



# DEBATES OF THE SENATE

---

1st SESSION



42nd PARLIAMENT



VOLUME 150



NUMBER 265

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, February 20, 2019

The Honourable GEORGE J. FUREY,  
Speaker

## CONTENTS

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

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

## THE SENATE

Wednesday, February 20, 2019

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

Prayers.

We owe Sharon McIvor a great debt for her tireless work to right this wrong and bringing it to a successful conclusion at the UN Human Rights Committee. Thank you.

### SENATORS' STATEMENTS

[Translation]

#### UNITED NATIONS

HUMAN RIGHTS COMMITTEE DECISION OF JANUARY 11, 2019

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to honour and recognize Sharon McIvor and her son Jacob Grismer for their successful petition at the United Nations Human Rights Committee in a decision released on January 11, 2019. The committee ruled that the hierarchy that exists in the 6(1) provisions of the Indian Act is sex-based discrimination and contravenes Canada's obligations under the International Covenant on Civil and Political Rights.

This decision is important in that it clearly explains how the hierarchical nature of status in section 6(1) of the Indian Act continues to embed discrimination against descendants of women who married out. Specifically, in addressing the hierarchy of status in section 6(1), the UN Human Rights Committee states:

The committee further recalls that the prohibition on discrimination in the covenant applies not only to discrimination in law, but also to discrimination in fact, whether practised by public authorities, by the community, or by private persons or bodies.

The decision goes on to conclude:

The committee accordingly concludes that the continuing distinction based on sex in section 6(1) of the Indian Act constitutes discrimination, which has impacted the right of the authors to enjoy their own culture together with the other members of their group. The committee therefore concludes that the authors have demonstrated a violation of articles 3 and 26, read in conjunction with article 27 of the covenant.

The committee has given a deadline of 180 days for Canada to provide an effective remedy to the discrimination.

As honourable senators who were here during the debate and study of Bill S-3 know, an effective remedy already exists in Bill S-3, but the relevant provisions have not yet been brought into force. The remedy contained in Bill S-3, which this chamber unanimously endorsed, not only removes the 1951 cut-off but also remedies the hierarchy of Indian status in section 6(1).

Colleagues, this ruling by the UN Human Rights Committee is historic; it reverses the discrimination against Indian women enacted in 1869, 150 years ago. It is 2019. It's time to eliminate the discrimination against women and their descendants who were denied Indian status because of marriage to non-status men.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Josée St-Jean and Mr. Mathieu Tremblay, their family and members of the Gatineau Police Service. They are the guests of the Honourable Senator Petitclerc.

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

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

#### CANADA'S AGRICULTURE DAY

**Hon. Robert Black:** Honourable senators, I rise today in recognition of Canada's Agriculture Day.

[English]

Canada's Agriculture Day took place last week, on February 12. Annually, this day provides an opportunity to showcase the extraordinary things happening in the agriculture industry.

Canada's Ag Day is not run by a particular organization or company; rather, it is a coalition of over 550 partners from around the country. They join together to celebrate agricultural advances and provide a forum to discuss ongoing successes and challenges in the industry.

In its third year, Canada's Agriculture Day continues to grow. During the day, Canada's Ag Day hashtag was trending on Twitter, with over 1,600 tweets.

There was a central event here in Ottawa, as well as over 45 local events across the country. At these events, several important agriculture groups were represented.

In addition to presentations and remarks from organizations such as the Canadian Federation of Agriculture, the Canadian Cattlemen's Association and Farm Credit Canada, we heard directly from producers, including a potato farmer from New Brunswick and a dairy producer from Quebec.

The Honourable Lawrence MacAulay, Minister of Agriculture and Agri-Food, was also present at the event and joined us in recognizing the hard work of agriculture organizations, primary producers and those who work in the sector across Canada.

As you know, agriculture and agri-food is one of Canada's most important industries. The sector employs over 2.3 million people — a whopping one in eight jobs — and contributes over \$110 billion each year to the country's GDP.

Whether you're enjoying Alberta beef, Quebec cheese or P.E.I. potatoes, the agriculture sector plays an important role in your everyday life, even if you're not always thinking about it.

Of course, the industry continues to face challenges. A big one is labour. Farmers and the processing sector regularly face chronic labour shortages, which impact their bottom line. The industry also faces issues related to global competitiveness, made more difficult by recent international trade agreements.

Despite these challenges, agriculture is an exciting industry to be in, with continued advances and innovations.

• (1410)

I hope that this year's Agriculture Day gave Canadians a chance to see the importance of our agriculture industry, connect with consumers to see where their food comes from and maybe even encourage some youth to consider a career in agriculture.

The possibilities in agriculture go far beyond farming. There are opportunities in environmental studies, science and technology, business, government, education and even in the Senate, and the list goes on.

Colleagues, I thank you for listening, and I hope to see you next year at Canada's Agriculture Day 2020.

[Translation]

## BLACK HISTORY MONTH VISIT TO COLOMBIA

**Hon. Marilou McPhedran:** Honourable senators, I rise today to speak to Black History Month and to share, in the interest of transparency, information about my trip to Colombia in January, at my own expense, and my Senate business there.

[English]

I begin by celebrating our colleagues who identify as Black in this chamber. They bring inspiration with their presence and invaluable acumen every day.

Having been privileged to have known and worked with Rosemary Brown, I want to celebrate her as the first Black woman elected to a Canadian provincial legislature in British Columbia in 1972. Only three years later, Rosemary became the first Black woman to run for leadership of one of Canada's major political parties, losing by a heartbreaking four votes!

[ Senator Black (Ontario) ]

Celebrating trailblazers is important, and Black History Month helps us to do that. Let me alert you to more trailblazers coming to us from Colombia.

Upon my return, I chose to report on my parliamentary engagements while in Colombia to the Senate Ethics Officer and the public on Facebook. Thanks to Ambassador Marcel Lebleu and his team at the Canadian embassy in Bogota for exceptional facilitation and hospitality in meetings with Colombian civil society leaders with me at the embassy and official residence. These women are accomplishing so much supported by Canada's feminist international development policy.

Netflix watchers know the series "Narcos" — drug lords and their gangs devastating the beautiful city of Medellín. Young civil society leaders who focus every day on post-conflict strengthening of communities escorted me to the steep mountainside Commun 13 in Medellín where local leadership transformed a so-called drug slum into a vibrant neighbourhood through collective transportation like outdoor community escalators and gondolas, investing in young cultural leaders, local economic development and the arts. From the steep slopes of Commun 13 to downtown Medellín, I met with board members of *Madres de la Candelaria* — Mothers of Candelaria — who are among thousands whose relatives have been violently disappeared and who seek answers, desperate to know how and why and where the remains of their loved ones are, despite threats.

On my last day in Bogota at the school *Colegio Nueva Granada*, I was welcomed into elementary and high school classes and led a lively international, interactive school assembly with 500 elementary students on the United Nations Sustainable Development Goals.

At a luncheon hosted by Ambassador Lebleu, I was impressed by Indigenous women leaders who investigate and advocate for economic, cultural and social rights of Indigenous women in Colombia. Tomorrow, colleagues, you can meet and hear from some of these leaders who are briefly in Ottawa. Hosted by Senator Galvez and I, please join the dialogue with simultaneous translation in Spanish, French and English at 11 a.m. in room 705 of the Victoria Building. Thank you. *Meegwetch*.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Marlene Orr and Claire Carefoot. They are the guests of the Honourable Senator LaBoucane-Benson.

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

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

**ROBERT “BOB” CECIL COLE, C.M.**

**Hon. Fabian Manning:** Today, I am pleased to present Chapter 52 of “Telling Our Story.”

The game of hockey is often referred to as Canada’s national game. Well, my friends, if that is the case, my fellow Newfoundlander and Labradorian, Mr. Bob Cole, has played a pivotal role in making it so. His name is synonymous with hockey commentary. Described as the voice of hockey by Connor McDavid, the young captain of the Edmonton Oilers, Bob Cole’s iconic calls, quick commentary and brilliant oration has for decades transported listeners from their living rooms straight into the hockey rink.

Born in St. John’s on June 24, 1933, Cole was often found listening to radio broadcasts of NHL games in his childhood. In 1954, Bob Cole began broadcasting hockey commentary for local St. John’s radio station VOCM. In 1956, he dropped off a commentary audition tape at “Hockey Night in Canada” play-by-play broadcaster Foster Hewitt’s Toronto radio station. Hewitt, famous for the phrase “he shoots, he scores,” introduced Cole to more advanced techniques of the trade. Cole was ultimately hired by CBC Radio in 1969 to provide commentary for NHL games.

In 1973, Cole moved to television when “Hockey Night in Canada” expanded its coverage. From 1980 to 2008, he was the primary play-by-play announcer for the program and made common appearances at Stanley Cup playoffs, broadcasting at least one Stanley Cup final game each year for nearly three decades.

Cole has also provided commentary for CBC coverage of the Olympic Games. From 1998 to 2006, Cole was the broadcaster of the men’s ice hockey events. He was the commentator for the 2002 men’s ice hockey gold medal game, which was at the time the most-watched CBC sports program in history, with over 10 million viewers.

Bob Cole has inspired the youth of our nation for generations and has shared with all of us some of the most memorable moments from our country’s most beloved sport. In 1996, Bob Cole was inducted into the Hockey Hall of Fame as the recipient of the Foster Hewitt Memorial Award for broadcasting excellence. In a 2014 interview at the tender age of 81, Bob told the *Toronto Sun*:

I still feel the same as when I was 50. I still love doing what I’m doing. I just want to do games.

Bob Cole’s first play-by-play assignment for CBC Radio was on April 24, 1969, when Jean Béliveau clinched the Montreal Canadiens semifinal in double overtime against the Boston Bruins at the Garden. After 50 years in the broadcast booth, Bob will be closing out his fabulous career in a superb way thanks to the folks at Sportsnet and NHL Productions. Bob will handle his

last play by play for the regular season finale between the Toronto Maple Leafs and the Montreal Canadiens on April 6 of this year. It doesn’t get any better than that, and he so richly deserves this send-off.

