly avoidable cost.

Additionally, Bill C-68 currently has a clause that provides for proponents to anticipate challenges by the minister. New section 37(1) states that:

. . . the person shall, on the request of the Minister — or without request in the manner and circumstances prescribed by regulations made under paragraph (3)(a) — provide him or her with any documents — plans, specifications, studies, procedures, schedules, analyses, samples, evaluations — and any other information relating to the work, undertaking or activity, or to the water, place, fish or fish habitat that is or is likely to be affected by the work, undertaking or activity. . . .

— to build the case to the minister that their activities will not cause deleterious effects to fish or fish habitat.

However, because of the uncertainty this bill would create, we may see proponents feel a need for a more formal assessment in an effort to provide themselves cover. Permitting decisions may well become more complex and expensive.

Different regulators at the federal and provincial level may interpret fish habitat differently. All this adds disincentive after disincentive to undertake major projects in Canada.

At a time when other regulatory and legislative changes are already threatening Canada's competitiveness, I worry about what Bill C-68, without amendment, will do to further dissuade proponents from doing business in Canada.

Honourable senators, that is why I cannot support Bill C-68 in its current form. Thank you.

(On motion of Senator Martin, debate adjourned.)

**IMPACT ASSESSMENT BILL  
CANADIAN ENERGY REGULATOR BILL  
NAVIGATION PROTECTION ACT**

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Pratte, for the second reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

**Hon. Nicole Eaton:** Honourable senators, I rise today to speak to Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

At the outset, I would like to thank my colleagues on both sides of this chamber for their thoughtful interventions in this debate.

We have heard every perspective — from Senator Mitchell's view that this bill is just what is needed, to Senator Black of Alberta, who is decidedly pessimistic about the oil patch's prospects if Bill C-69 goes forward.

We have heard Senator Boisvenu talk about the infringement on provincial jurisdiction and Senator McPhedran explain the clause requiring energy projects to be subject to a gender-based analysis.

In particular, I would like to congratulate one of our newer colleagues, Senator Simons, on her passionate critique of this bill. I wish I shared her optimism that Bill C-69, while flawed, can be fixed through amendment.

Honourable senators, as we debate this bill, Canada faces an uncertain economic future. The new U.S.-Mexico-Canada trade agreement puts Canada's manufacturers in the worst competitive position in a generation. The price of many commodities is in a slump and Canadian oil producers have seen their product sell for a fraction of the world price because they can't get it to market.

Canada has become an increasingly unattractive place to invest. We have seen a collapse in foreign investment in Canada — down 56 per cent in five years, according to Statistics Canada.

The Canadian Association of Petroleum Producers says capital spending on Canadian oil and natural gas projects declined 46 per cent between 2014 and 2017.

An analysis of business investment in 17 industrialized countries from 2015 to 2017 put Canada in second to last place.

Every category of business investment in Canada, except residential housing, has shown a decline since 2014.

About \$100 billion of energy projects — yes, \$100 billion, have been killed since this government took office.

**An Hon. Senator:** Shame!

**Senator Eaton:** I know some of my honourable colleagues will say it is because of low energy prices, but that doesn't explain why investment in the energy sector in the U.S. has increased rapidly in recent years. Canada's unemployment numbers may look good right now, but we must remember that investments of today lead to the jobs of tomorrow.

Declining investment is not the only challenge we face. Our major competitor and customer, the United States, has sharply cut taxes and rolled back regulations. This will further erode our competitive position.

Faced with these stark realities, we would expect policies from the federal government to jump-start investment, but that is not what we have seen. Instead, we have seen higher taxes, more debt, more regulation and no understanding of the forces that lead to job creation, economic growth and long-term prosperity.

The Minister of Finance had the chance last week to act boldly in his economic statement, yet he failed to do so. In Bill C-69 we have the poster child of bad policy.

I acknowledge that the existing environmental assessment process leaves much to be desired. It is plagued by delays and uncertainty. But shouldn't new legislation try to fix the problem rather than make it worse?

Provincial governments, industry experts and economists have all come out against this bill.

Ron Wallace and Rowland Harrison, two former energy regulators writing in the September 12 *Financial Post*, say Bill C-69 would:

... at huge cost, disrupt and seriously exacerbate the current regulatory process at a time when ... stability is central to the Canadian national interest.

They say the regulatory process envisioned in Bill C-69 is:

... untested, uncertain and far more complex ...

Martha Hall Findlay, a former Liberal MP who heads the Canada West Foundation, says this bill:

... has the potential to create more uncertainty rather than less, impose greater timelines, reduce regulatory legitimacy and transparency, and significantly increase the role of political influence and whim. All of which make Canada even less attractive for much-needed investment. ...

. . . If passed in its current, even amended form, it could set Canada back for many years in terms of attracting investment and overall prosperity . . . .

Saskatchewan's Minister of Energy and Resources Bronwyn Eyre calls the bill "an existential threat to our competitiveness."

One of the most damning condemnations came last week from Gwyn Morgan, the founder of oil giant Encana and a true Canadian patriot. Mr. Morgan, writing in the *Financial Post*, lamented the increasing movement of Encana's operations to the United States, but noted the company has no choice considering the hostile policy environment in Canada.

Bill C-69 is the final piece in the Prime Minister's anti-energy crusade, Mr. Morgan said. He said it will:

. . . make the chances of accomplishing resource infrastructure projects seem near impossible to investors.

The reasons for the concern are too many to list, but they include a large number of new, subjective criteria as part of an assessment.

Much has been made of the requirement to assess projects according to the intersection of sex and gender with other identity factors. Senator McPhedran did an admirable job of explaining the process. I think the fundamental problem with the list of criteria to be considered in an impact assessment is it is unbalanced. It is heavy on the possible adverse effects of a project but gives little regard to the economic benefits.

• (1500)

Bill C-69 does not explicitly require the consideration of upstream and downstream emissions during the review of an energy project. It is clear from proposed sections 22 and 63 this is the intent.

The review is required to assess:

. . . the extent to which the designated project contributes to sustainability . . .

And:

. . . the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change . . .

Is such an analysis applied to imported oil? Do we examine the extraction process in other countries before importing their oil?

Do we examine the human rights record in Saudi Arabia before importing their oil to Eastern Canada?

Will our virtue-signalling impress China or India, or will it cause U.S. energy industry to change its ways?

Do we consider the uses of imported oil before allowing customers to take delivery?

Of course not.

With Bill C-69, we are applying a standard to our own energy projects that will hurt them in a competitive marketplace, if not kill them outright.

The Canadian Energy Pipeline Association's analysis of the bill said this built-in in climate change analysis means:

If the goal is to curtail oil and gas production and to have no more pipelines built, this legislation may have hit the mark.

The legislation also allows for participation in the assessment process by members of the public who are not affected by a project. This will give the eco-warriors free rein to delay projects until investors grow tired of waiting and abandon the plan.

Make no mistake, these groups — many foreign funded — will sign up thousands of people to intervene in the process. People who may live hundreds of thousands of kilometres away from the project.

Despite running on to a mind-numbing 392 pages, the bill does not include what kinds of projects are included in the new regime and it does not define a major project. It provides far too much power to the Minister of the Environment, including authority to stop or extend a review at any point, making timelines all but meaningless.

In addition to the power to the minister, Bill C-69 allows the Governor-in-Council to extend the time limit "any number of times." Faced with this kind of uncertainty, the capital needed to develop major projects will flow to friendlier jurisdictions.

Honourable senators, Bill C-69 is a disaster from beginning to end. As Martha Hall Findlay says:

. . . there is increasing consensus among business leaders, investors, potential investors, think tanks, academics and others that the bill is not . . . fixable.

She believes it should be allowed to die and the government must start again.

I realize this is unlikely to happen, but I'm not optimistic we can improve this legislation in any meaningful way.

Thank you.

**Hon. Rosa Galvez:** Would the honourable senator take a question?

**Senator Eaton:** Yes.

**Senator Galvez:** I think everybody is worried about the oil industry in Alberta. I think we all have friends and colleagues involved in this industry and we worry.

Does the senator know if all the oil industries in Alberta are affected equally due to the price crash and discounted prices? Why are some companies claiming profits and are happy while others are suffering?

**Senator Eaton:** From my understanding, Senator Galvez, companies are claiming profits but not the profits they could all make. So much activity in Alberta has closed down or further investment to increase what they're doing has stopped. Companies have pulled out of Alberta.

I'm sorry Senator Black is not here today. He could probably give you more details on that.

**Senator Galvez:** Does the honourable senator understand what it means when companies are vertically integrated and horizontally integrated, and the ones horizontally integrated are the ones that are surviving what is happening?

**Senator Eaton:** Senator, I'm not sure about your question. By vertically integrated, do you mean companies that are building train cars and putting more oil on trains? Or do you mean going into other activities?

I'm sorry to say I'm talking about the oil industry, not about whether they're investing in wind power and solar power.

(On motion of Senator Martin, debate adjourned.)

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

On Other Business, Senate Public Bills, Third Reading, Order No. 1, by the Honourable Terry M. Mercer:

Third reading of Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

**Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals):** Honourable senators, I note this item is on day 15. Therefore, with leave of the Senate, I would ask that consideration of this item be postponed until the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Debate adjourned.)

### CANADA REVENUE AGENCY ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Downe, seconded by the Honourable Senator Lovelace Nicholas, for the third reading of Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax), as amended.

**Hon. Elizabeth Marshall:** Honourable senators, I rise to speak to Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

As honourable senators may recall, this bill will accomplish three objectives.

It will require the Canada Revenue Agency to report all convictions for tax evasion annually in its Annual Report to Parliament. The convictions for international tax evasion must be reported separately.

It will require the minister to collect, compile and analyze statistics on the tax gap and report this in her Annual Report to Parliament.

It will also require the minister to provide the Parliamentary Budget Officer with this data on the tax gap, as well as any additional data the Parliamentary Budget Officer considers relevant to conducting a further analysis of the tax gap.

