



DEBATES OF THE SENATE

1st SESSION



42nd PARLIAMENT



VOLUME 150



NUMBER 267

OFFICIAL REPORT
(HANSARD)

Tuesday, February 26, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, February 26, 2019

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Independent Senate Liberals who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the memory of the Honourable Senator Pierre De Bané, P.C., Q.C., who passed away on January 9, 2019.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Elisabeth Nadeau and Mr. Jean-Manuel De Bané, widow and son of the late Honourable Pierre De Bané, P.C., Q.C., along with Mrs. Nadeau's sister, Marguerite Nadeau.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE PIERRE DE BANÉ, P.C.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, it is with great sadness that I rise today to pay tribute to our friend and former senator, the Honourable Pierre De Bané. His passing on January 9 has caused all of us, and all Canadians, to suffer an irretrievable loss. He was an unparalleled public servant who spoke his mind in Parliament for 45 years.

[*English*]

A refugee to this country, he was a passionate optimist about the future of Canada and what her people could accomplish. His career as a politician was motivated by a personal obligation to help others. He would often say that, as an outsider, he was grateful to Canada for welcoming him here, and that gratitude gave rise to a sincere sense of obligation to his fellow Canadians.

He became the first Member of Parliament of Arab descent in 1968 when he was elected in the riding of Matane, Quebec. During the parliamentary recesses of that first term, he hitched his trailer to his car and travelled across his riding, visiting every village and listening to his constituents. His hard work was rewarded with re-election in four subsequent elections.

Our former colleague served in the cabinet of Pierre Elliott Trudeau as Minister of Supplies and Services, Minister for the Department of Regional Economic Expansion and Minister of State (External Relations). He also served as Minister of Fisheries and Oceans, where he was instrumental in establishing l'Institut Maurice-Lamontagne, one of the world's major francophone marine science centres, with over 300 people working in 70 laboratories, and aboard Canadian Coast Guard vessels.

In 1984 he was called to this chamber where he served with the same principles that had served him so well in the other place. Over the next three decades, he remained true to his beliefs and never wavered on his principled approach to public service.

[*Translation*]

Honourable senators, Pierre loved hard work, cultural nuances and celebrating the achievements of everyone he met. He was a friend to all, because he believed that every human being has intrinsic dignity. For that, we will never forget him.

On behalf of the independent Senate Liberals, I would like to extend our deepest condolences to his wife Élisabeth, his son Jean-Manuel, and all his family and friends.

Hon. Senators: Hear, hear!

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I rise today to pay tribute to former Senator Pierre De Bané, a parliamentarian whose service to Canada and to Quebec spanned, as Senator Day noted, decades.

As is often the case for many of us in the multicultural nation we call home, Pierre De Bané started his life in another country. Like many immigrants, he became one of Canada's greatest champions. Brilliant, innovative and a great listener, Pierre De Bané was destined for success.

He showed each of those qualities when, as a member of Parliament for a large and remote part of Quebec, as Senator Day described, he hitched his trailer to his car so he could take himself and his now-portable office to meet and listen to the fishermen, farmers, lumberjacks, small business owners and families of Matane.

These outreach efforts were effective, as his constituents voted him back to Ottawa, each time in greater numbers, in four subsequent elections.

On Parliament Hill he soon found himself around the cabinet table with portfolios that included the range of Supply and Services, Fisheries and Oceans, Regional Economic Expansion and Foreign Affairs.

On a personal level, as many colleagues will know, he was charming and kind. But he was no pushover, as former Prime Minister Trudeau found out when Senator De Bané voted against the War Measures Act in 1970.

Here in the Senate, where he spent 29 years, he sat on nearly all committees, but let me underline his contributions to the Foreign Affairs and International Trade Committee, Fisheries and Oceans and Official Languages. And let's not forget his contribution to the special committee to study Bill C-20, the Clarity Act.

• (1410)

[Translation]

We must never forget this ardent champion of the French language, the francophonie and language rights in Canada. Anyone who believes in the value of a bilingual Canada owes him a tremendous debt.

I had the privilege of meeting with Senator De Bané several times over the past few years, including once just before he passed away, sadly.

[English]

He remained engaged in the Senate even after retirement and kindly agreed to write an essay about how the Senate could be “less partisan, more independent, transparent and accountable.” This essay is on the Government Representative Office website and makes for good reading. He wrote:

We now have independent Senators – let's make full use of their independence, their experience and their imagination.

He offered details about how we could increase the participation of Canadians to the work of Parliament through online engagement, reminding us that Pierre De Bané was very tech savvy, one of the first parliamentarians to use a computer.

Another suggestion he had was for the Senate to consider the use of a suspensive veto, as practised in the United Kingdom. “Such a measure,” he wrote, “would provide a more formal framework for an appointed chamber that works in a complementary fashion with the elected house.”

[Translation]

In closing, I would like to convey my heartfelt condolences to the family and friends of Senator De Bané, especially his wife Elisabeth Nadeau, a well-known former public servant in her own right.

Everyone who was lucky enough to know and work with Pierre De Bané learned a lot, and we will continue to learn from his example.

Thank you, Pierre De Bané.

Hon. Senators: Hear, hear!

[English]

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I join with my colleagues to pay tribute to a former member of this place, the Honourable Pierre De Bané, who passed away in January. As was already mentioned, Senator De Bané served his fellow citizens as a parliamentarian for a remarkable 45 years, including nearly 30 years as a member of the Senate of Canada. He was a proud Canadian, a strong voice for our shared Province of Quebec and he will be missed.

One major focus of Senator De Bané's life's work was the promotion and protection of Canada's two official languages. That work continued during his time here in the Senate. Over the course of almost three decades, Senator De Bané served on more Senate committees than I have time to mention. I would like to take a moment to highlight his membership on the Standing Senate Committee on Official Languages.

[Translation]

Many Canadians will no doubt remember Senator De Bané's fight to have Radio-Canada's nightly news provide its francophone audience with greater coverage of francophone communities outside the province of Quebec. It was the senator's strong belief that Radio-Canada was not meeting the requirements of its mandate to reflect Canada and its regions to national and local audiences. He believed that French minority language communities across Canada did not receive the attention they deserved from the public broadcaster, and the senator argued this point before the CRTC in 2012 during its hearings on Radio-Canada's licence renewal.

The senator was a driving force behind the official languages committee's two-year study into this matter as well as the comprehensive report it released in 2014 after his retirement. I don't believe that Senator De Bané was ever satisfied with the responses he received from SRC executives, but that never stopped him from making his case and pressing the public broadcaster to provide French-language news coverage more representative of our whole country and all our communities.

[English]

Upon his retirement from this place in June 2013, our former colleague expressed his enjoyment in his work as a senator and of the friendships formed over the course of those 29 years. He stated at the time:

Honourable senators, I am proud to be a member of this institution. I am proud of the good work we have done for Canadians. I am honoured to have served with dozens and dozens of distinguished senators, whose hard work, intelligence and good judgment have helped to shape the direction of this country.

On this occasion, I wish to convey to Senator De Bané's loved ones that his hard work in this place will not be forgotten. On behalf of all members of the official opposition — indeed, all senators — I extend to your family our sincere condolences, to Elisabeth, and their son and daughter. Thank you.

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable senators, I rise today on behalf of the Independent Senators Group to pay tribute to a man who dedicated his life to public service as an MP, as a minister, and for 29 years, as a senator representing the senatorial division of De la Vallière, Quebec.

On January 9, 2019, it was with great sadness that I learned of the passing of my predecessor. I would like to take this opportunity to once again extend my condolences to his family and loved ones.

Pierre De Bané had both a remarkable career and a remarkable life in more ways than one. He was a pioneer in that he was the first Canadian of Arab descent to be elected to the House of Commons.

Appointed to the Senate in 1984, he maintained his tireless commitment to his constituents. For example, he served as chair of the Standing Senate Committee on Official Languages. He proved to be a staunch defender of minority language rights across the country, as recognized by the other senators who have spoken today. That was one of his most important and most remarkable achievements in the Senate.

[*English*]

Early in his Senate career, Senator De Bané continued to have a powerful voice in Canadian democracy. Last November, he presented an insightful paper outlining his vision for the future of the Senate, one that was “less partisan, more transparent and accountable” to Canadians. In particular, he called on those of us who sit in this chamber to be innovative and bold, and to give the Senate its rightful place in the Canadian parliamentary system. He welcomed the Senate’s move toward greater independence.

He also cared deeply about ethics and possible conflicts of interest. He wanted to restore the public’s image of the Senate to its former glory, recognizing its essential role, as well as pleading for greater legitimacy and credibility. Senator De Bané believed that the way Canadians perceive the Senate is of vital importance.

Senator De Bané’s passing is a great loss, of course, to his loved ones but to Canadian democracy as well. His expertise, intellect and experience were great assets to the Senate. The professionalism and passion that characterized his time in this place are and will remain a tremendous inspiration to us all. Thank you.

[*Translation*]

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to the late Honourable Pierre De Bané, our former colleague and esteemed dean of Parliament.