He has brought a passion and energy to the game that fans have enjoyed for five decades. He often tells the story of the advice he received from Foster Hewitt:

Flow with the game and help create the excitement for the fan watching.

Bob Cole has definitely followed that advice and by doing so has become a national treasure. Cole is a Gemini-Award winning broadcaster, a member of the Order of Canada, a Hockey Hall of Famer and, most importantly of all, a proud Newfoundlander and Labradorian who has been a great ambassador for our province. He is an integral pillar of our culture both at home and across Canada.

On behalf of all Canadians, especially those who love the game of hockey, I want to say thank you to Bob Cole for 50 years of broadcasting excellence and wish him well as he enjoys his well-deserved retirement.

Thank you, Your Honour, for allowing me to go into overtime.

## ROUTINE PROCEEDINGS

### STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM

#### SIXTEENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

**Hon. Wanda Elaine Thomas Bernard:** Honourable senators, I have the honour to table, in both official languages, the sixteenth report of the Standing Senate Committee on Human Rights entitled *Study on the Human Rights of Federally-Sentenced Persons: The Most Basic Human Right is to be Treated as a Human Being* and I move that the report be placed on the orders of the day for consideration at the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

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

[Translation]

• (1420)

## THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES TO MEET  
DURING SITTINGS OF THE SENATE FOR THE PURPOSE OF  
CONSIDERING GOVERNMENT BUSINESS

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

That, for the remainder of the current session, without affecting any authority separately granted to a committee to meet while the Senate is sitting, committees scheduled to meet be authorized to do so for the purpose of considering Government Business, even if the Senate is then sitting, with the application of rule 12-18(1) being suspended in relation thereto.

[English]

NOTICE OF MOTION TO AFFECT QUESTION PERIOD  
ON FEBRUARY 26, 2019

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, February 26, 2019, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

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

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

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

[Translation]

## ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 26, 2019, at 2 p.m.

[English]

## CRIMINAL RECORDS ACT

BILL TO AMEND—FIRST READING

**Hon. Kim Pate** introduced Bill S-258, An Act to amend the Criminal Records Act and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MISSION TO ROMANIA, THE NEXT COUNTRY TO HOLD THE ROTATING PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION, AND FOURTH PART OF THE 2018 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, OCTOBER 8-18, 2018—REPORT TABLED

**Hon. David M. Wells:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association respecting its mission to Romania, the next country to hold the rotating Presidency of the Council of the European Union, and its participation at the fourth part of the 2018 Ordinary session of the Parliamentary Assembly of the Council of Europe, held in Bucharest, Romania and Strasbourg, France, from October 8 to 18, 2018.

## PARLAMERICAS

MEETING ON TRANSFORMATIONAL LEADERSHIP FOR  
GENDER EQUALITY IN THE CARIBBEAN, NOVEMBER 19-20, 2018—  
REPORT TABLED

**Hon. Rosa Galvez:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation respecting its participation at the ParlAmericas meeting on Transformational Leadership for Gender Equality in the Caribbean, held in Bridgetown, Barbados, on November 19 and 20, 2018.

BILATERAL VISIT TO PANAMA AND GATHERING OF THE  
PARLIAMENTARY NETWORK ON CLIMATE CHANGE,  
OCTOBER 1-5, 2018—REPORT TABLED

**Hon. Rosa Galvez:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation respecting its bilateral visit to Panama and its participation at the 3rd gathering of the ParlAmericas Parliamentary Network on Climate Change, held in Panama City, Panama, from October 1 to 5, 2018.

CONSULTATIVE ASSEMBLY OF PARLIAMENTARIANS ON THE  
INTERNATIONAL CRIMINAL COURT AND THE RULE OF LAW, AND  
ANNUAL FORUM OF PARLIAMENTARIANS FOR GLOBAL ACTION,  
NOVEMBER 16-17, 2018—REPORT TABLED

**Hon. Rosa Galvez:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation respecting its participation at the 10th Consultative Assembly of Parliamentarians on the International Criminal Court and the Rule of Law, and 40th Annual Forum of Parliamentarians for Global Action, held in Kiev, Ukraine, on November 16 and 17, 2018.

## FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING SITTING OF THE SENATE

**Hon. Fabian Manning:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, February 26, 2019, at 6 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY  
ISSUES RELATING TO THE FEDERAL GOVERNMENT'S CURRENT  
AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES  
AND OCEANS AND REFER PAPERS AND EVIDENCE SINCE  
THE BEGINNING OF THE FIRST SESSION OF  
FORTY-SECOND PARLIAMENT

**Hon. Fabian Manning:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than September 30, 2019.

## THE SENATE

NOTICE OF MOTION TO URGE THE GOVERNMENT TO RAISE  
AWARENESS OF THE MAGNITUDE OF MODERN DAY SLAVERY  
AND HUMAN TRAFFICKING AND TO DESIGNATE FEBRUARY 22  
OF EACH YEAR AS NATIONAL HUMAN TRAFFICKING  
AWARENESS DAY

**Hon. Dan Christmas:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call on the government to raise awareness of the magnitude of modern day slavery in Canada and abroad and to take steps to combat human trafficking, and

That the Senate also urge the government to designate the 22nd day of February each year as National Human Trafficking Awareness Day, to coincide with the anniversary of the unanimous declaration of the House of Commons on February 22, 2007, to condemn all forms of human trafficking and slavery.

## QUESTION PERIOD

### PRIME MINISTER'S OFFICE

SNC-LAVALIN

**Hon. Larry W. Smith (Leader of the Opposition):** My question is for the government leader in the Senate. Over the course of several press conferences last week, the Prime Minister provided details of a conversation he had with the former Minister of Justice on September 17.

Last Friday, the Prime Minister stated that Jody Wilson-Raybould had asked him if he was directing her or going to direct her to take particular decisions regarding the criminal prosecution of SNC-Lavalin. The Prime Minister stated that he told the former minister that it was her decision to make.

This morning, *The Globe and Mail* reported that a decision had already been taken at that time. On September 4, the Director of Public Prosecutions told SNC-Lavalin that the criminal charges would proceed.

Senator, if you could help us: Why did the Prime Minister discuss this matter with the Attorney General on September 17 if a decision had been taken by independent prosecutors two weeks prior on September 4?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. He will know, as I repeated yesterday several times, that the Prime Minister has on several occasions indicated that he did not direct the former minister in this matter. Obviously, he spoke to her on this matter over the course of a number of weeks and, indeed, months. It is entirely appropriate for a prime minister — and for others, for that matter — to raise with the Minister of Justice issues that are before the minister for a decision.

• (1430)

This is a matter that is being looked at with the independent ethics officer in the other place, as well as the relevant committee in the other place, hearings of which will include not only the former Minister of Justice but the current Minister of Justice. They will speak to the concerns that may or may not be in the mind of the honourable senator's question.

**Senator Smith:** I thank you for that answer.

Senator Harder, given *The Globe and Mail* revelation this morning, would it be possible for us to conclude that when the Prime Minister said it was her decision to make, he was referring to whether she would overrule federal prosecutors and instruct them to seek a deferred prosecution deal with SNC-Lavalin? Could the government leader please make inquiries and let us know if the prime minister ever expressed preference to Ms. Wilson-Raybould for a particular outcome with respect to the possible remediation agreement for SNC-Lavalin?

**Senator Harder:** I thank the honourable senator for his question. Let me parse it out in a few comments. One, as the honourable senator will know, as all senators would, because we recently debated the DPA concept in this chamber when we passed the law allowing for it, that the law allows for the Minister of Justice to direct the prosecution in matters such as DPAs. It is in that context not at all inappropriate for ministers, the Prime Minister in particular, and other stakeholders to make views and concerns known to the Minister of Justice.

What is absolutely important is the point I have been making and the point of the Prime Minister has been making that no direction was given to the former Minister of Justice.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** My question for the government leader is on the same matter.

On October 10 of last year, SNC-Lavalin announced that the Director of Public Prosecutions had told them they would not be invited to negotiate a remediation agreement. When the Prime Minister stated last week that he spoke with his former Attorney

General on September 17, Canadians believed this conversation took place before the decision was made on the matter. Today, we learned this was not the case, when we look at the timeline.

Senator Harder, why did the Prime Minister believe he should remind the former Attorney General about her power to make decisions in this matter when independent federal prosecutors had already told SNC-Lavalin that fraud and bribery charges would go forward? What was the need to meet, supposedly talk about the matter and to remind her, when we know the timeline is not congruent with the responses we are getting now?

**Senator Harder:** I thank the honourable senator for her question. Let's be clear that the issues involved with the prosecution of SNC-Lavalin are of public policy interest to at least two premiers of Quebec, two ministers in the Government of Canada, members of Parliament, members of the provincial and national assembly, other stakeholders and shareholders of the corporation. Their concerns are legitimately heard and are reflected in comments made throughout this period.

What is absolutely certain and important to remind ourselves is that the Minister of Justice at no time was directed by the Prime Minister in this matter.

**Senator Martin:** Focusing on that word "directed" or not directed, although the Prime Minister has specified repeatedly that he did not direct the former Attorney General to make a decision, it's difficult to view this conversation as anything other than the Prime Minister exerting pressure on the former Attorney General to intervene on behalf of SNC-Lavalin.

If the Prime Minister was respecting the independence of the judicial process in this case, why was it necessary to have this conversation at all?

**Senator Harder:** Again, I thank the honourable senator for her question. It perplexes me that the honourable senator would think that it would be inappropriate for a Prime Minister of a country not to raise a concern that has been raised with the Prime Minister by premiers, other representatives, stakeholders and shareholders of interests.

What is important, as I keep saying, is that the Prime Minister has made clear that he did not direct the minister in this regard. We will all hear from the former minister in the hearings yet to take place.

## TRANSPORT AND COMMUNICATIONS

### BUSINESS OF COMMITTEE

**Hon. Terry M. Mercer (Acting Leader of the Senate Liberals):** Honourable senators, my question is for the chair of the Transportation Committee.

Your committee has long been concerned with the transportation of Canada's natural resources. It is currently studying Bill C-48, which deals with tankers. You also looked at pipelines and the challenges of getting Canadian oil to tidewater.