In addition, Bill S-243 defines the tax gap.

Honourable senators, over the past six years, three different Parliamentary Budget Officers have requested that the Canada Revenue Agency provides them with data to calculate the tax gap; that is, the difference between an estimate of taxes that should have been collected and taxes actually collected.

In February of this year, the Canada Revenue Agency finally agreed to provide the Parliamentary Budget Officer with the required information. At the National Finance Committee meeting last month, the Parliamentary Budget Officer was asked whether he had received all the information required from the Canada Revenue Agency. Our new Parliamentary Budget Officer told the National Finance Committee the Canada Revenue Agency has not yet provided him with all the information he needs to calculate the tax gap.

While we were told there were discussions between the Parliamentary Budget Officer and the Canada Revenue Agency regarding the required data, no deadline had been established for the provision of the data.

Although not all of the requested data has been provided, our Parliamentary Budget Officer informed the committee he is envisioning the first estimate of the tax gap will be available in the spring of 2019.

Officials of the Canada Revenue Agency testified the calculation of the tax gap does not identify individual taxpayers, corporations or trusts who are non-compliant with tax laws. Therefore, the agency will have to make a decision as to which areas or which groups of taxpayers they should focus on to ensure tax compliance.

In summary, after determining the tax gap, the Canada Revenue Agency must, on an individual basis, determine who is not tax compliant, determine the amount of taxes owing and then actually collect the taxes.

The calculation of the tax gap is only the first step. The Canada Revenue Agency must follow through if the calculation of the tax gap is going to be of any real financial benefit.

Last year, the Conference Board of Canada released a briefing that estimated the federal tax gap to be in the range of \$9 billion to \$50 billion a year. If even a portion of this amount could be collected, it would have a significant impact on the federal government's budget.

• (1510)

The Conference Board outlined several factors contributing to the tax gap, which include tax evasion, unacceptable avoidance of taxation, mistakes made by tax filers and non-payment of assessed tax liabilities.

The Finance Committee, during its hearings, discussed the difference between tax evasion and tax avoidance. It is interesting the Conference Board, in its brief, defined the term "unacceptable avoidance of taxation" as undertaking activities that comply with the letter of the law but contravene the spirit and intent of the law.

The range of \$9 billion to \$50 billion estimated by the Conference Board refers to the federal tax gap and does not include any estimate for provincial taxes.

In Budget 2016, \$444 million over five years for the Canada Revenue Agency was approved to crack down on tax evasion and combat tax avoidance.

The government expects to collect an additional \$2.6 billion in tax revenues over five years as a result of this \$444 million.

This \$2.6 billion in additional tax revenues does not include the increased tax revenues that will be collected by the provinces and territories.

Budget 2017 also approved an additional \$524 million over five years for the Canada Revenue Agency to crack down on tax evasion and combat tax avoidance.

The government expects to collect an additional \$2.5 billion in tax revenues over five years as a result of this \$524 million.

Budget 2018 approved a further \$90 million for the Canada Revenue Agency to address additional cases, both domestic and international, of tax evasion and avoidance.

Last week, when the Auditor General released his report on the Canada Revenue Agency, he spoke about the additional funding that had been provided to the Canada Revenue Agency and the expectation there will be additional billions of dollars in taxes collected. The Auditor General wasn't convinced the Canada Revenue Agency had the proper processes in place to determine whether they were actually collecting that revenue.

The point I'm making is the estimate of the tax gap must be followed up with detailed investigations, assessments and collection activities if the additional tax revenues are to materialize. This is evident in the additional monies approved for the Canada Revenue Agency over the past three years.

The Public Accounts, which were tabled in the other place on October 19, indicate there are taxes receivable of \$137 billion at the end of March; yet \$14 billion of this is estimated to be uncollectible.

The Auditor General, in his recent report, also indicated that \$3.3 billion in tax revenues were written off by the Canada Revenue Agency last year.

While the Canada Revenue Agency may calculate the tax gap, investigate and assess taxpayers, the tax revenues at the end of the day may never be collected.

With this bill, the Canada Revenue Agency is poised to collect additional tax revenues of significant amounts. However, a lot of work will be required before these additional revenues are actually collected. Bill S-243 is a good first step. I wish the Canada Revenue Agency success.

Thank you.

**Hon. Paul E. McIntyre:** Honourable senators, I rise today to speak on third reading of Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

First and foremost, once again, I would like to thank Senator Downe for introducing this bill and for the work he has done over the years on this issue.

I spoke on this bill at second reading on March 27. In my speech, I spoke in support of the bill. I am pleased to speak in support of it again.

Bill S-243 amends the Canada Revenue Agency Act to require the Canada Revenue Agency, CRA, to report on all convictions for tax evasion, including international tax evasion, in an annual report tabled in Parliament.

As well, it would require the Minister of National Revenue to report to Parliament yearly on the tax gap; that is, the difference between what taxes are forecast and what is actually collected.

It would also require the minister to provide data on the tax gap to the Parliamentary Budget Officer. Under the Parliament of Canada Act, the CRA is required to provide any financial or economic data in the possession of the department required for the performance of the PBO's mandate.

To recap, the CRA has published four papers on the Canadian federal tax gap. It indicated its next tax gap study will focus on the domestic and international business tax gap, which will allow it to estimate Canada's overall tax gap in 2019.

The PBO first asked the CRA for information and data regarding an estimate of the Canadian federal tax gap in December 2012. At the time, the CRA responded that it does not generate information or data on the tax gap due to concerns relating to the precision, accuracy and utility of any methodology to calculate a tax gap.

The PBO subsequently requested data that would allow his office to prepare an independent estimate of the tax gap. The CRA offered to provide aggregated data as the CRA is prohibited from disclosing confidential taxpayer information.

Subsequently, PBO requested itemized microdata. The CRA refused because it could be possible to identify individual taxpayers with this information.

After continued disagreement, the PBO finally received data from the CRA in February 2018.

On June 5, 2018, the Senate referred Bill S-243 to the Standing Senate Committee on National Finance. The bill was studied over three meetings and included testimony from Senator Downe, the sponsor of the bill; representatives of the CRA; the Department of Justice; the office of the PBO; and Professor Richard Murphy.

The committee also heard from Transparency International Canada, Canadians for Tax Fairness and Association québécoise pour la Taxation des Transactions financières et pour l'Action Citoyenne (ATTAC-Quebec).

The committee made one amendment. Instead of reporting annually, it would be once every three years, starting in the third year after the bill comes into force.

Allowing the PBO to provide an independent estimate of the tax gap is long overdue. All parliamentarians, regardless of their political affiliation, should come together on the issue of overseas tax evasion and avoidance. The reason is simple: Overseas tax evasion and avoidance is public money that is sorely needed for matters like health, education, justice, child care and housing.

In order to achieve that goal, there needs to be more transparency and accountability on the part of the CRA.

This is why the legislative framework outlined in Senator Downe's bill is so important. It will do just that. It will hold the CRA accountable to Canadians. Thank you.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

[*Translation*]

## NATIONAL PHYSICIANS' DAY BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Mercer, for the third reading of Bill S-248, An Act respecting National Physicians' Day.

**Hon. Marie-Françoise Mégie:** Honourable senators, I rise today to speak to Bill S-248, An Act respecting National Physicians' Day. I want to start by paying tribute to retired Senator Art Eggleton for all his work and especially for his efforts as sponsor of Bill S-248.

As you all know, doctors are the backbone of the Canadian health care system. In their regular practice, they are responsible for diagnosing, treating and preventing health problems.

These professionals stay with us our entire lives. The relationship begins at conception with the obstetrician who attends our birth and ends with the palliative care specialist who supports us through the end of our lives until the moment we draw our last breath.

• (1520)

In an increasingly complex world, doctors are involved in all aspects of society. Since we recently commemorated Remembrance Day, let's talk about military doctors. They have to work in conflict zones or garrisons, and they often have to deal with physical and psychological trauma that is unique to members of the Armed Forces and veterans.

They also do humanitarian work abroad and here at home.

I believe we have all heard of Canadian surgeon Lucille Teasdale, who spent 35 years in Uganda and performed more than 13,000 operations there. Unfortunately, she died from complications due to AIDS, which she contracted during a surgical procedure. In recognition of her incredible work, she was awarded many prizes and tributes, including the World Health Organization's Sasakawa prize, the Order of Canada, and the National Order of Quebec.

Closer to home, there is Dr. Stanley Vollant, the first Indigenous Quebecer to become a surgeon, back in 1994. Dr. Vollant is committed to social issues, and in 2010, he started the Innu Meshkenu walk. Innu Meshkenu means “my Innu path.” He wanted to bring First Nations peoples together and educate young people on the importance of healthy lifestyles. Dr. Vollant has won many accolades, including the Queen Elizabeth II Diamond Jubilee Medal and the Lieutenant Governor’s Medal for Exceptional Merit.

I also want to talk about Dr. Réjean Thomas, the founder of Doctors of the World Canada, an organization whose mission is:

To offer and promote access to healthcare for excluded and vulnerable people, in Canada and abroad.

There are many doctors who dedicate their careers to research and improving health care knowledge. One such doctor is Dr. Earl Dunn. Known as the “father of telemedicine,” Dr. Dunn fought hard to make sure that all Canadians have access to quality health care, no matter where they live. With his degree in engineering, he developed a network to make services more accessible. This economical solution made it possible to support rural and Indigenous communities properly.

Many of them work in fields like teaching, administration or even politics. Others, like Dr. Normand Bethune, Dr. Frederick Banting, and one of our former Senate colleagues, the late Dr. Paul David, to name but a few, have contributed to promoting Canadian values around the world through their exceptional commitment to humanitarian, social and scientific causes.

It would be impossible for me to describe all the contributions made by Canadian doctors in the short amount of time I have been given. Given the previous examples, and given our respective personal experiences, we can all see that doctors play an invaluable role in protecting our most precious possession: our health.

