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(HANSARD)

Wednesday, May 1, 2019

The Honourable GEORGE J. FUREY,
Speaker

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

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THE SENATE

Wednesday, May 1, 2019

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

Prayers.

SENATORS' STATEMENTS

IMMIGRATION, REFUGEES AND CITIZENSHIP

Hon. Peter Harder (Government Representative in the Senate): Governments make mistakes.

Some Hon. Senators: No, but not this one.

Senator Harder: I thought I would get this reaction. I rise today to commemorate the hundredth anniversary of one such mistake. A hundred years ago, the following Order-in-Council was passed by the Government of Canada. It reads:

The Governor General in Council: Whereas the Minister of Immigration and Colonization reports that, owing to conditions prevailing as the result of the war, a widespread feeling exists throughout the Dominion, and more particularly in Western Canada, that steps should be taken to prevent the entry to Canada of all persons who may be regarded as undesirable, owing to their peculiar customs, habits, modes of living and methods of holding property. They are not likely to become readily assimilated or assume the duties and responsibilities of Canadian citizenship within a reasonable time. Whereas the minister further reports that numerous representations have been received by the Department of Immigration and Colonization indicating that persons known as Doukhobors, Hutterites and Mennonites, are of the class and character described, and that consequently, it is desirable to prohibit the entry to Canada of such.

Therefore His Excellency, the Governor General in Council under the authority of section 38 of the Immigration Act chapter 27 is pleased to order and hereby ordered that on and after the second day of May, 1919, and until further ordered, the entry to Canada of immigrants of the Doukhobor, Hutterite and Mennonite class shall be and the same is hereby prohibited.

That prevented my parents, relatives and thousands of other Mennonites who had applied to come to Canada after leaving the Soviet Union. They were therefore stuck.

I don't raise this to simply acknowledge the pain and suffering of those of 100 years ago, but as a lesson in intolerance for today and as a testament against falsehoods and prejudice in our times.

Jonathan Swift writes:

> Falsehoods flies, and truth comes limping after it...

So it did with this Order-in-Council as well, because three years later — a new government I should add, and if I was political I would say a Liberal government — said:

His Excellency, the Governor General in Council, on the recommendation of the acting Minister of Immigration and Colonization, is pleased to order that the Order-in-Council of June 9, 1919, prohibited the landing in Canada of any immigrant of Doukhobor, Hutterite and Mennonite classes shall be and the same is hereby rescinded as respects Hutterites and Mennonites.

Therefore, of course, the thousands of what became known as the Mennonite exodus from Russia took place in the 1920s and 1930s.

I speak today so that we may redouble our efforts to make Canada an ongoing beacon of protection for refugees, a welcoming of immigrants, of pluralism and as a guard against falsehoods and other claims of racial discrimination.

Hon. Senators: Hear hear!

[*Translation*]

NOTRE DAME CATHEDRAL—CENTRE BLOCK REHABILITATION

Hon. Serge Joyal: Honourable senators, on the evening of April 15, a catastrophic fire destroyed much of the venerable Notre-Dame Cathedral in Paris.

I was there, standing just a few hundred metres away. For hours, I watched aghast as the blaze consumed the immense oak frame that had held up the cathedral's lead roof for more than 850 years. The fire spread with terrifying speed.

Soon the flames were licking at the soaring 60-metre spire over the transept. In just a few minutes, that elegant structure, one of the most iconic landmarks of central Paris, was engulfed in flames. Then, in the blink of an eye, the burning spire collapsed, crashing through the vaulted ceiling of Notre-Dame, into the choir and nave, and sending millions of red-hot embers flying through the interior of the cathedral. The inferno swiftly spread to the great north tower, which blazed forth like a lantern in the gathering dusk.

Words cannot describe the anguish you feel in the face of such a tragedy, when there is nothing you can do or try that would stop the senseless destruction. Centuries of history went up in flames before our eyes. It was like seeing a vision of the apocalypse, when the fires of hell will consume the earth and not one stone will be left upon another.