I know that you, Senator Tkachuk, are passionate about your region and its ability to transport valuable oil to markets at home and abroad. The debate in your committee has been, as you put it, “spirited,” and you rightly pointed out an instance of unparliamentary language in your intervention yesterday.

But when addressing the demonstrators outside of Parliament yesterday, you are heard to have thanked them for rolling all the way to Ottawa and urged them, on the return trip, to roll over every remaining Liberal.

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

**Senator Mercer:** Would my honourable colleague agree that this kind of language is also inappropriate, even in the most “spirited” debate? I’m concerned some could interpret these remarks as advocating physical violence against the supporters of a particular party, including parliamentarians.

As the public face of the Transportation Committee and its work, would the chair take this opportunity to apologize to his colleagues in both houses of Parliament so we can get back to the business of the committee and get our natural resources to market?

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

**Hon. David Tkachuk:** Thank you for that question.

As you well know, I was speaking as the critic of Bill C-69, full stop. As I made clear in my remarks — and other government bills — and I referred to them by name when I was speaking to members of the rally. I said that it will decimate the oil and gas industry. If you listen to the entirety of what I said, I was using a figure of speech, playing on the United We Roll slogan and was referring to defeating every single Liberal in the next election, which would kill the bill.

Every trucker understood exactly what I said, but the Liberals seem to have a problem understanding what I said. Now, I’m sure when Chuck Berry said “Roll Over Beethoven,” he was not talking about rolling over the corpse of Beethoven. I’m sure that when the Minnesota Vikings call their linemen the “Purple People Eaters,” they didn’t exactly mean that they were eating purple people. When the Orange Crush of the Denver Broncos were called the “Orange Crush,” no one believes they were really crushing oranges.

I think this thing is being promoted by the Liberal Party. It is totally facetious. It is a ridiculous statement.

**Hon. Dennis Dawson:** I see that everybody seems to be laughing on your side. I’m your deputy chair, so I would know how you can be tough sometimes, but violence should never be encouraged, and I would hope and remind you what the senator said. Would you apologize for having intended violence? I’m a

Liberal. I might be an independent Liberal, but I’m a Liberal. I have to be careful when I cross the street, because they are around the Hill, and you encouraged them to roll over me.

Would the honourable chair please excuse himself?

**Senator Tkachuk:** I’m not going to apologize for a figure of speech, Senator Dawson. Everybody knows exactly what I meant. It was not meant to roll over any particular person. All the truckers knew exactly what I was talking about, so why can’t the rest of you? Every trucker knew what I meant.

**Hon. Frances Lankin:** Question Period includes the right to ask questions of committee chairs. I want to say that I’m prepared to accept how you are describing what you meant and that you meant it with humour. I received a very thoughtful email from a university professor who said it was not extended in your comments to make reference to the actual election, and I think that’s what you were talking about, and I can understand that as a former partisan politician at one point in time. I get what you were doing.

• (1440)

In these days of hate crimes and violence and vehicular violence — please don’t shake your head, sir. I am being very respectful. I’m saying I want you to understand that some people have a concern that beyond the truckers who were there, there are other people who heard that message; it’s out on YouTube. We have to be careful in how we use our words. Personally, I accept what you are saying, but you could make it clearer by saying that it was not your intent, you could apologize that people are taking it that way. But you make it very clear that we stand united in abhorring violence.

**Senator Tkachuk:** Of course I abhor violence. Anybody who knows me knows that’s the kind of person I am. Let me say this: If you are concerned and if any feelings were hurt, I hope you find a safe place. But I’ll tell you, I want the same apology from all the rest of you the next time you call Conservatives racist, the next time you call us bigots and say we associate with those people, because the Liberal Party does it all the time.

When you apologize for that, I may think about apologizing for using a figure of speech.

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

**The Hon. the Speaker:** Honourable senators, rule 4-8(1) obviously allows for senators to ask questions of chairs of committees pertaining to the activities of the committee. We have many decisions in the past that gives a very broad latitude to what the activities of the committee are. I think we’re straying a bit now, honourable senators. I will move on in Question Period.

## TRANSPORT

### CHAMPLAIN BRIDGE

**Hon. Leo Housakos:** Honourable senators, my question is related to an issue that concerns the Canadian taxpayers who have been rolled over consistently by this government over the last three and half years.

Senator Harder, yesterday I asked you about the nature of all the meetings we now know had been taking place between the PMO and SNC-Lavalin. I asked for your assurance that those discussions weren't part of a secretive negotiation to further compensate SNC-Lavalin for the removal of tolls on Montreal's Champlain Bridge.

As usual, Senator Harder, you sidestepped the actual question, choosing instead to comment on the ongoing scandal involving your government and criminal proceedings against SNC-Lavalin and calling into question the motives of my question.

I'll try again another time in simpler language. Senator Harder, given the Trudeau government's decision to remove tolls on the new Champlain Bridge, can you assure us there is no compensation deal in place and there are not and have not been negotiations to that effect?

**Hon. Peter Harder (Government Representative in the Senate):** Let me assure the honourable senator that the \$238 million settlement that was agreed to with SSL, which is the consortium that he knows is building that bridge, the settlement last year was to settle outstanding legal proceedings against the government relating to this project and pay for accelerated measures.

This was necessary to do, in large measure, because of the previous government's slowness in deciding to replace the Champlain Bridge. It was a decision, I will remind this chamber, which the Auditor General rightfully criticized for the cost it added to the existing and new bridges. The removal of tolls did not have any effect on the pace of the new bridge's construction. The government is in the process of negotiating with SSL now for the change in contract related to a number of items, including the removal of tolls and the change in opening date for which the minister has publicly stated there will be consequences.

These negotiations are commercially confidential, as is the norm for these projects. The government's focus is on construction being completed to this bridge, which is of high quality and one we all look forward to opening no later than the end of June of this year.

**Senator Housakos:** I'm glad you are more informed today than you were yesterday and that you've confirmed negotiations are actually taking place because this is the first time the government has acknowledged that. It would be nice if those negotiations weren't being done in secret.

Furthermore, your answer regarding the \$230 million settlement about a government that was trying to extend the bridge was done in the interest of taxpayers and has nothing to do with the cost delays of delivering the bridge. The original date of

the completion of the Champlain Bridge was December 1, last year. The government finally acknowledged what I have been saying all along: The project is very late. You have extended that date from December 1, you gave the consortium a three-week extension, which is laughable. You went from December 1 to December 21, and you gave SNC-Lavalin a pass on applying penalties for that three-week delay.

The government finally acknowledged right before Christmas that you will start applying the penalties that will be imposed of \$100,000 a day for the first seven days and \$400,000 a day after that for a maximum of \$150 million. By my quick calculations, that puts the accumulative penalty to date at approximately \$22 million.

I have a supplementary question, Senator Harder. Are those penalties being imposed? If so, when will your government start collecting those penalties from SNC-Lavalin and if they haven't been, why not?

**Senator Harder:** Again, I appreciate the supplementary questions but they neglect the information in my original answer, which is to say there are negotiations under way, discussions that are involving the commercial issues I raised. I referenced publicly that the minister has said there will be consequences for the delay. Those are part of the discussions. It would be ridiculous for those discussions to take place in public.

## PRIME MINISTER'S OFFICE

### COMPOSITION OF OFFICE

**Hon. Denise Batters:** Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, before you were appointed as Government Leader in the Senate, Justin Trudeau/Gerald Butts chose you to be the head of his government transition team. In that role, you structured the Prime Minister's Office and its relationship with cabinet ministers. The current shocking allegations are that Prime Minister Trudeau's office had complete disregard for the critical independent role of the Attorney General of Canada.

As transition team head, where did this all go so wrong for you? Did Prime Minister Trudeau ignore your advice or did you fail to give it?

**Hon. Peter Harder (Government Representative in the Senate):** Senator, I watch a bunch of Christmas movies and my favourite is *The Holly and the Ivy*. There was a line in that movie where one protagonist says to the other, "Why must you always crackle like ice?" It is fitting at a moment of this question for me to recall that movie and let me simply say that with the role I played, I was grateful to be called upon to serve. It would be inappropriate for me to comment on any matter between the then leader of a third party who won an election and was seeking advice on transition.

**Senator Batters:** Senator Harder, why do you always refuse to answer questions? This Trudeau government seems to constantly struggle with the concept of independence, on possible PMO interference with criminal prosecutions, on government

appointments and even in allowing Liberal MPs to express independent thought in their national caucus meetings without being insulted by the Prime Minister.

As transition team head, it was your job to establish appropriate lines of executive power. Who didn't understand the word "independent," you or Prime Minister Trudeau?

**Senator Harder:** I suspect the questioner.

[Translation]

#### SNC-LAVALIN

**Hon. Claude Carignan:** Honourable senators, my question is for the Leader of the Government in the Senate. As others before me have pointed out, *La Presse* and *The Globe and Mail* reported that, in a letter dated September 4, 2018, the Director of Public Prosecutions, Kathleen Roussel, informed SNC-Lavalin that she was declining to negotiate a remediation agreement. Prime Minister Justin Trudeau then met with the Minister of Justice and Attorney General two weeks later, on September 17, to discuss SNC-Lavalin.

Leader, was the Prime Minister informed of the Director of Public Prosecutions' decision not to go forward with a remediation agreement before September 17? Was Ms. Roussel's decision discussed at the September 17 meeting?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. He will know from the comments the Prime Minister has made in this regard that he has acknowledged he did have discussions with the former Minister of Justice, as did other stakeholders and actors, on this issue. Those discussions have continued over the course of the last number of months and that is entirely normal and appropriate.

Again, what is absolutely essential is the Prime Minister respected and continues to respect the independence of the Attorney General in this matter.

[Translation]

**Senator Carignan:** I think you're refusing to answer. We are next to the Rideau Canal and it seems as though you have already put on your skates. Nevertheless, the question is clear. Did the Prime Minister specifically discuss Ms. Roussel's decision? Who was present at this meeting between Mr. Trudeau and the Minister of Justice?