[*English*]

Born in Haïfa, Palestine, in 1938, our late colleague immigrated to Canada at the age of 11 with his family. With a passion for law and academics, he attended Laval University to

study law and was admitted to the Bar of Quebec in 1964. That same year, he became a professor at the Laval University Law School and later became a lawyer in Quebec City. He dedicated the early years of his career to the law and upholding justice.

In 1967, he changed career paths and focused on his passion for politics. He entered politics working for then-Minister of Justice, the Honourable Pierre Elliott Trudeau. In 1968, he was elected as a member of Parliament for the riding of Matane and then Matane-Matapédia, becoming the first Canadian parliamentarian of Arab descent. He proudly served his constituents for over 16 years and as a minister of the Crown in several portfolios.

[*Translation*]

In 1984, Pierre was appointed to the Senate of Canada where he served Canadians in the upper chamber for 29 years as a senator.

• (1420)

[*English*]

There are many in this chamber who remember our former colleague. Like me, the honourable colleagues who had begun our Senate tenure in 2009 served with him and other senators with much more experience and wisdom that comes only with experience. I can only speak for myself about how overwhelming it was to be appointed to this upper chamber, to be among some of the sharpest minds and orators of our nation. What I remember and appreciate most about our late colleague are his words of encouragement spoken to me on various occasions, in the reading room, in this chamber, in the halls of Centre Block, words spoken with sincerity and kindness that I would have much opportunity to do good work and leave my mark as a senator — his words of such wisdom spoken with such kindness.

His words of encouragement stay with me as I think of him and the impact that he left, not only in this chamber but on Parliament Hill and in Canada.

At the time of his retirement in 2013, Pierre De Bané had dedicated more than 45 years of parliamentary service in his combined career in the two houses, making him truly the Dean of Parliament, an honour befitting the late Pierre De Bané, who was a true leader and mentor, a distinguished public servant for more than half of his life.

He was also a devoted husband, father and grandfather. To his beloved wife Elisabeth, his son Jean-Manuel and their family, I hope that you will find peace in the love and memories you shared. Though he is gone, his legacy lives on.

[*Translation*]

Honourable senators, please join me in bidding farewell to our friend and esteemed colleague, the late Honourable Pierre De Bané. May he rest in peace.

Hon. Dennis Dawson: Pierre De Bané or “Pierre De Bane de Matane” as he was affectionately referred to by some people in the 1970s, had a great deal of influence in my life. In the 1970s, Senator De Bané toured CEGEPs in PQ strongholds to convince

young people that it was possible to be federalist and liberal and still be a nationalist. That is a battle he fought his entire life, just like his battle to defend the regions, as several people have pointed out. He was instrumental in defending eastern Quebec and I thank him for his contribution.

These young MPs wanted to prove that we could be nationalists and Senator De Bané was just that. I had the opportunity to see him in action. That is one topic that has not been raised. A number of things have been said that I will not repeat, but he defended the “gens de l’air” with Senator Joyal, who waged an epic battle in Quebec to ensure that the French fact was recognized not only in Quebec and on Radio-Canada in Quebec, but also in the aviation sector.

After I arrived in Ottawa, I got to know him during the “gens de l’air” years. I met up with him again when I returned to Ottawa as an MP in 1977. Senator De Bané helped me with my election campaign by telling me that there was room for Quebec nationalists in a caucus that perhaps was perceived as being centralist.

Senator De Bané and I had many mutual PQ friends in Quebec City. Senator De Bané often came to Quebec City — I see my friend Elisabeth in the gallery — to visit his friend Clément Richard, who was the Speaker of the National Assembly, and to tell him that, as a Quebecer, he still had a role to play on the national stage because he could focus on issues that matter to Quebec.

I pointed out Elisabeth’s presence because I was there when they began dating. She was a political assistant before joining the federal public service. It was something to see Pierre’s passion, which he passed on to Elisabeth and showed on all these occasions.

He was here when I arrived in this chamber in 2005, and he really helped me adapt to my new environment. He introduced me, as Senator Harder already pointed out, to using computers for our work and forced me to get with the times by familiarizing myself with these tools that were not widely used back then. The Speaker of the Senate at the time sometimes called me out for bringing a BlackBerry into the Senate, since that was not allowed. However, Senator De Bané explained to me that senators did it anyway and that using this technology gave him an edge over those who, like me, were younger than him.

It was a real pleasure to work with him. When he left the Association des parlementaires francophones, he recruited me to take over for him. I tried but was not successful. He was considered by the APF to have played a key role in the association. Governments did not create the Francophonie; parliamentarians in the Association des parlementaires francophones forced governments to recognize the role of francophones around the world. The Francophonie extended far beyond just France, Quebec and Canada.

Senator De Bané and I held opposing positions on many subjects, likely on every Liberal Party team over the past 40 years. We disagreed, but we always did so respectfully. I always thanked him. At one point, he hired my young daughter as an assistant in his office. I always appreciated his friendship.

My last conversation with Pierre, which Senator Harder mentioned, had to do with the future of this chamber. In November and December, he called me because he wanted his message to be shared. He believed in the future of this institution. Let’s pay tribute to him by making sure that we live up to his vision for us.

Hon. Peter M. Boehm: Honourable senators, I rise today to join my colleagues in paying tribute to the Honourable Pierre De Bané. He was dedicated to serving Canadians, not only during his time in the Senate, but throughout his career. Like many Canadians, including many of us here in the Senate, Pierre was born outside of Canada. He was a proud francophone Arab who moved to Ottawa with his family when he was 11 years old.

[*English*]

His love for his new country quickly grew. He gave back to the country that welcomed him for the rest of his life.

Colleagues, Pierre made significant contributions to our country. Before becoming a senator in 1984, he was a lawyer, a professor, a five-time member of Parliament and a minister of the Crown. That just scratches the surface.

My own experience was with him as a minister of the Crown. I was a young diplomat in Havana, Cuba, working on my second ministerial visit. The first hadn’t gone so well. The second was with the Minister of Fisheries and Oceans who was then coming to visit. Of course, it was Pierre De Bané.

Cuba had been an ally for Canada in NAFO, the Northwest Atlantic Fisheries Organization, because the nefarious Europeans were already scooping up our fish off the Atlantic coast. This was a ministerial visit of some importance. We had asked for a meeting with President Castro. That meeting took place. It was late at night.

In briefing the minister, I had said, “President Castro is always well prepared; he has all kinds of data and figures in his head.” The minister said, “Don’t worry. I’m not going to ruin your career.” When President Castro asked about the total allowable catch on the Atlantic side, the minister had an answer. President Castro asked about the Pacific, and the minister had an answer as well. The president seemed satisfied. Minister De Bané said, “And you forgot that we also still have a freshwater fishery in Canada.” So point taken by President Fidel Castro at that time. I learned to respect then Minister Pierre De Bané very much for his engagement with a rather tough adversary.

[*Translation*]

I want to offer my deepest condolences to his wife Elisabeth Nadeau, his son Jean-Manuel De Bané, Marguerite Nadeau and the rest of his family and loved ones.

Thank you.

Hon. Senators: Hear, hear.

[English]

The Hon. the Speaker: Honourable senators, I would ask that you rise and join me in a minute of silence in honour of our late colleague.

(Honourable senators then stood in silent tribute.)

• (1430)

[Translation]

ROUTINE PROCEEDINGS

STUDY ON CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT

ELEVENTH REPORT OF OFFICIAL LANGUAGES
COMMITTEE TABLED

Hon. René Cormier: Honourable senators, I have the honour to table, in both official languages, the eleventh report (interim) of the Standing Senate Committee on Official Languages entitled *Modernizing the Official Languages Act: the Views of Stakeholders Who Have Witnessed the Evolution of the Act*.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-THIRD REPORT OF COMMITTEE PRESENTED

Hon. Lucie Moncion, for Senator Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, February 26, 2019

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

THIRTY-THIRD REPORT

Your committee, which is authorized by the *Rules of the Senate* to consider financial and administrative matters, has approved the Senate Main Estimates for the fiscal year 2019-20 and recommends their adoption (Appendix A and B).

Your committee notes that the proposed total budget is \$114,188,759.

Respectfully submitted,

SABI MARWAH
Chair

(For Appendices A and B, see today's Journals of the Senate, p. 4355.)

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

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

[English]

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. Marc Gold: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I 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.

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

Hon. Senators: Agreed.

Hon. Marc Gold: Honourable senators, the committee is seeking permission to meet in order to hear from the premier of Nunavut on Bill C-55.

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

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Diane F. Griffin: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, February 26, 2019, at 6:30 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

**ENERGY, THE ENVIRONMENT AND
NATURAL RESOURCES**

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Michael L. MacDonald: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

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

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

Hon. Senators: Agreed.

Hon. Michael L. MacDonald: Honourable senators, we have the Ontario Minister of Energy, Northern Development and Mines, Greg Rickford, scheduled to appear on Bill C-69, and this is why we are asking for this permission.

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

Hon. Senators: Agreed.

(Motion agreed to.)