On another level, I am pleased to see that doctors are increasingly being asked for their advice on various bills or policies. By taking their expertise into consideration, we can make evidence-based decisions on legislation that might affect Canadians’ health. In fact, doctors, together with other health professionals, are key players when we are passing legislation on local, provincial and national public health strategies.

As health care becomes increasingly complex, we must rely on the close collaboration of professionals from different disciplines to address the overall well-being of patients. It has been shown that involving all health professionals in medical care improves treatment efficacy and reduces costs. As I mentioned in my previous speech, many professional orders and associations already have their own day. Designating a physicians’ day will not downplay the contribution of other specialists. On the contrary, this day will be an opportunity to consider the vital role of doctors working on multidisciplinary teams and the relationships they establish with members of their community.

It is highly appropriate to honour the dedication of Canadian doctors. The Canadian Medical Association has proposed the date of May 1, the birthday of Dr. Emily Stowe, the first woman

to practise medicine in Canada. Her courage, determination and desire to help others are traits we see today in medical students, residents, and practising and retired doctors.

Celebrating physicians’ day will make us reflect on the day-to-day contributions these people make to our society. Therefore, honourable senators, I ask you to vote for Bill S-248.

Thank you.

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

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

[*English*]

## BORROWING AUTHORITY ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-246, An Act to amend the Borrowing Authority Act.

**Hon. Elizabeth Marshall:** Honourable senators, I rise to speak to Bill S-246, An Act to amend the Borrowing Authority Act. The Borrowing Authority Act was enacted in November 2017. It provides the Minister of Finance with the authority to borrow money, subject to the approval of the Governor-in-Council, which is cabinet. In other words, the minister must seek the approval of his cabinet colleagues to borrow money.

There has been a long-standing debate as to whether money should be borrowed under the authority of the Governor-in-Council — cabinet — or whether parliamentary approval should be required to borrow money. In fact, the current government, in its 2015 election platform, addressed this issue. They specifically stated that they would “. . . require the government to receive Parliament’s approval on borrowing plans.”

However, when they enacted the Borrowing Authority Act, there was no requirement for Parliament’s approval. Rather, the act stated that the minister, with the authorization of the Governor-in-Council, may borrow money. Bill S-246 proposes to amend this.



The first amendment being proposed by Bill S-246 is to specifically require parliamentary approval to borrow money. In other words, if the government wants to borrow money, it needs to have a bill passed in Parliament. There would have to be an act of Parliament that specifically authorized the borrowing of money.

Section 4 of the 2017 Borrowing Authority Act does, however, establish a maximum amount that the government may borrow. This amount is \$1.168 trillion, and it includes not only government borrowings but also the borrowings of its agent enterprise Crown corporations. If borrowings are to exceed this amount, government must return to Parliament for approval to increase this limit.

Budget 2018 states that the total market borrowings are expected to reach \$1.066 trillion by March 31, 2019. When you compare this amount to the maximum amount allowed by the Borrowing Authority Act and factor in deficit projections for the next several years, it appears that government will not have to return to Parliament to increase the maximum amount of debt until after the next election.

The second amendment being proposed by Bill S-246 relates to the triennial accountability report. I've never heard of a triennial report before. Accountability reports are either annual reports or for periods less than a year, such as a semi-annual report. That being said, the information to be included in the report is stipulated in the Borrowing Authority Act and is available annually. Although when I went to look for it, I can't say it's "readily available." But if a person is interested in calculating it, they can find the information. It's puzzling why the government is stipulating a triennial report. But then I am a suspicious person so I thought there must be something there I am missing. Perhaps the intent is to defer or deter debate on the government's debt and deficits.

• (1530)

There has been much debate in recent years on government debt and deficits. This debate has intensified, especially in the past year as the government has indicated it will continue to run deficits well into the future. Parliament and taxpayers would benefit from a robust discussion of the government's borrowings if the government were to return annually to Parliament for approval of its borrowing program.

The government already provides some information annually on its debt. Each year, as part of its budget document, government publishes its Debt Management Strategy. If you look at pages 358 to 367 of Budget 2018, you will see that outstanding government and Crown corporation market debt is expected to reach \$1.66 trillion in 2018-19, which includes \$755 billion for government and \$311 billion for its agent enterprise Crown corporations.

Section 49(1) of the Financial Administration Act requires the government to report annual borrowings in an annual Debt Management Report. This report will compare government's Debt Management Strategy, as disclosed in the budget, with actual borrowings and uses of funds. These annual reports have been provided for a number of years. The 2018 Debt Management Report should be available shortly.

In closing, I would like to thank Senator Day for putting forward this bill for discussion by the committee. I am looking forward to discussions. Thank you.

[Translation]

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

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Day, seconded by the Honourable Senator Joyal, P.C., that this bill be read a second time.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Mercer, bill referred to the Standing Senate Committee on National Finance.)

[English]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Gold, for the second reading of Bill S-251, An Act to amend the Criminal Code (independence of the judiciary) and to make related amendments.

**Hon. Donald Neil Plett:** Honourable senators, I rise today to speak to Bill S-251, An Act to amend the Criminal Code (independence of the judiciary) and to make related amendments.

According to Senator Pate:

This bill provides judges with the discretion to impose a fair and just sentence in every case, notwithstanding the presence of a mandatory minimum penalty.

I would like to rephrase that as follows:

This bill provides judges with the latitude to completely ignore the mandatory minimum penalty in each and every case, entirely at their discretion.

In other words, this bill effectively abolishes the words “mandatory” and “minimum” from the phrase “mandatory minimum penalties.”

Whether or not we are left with a penalty will be left entirely to the discretion of each judge. This troubles me, honourable senators.

A number of years ago I participated in a program called Open Circle where we regularly visited people in prison. The objective was to build authentic relationships in order to address the separation and alienation that results from incarceration. This program was found to help inmates, both while they were in prison and when it came time after their release to return to society.

But, colleagues, just because I visited inmates in prison and had compassion for their needs did not mean I thought they should not serve the sentence for their crime. Compassion and justice are not incompatible.

Today, I volunteer for a program called God Zone, a church-sponsored program where kids in Winnipeg’s inner city are given an opportunity to participate in an afternoon of fun and learning. On Sunday afternoons I drive a bus and pick up kids in Winnipeg from the very, very worst parts of the city.

The bus I drive carries 54 students. It is only one of four buses being used by our church, which indicates the success of the program and what we are doing to help inner city youth. I believe it is far more important to be working to keep people from committing crime than trying to reduce their sentence after the crime has been committed.

The kids who participate in this program grow up in horrible situations. In fact, just a few weeks ago a woman living in this neighbourhood, right at a house where I picked up children or beside a house where I picked up children, was shot through the front door of her home by a shotgun when she refused to open the door to intruders. The shooter, colleagues, is 15 years of age.

We need to do everything in our power to help these kids. But this does not, colleagues, include suggesting that just because of the challenges they face growing up they might be subject to a lesser penalty than others for breaking the law. Yet this is the kind of thinking Bill S-251 will foster. Everyone gets to be treated like a victim, even the criminals.

Now, no one argues with the need to do everything possible to ensure all sentences are fair and just. I am confident that everyone in this chamber supports that objective. I would argue that rather than being a hindrance to that objective, mandatory minimums are a necessary part of ensuring fairness in sentencing.

As Senator Pate pointed out in her second reading speech, the issue of mandatory minimum sentencing has a long history in Canada. She noted the Criminal Code contained six mandatory minimum penalties when it was first enacted in 1892. By 1995, that number stood at 10, when it was then almost tripled by the Liberal government to 29. Between 2005 and 2015, mandatory minimum penalties were more than doubled again by both Liberal and Conservative governments from 29 to 63.

This, colleagues, is important to note because some people like to portray the debate over mandatory minimums as a partisan issue. While the current Liberal government prides itself in reducing penalties for the most heinous of crimes and welcomes known terrorists back into Canada with open arms, even paying them \$10 million for their crimes, this has not always been the case.

Historically, mandatory minimum sentencing has been about how to effectively address crime and ensure fairness in sentencing. Rather than being driven by ideology, there were real world situations which needed to be addressed and introducing or increasing mandatory minimums helped to do just that.

For example, in 1988, Gordon Stuckless, a former Maple Leaf Gardens equipment manager, pled guilty to 24 counts of indecent and sexual assault. He had been sexually abusing young boys at the Gardens for years. His sentence? Two years less a day.

Four days after Gordon Stuckless was sentenced, one of his victims, Martin Kruze, killed himself. How ironic that not only did the original offence create a victim, but the sentence itself created another victim. While Stuckless’s sentence was later increased to five years by the Ontario Court of Appeal, this is still ridiculously low.

• (1540)

Then there was Graham James in 1997. James pled guilty to two counts of sexual assault which involved for than 350 incidents with two underage players over a span of 10 years. He was sentenced to only three and a half years in jail.

In 2010, James faced new charges for sexually assaulting two other players. He pled guilty and was sentenced to two years for each charge but was able to serve them concurrently.

At the time, legal experts noted that light sentences like these were not unusual. They pointed to a Newfoundland man who was given a three-year sentence in 2012 for raping and sexually assaulting his 11-year-old niece over a six-year period of time. That same year, a Saskatchewan man was sentenced to 18 months for raping his stepdaughter.

As outrageous as these sentences were, they were the norm. That, colleagues, does not make them right.

The argument against mandatory minimums is primarily centred around ensuring that judges have flexibility to exercise discretion in sentencing. Yet, while judicial discretion is a critical part of a fair justice system, such discretion was never meant to be unlimited.

To quote the Department of Justice, discretion is “exercised, constrained and guided by jurisprudence, the facts of a case, and existing sentencing legislation.”