• (1450)

[English]

**Senator Harder:** Again, I'll put on my skates and respond to the question by repeating that the Prime Minister has acknowledged that he had these conversations with the former Minister of Justice.

Again, I would acknowledge that there were others who obviously had these conversations with the former Minister of Justice over the course of the number of months that this issue was actively being discussed.

Again, it is important to acknowledge that the Minister of Justice at no time was directed with respect to this matter, and we will again all hear from the Minister of Justice when she appears in the committee of the other chamber.

**Hon. Linda Frum:** My question is for the Leader of the Government in the Senate.

I would like to follow up on my colleague's question about the meeting on September 17 between the Prime Minister and Attorney General regarding SNC-Lavalin. As it happens, the day after that meeting, lobbyists for SNC-Lavalin met with several people in Ottawa, including Minister Morneau, Minister Carr, the Clerk of the Privy Council and the Deputy Minister of Finance, to discuss, among other things, justice and law enforcement. The week after, the SNC-Lavalin lobbyists met with Minister Champagne and again with the Deputy Minister of Finance.

Senator Harder, is there a connection between the Prime Minister's meeting on September 17 and the flurry of lobbying activities by SNC-Lavalin in the days after?

**Senator Harder:** I thank the honourable Senator for her question. Let me remind the chamber that SNC-Lavalin was quite appropriately engaged with stakeholders throughout this period.

Yesterday I was asked whether I met with the representatives of SNC-Lavalin, and I acknowledged that I did. It's entirely appropriate. It's in the Registry of Lobbyists. I also understand that meetings were held with your leader, Mr. Scheer, and your leader in this chamber and others. That's entirely appropriate, and it doesn't surprise me that those engagements continue beyond and, indeed, more recently.

**Senator Frum:** Senator Harder, why do you think SNC-Lavalin's lobbyists met with the Minister of Finance and his deputy minister to discuss justice and law enforcement issues? Does this fall under their jurisdiction?

**Senator Harder:** The senator will know that the interests of the economy and of the well-being of Canadian enterprise is entirely in the foreground of the Minister of Finance's mind, and it would not be inappropriate for the minister to be apprised of concerns that a major company in Canada would have in respect of their corporate well-being. Why it would be inappropriate in the mind of the honourable senator is beyond my comprehension.

[Translation]

**Senator Carignan:** My question is for the Leader of the Government. I'm surprised to hear you state that it is appropriate for a corporation charged with criminal wrongdoing to meet with representatives of the executive and legislative branches to discuss potential amendments to the Criminal Code related to the charges in question or the consequences of the charges.

Leader, I imagine that you believe in the principle of judicial independence. I imagine that you believe in the principle of the separation of powers between the executive, legislative and judicial branches. I am shocked to hear that it is appropriate for an accused party to lobby for amendments to the Criminal Code with respect to matters affecting them.

Please tell me if I have misunderstood.

[English]

**Senator Harder:** I thank the honourable senator for his question. With respect to his outrage, let me simply say that when this issue was debated in this chamber in the course of the review of the legislation that provides for a DPA, I didn't hear the same outrage.

### ANSWERS TO ORDER PAPER QUESTIONS TABLED

#### NATIONAL DEFENCE—CANADIAN ARMED FORCES ENLISTMENTS

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 109, dated September 18, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Downe, respecting Canadian Armed Forces enlistments.

#### PUBLIC SAFETY AND EMERGENCY PREPAREDNESS— VICTIMS REGISTERED IN THE NOTIFICATION SYSTEM OF CORRECTIONAL SERVICE CANADA

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 110, dated October 23, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting victims registered in the notification system of Correctional Service Canada.

#### PUBLIC SAFETY AND EMERGENCY PREPAREDNESS— DEATHS OF PRISONERS IN A FEDERAL PENITENTIARY

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 111, dated October 23, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Pate, respecting the deaths of prisoners in a federal penitentiary.

#### BORDER SECURITY AND ORGANIZED CRIME REDUCTION— DRUG RECOGNITION EXPERTS AT RCMP DETACHMENTS

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 113, dated December 12, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting drug recognition experts at RCMP detachments.

[ Senator Carignan ]

#### PUBLIC SAFETY AND EMERGENCY PREPAREDNESS— DISCIPLINARY OFFENCES COMMITTED AND ESCAPES BETWEEN 2015-2018 IN CORRECTIONAL SERVICE OF CANADA INSTITUTIONS

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 114, dated December 12, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting disciplinary offences committed and escapes between 2015-2018 in Correctional Service of Canada institutions.

#### JUSTICE AND ATTORNEY GENERAL OF CANADA—LIST OF PROVINCIAL DEPARTMENTS AND MINISTERS' OFFICES CONSULTED PRIOR TO THE TABLING OF BILL C-75

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 115, dated December 12, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the list of provincial departments and ministers' offices consulted prior to the tabling of Bill C-75.

## ORDERS OF THE DAY

### FEDERAL SUSTAINABLE DEVELOPMENT ACT

#### BILL TO AMEND—MESSAGE FROM COMMONS— MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENT— DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons concerning Bill C-57, An Act to amend the Federal Sustainable Development Act

Tuesday, January 29, 2019

**ORDERED,**—That a Message be sent to the Senate to acquaint Their Honours that, in relation to Bill C-57, An Act to amend the Federal Sustainable Development Act, the House:

agrees with amendments 1 and 3 made by the Senate;

respectfully disagrees with amendment 2 because the amendment seeks to legislate employment matters which are beyond the policy intent of the bill, whose purpose is to make decision-making related to sustainable development more transparent and accountable to Parliament.

**Hon. Peter Harder (Government Representative in the Senate)** moved:

That the Senate do not insist on its amendment 2 to Bill C-57, An Act to amend the Federal Sustainable Development Act, to which the House of Commons has disagreed; and

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

He said: Honourable senators, I rise today to speak to the message received from the other place concerning Senate amendments made to Bill C-57, An Act to amend the Federal Sustainable Development Act.

My colleagues will recall that three amendments were made to this bill at the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

I wish to thank the committee members, especially the chair, Senator Galvez, the deputy chair, Senator MacDonald, and the bill's sponsor, Senator Griffin. Thank you for your diligent efforts to improve these bills.

[English]

The Senate made three amendments to this bill. The first and third amendments were accepted by the other place. The second was not. I will briefly speak to each amendment to explain the rationale of the message we have received, starting with those amendments that were accepted.

The first amendment concerns the mandate of the sustainable development advisory council. There is no mandate for the sustainable development advisory council in the act as originally drafted. It only notes that the Minister of Environment will submit the draft federal sustainable development strategy to the council for review and comment. The first Senate amendment would allow council members to give advice on sustainable development matters beyond those referred to them by the minister, thereby expanding the mandate of the council. The government supports this amendment.

The next amendment proposed by the Senate and accepted by the other place, amendment 3, concerns the need for consequential amendments to the Auditor General Act for it to align with changes made to the Federal Sustainable Development Act as a result of Bill C-57. This recommendation came from the Commissioner of the Environment and Sustainable Development when she appeared before the committee. Again, the government supports this amendment.

The last amendment I will speak about builds on a section of the Federal Sustainable Development Act originally removed in Bill C-57. This was the subject of the second amendment proposed by the Senate, and it has not been accepted by the other place. The amendment proposes language that would subject performance-based contracts, including employment contracts, to meet the applicable goals and targets referred to in the Federal Sustainable Development Strategy.

• (1500)

Honourable colleagues, the government had repealed this section for a number of reasons. Notably, this section was vague and difficult to interpret from the outset.

Indeed, the Honourable John Godfrey himself, who sponsored the original bill that resulted in the Federal Sustainable Development Act, said this particular clause could be interpreted as a contract with an employee or a contract with a construction company.

Some witnesses who came before the house and Senate have interpreted this clause as pertaining to performance agreements with senior officials. Others have interpreted it as pertaining to procurement contracts and, particularly, green procurement.

I think honourable colleagues will agree that a clause without clarity is not one that should be in this bill. Some of the goals and targets set out for the Federal Sustainable Development Strategy apply beyond just one individual. They can extend across different federal organizations and, sometimes, across many levels of government.

An amendment that adds references to employment contracts is outside the scope and intent of Bill C-57, whose purpose is to make decision-making related to sustainable development more transparent and subject to accountability in Parliament.

For honourable members concerned about procurement issues, the Treasury Board Secretariat's policy on green procurement already aligns environmental objectives to a department's procurement activities, which would make the bill, with this Senate amendment, redundant and unnecessary.

Bill C-57 also adds a new section, which explicitly recognizes the power of the Treasury Board to establish policies or issue directives applicable to the sustainable development impact of designated entities.

While the intent of this amendment was to ensure that sustainable development reporting is accountable, a number of accountability measures already exist.

For example, within the Federal Sustainable Development Strategy, or FSDS, individual ministers have clear responsibility for achieving targets.

Deputy minister heads already sign off on their departmental sustainable development strategies prior to them being tabled in Parliament.

Federal organizations must conduct a Strategic Environmental Assessment of a policy, plan or program proposal before submitting them to the minister for approval, as such proposals may result in important environmental effects, either positive or negative. These Strategic Environmental Assessments must include specific mention of important impacts on goals and targets of the Federal Sustainable Development Strategy.

The Commissioner of the Environment and Sustainable Development monitors the extent to which departments have contributed to meeting FSDS targets and objectives and the extent to which they have implemented the plans set out in their own sustainable development strategies.

The Government of Canada has also regularly released reports to the public and asked people for their input and insight on how Canada can strengthen its sustainable development efforts.

Sustainable development reporting is already included in the departmental plans and departmental results reports, which are used to help inform the Treasury Board Secretariat and, indeed, Parliament about the state of policy development and practices across the Government of Canada.

As such, environmental and sustainable development are already considered to be part of the ongoing responsibilities of all deputy heads in managing their organizations.

In view of these mechanisms already in place to address environmental and sustainable development and the conviction that Bill C-57 is not the place for employment matters, the other place has respectfully declined amendment two.

[Translation]

To conclude, two of the three amendments moved by this chamber to improve Bill C-57 have been accepted in the other place.