REVIEW OF LEGISLATION IN THE SENATE OF CANADA

NOTICE OF INQUIRY

Hon. Percy E. Downe: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to:

- (a) The regrettable failure of the Senate, on occasion, to perform its important duty of providing careful review of legislation. Many times over the years, senators have been urged and pressured by members of the government of the day to pass legislation as quickly as possible. However well intentioned, rushing legislation can have a long term negative impact;
- (b) The example of the report last week by the Parliamentary Budget Officer “The cost differential between three regimes of Veterans Benefits”, which once again serves as a reminder of the rapid passage in 2005 of Bill C-45, the legislation enacting the New Veterans Charter which replaced the Pension Act;
- (c) Bill C-45, which passed through both Houses of Parliament with a haste that did not reflect the serious impact of such legislation;

(d) The fact that having passed the House of Commons in two minutes, so quickly that second reading, committee study and third reading were deemed to have taken place over the space of those two minutes, Bill C-45 came here, where the four hours plus of chamber and committee debate was vastly more study than happened in the other place, but still in no way constituted the sober reflection and analysis that is our duty;

(e) The fact that the report of the Parliamentary Budget Officer last week demonstrated that the New Veterans Charter did not work as its proponents had promised, and as a result of senators’ failure to properly examine Bill C-45, disabled veterans and their families paid, and continue to pay the price. As the Parliamentary Budget Officer says in his report “From the perspective of the veteran, virtually all clients would be better off if they were to receive the benefits of the Pension Act.”, which the New Veterans Charter replaced;

(f) The fact that the Senate was in such a rush to pass the Bill that we referred it for a single meeting to the next committee that was scheduled to sit, not Defence or Veterans’ Affairs, but National Finance. And at that meeting, we were warned, but failed to heed the caution voiced by Sean Bruyey, retired Canadian Forces captain and longtime veterans’ advocate who testified “We all know that the government wants to be seen as honouring veterans, but that does not necessarily mean that their veteran’s charter is free of error... We believe disabled veterans and the CF would rather have it right than have a flawed and unjust charter right now”;

(g) The struggle we constantly face in this chamber, as every minister wants their bill passed, often with a real or imagined deadline looming, whether it be international obligations, public messaging, the summer break, or an election. Regarding the latter, it is worth recalling that the request to pass Bill C-45 quickly was so it would not die on the Order Paper prior to the 2006 Election;

(h) The lessons of the New Veterans Charter experience - that the Senate’s failure to do its job resulted in untold millions of dollars not being paid out to disabled veterans and their families. These were Canadian Forces members injured in the service of Canada;

(i) The opportunity we had to correct the legislation in 2005, and failed to do our job. Senators must reflect upon their obligation to provide sober second thought and to pass, amend, or reject legislation based solely on its merits; and

- (j) Rather than simply standing and repeating platitudes in the days before Remembrance Day every year, let us work to remember them in our actions rather than empty words.

• (1440)

QUESTION PERIOD

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, yesterday before the House of Commons Justice and Human Rights Committee, Mary Ellen Turpel-Lafond, a former Saskatchewan Provincial Court judge and current Professor of Law at the University of British Columbia expressed her concerns with the firing of the former Attorney General, Ms. Jody Wilson-Raybould. She said that the issue of the Attorney General acting as a prosecutor is that they should remain firm. That if someone is seeking to invoke the Shawcross doctrine to say I have lawful authority to approach an Attorney General and seek to convince her of another view, Ms. Turpel-Lafond said that she felt that was a fairly flimsy foundation in terms of a lawful authority.

Senator Harder, given that we now know Ms. Jody Wilson-Raybould was pressured, what legal authority does the Prime Minister have to interfere with a criminal prosecution of SNC-Lavalin?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Let me deal with his preamble in reminding everybody that Minister Wilson-Raybould was not fired from cabinet but, on her own volition, chose to depart from the cabinet. I think that's an important point to make.

Then the honourable senator quotes a particular witness before the relevant committee in the other place. He will also know, if he paid attention to the hearings, that there were other witnesses who had a different point of view. Indeed, as reported by Mr. Colin Fraser, UBC law professor Andrew Flavelle Martin stated, "For example, for the Prime Minister's Office to say we are very concerned about the economic impact and loss of jobs that would occur, we think you should do this." He says that would be fine.

Brian Smith the former Attorney General in B.C. says, "It's quite legitimate for the Prime Minister to have a discussion with the Attorney General about using that section, and quite legitimate, for that to be a discussion in cabinet and that's something the AG would take into account."

And Mark Friedman, the former Deputy Attorney General of Ontario, noted that when making this decision, it is necessary and proper for the Attorney General to consult and receive input, including from the government.

Honourable senators, the committee proceedings in the other place are hearing from witnesses who remind everyone that this is a point of engagement with the Attorney General that is entirely appropriate.

Senator Smith: Thank you, Senator Harder. I guess that reinforces the motion we introduced the other day in terms of trying to find out from all the people associated with this particular situation what the real truth is.

Professor Turpel-Lafond also said prosecutors are rarely fired for doing their job, but if an attorney general was proven to have stood firm in her decision-making as a prosecutor and as a lead prosecutor for Canada, namely as the attorney general enmeshed and embedded in the very significant and well-articulated rule of law function, I think there's a very concerning situation if she would have been removed. I didn't say fired but removed.

She went on to note that the integrity unit of the RCMP should have examined this issue.

Senator Harder, has the RCMP reached out to anyone in the PMO and if so will the Prime Minister welcome any investigation by the RCMP?

Senator Harder: I thank the honourable senator for his question. It would be inappropriate for me to comment on any inquiries the RCMP may be making.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, my question is also for the Leader of the Government in the Senate.

As everyone now knows, SNC-Lavalin went to great lengths to lobby the Trudeau government. There were many, many meetings and the company knocked on every door to influence the government. The CEO of SNC-Lavalin, Neil Bruce, was at the forefront of these lobbying efforts. Mr. Bruce's wife, Emma Griffin, is an executive with the company that manages the fortune of Stephen Bronfman, a personal friend of Prime Minister Trudeau and the Liberal Party of Canada's chief fundraiser.

Senator Harder, did Stephen Bronfman approach the Prime Minister or the minister or a member of his government's political staff to defend the interests of SNC-Lavalin?

[*English*]

Senator Harder: I thank the honourable senator for his question. It gives me time to remind all senators that there is nothing inappropriate about a company such as SNC-Lavalin lobbying the government and parliamentarians. It is in accordance with the Lobbying Act and is therein recorded and transparently described.

[Translation]

Senator Boisvenu: Senator Harder, in light of the information revealed by TVA and major Canadian media, are you not concerned about the very close ties between SNC-Lavalin and the Liberal Party of Canada, Justin Trudeau's party?

[English]

Senator Harder: Again, I would underscore the importance of SNC-Lavalin as a company that is actively involved in the world. It is a company that is important to the employees, the suppliers and the shareholders and stakeholders of the company. It is entirely appropriate, as others have testified, and it is the view of the government, for SNC-Lavalin to have expressed its views in accordance with the Lobbying Act.

[Translation]

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. I read in *The Globe and Mail* that the Prime Minister is trying to get a review of the ethics rules at Public Services and Procurement Canada to change or adjust the current 10-year ban on bidding on federal contracts that applies to a company convicted of corruption. SNC-Lavalin could then return to duty at the Prime Minister's whim, even following a criminal conviction.

My question is straightforward. By simply changing the ethics rules, is your Prime Minister not just getting Public Services and Procurement Canada to give him what he could not get from the former Minister of Justice, whom he sacked because she would not give in to the pressure coming from his office?

[English]

Senator Harder: Again, honourable senators, it's important for me to underscore the importance this government places on protecting jobs and the well-being of suppliers and pensioners while addressing corporate wrongdoing, which is entirely important. The government recognizes the appropriateness of prosecuting corporate wrongdoing.

In regard to the Minister of Public Services and Procurement, the minister and her officials undertook public consultations in 2015 with a view of enhancing the integrity regime which has been in place since 2015. The suggested changes were based on feedback from the legal community, industry and non-profit sectors. The enhanced policy will, in the view of the government, encourage stronger corporate compliance and accountability. That is the objective that the minister is seeking to achieve.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

FEDERAL LICENCE FOR INUVIK SATELLITE

Hon. Dennis Glen Patterson: Senator Harder, you will probably recall nearly two years ago I asked Minister Freeland about the issues surrounding licences for privately run satellite ground stations in Inuvik. I asked you another question about it in May 2017.

• (1450)

Today, two years later, I'm sorry to report to this chamber that this issue is still not resolved. To date, only a provisional licence has been issued imposing more onerous conditions than those placed on groups operating out of the NRCan station next door.

Mr. Rolf Skatteboe, President of KSAT, a European operator connected with the European Space Agency, flagged this issue with Minister Freeland and her officials as early as November of last year only to receive no response. Unfortunately for Canada, if this issue is not rectified by March 1, KSAT will not be able to include Inuvik in the ESA's worldwide Copernicus Sentinel program.

My question follows the unilateral shutdown of oil and gas development in the Arctic and the commitment of your government to northerners to support new forms of industry. Will the minister responsible for Global Affairs Canada step in and exercise her authority to relieve the European Space Agency of the overly restrictive conditions placed on KSAT?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for raising this issue again. It gives me the opportunity to provide him and the chamber an update with respect to this issue.