Mandatory minimum sentencing purposefully limits judicial discretion in order to strengthen, not weaken, the fairness of and public support for our justice system. It does this in a number of ways: first, by helping to ensure equality in sentencing. We have all seen the statue that represents justice. It is blindfolded. It

doesn't see cultural, economic or social differences. The mandatory minimum serves in this way — it is applied uniformly, regardless.

I should point out that this does not mean that everyone receives the same sentence for the same crime. For starters, Crown prosecutors can often choose between proceeding with a charge as either a summary or indictable offence. The sentencing range between these two options varies significantly.

Furthermore, the mandatory minimum is just that — a minimum. In reviewing the length of sentences given for specific crimes which have mandatory minimums, Statistics Canada found that the length of sentences varied greatly, many times well exceeding the required minimum. This illustrates the use of judicial discretion within legislated parameters.

The second reason for mandatory minimums is denunciation. Not every crime has a mandatory minimum sentence. Mandatory minimums are reflective of the need for certain crimes to receive greater public denunciation.

The previous Conservative government's decision to increase the mandatory minimums for child pornography and sexual violations against children is an example of this. It sends a strong message that society denounces the crime and those who are guilty of it.

Third, mandatory minimums serve as a deterrent by ensuring that every offender receives a minimum sentence. Although some studies have questioned whether mandatory minimums achieve this goal, it is difficult to deny that an incarcerated offender is effectively deterred from repeating his or her crime while serving their sentence.

Fourth, mandatory minimums underscore that for some crimes there is a minimum price that must be paid regardless of the circumstances surrounding that crime. Sometimes it is the heinous nature of the crime itself. Other times, the minimum is applied because the person is a repeat offender. In each case, society is saying through Parliament that a minimum consequence for such a crime is just.

These are but a few of the many well-established reasons for mandatory minimums, and they should not be casually brushed aside. This does not mean, however, that there are no legitimate concerns about mandatory minimums.

Senator Pate gave a number of examples of where it is possible for a sentence to be unjust. However, colleagues, the Supreme Court has ruled on more than one occasion that in some cases, mandatory minimums have the potential to be “grossly disproportionate” and violate a person's constitutional rights.

This is not acceptable and should be addressed, as recommended by the Supreme Court of Canada.

In *R. v. Lloyd*, 2016, the Supreme Court of Canada gave two possible solutions to this problem. One was to narrow the reach of mandatory minimums so that they can only catch offenders that merit them. The alternative was to implement a safety valve which would be limited in scope and application.

The Supreme Court suggested that such a safety valve would kick in if the application of a mandatory minimum sentence would be “grossly disproportionate and would constitute cruel and unusual punishment.” Yet neither of these two solutions are reflected in Bill S-251.

Instead of narrowing the reach of mandatory minimums or providing a safety valve, this bill effectively abolishes all mandatory minimums by allowing judges to ignore them as they see fit. It does not tweak them or provide clarification for when they should be used. It eliminates them subject only to the sole discretion of the judge.

In other countries such as England and South Africa, the reach of mandatory minimums was moderated by allowing judges to impose a lesser sentence only when substantial and compelling circumstances exist. There is no such requirement in Bill S-251.

Honourable senators, as you all know, the Prime Minister has mandated the Minister of Justice to look at this issue. I am not clear why this chamber would feel compelled to upstage the government and address this issue before the Minister of Justice has had the opportunity to do so.

Furthermore, if you are creating legislation to respond to the Supreme Court's concerns, then it should at least fall within the parameters recommended by the Supreme Court. Bill S-251 fails to do this.

Honourable senators, you have heard me say in the past that I typically support legislation being sent to committee for further study. Quite frankly, however, I find this bill so utterly contemptible and wrong-headed that we should not be wasting this chamber's time by even sending it to committee. I am opposed to this bill in principle and urge this chamber to defeat it at the earliest opportunity. Thank you.

**Senator Mitchell:** Does that mean we have a vote on it?

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

**Some Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Pate, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Translation]

### NATIONAL FRAMEWORK FOR ESSENTIAL WORKFORCE SKILLS BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)** moved second reading of Bill S-256, An Act respecting the development of a national framework for essential workforce skills.

She said: Honourable senators, as you know, Canada is internationally renowned for its high education rates. The downside is that many people are overqualified for their jobs. At the same time, according to the Survey of Adult Skills conducted by the Organisation for Economic Co-operation and Development, or OECD, many Canadians of all ages lack the basic skills to adapt to the new realities of the labour market. The discrepancy between the supply of and demand for desired skills leads many to believe that a silent crisis is on the horizon.

• (1550)

[English]

This silent crisis is described in a recent study realized and published by RBC entitled *Humans Wanted*. It said:

We discovered a quiet crisis — of recent graduates who are overqualified for the jobs they're in, of unemployed youth who weren't trained for the jobs that are out there, and young Canadians everywhere who feel they aren't ready for the future of work.

Too many have been trained for jobs that may go away rather than equipped with skills that will be ever more valuable.

[Translation]

Colleagues, I'm sure you'll agree that this issue is disturbing. What are we going to do?

Fortunately, there are solutions. I am very excited to introduce Bill S-256, An Act respecting the development of a national framework for essential workforce skills. The bill proposes a way to ensure that current and future workforce skills are aligned with the needs of the labour market. It is not a cure-all, but it is definitely a step in the right direction.

This bill is related to Bill S-254, An Act to establish Promotion of Essential Skills Learning Week, which I recently introduced here. Bill S-256 clarifies the notion of essential skills and

proposes a constitutionally acceptable approach to establishing a common language on essential skills that is recognized across the country. Briefly, let me remind you that essential skills are those basic skills that all individuals must master in order to tackle the economic and social challenges of today and tomorrow. They include basic literacy, numeracy and digital skills, as well as civic and social skills and the ability to learn how to learn.

Today's job market requires more than just a degree. Someone who wants a decent job has to have a variety of essential skills that are not always taught at school. The content of essential skills evolves as technology changes. Today's technology is not the same yesterday's technology, and it also varies from one occupation or job to another. Over time, people who are already in the job market can fall behind if they haven't had the chance or means to invest in developing their skills.

[English]

Moreover, the findings of the RBC future skills report supports the idea that essential skills are becoming the key to mobility. Their research found that job openings in the next four years will require foundational skills such as critical thinking, coordination and social perceptiveness and complex problem solving.

Their research underlines that digital literacy will be essential to all new jobs and that global competencies, like cultural awareness and languages, will be in demand.

The OECD advocates the same ideas. A 2016 report titled *Skills for a Digital World* states:

Empowering individuals with the relevant skills for the digital world is key for them to fully participate in today's and tomorrow's economic, social and cultural life. The evolving nature of the digital economy requires individuals to rapidly adjust to shifts in skills demands and technology. A greater emphasis should be placed in ensuring that individuals are equipped with strong foundation skills, higher order thinking competencies as well as social and emotional skills to respond to greater levels of uncertainty. In addition, digital literacy is essential to ensure inclusion in the digital economy and society.

This bill is about building a national essential or foundational skills framework.

You may wonder what it really means and who will benefit from it. A national essential skills framework describes and measures skills such as language, literacy, numeracy, digital literacy and other skills in the context in which an individual works, learns and communicates. It is a key component of the infrastructure to support lifelong learning. It pictures skills that are essential for individuals to participate effectively in our society.

In many countries, essential skills frameworks have been developed since the turn of the new century to facilitate a consistent approach to learning and training to basic skills in diverse contexts being personal, community or work. It provides shared concepts and language for describing basic skills and a systematic approach to benchmark, monitor and report on basic skills performance.

[*Translation*]

An essential skills framework allows individuals, companies and educational and training institutions to develop competency profiles, write training plans, train trainers, and evaluate and certify training results. It is necessary for the success of investments in continuing education, especially when training is provided at a company or is informal or self-guided.

Bill S-256 essentially seeks to create a national standard or framework for basic skills in the context of continuing education. This framework is a social infrastructure that allows individuals, as well as businesses and governments, to make consistent smart investments in skills development. It is a labour market information tool that will help us invest better and therefore invest more in continuing education.

Bill S-256 reflects Canada's constitutional reality. It does not propose any federal interference in the provision of education and training services. The bill primarily proposes a concerted approach to establishing a common language on essential skills. I repeat, this bill has to do with labour market information. A common framework will guide young people through their training. It will encourage businesses that want to train their employees. It will also provide guidance to Indigenous communities that want to participate in the labour market, newcomers to Canada, individuals who want their training to be recognized, all training institutions, and community groups.

Why is a national framework for essential skills so important? Essentially, a common framework will make individual, corporate and government investments more cost-effective. This type of framework also makes it easier for people to transition between jobs and careers.

As you know, in Canada, adult education is primarily an individual responsibility. It is not a right, as it is in Europe. The Advisory Council on Economic Growth told the Department of Finance that the education and training system rests on two pillars: a system for youth and a system for the unemployed, which is funded through EI. There is not much for the rest of the workforce, such as young adults who can't find work, immigrants, First Nations members and all those who want decent jobs.

• (1600)

Canada's continuing education system is very decentralized. Under the Canadian Constitution, education and training services are areas of provincial jurisdiction, and each province can act as it sees fit.

In this decentralized context, adult education has evolved at the community level and in a rather haphazard way. In Quebec, for example, adults who did not finish elementary school and secondary school can go to school for free. However, like newcomers, adults who want to further their skills must do so at their own expense.

Private and public schools, as well as colleges and universities, have answered the call for continuing education with a vast array of short-term training programs to meet adults' needs. However, without a framework, it is becoming harder and harder for individuals and businesses to navigate the choices.

Several training institutions that are recognized for their excellence in the digital realm offer online courses. At present, these courses, which are generally fee-based, can't be used to provide mass training services. Online learning will undoubtedly become the norm in the near future, but only if all communities have access to high-speed Internet. Above all, this training must be recognized through an official certification process that attests to the skills acquired, in addition to ensuring the quality.