[English]

Today, honourable senators, I hope that we can find satisfaction in a job well done. I hope this message can be accepted so the bill can receive Royal Assent soon so that it can be implemented before certain international meetings take place in the coming days.

(On motion of Senator Griffin, debate adjourned.)

[Translation]

## BUDGET IMPLEMENTATION BILL, 2018, NO. 2

EIGHTEENTH REPORT OF ENERGY, THE ENVIRONMENT AND  
NATURAL RESOURCES COMMITTEE ON SUBJECT MATTER—  
DEBATE ADJOURNED

The Senate proceeded to consideration of the eighteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*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*), tabled in the Senate on November 29, 2018.

**Hon. Rosa Galvez:** Honourable senators, pursuant to rule 5-7(k), I move that Order No. 25, under Reports of Committees — Other, dealing with Bill C-86, which passed in December, be discharged from the Order Paper.

**The Hon. the Speaker:** Senator Galvez has moved—

[English]

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Your Honour, we had some discussion at scroll this morning about these reports. It was my understanding that there will be discussion with chairs and deputy chairs. For this, if it's all right with these reports, I would like to adjourn the debate in my name.

[ Senator Harder ]

**The Hon. the Speaker:** We have a motion before the floor right now to have it discharged.

**Senator Martin:** May I ask a question, then?

**The Hon. the Speaker:** Go ahead, Senator Martin.

**Senator Martin:** Senator Galvez, we have just begun discussions on these items, and we were advised that the chair and deputy chair will be discussing. I was curious, because I don't see our deputy chair. Has that discussion occurred already?

**Senator Galvez:** This is an administrative correction, because we have already adopted this. It's to withdraw something that was pending. But if you want me to wait and talk to Senator MacDonald, I don't have any problem.

**Senator Martin:** Yes.

**The Hon. the Speaker:** Senator Martin, we can clear this up very quickly. If Senator Galvez wishes to withdraw, she will need leave of the house. Do you wish to withdraw?

**Senator Galvez:** I withdraw my motion.

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

**Hon. Senators:** Agreed.

(On motion of Senator Martin, debate adjourned.)

## SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Patti LaBoucane-Benson:** *Kisi manitou, kinanaskomitin.* Creator, thank you for another day.

Colleagues, what an honour it is to rise and offer my maiden speech in this Red Chamber. And as a side note, I can't believe it's still called a maiden speech in 2019. I would have thought that ship sailed a long time ago for this group.

My father is a LaBoucane. The LaBoucane family is a proud Métis family with roots from France to the Red River and to the LaBoucane settlement in Alberta. My mom's side is from the Bukovina region of the Ukraine. I'm a Métis Ukrainian and I grew up on Treaty 6 territory in St. Paul, Alberta. I want to acknowledge that I am here today working on the traditional Algonquin Anishnaabeg territory and I'm very grateful to be here.

It is also with profound gratitude to my parents, my husband, daughter, sons and grandchildren for the support and love that makes it possible to work so far away from home in a job that offers tremendous capacity to be in service to my community and my country.

This is also a great time to acknowledge my grandmother, Grace LaBoucane. A political animal and a force of nature, Grace was on the executive of the Progressive Conservative Association of Alberta at a time when women were expected only to lick envelopes and throw parties.

Grace cared little for home decor and a lot for community-based campaigning. On her bedroom dresser, there were only two pictures: one of my handsome Métis grandfather, Paul, and the other was one of Dief the Chief.

Grace was actually offered a Senate seat by Prime Minister Diefenbaker, but in those days there were no cell phones and no FaceTime and it was difficult for a woman to leave her family and business in Alberta to work in Ottawa, so she declined the opportunity. Well, Grammie, this speech is for both of us.

• (1510)

Senator Harder stated, in his maiden speech, that non-partisanship of the Senate was the only way "... the talents and experience of each and every senator may be fully applied to the consideration of proposed legislation ... ." I have to admit my first thought was let's hope I have some.

I have spent the last 23 years working for and with Indigenous peoples in Alberta. I have had the good fortune to work with people and for an agency that supported me to pursue two graduate degrees and build a vibrant research department. I have produced over a dozen evidence-based videos that focussed on public policy and legal education and wrote a graphic novel that became a Canadian bestseller.

Along the way, I've been mentored by Indigenous elders and philosophers who helped me unpack the effects of colonial law and consider how we heal from historic trauma; from the long-term intergenerational effects of not only residential the schools but many pieces of legislation over the past 200 years that has damaged kinship relationships; denigrated Indigenous legal traditions and language; demonized Indigenous spiritual expression; damaged the collective Indigenous identity; and introduced helplessness, hopelessness and powerlessness into self-determining communities. I assume that every one of those

laws was passed by people like you and me, using what was considered the best philosophical and scientific evidence at the time.

I have no doubt that every lawmaker in both the upper and lower chamber believed that the good of the country — and if not the extermination, then the betterment of Indians — depended upon the assimilation of every Indian nation until no nations but one remained, and that nation was Canada.

Parliamentarians in the Province of Canada passed the Gradual Civilization Act in 1857. In this law, the government assumed that every Indian man — women and children didn't matter — but every man must want to have a full British identity. The British identity was held as a gold standard, and by default the Indian identity was made inferior. An indigenous man was thus expected to reject his family; his language, culture and spirituality, and any family member who practised it; take on a British or French name; and pass an inspection by an inspector of Indians for good moral character. And if he could get all of that done, he would get what every immigrant coming to this land got — full citizenship and the right to vote.

To be seen as fully Canadian — fully human, even — an Indigenous man had to reject his indigeneity, the essence of who he was. If he chose to enfranchise, his wife and children would be made to enfranchise; they had no choice.

There was profound resistance to this law. Very few men enfranchised. However, this law became the foundation of the Indian Act, and the idea of the inferior Indigenous identity was therefore entrenched in the Canadian social fabric. We're still unpacking this toxic narrative today. The pervasive stereotype of the lazy, unintelligent Indian can be found quickly on hundreds of social media pages. So much so that the CBC had to shut down the comments section of their web-based platforms because they could not effectively monitor the racist rhetoric.

In 1869, as Senator Dyck said, the Enfranchisement Act was passed, and for over a hundred years, when a First Nations woman married a non-Indigenous man, she would lose her Indian status, her children would never have it, and because of the power of the Indian agent, she was told she had to live off reserve with her husband, and her capacity to come on and off the reserve was restricted. This damaged family relationships.

Although the 1985 amendment to the Indian Act was supposed to fix this injustice, you know that Bill C-31 is actually as much an assimilation policy as the original. Bill S-3, the act to eliminate discrimination from the Indian Act, has been passed, but we have yet to see any action on this legislation.

Colleagues, it is true that much has been said about the Indian Act and residential school policies in this chamber and the other place. The intergenerational legacy of removing children from the loving embrace of their families and communities to be placed in hostile, sterile, underfunded, overcrowded institutions that focussed not on academics but on Christianization and assimilation is well-documented.

Those lawmakers clearly did not have a crystal ball. They could not see three, five, seven generations into the future, and they did not anticipate the devastation their actions would cause for Indigenous families and communities — mass incarceration and child apprehension, chronic disease, mental health issues, homelessness and poverty.

In 1999, the Supreme Court of Canada in the *Gladue* decision said that the over-representation of Indigenous people in the criminal justice system was a crisis of over-representation. At that time, Indigenous offenders made up 12 per cent of our federal prison population and only 3 per cent of our Canadian population. If it was a crisis in 1999, it's an unmitigated disaster today. A full one quarter of our prison population is Indigenous, and the fastest-growing population is Indigenous women.

Correctional Service Canada did its own survey of 316 Indigenous inmates and found this about them: Half the sample were in the child welfare system before prison, 61 per cent had family members in prison, 73 per cent had family members in residential schools, and 18 per cent were survivors. And the statistic that I have the hardest time with is that a full one third of the population was first introduced to Aboriginal culture and teachings in the prison system.

I'm so grateful today that the directors of two Indigenous healing lodges are here because they witness that devastation every single day. They're on the front lines of healing and reconciliation.

A few weeks ago, I met with 10 Indigenous offenders at the Stan Daniels Healing Centre. They had just completed the second of a series of programs addressing historic trauma. Programs grounded in *nehiyaw*, or Cree teachings of *wahkohtowin*, that helped them to find their own healing journey, their *miyopimatisiwin*. These men were victims of intergenerational and profound childhood trauma, only to be further traumatized in segregation in prison.

Over-representation is clearly and irrefutably an historic trauma story. I would argue, with the literature review right behind me, that public safety at its core is a healing and reconciliation story.

In the Speech from the Throne, His Excellency stated that "... the Government will undertake to renew, nation-to-nation, the relationship between Canada and Indigenous peoples ... ." This is a tall order, considering that so much of the current discourse, both political and academic, harkens back to those original toxic narratives about Indigenous people.

The belief that Indigenous peoples cannot be trusted to make their own decisions is still evident in the Indian Act we have today. The belief that Indigenous peoples cannot care for their own children still lurks in child welfare policies and practices throughout this country.

Colleagues, today is my fiftieth birthday. More important, it's also the fiftieth anniversary of the publication of *The Unjust Society*, which was written in response Jean Chrétien's White Paper by the late and great Dr. Harold Cardinal when he was 21 years old and the President of the Indian Association of Alberta. Harold's thesis that we need to pull back the buckskin curtain to shed light on the dire situation of First Nations people and the self-determination of Indigenous peoples — what my Aboriginal Australian friends would describe as "nothing about us without us" is as important today as it was 50 years ago. I had the good fortune to work with Harold before he passed. He was my friend, hero and mentor.

In 1999 the thirtieth anniversary edition of *The Unjust Society* was published, and Harold had a chance to reflect on the progress and challenges facing Indigenous people at the time.

He stated:

Canada ought to know better by now. They ought to know that never, never again should Canada and its governments be allowed to aggregate unto themselves the power to decide what is in the best interest of Indian children. They should ensure that the sole right and primacy of First Nation authority and jurisdiction is legally recognized.