Notre-Dame de Paris is a part of our universal heritage. Its destruction is a loss for all of humanity.

[*English*]

We share our deepest sadness with our French friends and assure them of our entire support for the rebuilding and restoration of Notre Dame.

What could we learn from this tragedy? We should be mindful that, in the past, several major fires that have destroyed historical buildings happened during restoration work conducted on the premises.

Let us consider the restoration work that has been initiated this year in the Centre Block of Parliament. Fires in buildings under restoration in the past have happened as a result of carelessness and the lack of an efficient prevention plan.

The Subcommittee of Internal Economy of the Senate - ably chaired by our colleague, Senator Scott Tannas — tasked with the responsibility of overseeing the restoration of Centre Block, should immediately ask for a report from Public Works to make an in-depth review of the measures taken to prevent such an accident over the next ten years or more as the restoration will be conducted.

We should remember, honourable senator, that a fire on February 3, 1916, completely destroyed the original Centre Block building erected 50 years earlier in 1866. We should do everything we can to implement strict security measures during the decade-long construction phase in that building to ensure that we have done our utmost to prevent a tragedy of the magnitude of Notre Dame in Centre Block. We cannot do anything less.

THE LATE PHILIP RITEMAN, O.N.S., O.N.L.

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I rise today on May 1, which credit to Senator Linda Frum's efforts, marks the beginning of the Canadian Jewish Heritage Month. This is a time to celebrate Jewish culture and to reflect on the significant contributions that have been made and continue to be made by many. Yom Hashoah, today is Holocaust Memorial Day.

• (1410)

Today I recognize the late Philip Riteman: A husband, father, successful businessman and Holocaust survivor who dedicated his life to promoting the message, "It is better to love than to hate."

During the Second World War, Riteman and his family were captured by occupying Nazi forces in Poland and sent to Auschwitz. Only Riteman — prisoner number 98706 — survived. His parents, five brothers and two sisters were among the millions of Jews and Gentiles murdered in the Holocaust.

By the end of the war, Riteman had survived five separate concentration camps. He had been forced to transport the bodies of the dead and to build crematoria for them. In the final days before liberation, he and his fellow prisoners were used as human shields by the retreating Nazis. He was liberated in May 1945, at the age of 17, weighing a mere 75 pounds.

After the war, Riteman's surviving aunts were able to contact him and encouraged him to settle in Newfoundland. Newfoundland had not yet joined Canada at the time and did not share our country's prohibitions on Jewish immigration.

In his book *Millions of Souls*, Riteman discusses his love for the Newfoundland people and how they restored his faith in humanity, giving him so much, yet expecting nothing in return.

In 1946, he began his new life as a door-to-door peddler in his new home. Visiting Montreal, Riteman met and soon after married Dorothy Smilestein, who joined him in St. John's. Their two sons are both graduates of Memorial University.

Riteman went on to build an important trading company and eventually expanded his operations to Halifax, where in 1979 he later moved.

Like many survivors, Riteman was, for many years, silent about what he had witnessed. For over 40 years, most of his wide network of friends, colleagues and customers knew that he was Jewish and came from Poland, but almost no one had known that he had survived the Holocaust.

It wasn't until 1988, four decades after the Holocaust, that he started speaking about his experiences in the concentration camps. He spoke to silence Holocaust deniers who claimed that the extermination of 6 million Jews by the Germans had either never occurred or was greatly exaggerated. He spoke for those whose voices had been stolen from them.

For the remaining nearly 30 years of his life, Riteman dedicated himself to warning the world about the dangers of what he had lived. He bore witness to the ways in which unchecked hate can warp, pervert and deprave a society. Travelling to schools, universities, churches, military bases and other organizations around the world and across Newfoundland and Labrador, Riteman shared his painful memories with a commitment to a more just society.

For these contributions, he was awarded the Order of Nova Scotia and the Order of Newfoundland and Labrador. He also held several honorary degrees, including a doctorate in laws from Memorial University.