I want to assure him that Global Affairs Canada is aware that the Inuvik Satellite Station Facility is important both to the company and the local community and that the government is working to complete the review process as quickly as possible.

Global Affairs Canada and the Department of National Defence are working closely with the companies towards finalizing their operating licence under the Remote Sensing Space Systems Act, or the RSSA. Both departments and their officials have been actively working with the applicants, including a pre-inspection visit to Inuvik in November of last year. While the licensing process for these systems is complex and must ensure that all pertinent national security and commercial issues are considered, we expect as a government to finalize the Canadian satellite ground station Inuvik licence application shortly.

Section 18 of the RSSA gives the Minister of Foreign Affairs the power to inspect facilities where activities regarding the operation of remote sensing systems take place. As such, inspections are routine. Officials from Global Affairs recently carried out that routine inspection of both the Government of Canada and private stations in Inuvik, and the government will continue to promote the innovative Canadian space sector and provide the best possible services to RSSA's licencees and licence applicants while ensuring that the department meets its obligations to consider the impact of remote sensing activities on Canada's national security and national defence.

Senator Patterson: Thank you for that encouraging answer, Senator Harder. I was buoyed by you referring to the prospect of having the licence finalized shortly. Could you use your good offices to inform the minister and her officials that an important opportunity looms March 1? I would hope "shortly" would mean within that time frame.

I'm sorry I haven't been able to give you more notice than that, but this only came to my attention yesterday.

Senator Harder: I assure the honourable senator that I will use my office to convey his concern to the minister and officials responsible.

[Translation]

PRIME MINISTER'S OFFICE

SNC-LAVALIN

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, in his letter dated October 9, 2018, to SNC-Lavalin's lawyer, Richard Roy, counsel to the Director of Public Prosecutions, indicated that the Director had heard arguments and received documents from SNC-Lavalin on three separate occasions, September 7, 17 and 18, thus after communicating her decision to deny SNC-Lavalin an invitation to negotiate a remediation agreement. SNC-Lavalin had ample opportunity to submit new evidence to Ms. Roussel. Through her counsel, Mr. Roy, she indicated that she would not reverse her decision, despite the communications received from SNC-Lavalin.

Can you tell us what new evidence regarding SNC-Lavalin Prime Minister Trudeau, Gerald Butts, Katie Telford and Michael Wernick wanted to communicate to Ms. Wilson-Raybould in December?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Michael Wernick made clear in his testimony, and as others have testified in the other place, that the concerns of the government were relating and remain relating to the jobs of workers, their pensions, the suppliers and the impact that could occur. That is why we have a deferred prosecution process in this country. The process is available to companies that have performed illegal activities. It does ensure that there is a penalty for those who were engaged and the capacity to reach an agreement to ensure that, while recompense is made, steps are taken to protect workers.

[Translation]

Senator Carignan: Leader, we now know that the Prime Minister and members of his staff repeatedly asked Jody Wilson-Raybould to overturn the Director of Public Prosecutions' decision and grant SNC-Lavalin a remediation agreement. She was asked to do this in a meeting with the Prime Minister on September 17, at a breakfast meeting with Gerald Butts in December, in discussions with political staffers, and in a call with the Clerk of the Privy Council in the subsequent days.

Minister Wilson-Raybould said no all four times. How many times does someone have to say no to the Prime Minister before he realizes that no means no?

[Senator Patterson]

[English]

Senator Harder: I congratulate the honourable senator for his rhetoric. This is a matter that the former minister may have some comments to make in the other place tomorrow. It is the view of the government that it is entirely appropriate for ministers and others to express concerns to ministers with respect to the implications of actions they may be contemplating.

What is certain, as the Prime Minister has stated on numerous occasions and I have had the honour to repeat here, is that at no time was a direction given.

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is also for the Leader of the Government in the Senate.

Senator Harder, in light of the ongoing scandal surrounding the SNC-Lavalin issue, the Prime Minister said in Question Period last week:

Mr. Speaker, I have been unequivocal over the fall, and I am unequivocal now, that we will always support Canadian jobs and the growth of our economy. We will always stand up to protect workers' rights across the country.

We will always do that in ways that respect the independence of our judiciary, the rule of law and the institutions that keep Canada one of the greatest democracies in the world.

We have also learned that the Prime Minister met with the then Attorney General to discuss the SNC-Lavalin case two weeks after the public prosecutor made the decision to continue the criminal prosecution.

Given the Prime Minister's reason for raising this issue with the former Attorney General as per the quote, can you please speak to the concerns being raised by pundits, critics, opposition MPs and others about the fact that arguing for jobs does not excuse obstruction of justice?

Senator Harder: I hope the honourable senator isn't accusing the Prime Minister of obstruction of justice.

I have reiterated on several occasions that the deferred prosecution agreement is exactly that, a prosecution agreement that has the company admit to certain illegal actions. There are consequences to that and conditions the company must fulfill in order to move on with a deferred prosecution agreement.

Those potential agreements are not to avoid prosecution but to ensure that the unintended consequences of the potential prosecution don't reflect negatively on suppliers, pensioners and other workers.

That is entirely the challenge of governing.

[Translation]

Senator Carignan: Leader, could you explain to us why subsection 715.32(3) of the Criminal Code clearly states that in cases involving corruption of foreign public officials — the exact crime that SNC-Lavalin is charged with — the prosecutor must not consider the national economic interest?

• (1500)

Why did the government include this exception requiring the prosecutor not to consider the national economic interest if, as you say, your intention as a government is to protect the economy and jobs at SNC-Lavalin?

[English]

Senator Harder: Again, the honourable senator will know that the Prime Minister and this government have been very careful in speaking to the concerns that they have had and continue to have with respect to the impact of unintended consequences of prosecution on third parties, communities, pensioners and workers.

The concern with respect to the economic consequences of the company are dealt with in terms of the prosecution or potential prosecution agreement.

Hon. Leo Housakos: My question is for the Government Leader.

Government Leader, it is clear now from the bits and pieces of information that have come out that this government has tried to give SNC-Lavalin preferential treatment. There have been a large number of Canadian companies that have been charged with fraud, are facing criminal charges or have faced criminal charges.

Can you give us an example of any other corporation outside of SNC-Lavalin that has been given the same consideration by the Prime Minister and his office and the former or current Ministers of Justice? And if there haven't been any other corporations that have received the same type of consideration, why not?

Senator Harder: Again, let me refer the honourable senator to the debate that we've had in this place and in the other place with respect to the provisions which were enacted for deferred prosecution agreements. The ability of a company to afford the opportunity to engage in a DPA is entirely the company's decision.

Senator Housakos: So I'm asking the question again: Outside of SNC-Lavalin, has your government considered and been open to discussions with other corporations so they can also be afforded the same rights and privileges that SNC-Lavalin has?

If they haven't been, would you be open to receiving claims and offers of consideration by companies that are facing the same type of criminal charges?

Senator Harder: Again, senator, that is precisely why Parliament enacted the regime for providing for the possibility of DPAs. I would encourage the companies to which you're referring to examine whether or not a DPA is appropriate in their circumstances.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-78, followed by second reading of Bill C-85, followed by all remaining items in the order that they appear on the Order Paper.

DIVORCE ACT FAMILY ORDERS AND AGREEMENTS ENFORCEMENT ASSISTANCE ACT GARNISHMENT, ATTACHMENT AND PENSION DIVERSION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Pierre J. Dalphond moved second reading of Bill C-78, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act.

He said: Honourable senators, I am pleased to rise today to lead off the debate on Bill C-78, An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act.

Family law is a shared jurisdiction among federal, provincial and territorial governments. Parliament is responsible for marriage and divorce. We can therefore set the rules regarding shared custody of children and child and spousal support payments after a divorce.

The provinces and territories are responsible for married couples who choose to separate and not divorce, and for common-law families. In all cases, the provinces and territories manage issues connected to the division of property. The provinces and territories are also responsible for administering justice; providing family law services, including mediation; and enforcing child support obligations.

On July 1, 2017, over 14 million Canadians were living together as married couples and 3.5 million others were living together in common-law relationships. In total, 21 per cent of Canadian couples chose not to get married, a number that has been growing over the past 20 years. In Quebec, 40 per cent of couples are not married. In Nunavut, it is 50 per cent. In the Northwest Territories, it is 37 per cent, and in the Yukon, it is 32 per cent. However, the Divorce Act is still extremely important legislation since most couples are married.

[English]

As its title indicates, Bill C-78 proposes to amend three federal family related laws.

I will start with the amendments to the Divorce Act. The focus of many of the proposed amendments is on ensuring that parenting arrangements are based solely on the best interests of the child, which is a foundational legal principle in both Canadian and international family law.

The bill would ensure that the courts give primary consideration to the child's physical, emotional and psychological safety, security and well-being when making any decision affecting a child.

The bill would also include a non-exhaustive list of factors to guide parents, family justice practitioners and judges in determining what is in the best interest of a child in a particular case. The list includes the child's needs, the child's relationship with parents and other family members, any plans for future care, the child's views and preferences, where applicable, and the child's cultural, linguistic, religious and spiritual upbringing and heritage, including First Nations heritage.