A full 20 years later, we are anticipating an Indigenous child welfare bill. What I wouldn't give to sit down with Harold with a double-double and talk about this bill today.

In 2019 we could finally repatriate the ability and capacity of Indigenous communities to care for their own children. What a tremendous opportunity we have to right a past wrong, but will we be bold enough to do it?

Harold also wrote that in 1969 he and other leaders were fighting for their very survival to prevent the termination of Indian First Nations in Canada. However, in 1999, he wrote:

The enlightened segment of Canadian society appears willing to break away from its past colonial mindset, enabling it to welcome and embrace First Nations as unique and distinct political communities who are entitled to their right to self-determination, within the constitutional framework of Canada.

And 20 years later, colleagues, we are finally debating Bill C-262. The question I would ask Harold, if given the opportunity, is how will an UNDRIP bill be enacted when the Indian Act, with all of its colonial bias, is still in place today?



• (1520)

Finally, senators, to borrow from Maya Angelou, my mantra for what could be the next 25 years of my life in this august chamber will be: Now that we know better, we must do better.

(On motion of Senator Bellemare, debate adjourned.)

[Translation]

### THE ESTIMATES, 2019-20

#### MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY INTERIM ESTIMATES—DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of February 19, 2019, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Interim Estimates for the fiscal year ending March 31, 2020, with the exception of Library of Parliament Vote 1; and

That, for the purpose of this study, the committee have the power to meet even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

She said: Honourable senators, this is the usual motion on the interim estimates for fiscal year 2019-20. With the exception of the Library of Parliament vote, we are tabling the document, which will enable the Standing Senate Committee on National Finance to carry out its customary pre-study. We have to do it this way because, as you know, we'll be sitting next week and one week in March, which is when supply bills will be tabled. But all this work needs to be done by March 31 so that the government can pay public service employees, as well as parliamentarians.

[English]

**Hon. Elizabeth Marshall:** Will you take a question, Senator Bellemare?

**Senator Bellemare:** Yes.

**Senator Marshall:** I find it's a very peculiar motion, because it's removing a part of the interim estimates from the overall interim estimates, which is usually studied by the Standing Senate Committee on National Finance. I know in your explanation you were saying because of time constraints, but the Library of Parliament is such a small amount that I find it's very peculiar.

I would like to make another point, too. This is just a very small part of the interim estimates, and I'm wondering the following: Is it your intention that we will remove the Library of Parliament today and then, next year, we'll remove something else? Why is the privilege of the National Finance Committee being eroded?

[Translation]

**Senator Bellemare:** This is not about taking anything away from the Standing Senate Committee on National Finance. The expenditures of the Library of Parliament will be examined by a joint committee made up of MPs and senators. In the past, when that committee did not meet, the Standing Senate Committee on National Finance would study that part of the estimates. Today, that committee is meeting so it wants to have the opportunity to examine its own expenditures. This file is not going to grow any bigger; the fact is simply that the Library of Parliament Committee is a joint committee.

[English]

**Senator Marshall:** While the standing committee would like to examine those expenditures, so would the National Finance Committee.

I am very concerned about the motion. I think it erodes the responsibilities of the Standing Senate Committee on National Finance. I will not support this motion.

(On motion of Senator Martin, debate adjourned.)

[Translation]

#### MOTION TO AUTHORIZE THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 1 OF THE INTERIM ESTIMATES— DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of February 19, 2019, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1 of the Interim Estimates for the fiscal year ending March 31, 2020; and

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

She said: Honourable senators, this motion was tabled yesterday. It is related to the other motion in that it seeks to authorize the Standing Joint Committee on the Library of Parliament to examine Vote 1.

[English]

**Hon. Terry M. Mercer (Acting Leader of the Senate Liberals):** Honourable colleagues, I'm a long-standing member of the Standing Joint Committee on the Library of Parliament. I've also been a long-standing critic of the activities of that committee, because for years, it didn't meet. For years, they had the committee, and the only time we would meet would be to select the joint chairs. Indeed, successive governments, Conservative and Liberal, were not anxious for the committee to meet. As a matter of fact, at one committee meeting, I went with a specific motion to put forward, which was that we were there to elect a chairman from the House of Commons. We went into the meeting. A nomination was made of someone for the position, a

vote was taken, a person was elected and the other joint chair immediately took the gavel and said, “We stand adjourned” while I still had my hand up, trying to get the attention of the chair.

A group of members of Parliament, all from one party — I’m not going to talk about which party, because we don’t want to be partisan — stood up and left the room, and ruined quorum so that we didn’t have a quorum to proceed.

This went on for years, by both parties. I kept saying, “Why are we doing this?”

At one time, when I first joined the committee, the best reason you were on the committee was because once a year, they had a meeting at lunch time, and they had a nice lunch. That was it.

It’s an important part of what we do here. The analysts at your committee meetings are employees of the Library of Parliament. The information you get from the Library of Parliament that helps you pose questions, et cetera, at your committees and does research comes from the Library of Parliament. These are important people. This is an important budget.

While I understand what Senator Marshall is saying, it’s important that, for the first time in my memory, we’re actually going to look at the Library of Parliament. We’re actually going to ask, “Are the expenditures enough? Are the expenditures the right expenditures?” Are we going to do due diligence on the budget of the Library of Parliament? Ultimately, the whole budget comes back to the chamber, but I think we should be happy that we’re now actually going to look at the budget of the Library of Parliament.

I salute them for doing this, and we should proceed with this.

I agree with Senator Marshall: I would worry that they add something to the list next year, and if they do, I will vote against it next year.

We have a joint committee, which is an unusual thing, to study the Library of Parliament, so let’s get the job done. Let’s put those parliamentarians from both the House of Commons and the Senate to work doing the job they were appointed to do.

**Hon. Lucie Moncion:** I am now joint chair of the Joint Library Committee. Since we’ve been back to work on that committee, we’ve had more than one meeting. We actually had three meetings before the month of June —

**Senator Plett:** Lunch meetings?

**Senator Moncion:** No. We elected the new librarian. We looked at the new libraries. We worked on a work plan.

We have a work plan for this year, where we have three meetings. We had one in the fall where we were looking at accessibility of the information that is being provided to people who have accessibility problems. We’ve had a response on that.

The next meeting is on February 26. We are working on the agenda. We have another meeting scheduled in April, and we have two other events that have been organized. One is where we

were to visit the different new libraries — the different new areas where we will have space to work. The other one is going to look at the visitors centre.

• (1530)

[Translation]

The work plan is done for the entire year, so I have a bit of a problem with the comments made by Senator Mercer, who said that we never meet. It’s true that there were no meetings in the past, but now we have a work plan and we’re moving forward. The committee has joint chairs. The Honourable Mr. Sikand chairs some meetings and I chair the others. We have met several times. I wanted to clarify that. Thank you.

[English]

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

**Senator Martin:** I appreciate the insights and information provided today, but I will take adjournment at this time.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Agreed.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

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

[Translation]

## THE ESTIMATES, 2018-19

MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)—DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of February 19, 2019, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2019, with the exception of Library of Parliament Vote 1b; and

That, for the purpose of this study, the committee have the power to sit, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

She said: Honourable senators, this motion has to do with the Finance Committee's study of the Supplementary Estimates (B). Vote 1b, which relates to the Library of Parliament, is excluded so it can be referred to the Joint Committee on the Library of Parliament.

[English]

**Hon. Terry M. Mercer (Acting Leader of the Senate Liberals):** Honourable senators, I want to comment on what Senator Moncion said. This year has been a dramatic change. In all my years on the committee, this is the first time we've had more than one or two meetings that lasted more than five minutes. There is a work plan in place. The committee joint chairs are taking this seriously and members of the committee are anxious to do their work. We are on the right track with the Joint Committee on the Library of Parliament.

I think this is a good effort. Let's have a look at it in next year's budget to see if the effort was worth it. I do compliment the two joint chairs of the committee this year for actually doing some work, and I appreciate it.

**Hon. Peter Harder (Government Representative in the Senate):** I want to clarify a couple of points before we move on.

It is not the intention of the government to narrow the scope of work of the important work of the Standing Senate Committee on National Finance. I think what you will find is that when we have discussions with the table, they can clarify that while we could have, as we have done in the past, sent the estimates to the Finance Committee and they could in turn seek advice from wherever, the committee itself cannot direct a standing joint committee; only the chambers can. That is why it is carved out in this regard in respect of the Library of Parliament.

There is nothing nefarious going on here other than the Library of Parliament Committee has woken up and taken on its responsibilities. Before, its estimates were never reviewed in the joint nature of that committee.

I hope that we can have some discussions so we can return to this tomorrow and get on with the important work of pre-study, because we don't want to be like the United States and not have estimates to allow government to continue after the expiry of the fiscal year.

**Hon. Elizabeth Marshall:** The question remains. It's such a small amount. It is an immaterial amount compared to the overall supplementary estimates, so why is it being removed?

After looking at Motion No. 242, I'm seeing a trend. We are doing the interim estimates and we've carved out the library. Now we are in supplementary estimates and have carved out the library. We are going to get the Main Estimates soon. The trend will be that we're going to probably take the library out of the mains also.

I have a concern about why this small budgetary amount is being extracted from all of the supply bills and given to another committee. It's quite unusual and I could not support that.

**The Hon. the Speaker:** Senator Harder was the last senator to enter debate on this motion, so the question has to be put to him.

**Senator Harder:** What we are dealing with is a unique situation of a joint committee of both chambers. We are procedurally allowing the carve-out with respect to the Library of Parliament so that the joint committee can do the work, which previously we did only for ourselves in our Finance Committee. But the joint committee is now active and is seeking to exercise its role in respect of its mandate. It is not trying to derogate the responsibilities of the Finance Department.

However, I think we should pause, take a deep breath and get some advice from the table as to why the motions are crafted in this fashion.

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

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Based on the debate, I will take the adjournment. We have another day tomorrow, and hopefully this information can be digested and we can revisit this. For today, I would like to move the adjournment of the debate.

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

**Hon. Senators:** Agreed.

(On motion of Senator Martin, debate adjourned.)