While completing an internship in St. Johns, I had the pleasure of breaking bread with this remarkable gentleman. At the time, I was renting an apartment from Ms. Judy Wilansky, who was a close friend of the Ritemans. Like many others, I was deeply moved by his articulate reflection on the horrors of his personal experience.

Riteman lived his 96 years on this earth with strength, compassion, deep respect and resilience.

Thank you, Philip Riteman, for your years of service to the public in educating young and old that love, not hate, can conquer the world.

[*Translation*]

ACADIANS IN NEW BRUNSWICK

Hon. Rose-May Poirier: Honourable senators, it goes without saying that there are milestones in every culture's history. That is certainly the case for Acadian culture.

Fifty years ago, on April 18, 1969, the legislative assembly in Fredericton passed the Official Languages Act under the leadership of Louis J. Robichaud, also known as "Little Louis", the first Acadian premier in the history of New Brunswick.

This act made French and English the two official languages of New Brunswick. It recognizes the fundamental right of New Brunswickers to receive government services in the official language of their choice.

As a result, New Brunswick became the only officially bilingual province in Canada. This law made New Brunswick's francophone and Acadian population full-fledged citizens. For us, New Brunswickers, that date in history changed our lives, our paths, and the way we interact with our neighbours.

Fifty years later, New Brunswickers are able to assert their language rights in the school system, in the health care system and at service centres. Although we still face obstacles and challenges, the perseverance of Acadians knows no bounds.

Just as we returned to our land after the 1755 deportation, and just like Pélagie in Antonine Maillet's *Pélagie-la-Charrette*, we will continue on our journey as a people who dream big, who dream of living and prospering in our language and culture.

To all Acadians and all New Brunswickers, I say let's be proud to live in a province that recognizes the equal status of both of its linguistic communities. The Official Languages Act remains a major accomplishment for us as Acadians and New Brunswickers. Together, let's celebrate this historic moment and look towards the future with hope and optimism to promote the full development of our communities. Thank you.

Hon. Senators: Hear, hear!

[*English*]

ONTARIO POLICE MEMORIAL CEREMONY OF REMEMBRANCE

Hon. Gwen Boniface: Honourable senators, this Sunday, May 5, the twentieth annual Ontario Police Memorial service and parade will take place in Toronto at Queen's Park. The police memorial consists of two bronze statues and a wall of honour made of cascading granite walls that are inscribed with the names of police officers who were killed in the line of duty in Ontario.

Each year, prior to the beginning of the ceremony, the names of all fallen officers are read aloud by recruits from the Ontario Police College. This annual tradition allows fellow officers, family members and members of the public a chance to honour the lives lost, to pay their respects and, perhaps most importantly, ensure that every fallen officer is remembered.

This year, I would like to take a moment to remember OPP Constable Vu Pham, who was taken much too soon, at the age of 37, leaving behind a wife and three children.

In 2010, while responding to what was thought to be a routine call in Southwestern Ontario, Constable Pham pulled a suspect over who exited his vehicle with a rifle and fatally shot the officer. An inquest that followed the incident revealed that the gun belonged to his estranged wife and that the perpetrator had previously made threats to the lives of his wife and sister-in-law.

The loss of Constable Pham devastated not only his family but also his police family and the community he served. He was remembered as a brave and amazing dad who exposed his three boys to many sports and was a dedicated volunteer with the local minor hockey association in Wingham.

The inquest resulted in a number of recommendations, including a public awareness campaign advising drivers not to leave their vehicles during traffic stops and policy changes with respect to calls for response by police to domestic violence.

While these recommendations and others can never erase the tragedy of the loss of such a dedicated police officer, it is hoped that these measures will prevent other tragic incidents and improve the safety of the men and women who put their lives on the line each and every day to keep us safe.