The list also includes the ability and willingness of each parent to care for and meet the needs of the child and to communicate and cooperate with the other parent on matters affecting the child, along with the willingness of each parent to support the child's relationship with the other parent.

Finally, courts would have to consider the existence of any family violence.

This bill does not introduce a presumption in favour of what it is often called joint custody. In 1998, in its report entitled *For the Sake of the Children*, the Special Joint Committee on Child Custody and Access noted that a presumption in favour of a particular parenting arrangement would not be in the best interest of any particular child. Bill C-78, therefore, does not contain any such presumptions, allowing the courts to tailor-make parenting arrangements on a case-by-case analysis to ensure each child's best interests.

That being said, Bill C-78, like the current Divorce Act, recognizes that it is generally in a child's best interests to maintain a close relationship with both parents.

The bill proposes the principle of maximum parenting time with each parent that is compatible with the best interests of the child. For example, studies have shown that it is never in the best interest of the child to be under the care of a parent who is violent with another parent or the child.

• (1510)

[Translation]

As a former Quebec judge who spent a lot of time dealing in family law, I'm pleased that the bill takes a similar approach to the one developed through Quebec case law under both the Civil Code of Quebec and the Divorce Act.

[Senator Dalphond]

The changes made to the terminology regarding parental roles are yet another example of the important changes proposed in Bill C-78 to ensure the best interests of the child. In 1998, one of the main recommendations made by the joint committee that I mentioned earlier was to replace the terms "custody", or "*garde*" in French, and "access right", or "*droit d'accès*" in French, with more child-focused terminology.

The terms "custody" and "access right" give the impression that one parent is the winner and the other is the loser when the courts give orders regarding parental roles, which can often fuel debate between the parents about the best arrangement for the child. What is more, the terms "custody" and "access right" reflect the fact that, in the past, the law treated children as the property of their parents.

From now on we will talk about "parenting orders" instead of custody and access orders, "parenting time" and "decision-making responsibility". This terminology acknowledges that parental responsibilities are acquired as soon as the child is born and survive the separation of the parents. Parenting time is the time a child spends with a parent. Decision-making responsibility means the exercise of parental authority.

The bill recognizes that, in principle, it is up to both parents to make important decisions regarding the child, such as those involving the child's health and education.

[English]

In addition to parenting orders, Bill C-78 would allow grandparents and other important people in a child's life to ask a court for a "contact order," setting out specific times for them to spend with the child. While in most cases, parents facilitate contact between their children and other special people in their children's lives, during one parent's parenting time, these orders would be available as an option in situations where this is not possible. Of course, decisions about contact orders would also have to be based solely on the best interests of the child.

It is interesting to note that in 2016, 6.3 per cent, or 2.2 million, of Canadians were living in private households in a multi-generational household, where at least three generations of the same family live together. The number of these types of family households is constantly rising. Children growing up in these households are especially likely to develop close ties with their grandparents, and we must consider how best to preserve these ties in the event of divorce.

Another area of the law that has called out for reform is that relating to the relocation of a child after divorce. Relocation is a heavily litigated area of family law. In a 2016 survey of lawyers and judges, over 98 per cent of respondents indicated that family disputes are harder to settle when relocation is involved.

Bill C-78 proposes a new framework for changes in residence and relocations. It would require that if someone with a parenting order wants to move with the child, they would have to notify other people with a parenting order or contact order for that child. There would be different notice requirements depending on the significance of the proposed move. However, a court would be able to modify or dispense with the notice in particular cases, such as where there is a situation of family violence. These

provisions would promote the safety of family members, especially the parent who wants to move in cases of family violence, often the mother.

The bill will give the non-relocating parents the alternative of indicating their opposition through a prescribed form. If the non-relocating parent chooses to reply by form and the parties could not come to a resolution, it would then be up to the parent seeking to relocate to bring a court application.

Requiring that notice be provided using a prescribed form and allowing for the use of a form to respond rather than a court application should ensure better access to justice, simplify the procedures and reduce costs. It will also promote clarity and reduce the frustrations that come with the late notice.

The framework also provides that, as a starting point, if a child spends relatively equal time in the care of each parent, the parent proposing a relocation will have to prove why the move is in the best interests of the child. On the other hand, if the child spends the vast majority of the time in the care of one parent who is proposing to relocate, the other parent would have the burden of proving to the court that the relocation would not be in the best interests of the child. Again, these burdens of proof would be a starting point only when the parents do not agree, and a judge would ultimately have to decide whether the proposed move is in the best interests of the child.

Honourable senators, I will now turn to another key objective of Bill C-78, which is to address family violence. Unfortunately, family violence is a devastating reality of life for many Canadians — too many. According to Statistics Canada, in 2014, approximately 760,000, 4 per cent, of Canadians living with a current or former spouse or common-law partner reported having been physically or sexually abused by their partner in the preceding five years.

Research clearly shows that separation and divorce can exacerbate an already violent relationship, and the period following separation is a time of heightened risk, particularly for women. According to Statistics Canada, again from 2007 to 2011, a Canadian woman's risk of being killed by a legally separated spouse was nearly six times higher than the risk of being killed by a legally married spouse. Separation brings a rise in the violence.

Moreover, children who experience family violence can suffer profoundly — physically and psychologically — from this violence. The trauma that comes from being a direct victim or just witness to family violence can impair a child's brain development and negatively affect them for life.

For example, a longitudinal study by McMaster University, which will be published in the March issue of the *American Journal of Public Health*, found that the prevalence of childhood physical abuse among Canadian inmates was 48 per cent, and the prevalence of childhood emotional abuse was 52 per cent, with no significant differences between male and female inmates. In simple terms, about half of Canada's inmates were abused as children.

Clearly, family violence is highly relevant in the family law context, particularly in relation to decisions about how the parenting arrangement that should be made. However, the current Divorce Act is silent on the issue of violence. Bill C-78 would remedy this through a number of important measures.

[Translation]

First, as I said, Bill C-78 would require judges to take into account family violence when deciding on parenting arrangements that are in the best interest of the child.

Second, the bill defines family violence as any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct. As such, cases where the child is not the direct target of the act of violence would be covered by the proposed definition. This is very important because, according to a 2014 Statistics Canada study, 51 per cent — over half — of the victims of spousal violence said they believed their child had seen the violence take place.

• (1520)

Bill C-78 would impose a duty on the court to consider whether any orders relating to criminal matters, civil protection orders, or child protection order, including orders restricting communication, are pending or in effect before issuing orders for financial support and parenting time.

[English]

Another aspect of Bill C-78 that is designed to protect children are the provisions that could help to prevent parental child abduction. The most common form of child abduction is by a parent. Thus, in addition to the relocation provisions that I have already outlined, the bill provides that judges could require that parenting time or the transfer of a child from one parent to the other be supervised. Judges could also include a non-removal clause in a parenting judgment or in a contact order that prohibits the removal of the child from a specific geographic area without the consent of the court or of specified persons.

[Translation]

With respect to amendments to the Divorce Act relating to access to justice, I want to focus on proposed amendments concerning official languages.

The House of Commons approved an amendment, which was adopted by the Standing Committee on Justice and Human Rights, that explicitly recognizes the right to use either official language in the lower courts in divorce proceedings.

Inspired by the Criminal Code, the new provision will allow either party to file pleadings under the Divorce Act, to give evidence, and to be provided with the lower court's judgment in the official language of their choice.

[English]

There are many other proposed amendments to the Divorce Act that are aimed at improving access to justice. This is critical considering the number of Canadians directly affected. A 2016 report by an NGO called Canadian Forum on Civil Justice found that in a given three-year period, 5.1 per cent of Canadian adults — that is over one million Canadians — will face a family law problem. Given the rising costs of legal actions and the reduced access to legal aid for middle-income families, more and more Canadians are forced to face the often complex family justice system by themselves. Based on the limited provincial and territorial statistics available, Justice Canada estimated in 2012 that between 40 and 57 per cent of parties involved in family disputes self-represent and appear before a court without legal assistance.

Bill C-78 proposes various changes to alleviate this burden. For example, the bill would promote the use of family dispute resolution services instead of court, which are less expensive and less time-consuming than court proceedings, and often help parties to come to an agreement with less conflict.

Bill C-78 would also make family justice more accessible by enhancing the ability of administrative services to perform certain tasks that are otherwise performed now by the courts. It would permit provinces to enter into agreements with the federal government to authorize a provincial child support service to establish the initial child support amounts administratively instead going to a judge.

Bill C-78 would also address certain operational challenges that currently exist with respect to administrative recalculation of child support, for example, by providing rules allowing for the deeming of income if a parent refuses to disclose income and an annual periodical readjustment by provincial services instead of by a judge.

[Translation]

Bill C-78 proposes various changes to two other acts to improve the tools available to enforce child support orders and ensure that families receive the support they are entitled to.

In 2016, nearly two out of 10 children aged zero to 14 were living in single-parent families. Eighty-one per cent of them lived with their mother and 19 per cent lived with their father. It is important for all those parents, especially in single-parent families, to get their child support payments.