Most Canadian businesses invest very little in training their staff. They don't think of themselves as places of learning. Some businesses offer core competency training, such as language classes, outside work hours, but they are few and far between. Some community groups offer literacy programs for those in need, but many of them have had their funding cut and are in great financial need.

In short, we can conclude that Canada's continuing education system is weak and suffers from a lack of funding. What's more, apart from the training offered by professional bodies and public educational institutions, the continuing education system is generally under-recognized. It has no structure to support it.

Bill S-256 seeks to implement a framework for essential workforce skills in order to straighten out the system, make the most of existing public and private investments, and attract more investment. The benefits of continuing education are enormous. For example, it reduces the amount of time people remain unemployed or the time it takes for them to make the transition between jobs. It helps adults adapt more quickly to our society's economic and social needs. It also increases productivity because it helps workers work better, use equipment more effectively, make fewer mistakes and prevent workplace accidents. In addition to increasing productivity, it also supports non-inflationary wage growth and improves the standard of living for the middle class.

According to Statistics Canada, investment in human capital, that is, in education and skills training, is three times as important to economic growth over the long run as investment in physical capital. In short, continuing education today is what education was in the 1960s: a necessity. The certification of essential skills is to the society of today and tomorrow what a degree used to be, namely an important key that provides labour market mobility.

What is Canada's recent experience with respect to essential skills development? The federal and provincial governments have previously tried to take action on the issue of basic skills. Beginning in the mid-1990s, the Department of Human Resources Development, which is now called ESDC, invested in a huge research project on essential skills. Nine different skills were measured on a scale of one to five. Many senators referred to those essential skills during their speeches on literacy. The nine skills are reading, document use, numeracy, writing, oral communication, working with others, thinking, digital skills and continuous learning.

As part of this research project, 350 essential skills profiles were drafted for various professional and technical occupations taken from Statistics Canada's National Occupational Classification, or NOC. These profiles were created based on interviews with workers, managers, stakeholders and researchers.

The public can still find this information on the Government of Canada Job Bank site, a search engine for essential skills profiles. The federal government website also offers interpretation guides for a wide range of stakeholders, such as training workshop developers, trainers, guidance counsellors, employers, and parents, to help them advise young people. The department also developed online resources for evaluating and planning essential skills and skills development tools.

It also funded action research, notably with Colleges and Institutes Canada, with a view to developing short-term training programs on basic skills. This research showed that a 24- to 60-hour training session showed demonstrable results when integrated into specific or technical training. In other words, by combining training on basic skills and specific skills, a framework for essential skills would improve the quality of learning in the workplace. It would then become socially viable for governments to invest in the training offered by businesses.

The federal government's Essential Skills Research Project inspired New Brunswick, Ontario, Manitoba and Alberta to develop training programs based on similar principles. Unfortunately, most of the provincial initiatives lost momentum, as did the federal project, which ceased to exist. In short, Canada's experience when it comes to essential skills has been disappointing. Nevertheless, many such initiatives have been undertaken in other countries with great success.

Why did the Canadian attempt fail? The short answer to that complex question is a lack of federal-provincial cooperation. It would never have come to this had all governments worked with all lifelong learning stakeholders.

There are financial reasons too, of course. The dominant culture, which views a degree as the key to decent employment, may also be partly responsible for the lack of cooperation. If it's about degrees, then it's about education, and that falls under provincial jurisdiction. It is also possible that our poor

performance when it comes to ongoing basic skills training might have something to do with our lack of awareness of best practices in other countries.

However, I believe that the main reason we are failing on this front is that federal governments have lacked the political will to establish the right partnerships. Bill S-256 would remedy the situation by generating the political will to engage in those partnerships.

[English]

This bill proposes that an essential skills framework be developed in partnership with the federal and provincial governments. Within one year of the date this bill comes into force, the Minister of Employment and Social Development must convene a conference with the provincial and territorial representatives responsible for the development of current and future workforce skills in order to develop the national framework for essential skills and to define specific targets.

• (1610)

In this process, the minister must take into account the following factors: one, the division of powers between federal, provincial and territorial authorities, including in matters of education, training, employment insurance and labour; two, the importance of stakeholder participation in essential skills development, including employers and labour representatives; three, the Organisation for Economic Co-operation and Development Programme for the International Assessment of Adult Competencies; and finally, the specific needs of the various regions and communities, including Indigenous communities in relation to the development of essential workforce skills.

[Translation]

If passed, this bill will bring Canada back in line with other countries in building a solid infrastructure for developing the essential skills of today and tomorrow. This bill draws on the experience of the European Union and Australia, which have a long history of investing in essential skills development.

[English]

The first version of the Australian Core Skills Framework was introduced and developed with the industry in 2008. It was revised in 2012. Australian governments came together and introduced a national strategy to lift the skills of all Australians so they are prepared to face actual and future challenges. Signed by all governments in 2012, it proposed concrete targets such that two thirds of Australians would attain level 3 for literacy in 2022.

[Translation]

In 2006, the European Parliament and the Council of the European Union adopted a recommendation on key competences for lifelong learning. Last May, the European Union revised the framework to factor in the new realities of the 21st century. Skills requirements are changing with the realities of the fourth Industrial Revolution, while technologies are playing a bigger role in every aspect of life.

For those reasons, the new European reference framework now includes eight key competences. I will read them to you so that we can compare them to the old essential skills adopted in Canada in 2008. The eight competences are: literary competence; multilingual competence; mathematical competence and competence in science, technology, and engineering; digital competence; personal, social and learning to learn competence; citizenship competence; entrepreneurship competence; and cultural awareness and expression competence.

In the European Union's recommendation, it is agreed that the new foundation of key competences will have to be maintained throughout a person's life through diverse formal and informal learning approaches. This learning will also have to be suitably evaluated and certified.

If the members of the European Union and the Australian government could work it out, why not us? There is no time to lose. We need to figure out the steps we can take to adapt to the labour market disruptions that will be caused by the rise of artificial intelligence and the shift to a greener, more diversified economy, as shown by the GM plant closures announced this week in the auto sector.

Before I wrap up my speech, I would like to say a few words about how people can acquire basic skills.

These skills can be taught to young people as part of their basic schooling. Several provinces are working on incorporating these skills into their curricula. Through the Council of Ministers of Education, the provinces are working together to share their experiences with global competencies. Adults can also take a formal or informal approach to acquiring these skills, but for working adults, the workplace is the best place to perfect their basic skills. Unfortunately, workplace-based learning is not very advanced, as I said.

Apart from trades regulated by the Red Seal program, workplace learning is anemic. To meet this challenge, it is absolutely crucial to have a framework for essential skills that can be combined with specific training. More investments in workplace training are also needed, since that would lead to qualifications and transferable skills. This would help many people enter the labour market, including youth, immigrants and First Nations people. Under those circumstances, investing would be economically and financially advantageous to governments. Everyone would win: the worker, the business and society.

In conclusion, if Bill S-256 is passed, it will encourage private and public investment in essential skills training and consequently in human capital. The bill fits in with the global trend of continuing education for adults and addresses several concerns deemed to be urgent by various economic and technical and applied training groups. It presents a third pillar of adult education, as the Advisory Council on Economic Growth recommended in its report entitled *Learning Nation: Equipping Canada's Workforce with Skills for the Future*. It also reflects the recommendations of Colleges and Institutes Canada, which recommended at its 2013 leaders forum that the quality of practices for developing literacy and essential skills be enhanced by adopting a framework that defines what employers and individuals are entitled to expect in terms of essential skills improvement and that can be used to measure performance.

[English]

This bill is also consistent with the recommendations of the RBC report entitled *Humans Wanted: How Canadian Youth Can Thrive in the Age of Disruption*, such as the need for standardized labour market information across all provinces and regions and the introduction of a national initiative to help employers measure foundational skills and incorporate them in recruiting, hiring and training practices.

[Translation]

This bill follows up on the recommendations that the OECD made in its *Skills for a Digital World* report and in a number of other reports.

Colleagues, I urge you to quickly pass this bill at second reading so that it can be sent to committee for an in-depth study. Canada needs an essential skills framework developed through a federal-provincial partnership in order to make the most of existing private and public investment in continuing education. It is also an important piece of the puzzle to stimulate economic diversification in all regions across Canada and to help all Canadians meet the challenges of the 21st century. Thank you.

**Hon. Ghislain Maltais:** Senator Bellemare, I felt like I was listening to the same line of discourse we have been hearing for over 20 years now in Canada and especially in Quebec. It's unfortunate, because you had an opportunity to take this much further.

You talked about creating a skilled workforce. There are 2,500 skilled workers in the aerospace industry that were just unceremoniously laid off from Bombardier. Businesses are looking for skilled workers. It's businesses, not governments, that hire line workers, welders, mechanics and fitter mechanics. If the federal government decides to invest with businesses in workforce training, that is an excellent idea. However, it needs to say how much it wants to invest. In Quebec, businesses must invest one per cent of their payroll in employee training. You know full well that back home we refer to that as the "Harel tax." I remember it well.

• (1620)

It's businesses that need skilled workers. We should be consulting them. I get very concerned when a bank produces a labour market report, because a bank is motivated by making money, nothing else. If a bank doesn't make money, it closes its doors. Everyone knows that the banks don't give a fig about workforce training. However, the businesses that the banks are financing do care about training their workers. Look around Ottawa or Quebec City, and you'll see how many businesses are looking for employees. They often say, "We're hiring and we will provide training." There is a desperate need for workers.

Based on your statement, I don't see how you're going to fill this gap in the short term. You might be able to do it over 10, 15 or 20 years. I'll give you that. You are the economist, not me. It is high time for governments, by which I mean both the federal government and the provincial and territorial governments, to sit down with businesses and find out what they need. Until they do, we won't be able to compete.

You gave the example of the European Community. I don't know whether you've been to Europe lately. The situation in both France and Belgium is a disaster. In Italy, job training is like a volcano erupting. Workers are out in the streets because there is no industry. The average university graduate in France has to wait 35 to 38 years to find a job in his or her field. We can't follow such a model. I don't know what the Australian model is like, but it must be good since you said it was, and you are a professional.