MOTION TO AUTHORIZE THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 1B OF THE SUPPLEMENTARY ESTIMATES (B)—DEBATE ADJOURNED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of February 19, 2019, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2019; and

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

She said: Honourable senators, I have a comment to make with respect to this item.

I just received information.

[Translation]

From my understanding, given the debates on the previous motions, the debate on the motion at hand will be adjourned until tomorrow. That said, for your information, in 2015, Senator

Martin moved a similar motion removing the Library of Parliament votes from the Estimates. I would point out that that was standard practice, even though Senator Marshall didn't sit on the Finance Committee at the time. When the Library of Parliament Committee doesn't meet, then the Finance Committee fills in by default.

[English]

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I thank Senator Bellemare for that reference. For today, I will move adjournment of the debate.

(On motion of Senator Martin, debate adjourned.)

## FOOD AND DRUGS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—  
MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Seidman, seconded by the Honourable Senator Boisvenu:

That the Senate agree to the amendments made by the House of Commons to Bill S-228, An Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children); and

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

**Hon. Chantal Petitclerc:** Honourable senators, I speak today on the message from the House of Commons on Bill S-228. This bill proposes to ban the advertising of unhealthy foods for children as recommended by our Social Affairs Committee in its report to reduce obesity in Canada.

In fact, I meant to speak on this bill, on the message and the two amendments in the message before we left in December. But, like many, I was interested to dig into the concerns brought by the industry, so I took the winter break to consider and study them.

Please allow me some clarifications and perspective on the content of the concerns and letters that we've received in recent months.

[Translation]

Some people are concerned that this bill will limit children's participation in sports. That is not the case. In May 2018, Health Canada published a first draft of a guide on how to implement Bill S-228. A second revised version followed in December 2018. Those documents talk about exemptions for the sponsorship of children's community sports teams. A company that sponsors an event or a team can still put its name on the team's jerseys or the banner ads for the event. However, the company cannot advertise using pictures of its mascot on the

jerseys or offer free products, food samples or coupons, which seems reasonable to me. A program like Tim Hortons Timbits could continue to exist, which is a good thing.

• (1540)

[English]

I do not see, as some are asking, the need to remove the term "unhealthy food" from Bill S-228.

The Senate Committee on Agriculture and Forestry, and we thank them, held a meeting on December 6 to shed light on the impact of the restrictions on marketing whole wheat, whole grain and white bread. If you listen to the hearings and read the blues of that meeting, you will see that Health Canada has no intention to define or categorize foods as unhealthy. You will also notice that although the term "unhealthy" is used in Bill S-228, it will not be used to characterize foods in the regulations, the guidance document or any public communications.

In response to industry concerns, Health Canada amended the first version of the draft guide to clarify that foods that are not advertised to children are not subject to the proposed regulation. The revised decision process for deciding if advertising is restricted will start by asking: Is this food advertised to children? Rather than before, when it started by asking: Does the food exceed the nutrient criteria for advertising restrictions?

Only when the advertisement is directed at children would a determination need to be made as to whether the food exceeds the nutrient criteria for advertising restrictions, such as added sodium, added fat or sugar.

Let's be clear: No one is proposing to remove salt in the making of bread or prohibit the advertising of breads. We can rest assured that bread will continue to rise in Canada.

Senator Deacon was right when he said this is not about labelling wheat or bread as unhealthy products but it's about finding a solution to sodium intake. As much as I promote a healthy diet, I am, like all of you, sensitive to the interests of the food industry. I will not support any measure that would put Canadian producers and products at a disadvantage versus equivalent products in foreign jurisdictions.

In fact, let me remind you that we will not be the first country to restrict food advertising to children. A number of countries have put in place measures to restrict food advertising to children based on nutrient criteria usually linked to a food's content in sodium sugar and saturated fat. We are not the first and some even say that we are not even audacious in our approach.

Advertising restrictions in other jurisdictions vary in their scope and extent and whether they are voluntary or mandatory. For example, Chile and the United Kingdom have placed mandatory restrictions on a wide range of media forms and formats used to advertise food to children including television, radio, Internet, print media, billboards, et cetera.

Other countries, such as Ireland, Mexico and South Korea, focus their mandatory restrictions on TV and cinema. Ireland has additional voluntary restrictions on other forms of advertising, like digital media and print media.

Some stakeholders, like the Canadian Federation of Agriculture, have expressed concern that there might be what they call a reputational risk to Canadian exports, but they have to this day presented no documented evidence to support that and I could not find any.

What they say is that a reputational risk to Canadian export is resulting from defining foods as unhealthy, but as I have mentioned before, the word “unhealthy” will not be used to define a food. It was even removed from the first draft of the regulation and replaced in the second draft by the expression “foods that meet certain nutrient criteria for advertising restrictions.”

It's important not to forget that advertising restrictions are subject to the rules in place in foreign jurisdictions. The proposed regulation and Bill S-228 would only apply to imported and important domestic products, not exports. Canadian manufacturers exporting to foreign jurisdictions will need to meet all regulatory requirements, including packaging and labelling of the export country. For example, all Canadian prepackaged food exports to Chile would therefore have to comply with their restrictions for marketing to children on packages and labels.

As I am speaking, and I did my research and talked to many people, I am not aware of any trade implications in other jurisdictions that have adopted regulations to prohibit advertising of certain foods to children.

Honourable colleagues, let's get back to what we have in front of us, and what we have in front of us is the message from the House of Commons that focuses on two simple complementary amendments that address the same question: At what age should advertising restriction be limited to children under 13 or under 17?

[Translation]

In Senator Greene Raine's initial bill, the age was set at under 13. The Social Affairs Committee raised the age to under 17. According to members in the other place, restrictions targeting children under 17 could be challenged under the freedom of expression set out in the Canadian Charter of Rights and Freedoms. In 1989, the Supreme Court of Canada ruled that restrictions on commercial advertising directed at persons under 13 years of age were justifiable. Quebec won its case in a Charter challenge.

I personally would have preferred to restrict advertising to children under 17 in order to protect teens, who, as we saw in committee, are being targeted by marketing specialists. However, I completely understand and support the legal reasons for

changing the age restriction to 13. The second amendment in the message would require Parliament to review the act within five years to determine whether there has been an increase in the advertising of unhealthy food that is directed primarily at persons who are at least 13 years of age but under 17 years of age. The goal of this review would be to enable Parliament to consider the possibility of expanding advertising restrictions to teenagers. The other goal of the review is to determine how effective the act has been at reducing children's exposure to advertising of unhealthy food.

Is five years too long to wait for a review? I don't think so. I think it's a reasonable amount of time to gather enough data, as Senator Seidman reminded us, in order to ensure the legislation stays current and relevant.

[English]

Honourable senators, millions of dollars are spent on advertising to influence children to consume products that are not necessarily good for their health. Each year, Canadian children see more than 25 million online ads featuring food and beverages and 90 per cent of these ads encourage the consumption of foods rich in sugars, salt and fat.

• (1550)

A Canadian child in front of the television sees, per hour, an average of four to five commercial announcements offering food or drink, and 65 to 80 per cent of those products do not meet Canadian dietary recommendations.

[Translation]

Commercial advertising directed at children under 13 has been prohibited under Quebec law since 1980. Quebec children between the ages of 5 and 17 have the lowest rate of obesity in the country. Quebec also has the highest rate of fruit and vegetable consumption.

[English]

Inaction is not an option. This bill has been studied extensively. It was introduced in the Senate on September 2016; passed third reading in September 2017, a year later; and everybody in the Senate, the health sector, the industry and Canadians had the opportunity to voice themselves — and they did — and the bill was passed. On the other side, this bill has also been studied for almost a year.

In my very humble opinion, I think now it's time to take care of what we have in front of us: A message from the house that is supportive of the bill with two simple, reasonable amendments.

[Translation]

Honourable colleagues, on the nutrition front, this is an exceptional year for Canadians. The new, updated Canada food guide was recently released and has been very well received. The presentation of information about food products will be improved. Industrial trans fats are now prohibited. Here, in the Senate, we have the opportunity to pass this bill to help parents and children. Let me remind you that this was recommended by one of our committees.

[English]

As we sit in this new Senate, I can't help thinking how appropriate it would be that one of our first moves would be to support this bill — a bill inspired by one of our most respected studies; a bill put forward by one of Canada's athletes of the century, our dear colleague Senator Nancy Greene Raine; a bill following the recommendations of the World Health Organization; and, most important, a bill protecting our most valuable asset, our children.

I hope honourable senators will agree with me. Thank you.

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

(On motion of Senator Omidvar, for Senator Black (*Alberta*), debate adjourned.)

[Translation]

## INDIGENOUS HUMAN REMAINS AND CULTURAL PROPERTY REPATRIATION BILL

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-391, An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property.

(Bill read first time.)

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

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

[English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Before calling upon Senator Harder, I would caution the chamber that, at four o'clock — in other words, in four minutes — we will be adjourning the Senate.

If you wish to commence your comments, Senator Harder, you will only have four minutes before I must interrupt you. Proceeding is entirely up to you.

[ Senator Petitchlerc ]

## UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

### SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pratte, for the second reading of Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

**Hon. Peter Harder (Government Representative in the Senate):** Thank you, Your Honour. I'm happy to begin my remarks. I will do this in two parts. It gives me the opportunity to put on the record the views that I wish to endorse with respect to supporting Bill C-262. This is the United Nations Declaration on the Rights of Indigenous Peoples act, which I remind this chamber the government has supported.

At the outset — and he was here earlier — I wish to acknowledge and respect the work on this bill by Romeo Saganash, the member of Parliament who brought forward this bill in the other chamber. I would also like to commend Senator Sinclair for his speech in the fall sitting, as the Senate sponsor of this bill. The speeches and work of both have contributed significantly to our collective understanding.

Bill C-262 is about respect for our Indigenous partners and a framework for reconciliation. It brings into clear focus the path ahead. Additionally, the study of UNDRIP will be an opportunity for us as senators to continue to play a leadership role in protecting Indigenous rights and interests. Together, we can build upon this chamber's groundbreaking policy work in this Parliament regarding historic gender discrimination in the Indian Act, as well as aspects of the cannabis legislation specific to Indigenous communities.