Lastly, the bill would amend the Family Orders and Agreements Enforcement Assistance Act to allow the Government of Canada to release information about a person's income to a court to establish or vary a support order.

[Senator Dalphond]

[English]

In Alberta, for example, 30 per cent of the morning family chambers docket at the Court of Queen's Bench is related to income disclosure issues. These situations overburden both the family justice system and the families. Bill C-78 proposes a simple measure to lessen that burden with administrative communication of information on an automatic basis.

Bill C-78 also proposes to amend the Garnishment, Attachment and Pension Diversion Act, also called GAPDA, to enshrine into the act the priority of child and spousal support payments over any other debts except for Crown debts. This priority is already a matter of government policy.

These amendments aim to improve the effectiveness and efficiency of both the garnishment and pension diversion processes under GAPDA. For example, the bill would amend GAPDA to allow for the earlier interception of federal salary so that support recipients can receive the support to which they are entitled more quickly. The bill would also improve the process by which provincial enforcement programs submit an application for pension diversion on behalf of a support recipient by eliminating the requirement that a certified copy of the support order be submitted with the application. This would eliminate the costs and time incurred by support creditors to obtain such a document.

Before I conclude, I would like to note briefly that Bill C-78 is the federal implementing legislation for two international family law conventions: the November 23, 2017 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, and the October 19, 1996 Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

Although Canada has signed these conventions, it is not yet a party to either. Aligning federal family laws to conform with the conventions is an essential step towards Canada becoming a party. Further steps towards implementation of the conventions within Canada will be taken in collaboration with the provinces and territories in light of the fact that the conventions will apply only in provinces and territories that have amended their own laws to be consistent with the conventions and have asked the federal government to have the conventions applied to them.

Honourable senators, I look forward to our discussions on Bill C-78 that will affect the lives of millions of people. At the same time, I strongly urge you to support this legislation, as did all the political parties in the other place. I have every confidence that the measures set out in Bill C-78, which aim to promote and protect the best interests of children and address family violence, make the family justice system more accessible and efficient, and help to reduce poverty that will lead to better outcomes for Canadian children and their families.

Thank you. *Chi meegwetch.*

(On motion of Senator Martin, debate adjourned.)

**CANADA-ISRAEL FREE TRADE AGREEMENT
IMPLEMENTATION ACT**

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Howard Wetston moved second reading of Bill C-85, An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts.

He said: Honourable senators, I'm pleased to speak today as the sponsor of Bill C-85, which will allow Canada to take the necessary legislative steps to formally ratify the modernized Canada-Israel free trade agreement or CIFTA, first enacted in 1997. I'll be calling this bill CIFTA for convenience.

• (1530)

As you know, as a medium-sized economy competing internationally, Canada relies on free trade and a transparent rules-based system to take advantage of global commercial opportunities and create economic prosperity.

To put it in a global context, Canada now has a total of 14 bilateral and multilateral free trade agreements, or FTAs — except maybe with the U.S.; it has another name, as we all know — in force, applicable to trade with 51 countries.

From 2013-17, Canada's average merchandise trade with these countries amounted to \$936 billion per year, or 84.5 per cent of the average of total Canadian trade for the same period.

As many of you are aware, Canada and Israel enjoy a rich and fruitful commercial relationship.

Since the Canada-Israel Free Trade Agreement entered into force in 1997, this two-way merchandise trade agreement between the two countries has more than tripled, totalling more than \$1.7 billion in 2017.

Bill C-85 intends to modernize this successful partnership so that it better serves the Canada-Israel trading relationship, while ensuring its benefits are more widely shared.

I want to begin by acknowledging the work that was done by the previous government, who led the way in modernizing CIFTA by concluding important negotiations on amendments to the original 1997 agreement.

In July 2015, after over a year of negotiations, Canada and Israel announced the conclusion of the revised CIFTA.

Amendments to the 1997 agreement included four updated chapters: dispute settlement; goods market access, which is obviously critical to any trade agreement; governance and rules of origin. Also included are seven new chapters: e-commerce, environment, intellectual property, labour, sanitary and phytosanitary measures, technical barriers to trade and trade facilitation. For those who don't know what phytosanitary is, I have looked it up, and it's about the control of plant diseases. You heard it here first. It's one of the values of doing these things. You learn things.

In 2017, Canada and Israel agreed to further expand the CIFTA to include new sections dealing with trade and gender, small- and medium-sized enterprises, or SMEs, and corporate social responsibility.

Those additional chapters are meant to express the values that we have in Canada to our international trading partners. I'll speak more about those in a moment or two.

The result is a modernized and robust trade agreement that will enhance the two countries' commercial relationship.

Once in force, close to 100 per cent of all current Canadian agriculture, agri-food and seafood exports to Israel will benefit from some form of preferential tariff treatment, up from the current level of 90 per cent.

Additional preferential access for these exports gained through modernization represented approximately \$6 million worth of Canadian exports to Israel at the time of negotiations in 2015. That is an important number because it will be a number that accelerates and creates the opportunity for further growth in Canada for exports to Israel.

This means that Canadian exporters in areas such as cranberries, baked goods, pet food, wine, fruit and fish and seafood stand to benefit from this modernized agreement.

I'm enjoying this agreement because of all the foods that we have to discuss here. It's quite tantalizing as I discuss it.

In exchange, Canada agreed to eliminate tariffs on certain targeted Israeli agriculture and agri-food imports, such as fish and nuts, some fruits and certain oils.

Moreover, the modernized CIFTA fully respects Canada's supply management system — that is, no quotas for supply managed agricultural products.

The agreement has also received support from a number of agricultural groups, such as the Canola Council of Canada, Pulse Canada, and the Canadian Vintners Association.

Aside from tariff elimination, the modernized CIFTA intends to create more favourable conditions for exporters through important commitments to address non-tariff barriers and establish mechanisms under which Canada and Israel can cooperate to address and seek to resolve unjustified non-tariff barriers that may arise. These include simplified customs procedures for processing goods as well as through a risk-management system that facilitates the release of low-risk goods while examining goods that warrant greater attention.

Furthermore, the modernized agreement contains provisions to facilitate co-operation between both parties to combat intellectual property, or IP, rights infringement and to cooperate on the enforcement of intellectual property rights.

Honourable senators, it also includes commitments by Canada and Israel not to levy customs duties or other charges on digital products that are transmitted electronically. We all are aware of the increased growth in commerce of digital products.

Moreover, these are only a few of the commercial opportunities that the modernized CIFTA provides. However, it is important that trade be inclusive.

For this reason, the modernized CIFTA includes a chapter on gender and trade, as well as small- and medium-sized enterprises.

It also includes comprehensive and inclusive provisions in the areas of labour, environment, and corporate social responsibility, or CSR.

Canada and Israel have committed to enforce effectively domestic environmental laws and not relax such laws in an effort to attract trade and investment. This is to ensure both countries pursue high levels of environmental protection while realizing the benefits of liberalized trade.

The CIFTA also includes a dispute resolution mechanism with recourse to an independent panel of experts. A review panel under the environment chapter, which is a first for Israel, of the agreement will consist of three panellists selected by the parties. One of those members will not be an Israeli or a Canadian. I'm not sure which member that might be, but nevertheless will not be an Israeli or a Canadian.

The two parties will also agree to enforce their labour laws, which must in turn provide protection for internationally recognized labour rights and principles, with recourse to an enforceable binding dispute-settlement mechanism.

Once again, this is a first for Israel as well, as I understand it.

The corporate social responsibility chapter includes a commitment to encourage the use of voluntary CSR standards with specific reference to the *OECD Guidelines for Multinational Enterprises*. The guidelines aim to promote positive contributions to enterprises — economic, environmental and social progress worldwide.

By providing expanded market access, once again, key to trade, and more predictable trading conditions, the modernized CIFTA will enable Canadian companies to take meaningful advantage of these opportunities. That is why Bill C-85 before us today is an important part of Canada's larger trading agenda.

I want to point out, if I may, that this particular agreement has some new features. It's progressing towards modernization and is expanding upon some of the chapters that have been negotiated with other countries. I find this to be a very progressive and important step forward towards representing Canadian values that we see as important in our trading relationships.

• (1540)

Moving forward with the modernized CIFTA will establish a more predictable trading environment, strengthen our bilateral relations and expand commercial opportunities that can contribute to sustainable economic development for both

countries. Therefore, I hope with your support we can move this bill forward as quickly as possible to the Standing Senate Committee on Foreign Affairs and International Trade.

As a last point, I want to bring to the attention of honourable senators that there is expected to be a technical briefing on this bill tomorrow at 1 p.m. to further discuss these issues.

Thank you very much.

(On motion of Senator Frum, debate adjourned.)

FEDERAL SUSTAINABLE DEVELOPMENT ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Mitchell:

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.

Hon. Diane F. Griffin: Honourable senators, I rise today to speak to the message from the House of Commons regarding Bill C-57, An Act to amend the Federal Sustainable Development Act.

After we passed the bill here, we sent it back to the other place with three amendments, as has been outlined by Senator Harder and the critic of the bill, Senator Patterson. The government agreed with two of the amendments, numbers 1 and 3, but disagreed with amendment 2, as spoken to by the previous senators.