However, the European model cannot be applied here. Canada is too big. The needs of British Columbia are not the same as those of Newfoundland. The needs of the agricultural industry in Alberta and Manitoba are not the same as in Ontario, Quebec or the Maritimes. You didn't even talk about agricultural training. That is one of the biggest sectors in Canada and will be for the next 15 years. Who better to train a farmer than another farmer? A university professor is not going to be able to train a farmer. Another farmer needs to do it. Agriculture is Canada's trademark, from the Maritime provinces to British Columbia and even in the territories. Training needs to come from employers.

Your bill is all well and good, but it is not realistic. The fact is, there are labour shortages all across this country every day because industries aren't able to train enough people. We need to take another approach to this issue.

In Canada, new technology is leaving companies in the dust. We are behind the times. We need to catch up, and that starts with people on the ground. If you refer this bill to a committee, I hope big and small businesses, farmers and ranchers will have the chance to share their opinions. Thank you.

(On motion of Senator Gagné, debate adjourned.)

[ Senator Maltais ]

[English]

## SENATE MODERNIZATION

### TENTH REPORT OF SPECIAL COMMITTEE ADOPTED AS AMENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Cordy, for the adoption of the tenth report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Nature)*, presented in the Senate on October 26, 2016.

And on the motion in amendment of the Honourable Senator Omidvar, seconded by the Honourable Senator Gold:

That the report be not now adopted, but that it be further amended by replacing the words "the Senate develop a mission and purpose statement modeled" by the words "the Standing Committee on Rules, Procedures and the Rights of Parliament develop and propose to the Senate a mission and purpose statement for the Senate modeled".

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion in amendment of the Honourable Senator Omidvar agreed to.)

**The Hon. the Speaker pro tempore:** We are now on the main motion, as amended.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report, as amended, adopted.)



**THE SENATE**

MOTION TO CALL UPON THE GOVERNMENT TO RECOGNIZE  
THE GENOCIDE OF THE PONTIC GREEKS AND DESIGNATE  
MAY 19 AS A DAY OF REMEMBRANCE NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Merchant, seconded by the Honourable Senator Housakos:

That the Senate call upon the government of Canada:

- (a) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and
- (b) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the over 353,000 Pontic Greeks who were killed or expelled from their homes.

**The Hon. the Speaker pro tempore:** Honourable senators, shall I put the question or shall this motion stand?

**Senator Plett:** Question.

**Senator Martin:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Merchant, seconded by the Honourable Senator Housakos, that the Senate call upon the Government of Canada to — shall I dispense?

**Senator Martin:** Dispense.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Senator Bellemare:** Could you ask again, Your Honour? We could not hear.

**The Hon. the Speaker pro tempore:** I will ask one more time. Is the motion adopted or stood? Is the question to be asked? The question is to be asked?

• (1630)

**Senator Martin:** Question.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker pro tempore:** In my opinion the nays have it. The motion is defeated.

Are you standing up, two of you, to ask for a vote?

**Senator Martin:** Sorry, we are a bit confused.

**The Hon. the Speaker pro tempore:** No, honourable senator. I asked the question twice, I said it was no. I heard more nays than yeas. It is defeated.

**Senator Martin:** Sorry.

**Senator Plett:** They said, “No.”

**Senator Martin:** The first time you said on division, Your Honour, so it was adopted on division.

**Some Hon. Senators:** No.

**Senator Martin:** Well, it was.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Several people stood.

Let’s make this really simple. We will have a standing vote. Then everyone gets their own way. Could you agree, please, on when the standing vote will be?

**Senator Plett:** There is no whip on the other side. Point of order.

**Senator Omidvar:** Fifteen minutes.

**The Hon. the Speaker pro tempore:** If there is no agreement, there is an hour bell.

**Senator Plett:** That is right.

**The Hon. the Speaker pro tempore:** The vote will take place at 5:31 p.m. Call in the senators.

• (1730)

Motion negatived on the following division:

YEAS  
THE HONOURABLE SENATORS

|           |            |
|-----------|------------|
| Batters   | McIntyre   |
| Beyak     | Mockler    |
| Boisvenu  | Ngo        |
| Carignan  | Patterson  |
| Dagenais  | Plett      |
| Eaton     | Poirier    |
| Joyal     | Seidman    |
| MacDonald | Smith      |
| Maltais   | Tannas     |
| Martin    | Tkachuk—21 |
| McInnis   |            |

NAYS  
THE HONOURABLE SENATORS

|                               |                   |
|-------------------------------|-------------------|
| Bellemare                     | Lovelace Nicholas |
| Boehm                         | Manning           |
| Boniface                      | Marshall          |
| Bovey                         | Marwah            |
| Boyer                         | McCallum          |
| Busson                        | Mégie             |
| Cormier                       | Mercer            |
| Dawson                        | Mitchell          |
| Deacon ( <i>Nova Scotia</i> ) | Miville-Dechêne   |
| Dean                          | Moncion           |
| Downe                         | Omidvar           |
| Duffy                         | Petitclerc        |
| Forest                        | Ravalia           |
| Forest-Niesing                | Verner            |
| Harder                        | Wallin            |
| Hartling                      | Woo—32            |

ABSTENTIONS  
THE HONOURABLE SENATORS

|                          |                  |
|--------------------------|------------------|
| Black ( <i>Ontario</i> ) | Massicotte       |
| Dalphond                 | Neufeld          |
| Day                      | Pratte           |
| Dyck                     | Richards         |
| Francis                  | Saint-Germain    |
| Gagné                    | Simons           |
| Greene                   | Sinclair         |
| Griffin                  | Stewart Olsen—16 |

**Hon. Murray Sinclair:** I would like to put on the record my reason for abstaining.

**The Hon. the Speaker:** Please do.

**Senator Sinclair:** I would like to point out that I found the motion itself to be acceptable insofar as it related to Pontic Greeks, but it was not inclusive of all the Greeks who were subject to the genocide at that time. I thought it was too narrow. I abstained because it was not properly inclusive.

MOTION TO AMEND RULE 12-7 OF THE *RULES OF THE SENATE*—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

That the *Rules of the Senate* be amended by:

1. replacing the period at the end of rule 12-7(16) by the following:

“; and

Human Resources

**12-7. (17)** the Standing Senate Committee on Human Resources, to which may be referred matters relating to human resources generally.”; and

2. updating all cross references in the Rules accordingly.

**Hon. Tony Dean:** Honourable senators, I move that further debate be adjourned until the next sitting of the Senate.

(On motion of Senator Dean, debate adjourned.)

[*Translation*]

MOTION TO REAFFIRM THE IMPORTANCE OF BOTH OFFICIAL LANGUAGES AS THE FOUNDATION OF OUR FEDERATION  
IN LIGHT OF THE GOVERNMENT OF ONTARIO'S CUTS  
TO FRENCH SERVICES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Klyne:

That the Senate, in light of the decisions made by the Government of Ontario with respect to the Office of the French Language Services Commissioner and the Université de l'Ontario français:

1. reaffirm the importance of both official languages as the foundation of our federation;

2. remind the Government of Canada of its responsibility to defend and promote language rights, as expressed in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*; and
3. urge the Government of Canada to take all necessary measures, within its jurisdiction, to ensure the vitality and development of official language minority communities.

**Hon. Serge Joyal:** Honourable senators, I am joining in this debate for two reasons in particular. The first is because I am a trustee of the Baxter & Alma Ricard Foundation, a private foundation established with an endowment of \$35 million bequeathed by a couple from Sudbury, Ontario, who operated a hardware store for many years. As they had no children, this couple dedicated their financial assets to creating scholarships for francophone students outside Quebec. The eligibility criteria established by this foundation exclude francophone Quebecers who wish to pursue post-secondary studies. This Ontario-based foundation is exclusively for francophone students outside Quebec. Since its creation in 1998, the foundation has helped over 320 francophone students across Canada and has awarded over \$21 million.

• (1740)

As soon as I learned of the Ontario government's decision to withdraw the funds that had been promised to the French-language university, my first reaction, as a trustee of that foundation, was that this meant a dead end for many of the opportunities that would have been available to the foundation, whose assets I administer with the other trustees.

Honourable senators, the second reason for my intervention on Senator Miville-Dechêne's motion is that I must confess that I am a veteran of linguistic debates in Canada, specifically regarding the recognition of the equal status of both official languages in this country. Last April, I had a chance to appear before the Standing Senate Committee on Official Languages, which had invited me to come and outline the conditions under which linguistic equality is respected in our country.

I will say this was one of the reasons I ran for office in 1974 when Quebec was in the midst of a national unity debate. Quebec separation aside, I thought that francophones should have the same opportunity as all other Canadians to live their lives in their mother tongue and to participate in national governance, the public debate and the advancement of Canadian values, regardless of which official language they spoke by virtue of their birth, education, community and choices they had freely made.

Some of you know that one of the first decisions I had to make as an MP back in 1974 was to take Pierre Elliott Trudeau's government to court. If anyone wants to talk about independence, I have a thing or two to say about that. As a member of the Liberal Party of Canada and a caucus member, I decided to champion the use of French in cockpits following an announcement by then transport minister, the Honourable Otto Lang, and Air Canada, which was a Crown corporation at the time, about requiring English to be used when maintaining and servicing Air Canada planes.

To me, that decision ran completely contrary to my ideal of Canada, because I believed that Canada was a country where anyone could earn a living in either language working for the Canadian government. I felt that if a court did not confirm the equality of English and French as set out in section 2 of the Official Languages Act, which, at the time, was the only legal protection available, the Canadian ideal was in the hands of the majority, which could always find good reasons for limiting or banning the use of French.

If the use of French was banned in cockpits on the grounds that it jeopardized air safety, a similar argument could be made for highly sensitive military operations, for example. Someone could say that we could not take the risk that soldiers might not understand orders, so it would be better to proceed in English only, because lives are at stake.