For members of the public who have followed UNDRIP but might be less familiar with the Senate, this institution is charged with defending constitutional values, including treaty and inherent Aboriginal rights contained in section 35 of the Charter of Rights and Freedoms. With this duty in mind, I believe senators appreciate Bill C-262's importance, and our institutional role will inform our study and our decisions.

Over history, the Senate participated in enacting deeply unjust policies with regard to Indigenous peoples. We bear institutional responsibilities to help right those wrongs and to work to set Canada on a better path. Our grandchildren can grow up in a better world if we build toward that end.

As a consideration on process, I would note that senators can expect this spring to study two major pieces of government legislation with regards to Indigenous rights and interests. Those are Bill C-91, being debated in the other chamber, regarding Indigenous languages, and a critically important bill in relation to child and family services.

As we think about organizing the Senate's legislative agenda to complete our work in this Parliament, we would do well to collectively and transparently plan our schedule, affording Canadians greater opportunity to follow and contribute to the work we are doing on their behalf.

With this in mind, I'm of the view that we should afford the Aboriginal Peoples Committee maximum flexibility to schedule its hearings on government legislation as well as Bill C-262, as I anticipate the committee chair, Senator Dyck, will provide us with guidance on the best path forward as we look to facilitate and support the committee's great work.

Before delving into the UNDRIP, I would make one more quick aside on process. This is just to add that I hope the Aboriginal Peoples Committee will also have a chance to

expeditiously study Bill C-374, still at second reading. That private member's bill also reflects the Truth and Reconciliation Commission's call for action on guaranteeing Indigenous representation on the Historic Sites and Monuments Board, a body that recommends which historic places, persons and events should receive official designation and why.

**The Hon. the Speaker:** Sorry to interrupt you, Senator Harder, but it being four o'clock, pursuant to the order adopted on February 4, 2016, I declare the Senate adjourned.

*(At 4 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)*

---

## CONTENTS

Wednesday, February 20, 2019

PAGE	PAGE
<b>SENATORS' STATEMENTS</b>	
<b>United Nations</b>	
Human Rights Committee Decision of January 11, 2019	
Hon. Lillian Eva Dyck . . . . .	7401
<b>Visitors in the Gallery</b>	
The Hon. the Speaker . . . . .	7401
<b>Canada's Agriculture Day</b>	
Hon. Robert Black . . . . .	7401
<b>Black History Month</b>	
<b>Visit to Colombia</b>	
Hon. Marilou McPhedran . . . . .	7402
<b>Visitors in the Gallery</b>	
The Hon. the Speaker . . . . .	7402
<b>Robert "Bob" Cecil Cole, C.M.</b>	
Hon. Fabian Manning . . . . .	7403
<hr/>	
<b>ROUTINE PROCEEDINGS</b>	
<b>Study on Issues Relating to the Human Rights of Prisoners in the Correctional System</b>	
Sixteenth Report of Human Rights Committee Tabled	
Hon. Wanda Elaine Thomas Bernard . . . . .	7403
<b>The Senate</b>	
Notice of Motion to Authorize Committees to Meet During	
Sittings of the Senate for the Purpose of Considering	
Government Business	
Hon. Diane Bellemare . . . . .	7404
Notice of Motion to Affect Question Period on February 26, 2019	
Hon. Diane Bellemare . . . . .	7404
<b>Adjournment</b>	
Notice of Motion	
Hon. Diane Bellemare . . . . .	7404
<b>Criminal Records Act (Bill S-258)</b>	
Bill to Amend—First Reading	
Hon. Kim Pate . . . . .	7404
<b>Canada-Europe Parliamentary Association</b>	
Mission to Romania, the Next Country to Hold the Rotating	
Presidency of the Council of the European Union, and	
Fourth Part of the 2018 Ordinary Session of the	
Parliamentary Assembly of the Council of Europe,	
October 8-18, 2018—Report Tabled	
Hon. David M. Wells . . . . .	7404
<b>ParlAmericas</b>	
Meeting on Transformational Leadership for Gender Equality	
in the Caribbean, November 19-20, 2018—Report Tabled	
Hon. Rosa Galvez . . . . .	7405
Bilateral Visit to Panama and Gathering of the Parliamentary	
Network on Climate Change, October 1-5, 2018—Report	
Tabled	
Hon. Rosa Galvez . . . . .	7405
Consultative Assembly of Parliamentarians on the	
International Criminal Court and the Rule of Law, and	
Annual Forum of Parliamentarians for Global Action,	
November 16-17, 2018—Report Tabled	
Hon. Rosa Galvez . . . . .	7405
<b>Fisheries and Oceans</b>	
Notice of Motion to Authorize Committee to Meet During	
Sitting of the Senate	
Hon. Fabian Manning . . . . .	7405
Notice of Motion to Authorize Committee to Study Issues	
Relating to the Federal Government's Current and	
Evolving Policy Framework for Managing Fisheries and	
Oceans and Refer Papers and Evidence since the Beginning	
of the First Session of Forty-second Parliament	
Hon. Fabian Manning . . . . .	7405
<b>The Senate</b>	
Notice of Motion to Urge the Government to Raise	
Awareness of the Magnitude of Modern Day Slavery and	
Human Trafficking and to Designate February 22 of Each	
Year as National Human Trafficking Awareness Day	
Hon. Dan Christmas . . . . .	7405
<hr/>	
<b>QUESTION PERIOD</b>	
<b>Prime Minister's Office</b>	
SNC-Lavalin	
Hon. Larry W. Smith . . . . .	7405
Hon. Peter Harder . . . . .	7406
Hon. Yonah Martin . . . . .	7406
<b>Transport and Communications</b>	
Business of Committee	
Hon. Terry M. Mercer . . . . .	7406
Hon. David Tkachuk . . . . .	7407
Hon. Dennis Dawson . . . . .	7407
Hon. Frances Lankin . . . . .	7407
<b>Transport</b>	
Champlain Bridge	
Hon. Leo Housakos . . . . .	7408
Hon. Peter Harder . . . . .	7408
<b>Prime Minister's Office</b>	
Composition of Office	
Hon. Denise Batters . . . . .	7408
Hon. Peter Harder . . . . .	7408
SNC-Lavalin	
Hon. Claude Carignan . . . . .	7409
Hon. Peter Harder . . . . .	7409
Hon. Linda Frum . . . . .	7409



## CONTENTS

Wednesday, February 20, 2019

PAGE	PAGE
<b>Answers to Order Paper Questions Tabled</b>	
National Defence—Canadian Armed Forces Enlistments	
Hon. Peter Harder . . . . .	7410
Public Safety and Emergency Preparedness—Victims	
Registered in the Notification System of Correctional	
Service Canada	
Hon. Peter Harder . . . . .	7410
Public Safety and Emergency Preparedness—Deaths of	
Prisoners in a Federal Penitentiary	
Hon. Peter Harder . . . . .	7410
Border Security and Organized Crime Reduction—Drug	
Recognition Experts at RCMP Detachments	
Hon. Peter Harder . . . . .	7410
Public Safety and Emergency Preparedness—Disciplinary	
Offences Committed and Escapes Between 2015-2018 in	
Correctional Service of Canada Institutions	
Hon. Peter Harder . . . . .	7410
Justice and Attorney General of Canada—List of Provincial	
Departments and Ministers' Offices Consulted Prior to the	
Tabling of Bill C-75	
Hon. Peter Harder . . . . .	7410
<hr/>	
<b>ORDERS OF THE DAY</b>	
<b>Federal Sustainable Development Act (Bill C-57)</b>	
Bill to Amend—Message from Commons—Motion for Non-	
Insistence Upon Senate Amendment—Debate Adjourned	
Hon. Peter Harder . . . . .	7410
<b>Budget Implementation Bill, 2018, No. 2 (Bill C-86)</b>	
Eighteenth Report of Energy, the Environment and Natural	
Resources Committee on Subject Matter—Debate	
Adjourned	
Hon. Rosa Galvez . . . . .	7412
Hon. Yonah Martin . . . . .	7412
<b>Speech from the Throne</b>	
Motion for Address in Reply—Debate Continued	
Hon. Patti LaBoucane-Benson . . . . .	7412
<b>The Estimates, 2019-20</b>	
Motion to Authorize National Finance Committee to Study	
Interim Estimates—Debate Adjourned	
Hon. Diane Bellemare. . . . .	7415
Hon. Elizabeth Marshall . . . . .	7415
Motion to Authorize the Joint Committee on the Library of	
Parliament to Study Vote 1 of the Interim Estimates—	
Debate Adjourned	
Hon. Diane Bellemare. . . . .	7415
Hon. Terry M. Mercer. . . . .	7415
Hon. Lucie Moncion . . . . .	7416
Senator Moncion. . . . .	7416
<b>The Estimates, 2018-19</b>	
Motion to Authorize National Finance Committee to Study	
Supplementary Estimates (B)—Debate Adjourned	
Hon. Diane Bellemare. . . . .	7416
Hon. Terry M. Mercer. . . . .	7417
Hon. Peter Harder . . . . .	7417
Hon. Elizabeth Marshall . . . . .	7417
Hon. Yonah Martin . . . . .	7417
Motion to Authorize the Joint Committee on the Library of	
Parliament to Study Vote 1b of the Supplementary	
Estimates (B)—Debate Adjourned	
Hon. Diane Bellemare. . . . .	7417
Hon. Yonah Martin . . . . .	7418
<b>Food and Drugs Act (Bill S-228)</b>	
Bill to Amend—Message from Commons—Motion for	
Concurrence in Commons Amendments—Debate	
Continued	
Hon. Chantal Petitclerc . . . . .	7418
<b>Indigenous Human Remains and Cultural Property</b>	
<b>Repatriation Bill (Bill C-391)</b>	
First Reading. . . . .	7420
<b>Business of the Senate . . . . .</b>	7420
<b>United Nations Declaration on the Rights of Indigenous</b>	
<b>Peoples Bill (Bill C-262)</b>	
Second Reading—Debate	
Hon. Peter Harder . . . . .	7420