I am pleased the government accepted two of our amendments. I commend Senator Patterson, the bill's able critic, for proposing amendments, and I applaud the Standing Senate Committee on Energy, the Environment and Natural Resources for carrying them. I also thank the minister for being open to amendments and for working so collaboratively with the Senate.

This bill demonstrates how the two chambers can work as a team to improve legislation. The Senate heard from witnesses and considered other perspectives than those heard and considered in the other place. The bill is the better for it. I am particularly pleased that this fruitful work was done on a bill that aims to improve Canada's environmental sustainability. I thank the Representative of the Government in the Senate, Senator Harder, for helping to shepherd the bill as it made its way through this place and for his remarks last week.

I thank everyone else for their collaboration on this practical piece of legislation. I look forward to voting on this bill when the question is called. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Smith, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on the bell? One hour. The vote will take place at 4:44 p.m.

Call in the senators.

• (1640)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Batters	McIntyre
Beyak	Mockler
Boisvenu	Ngo
Carignan	Oh
Dagenais	Patterson
Doyle	Plett
Eaton	Richards
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Maltais	Tannas
Manning	Tkachuk
Marshall	Wells
Martin	White—30

NAYS
THE HONOURABLE SENATORS

Anderson	Hartling
Bellemare	Jaffer
Bernard	Joyal
Boehm	Klyne
Bovey	Kutcher
Boyer	LaBoucane-Benson
Brazeau	Lankin
Busson	Lovelace Nicholas
Campbell	Massicotte
Christmas	McCallum
Cordy	McCoy
Cormier	McPhedran
Coyle	Mégie
Dalphond	Mercer
Dasko	Mitchell
Dawson	Miville-Dechêne
Day	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Munson
Dean	Omidvar
Downe	Pate
Duffy	Petitclerc
Duncan	Pratte
Dyck	Ravalia
Forest	Ringuette
Francis	Saint-Germain
Gagné	Simons
Galvez	Sinclair
Gold	Wallin
Greene	Wetston
Griffin	Woo—63
Harder	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1650)

Some Hon. Senators: Question.

Hon. Donald Neil Plett: On debate.

The Hon. the Speaker: On debate, Senator Plett. The table has just reminded me that you have already spoken to this main motion. You cannot speak to it a second time.

Some Hon. Senators: Question.

Hon. David M. Wells: Thank you, Your Honour. Thank you, colleagues.

The Hon. the Speaker: Senator Wells, the same thing applies to you.

MOTION TO REFER MESSAGE FROM COMMONS TO ENERGY,
THE ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE DEFEATED

Hon. Leo Housakos moved:

That the motion, together with the message from the House of Commons on the same subject dated January 29, 2019, be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for consideration and report.

He said: I think this motion we put on the table is very important. I think it goes to the core of the work that this Parliament and this chamber needs to do.

We have received just now a message from the House of Commons on an issue, an amendment that we've sent over there. I think it's imperative that this chamber take the time to reflect on the message. I think it's also imperative that we do our due diligence. I don't understand why there is a constant need to hide, to put everything on a highway in this chamber by this government. They seem to be throwing to the wind the whole notion of sober second thought. They seem to be throwing to the wind the whole concept of reflection on important legislation which affects the people of this country.

There is precedence, colleagues, that when we decide to send something to committee it isn't a debatable motion. In this particular instance, we feel that we have an obligation to send the bill to committee for reflection and debate and have that committee expeditiously report back to this committee.

Messages from the Commons, motions from concurrence in the Commons, amendments for various bills — there has been a precedent for this. The Senate proceeded to consideration of a message from the House of Commons concerning Bill C-2 providing for conflict of interest rules. This was done back in 2006, and, of course, the motion was referred to committee, colleagues. The honourable Daniel Hays, Leader of the Opposition at the time, was the one who moved the motion. It is well within the confines of the opposition's right to do this. We hope this chamber and Parliament will respect that. Thank you.

Hon. Dennis Glen Patterson: As the critic for the bill, I'd like to speak to this motion. I'd like to say that I welcome the motion.

The reason, frankly, is that although we are currently experiencing some tensions in this chamber, I would like to thank Senator Griffin for her kind words about how we cooperated, she and I, as the sponsor and the critic of the bill in giving it the consideration it deserved at the energy committee.

It's in that spirit of non-partisan co-operation that I rise to support this amendment.

I'd like to remind colleagues before you vote on this motion that, in fact, this bill itself and its genesis is a great example of the kind of non-partisan approach that this Senate prides itself on in reviewing legislation. The reason for that is the bill originated as a bill of a Liberal member of Parliament. His name was John Godfrey. He was passionate about sustainable development goals. Unfortunately, the bill had to become a government bill through the Conservative government of Stephen Harper.

I know that name is not popular in all quarters in this chamber, but —

Senator Boisvenu: He is the best PM in four years.

Senator Patterson: It was a Liberal MP's bill that was blessed by a Conservative government, and then improved — I will say maybe not quite enough — but improved by the current Liberal government. It's a great example of worthwhile goals transcending partisanship.

I just want to take a moment, if I may, to refresh members about the nature of the amendment. I want to express my gratitude that the government did accept the other amendments that were recommended by the committee. It's really one amendment that is at issue.

I want to remind my colleagues that the amendment was related to the question of ensuring that the managers of the departments and agencies who are responsible for achieving sustainable development goals that this bill requires them to adopt — and that's not just departments, that's agencies of the government — the bill is designed to ensure that those agencies and departments take these sustainable development goals seriously.

Now, how do you do this?

The Hon. the Speaker: I have to interrupt you for a moment. We are on debate on Senator Housakos' amendment. While we generally have a fair amount of leeway when it comes to debating amendments — you can bring in a fair host of things in those debates — you're now back to debating the original motion. I think you're possibly skating a little bit too far away from Senator Housakos' amendment.

Senator Patterson: Thank you for that advice, Your Honour.

The reason that I support referring it back to the Standing Senate Committee on Energy, the Environment and Natural Resources is that we are, as a committee, committed. There was unanimous support for the amendment in the committee. We are committed to sustainable development goals. It is important that this amendment, which requires senior managers to have their performance be judged, where appropriate, according to their success in achieving sustainable development goals. It's important that it be referred back to the committee because the committee adopted it unanimously. As I said, the bill has had a genesis that is non-partisan.

• (1700)

Frankly, colleagues, the best way to ensure performance is to provide financial incentives, not just to public servants. It works in hockey. Good goal scorers get better contracts than those who don't score.

It is a very common principle in human resources to reward employees for their success in achieving stated objectives. I think it's appropriate that the committee once again examine this.

We had the Commissioner of the Environment and Sustainable Development recommend this amendment. It would be useful to have the Commissioner of the Environment to return to the committee and tell us whether the reasons given for rejecting that amendment make sense. She's part of the Auditor General's department. She was the one who recommended this amendment to us.

There has been confusion about whether the amendment related to procurement only or whether it referred to performance by public servants. Perhaps that misunderstanding is also reflected in the message that we got back from the other place.

It would be useful to have the Commissioner of the Environment testify to that. It is an important piece of legislation that everyone can support. When you have unanimous support in the committee and unanimous support in this chamber for this important amendment to make sure the sustainable development goals actually are delivered by our senior managers, it's a worthwhile subject for consideration by the committee.

I'm aware this doesn't happen often and that it would be an exceptional development. In fact, I haven't experienced a message being referred back to the committee, but this house is the master of its own procedure. We have the ability to refer it back to the committee, and I want to encourage all colleagues to support the motion of Senator Housakos.

Finally, for the information of colleagues, the amendment is clear and straightforward. This shouldn't take a long time to consider in the committee. The amendment, 10.2, unanimously agreed to by the committee reads:

Performance-based contracts with the Government of Canada, including employment contracts, shall, where applicable, include provisions for meeting the applicable goals and targets referred to in the Federal Sustainable Development Strategy and any applicable strategy developed under section 11.

So it's very focused and clear, and I think the committee can deal with it expeditiously.

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

Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: Before we call in the senators, I will point out that there is an order of the Senate to hold a deferred vote on the motion in amendment to Government Business Motion No. 247 at 5:30 p.m. The process for that vote includes a 15-minute bell. The practice has been that if there's an intervening vote, the deferred vote will take place immediately after it. The vote will take place at 6:04 p.m.

Call in the senators.

• (1800)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McInnis
Batters	McIntyre
Beyak	Mockler
Boisvenu	Ngo
Carignan	Oh
Dagenais	Patterson
Doyle	Plett
Eaton	Richards
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Maltais	Tannas
Manning	Tkachuk
Marshall	Wells
Martin	White—30

NAYS
THE HONOURABLE SENATORS

Anderson	Harder
Bellemare	Hartling
Bernard	Jaffer
Boehm	Joyal
Boniface	Klyne
Bovey	Kutcher
Boyer	LaBoucane-Benson
Brazeau	Lankin
Busson	Lovelace Nicholas
Campbell	Massicotte
Christmas	McCallum
Cordy	McCoy
Cormier	McPhedran
Coyle	Mégie
Dalphond	Mercer
Dasko	Mitchell
Dawson	Miville-Dechêne
Day	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Munson
Dean	Omidvar
Downe	Pate
Duffy	Petitclerc
Duncan	Pratte
Dyck	Ravalia
Forest	Ringuette
Forest-Niesing	Saint-Germain
Francis	Simons
Gagné	Sinclair
Galvez	Wallin
Gold	Wetston
Greene	Woo—65
Griffin	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1810)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 9-6, the bells will now ring for 15 minutes to call in the senators for the taking of a deferred vote on the amendment to Motion No. 247, unless there is unanimous consent that we proceed directly to the vote.