Colleagues, I ask you to join me in taking a moment this Sunday to remember the sacrifices made by those who serve and protect the province of Ontario. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

BUDGET IMPLEMENTATION BILL, 2019, NO. 1

NOTICE OF MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER

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

> That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019 and other measures, introduced in the House of Commons on April 8, 2019, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-97, even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-97 in advance of it coming before the Senate:

   (*a*) the Standing Senate Committee on Aboriginal Peoples: those elements contained in Division 25 of Part 4;

   (*b*) the Standing Senate Committee on Agriculture and Forestry: those elements contained in Subdivision C of Division 9 of Part 4, insofar as it relates to food, and in Subdivision J of Division 9 of Part 4;

   (*c*) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 1, 5 and 26 of Part 4, and in Subdivision A of Division 2 of Part 4;

   (*d*) the Standing Senate Committee on Energy, Environment and Natural Resources: those elements contained in Divisions 23 and 24 of Part 4;

   (*e*) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Division 17 of Part 4, and in Subdivisions B, C and D of Division 2 of Part 4;

   (*f*) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 10 and 21 of Part 4;

   (*g*) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 15, 16, 18, 19 and 20 of Part 4, and in Subdivisions C, K and L of Division 9 of Part 4; and

   (*h*) the Standing Senate Committee on Transport and Communications: those elements contained in Divisions 11, 12, 13 and 14 of Part 4, and in Subdivision I of Division 9 of Part 4;

2. That the various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-97 be authorized to meet for the purposes of their studies of those elements even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

3. That the various committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-97 submit their final reports to the Senate no later than June 6, 2019;

4. That, as the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-97 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and

5. That the Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point four into consideration during its study of the subject matter of all of Bill C-97.

• (1420)

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON MAY 7, 2019

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 7, 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.

ADJOURNMENT

NOTICE OF MOTION

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 7, 2019, at 2 p.m.

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, MARCH 27-28, 2019—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association respecting its participation at the meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Murmansk, Russia, on March 27 and 28, 2019.

VACCINE HESITANCY

NOTICE OF INQUIRY

Hon. Rosemary Moodie: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the issue of vaccine hesitancy and corresponding threats to public health in Canada.

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CHINA—CANOLA EXPORTS—CANADIAN REPRESENTATION

Hon. Donald Neil Plett: Honourable senators, my question is for the Leader of the Government, but before I begin, Senator Harder, I want to recognize the tribute you paid to our ancestors the Mennonites, Doukhobors and Hutterites, and thank you very much for that. I appreciate that.

Now, having said that, let's get on to real business.

Senator Housakos: Governments make mistakes. Pick up on that theme.

Senator Plett: Leader, my question today concerns the ongoing trade dispute with China that is impacting our canola exports and the weak response displayed by our government to date.

Richardson International, based in Winnipeg, our largest canola exporter to China, had its export permit cancelled by Chinese officials two months ago today, on March 1. Since then, senator, the situation has only gotten worse. The Chinese have mainly ignored a letter sent last month by the Minister of Agriculture, Marie-Claude Bibeau, and Canada has not had a permanent ambassador to China since January when John McCallum was fired from his post.

Why has your government been so slow to address the canola crisis? When will your government have a permanent ambassador on the ground in China to help defend Canadian interests?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Before I answer his question, let me thank him for his preamble. For those of you who are on the inside, his ancestors came to Canada in the 19th century and, therefore, were not subject to the order-in-council I referenced. If I was cheeky, I would say they advertised the brand and it found wanting in Canada. But I wouldn't be cheeky.

Senator Housakos: But you aren't cheeky.

Senator Harder: In response to the very serious question that has been raised, let me reconfirm the priority the government gives to the situation faced by our canola farmers and exporters. This is a serious matter. There are other issues attendant to our bilateral relations with China that I don't need to reference, but senators will know that the government is using all available channels to deal with all of these.

With respect to canola specifically, Canada is, as I have said repeatedly, seeking a science-based solution.

• (1430)

It is true, the Government of China has not yet responded to the request for a delegation to be permitted to visit China and discuss the scientific issues that are apparently part of the Chinese concern.