As they said back in 1976, is it worth the risk of creating unsafe conditions in flight, either because two co-pilots can't understand each other, since one is anglophone and the other is francophone, or because the control tower doesn't understand French? It was very easy to exaggerate and turn us into doctrinaires seeking to impose the use of French with flagrant disregard for aviation safety and for the lives of the 350 passengers who might be on board.

I therefore decided to personally sue Air Canada in order to seek the repeal of a regulation implemented by the then minister of transport banning the use of French in cockpits and in air traffic control communications.

Honourable senators, at the time, public feeling reached an emotional pitch that you can hardly imagine. In July 1976, one week before the Montreal Olympic Games, all of Canada's airports were shut down because pilots were demanding that the government maintain the directive concerning the use of English in air traffic control communications. Imagine it for a moment, all Canadian airports being closed just as about 100 delegations were arriving in Montreal for the Olympic Games. Email did not exist back then, but the amount of letters and call-ins in Canada showed just how public opinion was becoming an almost unstoppable factor for the government.

Like many of you, I participated in the debate on the postal strike. I can tell you that compared to what I experienced in 1976, the pressure exerted on the government in the postal strike was "small beer," to use an expression that my friend Senator Maltais would like, with all due respect for the postal workers, who generally provide us with impeccable service.

Faced with that deadline, I therefore had to take my own government to court with my own money. There was no financial assistance program offered by the Canadian government to ensure that the equal status of French and English was respected. Not only were there no public financial resources, but the position of the Canadian government and the then Commissioner of Official Languages, Keith Spicer, was to oppose the fact that linguistic equality was a principle that could be used in court to obtain a remedy for a violation of rights.

[*English*]

The position of the federal government was that the principle recognized and entrenched in the Official Languages Act was not enforceable in the courts. Our friend Senator Sinclair will well understand, and Senator Dalphond knows what it means. It means you cannot go before a court and obtain a decision on the proof you have in front of the court, on the facts, the expertise and everything the court might want to consider to decide that yes, there was a violation of your rights.

What was applicable for French-speaking Canadians was also applicable for English-speaking Canadians in Quebec. It was the same protection — that is, no protection. The protection was as valid as the paper on which it is printed.

[*Translation*]

You will therefore understand, honourable senators, that the first decision I made when I became Secretary of State was to expand the financial assistance program to include the rights set out in the Charter, more specifically those set out in sections 16 to 23, so that Canadians who felt that their rights had been violated could get financial assistance from the government. Obviously, that mechanism was managed by an independent committee so that the government could not pick and choose which causes it would fund.

That program was very useful, honourable senators. Let me give you some statistics. From 1984 to 1992, 97 rulings from the highest courts in Canada supported the principle of linguistic equality on the basis of individual claims.

• (1750)

As some of you may know, in 1993, the Court Challenges Program was abolished by the government of the day, only to be restored in 1994 by the following government, and 51 rulings based on the principle of linguistic equality were handed down between then and 2006.

Those many rulings prove that the Court Challenges Program plays an important role in promoting the principle of linguistic equality in Canada. Approximately 148 decisions since 1984 probably would not have made their way through the courts without that public assistance. Few people can afford to mortgage their house, sell one of their cars or use credit to pay for legal fees to achieve such a remedy for a rights violation, without any financial gain at the end of the process. We would all love to embark on such a venture as a matter of principle or for a good cause, but the sheer magnitude of the legal fees that it takes is very discouraging. This is essentially tantamount to denying a Canadian citizen their ability to go before a court of law.

Issues associated with the recognition of education rights are as old as Canada. As you all know, our Confederation was established in 1867. In 1871, the New Brunswick government tried to limit access to education in French. In 1888, the same thing happened in the Northwest Territories. Then, in 1890, it was Manitoba's turn. I see the Honourable Senator Harder

nodding. The Manitoba government decided, in violation of section 23 of the Manitoba Constitution, to ban education in French and to prohibit the passage of laws in both official languages. It wasn't until 1979 that the Supreme Court struck down this legislation. This ruling gave the government two years to translate the bulk of the statutes stored at the Legislative Assembly of Manitoba. At the time, I was Canada's secretary of state, and with the support of my colleagues in cabinet, I was able to provide the translation services required to meet the requirements of the court's ruling in *Forest*. Senator Gagné knows what I'm talking about.

Premier Ford's decision last week sadly reminds us of Regulation 17 imposed by the Ontario Ministry of Education in 1912, which made it illegal to speak or teach French in public and private schools. Ontario became a unilingual English province in no uncertain terms. This regulation was not only contested, it became a bone of contention that divided Canada almost irreparably during the First World War.

**The Hon. the Speaker:** Senator Joyal, I'm sorry, but your time is up. Honourable senators, do you agree to give Senator Joyal five more minutes?

[*English*]

**Some Hon. Senators:** Yes.

**Senator Plett:** No.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I'm sorry, Senator Joyal. I hear a "no."

[*Translation*]

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, I rise today to support Senator Miville-Dechéne's motion. I join my colleagues in expressing my chagrin at the Ontario government's decision to cancel plans to establish the new Université de l'Ontario français in Toronto.

This announcement is a great disappointment to Franco-Ontarians. That institution brought hope to francophones in Ontario, particularly those who could not or did not want to move to pursue a post-secondary education. Everyone expected their education needs to be met.

In my home province, we are lucky to have the Université de Moncton as an option for all those who want to continue their post-secondary education in French. The Université de Moncton, which was founded in 1963, is the largest French-language university in Canada outside Quebec. It has three campuses located in three francophone regions of New Brunswick, namely Edmundston, Moncton and Shippagan.

It is interesting to note that the small Collège Saint-Joseph de Memramcook, the first Acadian college founded in 1864, became the Moncton campus. The Collège du Sacré-Coeur de Caraquet, which was later called the Collège de Bathurst, became the Shippagan campus, and finally, the Collège Saint-Louis, which was later called the Université Saint-Joseph, became the Edmundston campus.

Since it was founded in 1963, the Université de Moncton has awarded more than 50,000 degrees. The university now also includes a faculty of law, a faculty of engineering and a medical training centre. The university as we know it today has greatly changed over time. It was born out of the idea that Acadians deserved their own institution where they could get a post-secondary education in their own language. They were also convinced of the importance of having an institution that would reflect their culture and help promote and protect the French language.

One of the proudest Acadians I have ever known, our former colleague and a Speaker of this chamber, the Right Honourable Roméo LeBlanc, graduated from Université Saint-Joseph. I remember very well the day he was sworn in here as Governor General. He was surrounded by many proud Acadians and New Brunswickers. He became a professor at Collège Saint-Louis in Edmundston, and then served as Chancellor of the Université de Moncton from 2001 to 2004.

• (1800)

[English]

I would also share with you the accomplishments of the Royal Military College of Canada and the Royal Military College Saint-Jean for their efforts. These wonderful institutions bring together anglophones and francophones who work and learn together and then graduate together as proud bilingual members of our Canadian Armed Forces.

There is no doubt that a university can help to preserve the French language and the French culture as well as to promote a community's bilingualism in —

**The Hon. the Speaker:** I'm sorry for interrupting you, Senator Day, but it is now 6 o'clock and unless we agree not to see the clock, I'm required to leave the chair until 8 p.m.

Is it agreed we do not see the clock, senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Thank you, Senator Day.

**Senator Day:** Thank you, Your Honour. The French university in Toronto was planned exactly for that reason, to preserve the culture of francophones in Ontario, but also to promote the use of the language and develop more Canadians as bilingual. Official languages are generally the responsibility of the federal government, and the federal government does its part to help preserve and protect our official languages.

This particular project, because it falls within provincial jurisdiction over education, is simply not within the federal purview. We can certainly bring it to the federal government's attention and our disappointment in the decision to the province.

In fact, honourable senators should be aware that yesterday the House of Commons unanimously supported a motion of a similar theme, bringing to the attention of the provincial government the disappointment of the members of the House of Commons.

[Translation]

Allow me to say once again that I benefited from a bilingual post-secondary education and that I am deeply saddened by the recent events in Ontario. Franco-Ontarians are disappointed that their dream has been shattered, and so are we. Thank you.

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

**Hon. Lucie Moncion:** Honourable senators, today I want to talk about the motion to reaffirm the importance of both official languages as the foundation of our federation in light of the Government of Ontario's cuts to French services.

To be francophone and to live in Ontario is an amazing privilege, but it is also a huge challenge. Let me explain why.

I was born at the Montfort Hospital in Ottawa, which is Ontario's only French-language health care institution. I went to elementary school, high school, college and university in French exclusively. I also worked in the financial sector in Ontario for 38 years, again exclusively in French. I spent the past 22 years in northern Ontario, where I experienced strong, dynamic, rich francophone communities far away from major urban centres.

Lest anyone think it was easy to spend my whole life studying and working in French in Ontario, let me say that I had to be creative and disciplined, and I had to move my family to fulfill my educational and professional aspirations.

Ontario's francophones have been fighting for over a century for the right to French-language education, health care and culture. We are still fighting these battles today. Let's not forget Regulation 17, which prevented French from being taught in schools. Let's not forget the battles our parents fought so we could have access to public funding for secondary school education in French in Ontario. Let's also not forget the fights for access to health care and services in French and the fight to claim our rights in Ontario. Everything we gained, we gained because we stood up for ourselves. It's clear we have come a long way, and we are extremely proud of our linguistic and cultural heritage.

The series of cuts that Ontario's francophone community is facing, which led the elimination of the position of French Language Services Commissioner, the cancellation of the French-language university in Toronto, and the end of the subsidy for La Nouvelle Scène and the Centre Franco-Ontarien de Ressources Pédagogiques, is both worrisome and menacing. These penny-pinching decisions specifically target francophone services, education and culture. This is an anti-francophone stunt.