Are all senators in agreement?

Hon. Senators: Agreed.

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON FEBRUARY 26, 2019—
MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:

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.

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That the motion be not now adopted, but that it be amended in the second paragraph:

1. by replacing the words “Tuesday, February 26” by the words “Thursday, February 28”; and
2. by replacing the time “3:30 p.m.” everywhere it appears in the motion by “5 p.m.”.

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That the motion be not now adopted, but that it be amended in the second paragraph:

1. by replacing the words “Tuesday, February 26” by the words “Thursday, February 28”; and
2. by replacing the time “3:30 p.m.” everywhere it appears in the motion by “5 p.m.”.

Motion in amendment of the Honourable Senator Plett negated on the following division:

Gagné
Galvez
Gold
Griffin

Simons
Sinclair
Wetston
Woo—62

YEAS

THE HONOURABLE SENATORS

Andreychuk	McInnis
Batters	McIntyre
Boisvenu	Mockler
Carignan	Ngo
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Maltais	Tannas
Manning	Tkachuk
Marshall	Wells
Martin	White—28

NAYS

THE HONOURABLE SENATORS

Anderson	Harder
Bellemare	Hartling
Boehm	Jaffer
Boniface	Joyal
Bovey	Klyne
Boyer	Kutcher
Brazeau	LaBoucane-Benson
Busson	Lankin
Campbell	Lovelace Nicholas
Christmas	Massicotte
Cordy	McCallum
Cormier	McCoy
Coyle	McPhedran
Dalphond	Mégie
Dasko	Mercer
Dawson	Mitchell
Day	Miville-Dechêne
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Munson
Dean	Omidvar
Downe	Pate
Duffy	Petitelerc
Duncan	Pratte
Dyck	Ravalia
Forest	Richards
Forest-Niesing	Ringuette
Francis	Saint-Germain

ABSTENTIONS
THE HONOURABLE SENATORS

Bernard	Greene
Beyak	Wallin—4

The Hon. the Speaker: Honourable senators, pursuant to rule 3-3(1), I am required to leave the chair until 8 p.m. unless it's your unanimous wish that we not see the clock.

Is it agreed that we not see the clock, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a “no.” The sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

• (2000)

(The sitting of the Senate was resumed.)

FEDERAL SUSTAINABLE DEVELOPMENT ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Mitchell:

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.

Hon. Denise Batters: I move the adjournment of the debate in my name.

The Hon. the Speaker: Senator Batters, are you moving adjournment of the Senate or the debate?

Senator Batters: The debate.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 9:01 p.m. Call in the senators.

• (2100)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	McIntyre
Boisvenu	Mockler
Carignan	Ngo
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Frum	Richards
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Manning	Tannas
Marshall	Tkachuk
Martin	Wells
McInnis	White—28

NAYS
THE HONOURABLE SENATORS

Anderson	Harder
Bellemare	Hartling
Bernard	Klyne
Boehm	Kutcher
Boniface	LaBoucane-Benson
Bovey	Lankin
Busson	Massicotte

Christmas	McCallum
Cordy	McPhedran
Coyle	Mégie
Dalphond	Mitchell
Dasko	Miville-Dechéne
Dawson	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Omidvar
Dean	Pate
Duffy	Petitclerc
Duncan	Pratte
Dyck	Ravalia
Forest	Ringuette
Forest-Niesing	Saint-Germain
Francis	Simons
Gagné	Sinclair
Galvez	Wallin
Gold	Woo—51
Griffin	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Some Hon. Senators: Question.

MOTION TO REFER MESSAGE FROM COMMONS TO NATIONAL FINANCE COMMITTEE NEGATIVED

Hon. Larry W. Smith (Leader of the Opposition) moved:

That the motion, together with the message from the House of Commons on the same subject dated January 29, 2019, be referred to the Standing Senate Committee on National Finance for consideration and report.

He said: Honourable senators, pursuant to rule 5-7(b), I move that the motion, together with a message from the House of Commons on the same subject dated January 29, 2019, be referred to the Standing Senate Committee on National Finance for consideration and report.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Some Hon. Senators: Now.

The Hon. the Speaker: The vote will take place at 10:08 p.m. Call in the senators.

• (2210)

Motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	McInnis
Boisvenu	McIntyre
Carignan	Mockler
Dagenais	Ngo
Doyle	Oh
Eaton	Patterson
Frum	Plett
Housakos	Seidman
MacDonald	Smith
Maltais	Stewart Olsen
Manning	Tannas
Marshall	Tkachuk
Martin	Wells—26

NAYS
THE HONOURABLE SENATORS

Anderson	Hartling
Bellemare	Klyne
Bernard	Kutcher
Boniface	LaBoucane-Benson
Bovey	Lankin
Busson	McCallum
Cordy	McPhedran
Coyle	Mégie
Dalphond	Mitchell
Dasko	Miville-Dechêne
Deacon (<i>Nova Scotia</i>)	Moncion
Deacon (<i>Ontario</i>)	Moodie
Dean	Omidvar
Duffy	Pate
Duncan	Petitclerc
Dyck	Pratte
Forest	Ravalia

Forest-Niesing
Francis
Gagné
Galvez
Gold
Griffin
Harder

Ringuette
Saint-Germain
Simons
Sinclair
Wallin
Wetston
Woo—48

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Accordingly, the motion is defeated.

Are honourable senators ready for the question?

Some Hon. Senators: Question.

[*Translation*]

MOTION TO ADJOURN DEBATE NEGATIVED

Hon. Jean-Guy Dagenais: Mr. Speaker, I ask that the debate be adjourned in my name.

The Hon. the Speaker: It is moved by the Honourable Senator Dagenais, seconded by the Honourable Senator Oh, that the debate stand until the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

[*English*]

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Some Hon. Senators: Now.

The Hon. the Speaker: An hour?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 11:14 p.m. Call in the senators.

• (2310)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	Mockler
Boisvenu	Ngo
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Maltais	Tannas
Manning	Tkachuk
Marshall	Wells—23
Martin	

NAYS
THE HONOURABLE SENATORS

Anderson	Klyne
Bellemare	Kutcher
Bernard	LaBoucane-Benson
Boniface	Lankin
Bovey	Marwah
Busson	McCallum
Christmas	McPhedran
Cordy	Mégie
Coyle	Mitchell
Dalphond	Miville-Dechêne
Dasko	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Omidvar
Dean	Pate
Duncan	Petitclerc
Dyck	Pratte
Forest	Ravalia
Forest-Niesing	Ringuette
Francis	Saint-Germain
Gagné	Simons
Galvez	Sinclair
Gold	Wallin
Griffin	Wetston
Harder	Woo—49
Hartling	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (2320)

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

Some Hon. Senators: Question.

ADJOURNMENT

MOTION ADOPTED

Hon. Linda Frum moved:

That the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, I should point out that if we do not agree to adjourn right now, we will come back at 12:25 and automatically adjourn anyway after the vote.

So I'll ask again: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." The vote will take place at —

Senator Plett: I think we can negotiate the time of bells, can we not?

The Hon. the Speaker: Is there agreement, honourable senators?

Senator Plett: Your Honour, we would agree to a 45-minute bell.

The Hon. the Speaker: Honourable senators, is there an agreement on a bell? Forty-five minutes?

Senator Plett: Forty-five, yes.

The Hon. the Speaker: Is it agreed, honourable senators? Forty-five minutes? The vote will take place at 12:07.

Hon. Frances Lankin: On a point of order, I am just watching the proceedings, Your Honour, and the outcome may be the same, but I didn't hear you ask for the "yeas" and "nays" and declare who had it and have two senators stand. I don't know if you can skip that. Maybe you can.

The Hon. the Speaker: You're correct, Senator Lankin, we did short-circuit the process somewhat because I understood that we would come to the same result.

So if you wish, we can retrace it. If not, I think we can accept the fact that there is agreement on a bell for 45 minutes, and the vote will take place at 12:08.

Call in the senators.

• (0000)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Busson	Moncion
Coyle	Oh
Dagenais	Plett
Dalphond	Pratte

Deacon (*Nova Scotia*)
Forest-Niesing
Martin
Marwah
McPhedran

Simons
Smith
Wells
Woo—17

NAYS
THE HONOURABLE SENATORS

Bellemare
Gold
Harder
Klyne

Mitchell
Omidvar
Saint-Germain—7

ABSTENTIONS
THE HONOURABLE SENATORS

Forest
Lankin

Petitclerc—3

(At 00:11, pursuant to rule 3-4, the Senate adjourned until later this day at 2 p.m.)

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