As honourable senators will know, the government has set up a working group respectful of the stakeholders involved, and is also ensuring that we put in place a robust system of support to our farmers, which has recently been announced. In addition to that, it is important that Canada continue to find alternative markets, and the government is redoubling its efforts, Minister Carr in particular, with planned visits to Asia taking place in the coming days. Obviously, this is a serious situation requiring all hands on deck, and they are.

With respect to our representation in China, I want to confirm that the chargés d'affaires, Jim Nickel, is an extraordinary public servant, and is continuing to lead a mission dedicated to protecting Canada's interest and Canadians who are caught in China in very unfortunate circumstances at this time.

Senator Plett: That's bordering on the longest answer I've ever gotten out of the Leader of the Government. Thank you for that.

AGRICULTURE AND AGRI-FOOD

CANOLA—WORLD TRADE ORGANIZATION

Hon. Donald Neil Plett: Senator Harder, the increase under the Advance Payments Program that your government announced this morning was requested by Premier Moe of Saskatchewan at the end of March, yet it took over a month for your government to accomplish even this one step for our farmers.

This morning, Minister Carr announced a canola trade mission to South Korea and Japan. Let's hope he doesn't confuse Japan with China, as his boss did on the weekend.

Minister Carr also told reporters that he wouldn't yet commit to launching a complaint at the World Trade Organization.

As I said, leader, China won't respond to the minister's request to send a delegation of agricultural experts, so clearly this dispute is not science-based.

Why is Minister Carr wasting more time by not bringing this matter to the WTO?

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

These are serious matters. I would hope that we, particularly in this place, can ensure that as we address these issues, we don't seek partisan advantage for a situation in which Canadian stakeholders find themselves. Let's all work together and use all of the available contacts. I know that there are senators in this chamber, on both sides, who have very significant contacts with stakeholders and friends in China. It will take all Canadian efforts not only to put in place a remedy for the canola exporters and farmers but for those other Canadians who are affected very directly and tragically in some of the circumstances in which they find themselves.

Let's find a way forward in which we work together to achieve Canada's best interests.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-CHINA RELATIONS

Hon. Nicole Eaton: Honourable senators, my question is to the Leader of the Government in the Senate. I'm looking for enlightenment, Senator Harder.

China has been holding Canadians Michael Kovrig and Michael Spavor hostage on dubious pretences since last year. They have been denied access to legal counsel and visits from family. China has sentenced Canadians Robert Schellenberg and Fan Wei to death on drug charges under a suspect legal process. Contrast that with Canada's treatment of Huawei executive Meng Wanzhou, living in a $6 million mansion with her family and provided unfettered access to counsel and due process.

China has put a halt to the purchase, as Senator Plett just questioned you about, of $2.7 billion in Canadian canola seeds, dealing a serious blow to Western Canadian farmers. Canada's former ambassador to China, David Mulroney, as I'm sure you read in this morning's *Globe and Mail*, said China ". . . uses hostage diplomacy, economic blackmail and even the threat of execution to achieve its objectives."

The government is still intent on handing over $256 million to the China-led Asia Infrastructure Investment Bank, an investment that offers no guarantee of benefits for Canada. It allows China to expand its sphere of influence through its Belt and Road Initiative.

Senator Harder, when is the Prime Minister going to realize that Canada keeps getting slapped in the face, yet we're prepared to hand over money?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her concern and for raising these issues. They're serious, and they deserve an answer.

The senator was seeking enlightenment. I can't provide enlightenment, except to enumerate the number of steps the Government of Canada has taken to deal with the series of issues that have been raised in the question.

Let me begin by speaking with respect to Michael Kovrig and Michael Spavor. As I've mentioned on other occasions, Michael Kovrig is a close friend of my son, and I follow this case with some personal, as well as professional, interest.

This is a tragic situation, one that the Government of Canada and the minister involved, in particular, are doing an awful lot of work on, not all of it seen publicly, as is appropriate in these circumstances. The Government of Canada has rallied an unprecedented number of partners around the world in support of Canada's position in this matter. We've won unprecedented support from Australia, the EU, France, Germany, the United Kingdom, Netherlands, Latvia, Lithuania, Estonia, Spain, Denmark, the United States, and 140 international scholars and diplomats.