Although we understand the Ontario government's objectives in terms of public funding and budget cuts, these regressive measures seem to target one particular group, which sends a very bad message to the other provinces about how little value Ontario places on language rights.

The Canadian Charter of Rights and Freedoms protects the status and use of French and English. This constitutional right places equal value on linguistic duality and bilingualism in our country. They make Canada economically and culturally unique. Canada also has the Official Languages Act, which promotes the vitality and supports the development of official language minority communities.

Since the Ontario government announced its cuts to French services, many of us have spoken out against these injustices. I would like to sincerely thank all those in this chamber who have spoken in support of Senator Miville-Dechéne's motion, as well as those who wrote articles, posted messages on social media and shared their opinion on this local issue, which is quickly becoming a national one.

This show of solidarity, this willingness to be open and involved in matters that cross borders, is a true testimony to the role that the Senate plays in recognizing diversity, the right to exist, the right to respect, and the right to understanding and tolerance, principles that have guided the evolution of our country from the very beginning.

Through our words, we recognize our respective identity issues. We recognize how important it is to protect our two official languages, to defend our bilingualism, our vested rights and our cultural diversity, and to promote the vitality and protection of our minority communities and, above all, our Canadian identity. Thank you.

**Hon. Josée Verner:** Honourable senators, today I would like to join my many colleagues in supporting Motion No. 410 on respecting the language rights of Franco-Ontarians.

I would like to start by emphasizing the fact that Senator Miville-Dechéne's important motion is non-partisan, and I hope our debate will reflect that. We would be doing our institution proud by honouring the fact that one of the Senate's fundamental reasons for being is to defend the rights of linguistic minority communities.

Among other things, this motion reminds the Government of Canada of its responsibility to defend and promote language rights, as expressed in the Canadian Charter of Rights and Freedoms and the Official Languages Act. Honourable colleagues, this is an important federal government responsibility and a matter that must transcend political partisanship.

I am speaking not only as a senator, but also as the former minister responsible for official languages. Ten years ago, in June 2008, I announced the new Roadmap for Canada's Linguistic Duality 2008-2013, which included a \$1.1-billion investment. The objective of this initiative was to modernize and substantially enhance the 2003-08 Action Plan for Official Languages launched by the federal government, which had a budget of \$750 million in 2003. That was a concrete step toward promoting the vitality of the French language outside Quebec.

• (1810)

The roadmap's objective was to support initiatives in five priority sectors, namely health, justice, immigration, economic development and the arts and culture. It also helped the federal government improve its community programs in various sectors, including the promotion of the linguistic duality, support for youth, and access to bilingual government services and the courts.

The launch of the roadmap was preceded by important Canada-wide consultations with francophone communities, the Commissioner of Official Languages and the respective Official Languages Committees of the House of Commons and the Senate.

I led consultations together with Bernard Lord, former Premier of New Brunswick, the only officially bilingual province in Canada. They were crucial to responding to the best of our ability to the expectations of francophone communities.

In conjunction with the roadmap, I also announced the Language Rights Support Program, with an annual budget of \$1.5 million. The Fédération des communautés francophones et acadienne was closely involved in developing this initiative, which had three purposes. The first was to promote learning and research on linguistic rights. The second was to focus on mediation- and arbitration-based conflict resolution. The third had to do with legal recourse.

In an interview in the weekly Franco-Ontarian newspaper *L'Express* on June 24, 2008, former president of the Fédération des communautés francophones et acadienne, Lise Routhier Boudreau, said the following, and I quote:

We see this outcome as a net gain, because we have a new program that will meet the needs of our communities . . . .

Honourable senators, today, I am pleased to have meaningfully contributed to defending and promoting Canada's linguistic duality through these two important measures. All of this was done in the spirit of cooperation with francophone communities with a view to reflecting their needs and aspirations.

Legislators at both the federal and provincial levels must consult, remain open and engage in dialogue when they are developing initiatives or making important decisions that have the potential to affect linguistic rights, whether positively or negatively.

This is especially important considering that, last Friday, the Government of Ontario decided to revisit its decision to abolish the Ministry of Francophone Affairs and the French Language Services Commissioner position without any prior consultation.

On that, the president of the Assemblée de la francophonie de l'Ontario, Carol Jolin, said the following on the TVA network on November 23, 2018, and I quote:

We are stunned by this proposal that was developed without prior consultation . . . .

That said, I would add that a healthy dose of determination and perseverance is also needed for us, francophone legislators in Ottawa and outside Quebec, when it comes to promoting linguistic duality in the public sphere, as well as in the back rooms of Parliament and throughout government.

It is unfortunate that history is repeating itself in 2018. These two characteristics have united francophones across the country in adversity and outside of their political allegiances in order to win important battles that have kept the French language alive and well in Canada and North America.

On that note, I will conclude my speech by applauding the determination and courage shown by Progressive Conservative Party MPP for Glengarry—Prescott—Russell, Amanda Simard. She never hesitated to publicly condemn, on more than one occasion, her own government's decision and to stand up for the interests of the Franco-Ontarian community.

Many of you may remember Ms. Simard, who worked here in the Senate as legislative counsel to former Senator Suzanne Fortin-Duplessis, who was vice-chair of the Standing Senate Committee on Official Languages from 2013 to 2015.

Honourable senators, Ms. Simard quite eloquently proved that we can and must rise above partisanship when we defend linguistic duality. The motion we are discussing today honours that. I sincerely invite you to support it. Thank you.

[English]

**Hon. Marilou McPhedran:** Colleagues, I stand before you today as a proud Manitoban, Canadian and global citizen. I also stand before you as an English-speaking senator, lawyer and educator. You have often heard me speak before this chamber about the importance of human rights defenders and of championing lived rights for all Canadians.

I would like to be a voice for young French-speaking Canadians. I will continue my speech, for the first time in this chamber, entirely in French — and I ask for your forgiveness — to demonstrate the key to attaining lived rights, and that key is allyship.

[Translation]

Honourable senators, at the urging of our dear colleague Senator Raymonde Gagné, I am happy to share my message with you in French.

As you know, I spent the last 40 years of my career fighting for the rights of Canadian citizens and citizens of the world. There are many human rights causes to support and today I am pleased to speak in support of and in solidarity with francophone communities across Canada.

During my years as a professor at the University of Winnipeg, I had the pleasure of working with many extraordinary young women and men who were and continue to be pioneers of linguistic causes within our communities. In particular, there is one remarkable young man that I had the opportunity to work with who is moving the Canadian francophonie toward a more inclusive and more modern vision of a bilingual Canada.

[English]

Derrek Bentley, part of the Future Forty for Manitoba.

[Translation]

Derrek Bentley, a former student, colleague and member of Manitoba's French-speaking community, continues to advance the cause of linguistic duality in Canada. Outgoing President of the Conseil jeunesse provincial du Manitoba, Vice-President of Canadian Parents for French and active member of the Canadian Commission for UNESCO, to many, Derrek represents the new face of the Canadian francophonie: an engaged, inclusive francophonie that is surrounded by allies.

Derrek, a young French-speaking person from my province, underscores the importance of inclusion in the francophonie and is appealing for patience regarding that inclusion. In his words:

For a long time, there were “better francophones,” people who were more francophone than others. But that artificial hierarchy is changing; it is being deconstructed. Including everyone who speaks French, and even their allies who are interested in the francophonie, is essential. I was not born into a French-speaking family, but I created my own francophonie and I continue to live it. We need to take the time to listen to one another and to celebrate our accents and our different ways of speaking. It's simple; the Canadian francophonie is much stronger together, regardless of our identity.

• (1820)

It is important to me, as a senator from Manitoba who lives a few minutes away from St. Boniface, the largest francophone community in Western Canada, to rise today and give my speech in French. Just like Derrek, I, too, ask that you be patient and open to inclusion. This quest for linguistic equality and the right to French services in Canada is new to me.

I want to take a moment to recognize the patience and generosity of my colleagues and staff, who have made it possible for me to address you in French and express my support for Motion No. 410.

I have to admit that I am not at all comfortable giving this speech in French. However, as I said earlier, it is important to me to push myself, to feel this discomfort and to show my solidarity with French-speaking Canadians, who have been tirelessly fighting for their language rights for decades.

Linguistic insecurity continues to ravage francophone communities across the country and put them at a disadvantage. As a member and ally of these communities, I believe it is important to show our young and not-so-young people that their being francophone, regardless of how that is defined, contributes to our diversity and to this founding language. As you know, I spend a lot of time with young people across the country, and I am surprised by the large number of young people who seem worried about their language. To these young people, I want to say that we all have strengths and weaknesses. Your strength is that you continue to participate and live as a francophone in your own way.

Canadian icons fought for the right to a bilingual Canada. Role models, even in this very chamber, continue to fight to modernize the Official Languages Act in order to promote the vitality and support the development of official language minority communities.

The Canadian Charter of Rights and Freedoms has provided protection for a number of rights since it was adopted in 1982. In terms of language, the Charter strengthened the rights of official language minorities. It emphasized the importance of recognizing and protecting life in French in Canada's minority communities. That is why Canadians across the country need to support the Canadian francophonie, in order to ensure that French speakers have access to services and resources in French and that measures are taken to protect and promote the French language and culture across the country.

I am asking you, colleagues, to stand with me to show your support for our French-speaking senators and our diverse communities to ensure the protection of Canadians' fundamental

rights. Let's be allies and champions of the cause of the francophonie and linguistic duality in our communities. Let's show the governments that we are prepared to fight side by side with Canada's francophone communities. Let's put an end to any harmful talk that would undermine linguistic inclusiveness, and let's promote the French language in all of our beautiful and vibrant communities.

I tip my hat to the francophone communities working to promote linguistic inclusiveness across the country. I am proud to be your ally in this fight to ensure that the fundamental right to practise the French culture and heritage is respected.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

(At 6:26 p.m., the Senate was continued until tomorrow at 2 p.m.)

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