Obviously, this is raised at the highest level on a regular basis, including on the weekend, between the Prime Minister and the Prime Minister of Japan. The Secretary-General of NATO has called on China to address our serious concerns. But this is a matter, in a sense, that we cannot manage on our own. We are working collaboratively, as best we can, to provide the diplomatic pressure points to bring a resolution to these cases.

As I say, not all matters that are involved in this can and should be made public, but I do want to assure the honourable senator and all senators and Canadians that this is a matter of high priority to the Government of Canada.

There have been other aspects in the question that I would also like to address.

Clearly, Canada has an economic relationship with China that is very important, notwithstanding the challenges posed by the canola ban, and we ought to manage our economic relationships very carefully and prudently. That is why the Government of Canada continues to seek an economic engagement and to do so in a fashion that works with our stakeholders and partners, be they at the provincial or municipal level. Our economic relationship with China continues to be important.

Finally, I would like to respond to the reference to the Asian Infrastructure Investment Bank. This is an important multilateral institution, one that Canada was late in getting into, regrettably, but one that is governed by transparency and rules of engagement that are of a high standard and ones that give us confidence, as the Canadian government, that participation in these projects is well worth it.

I would only reference, for example, the investment being made in Sri Lanka to prevent flooding, which is a project of this infrastructure bank. Surely that is one that all senators would agree Canada should continue to participate in.

BUSINESS OF THE SENATE

BILL C-337—PROGRESS OF LEGISLATION

Hon. Frances Lankin: Honourable senators, my question is to the Government Representative.

Senator Harder, many of us have heard that the Opposition Whip has given his word to Senator Sinclair that Bill C-262, UNDRIP, will be referred to committee the week of May 14. As the Opposition Whip pledged in this chamber, he is a man of his word, so all of us can rely on his word that this will indeed occur. I've heard of no such deal with respect to Bill C-337, sexual assault training for judges.

Senator Harder, last week, in response to my question to you about this, you indicated you were prepared to move a motion to direct the Standing Senate Committee on Legal and Constitutional Affairs, if the Senate concurs, to set aside the time required to deal with this bill if there was all-group and all-party agreement. Hearing nothing of an agreement, I have asked the chair of the committee, the facilitator of the ISG and the leader of the Independent Liberals. All of them have indicated while they may support amendments to the bill, they have no objection to supporting a direction motion from the Senate.

• (1440)

Senator Harder, that begs the question: If you, the committee chair, the ISG facilitator and the Liberal leader all agree, who is holding up this bill that seeks greater justice for victims of sexual assault?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know that it is in the hands of the committee, which is already seized of the bill to determine the pace and timing of its consideration. I will not speak to the discussions leaders may or may not have. I have encouraged not only consideration of this bill in a timely fashion, but I have indicated my personal support and the support of the government for this bill. I will point out to all honourable colleagues that the relevant committee is seized of government legislation and, as we all have agreed to the time frame for that consideration. My recollection is that the report stage for the single bill still before that committee is May 17, which provides, I would hope, a planning framework for us all to agree that it would be entirely appropriate and readily available for consideration before the end of this month. That is, again, just my view. That is for the committee to determine. I hope they can make that commitment in a timely fashion.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CANADA-CHINA RELATIONS

Hon. Pamela Wallin: I'd like to return to the question of canola exports for a moment, and the more general environment. You talked about the importance of economic engagement with China, but we've also heard in recent weeks from China watchers, from business leaders, from former diplomats, that we are naive when it comes to our relations with China. A colleague across quoted a former ambassador:

> . . . we all have a stake in pushing back against a China that uses hostage diplomacy, economic blackmail and even the threat of execution to achieve its objectives.

These are very strong words.

What do we do? We have a program announcement today, which was helpful, but this is not compensation to farmers. This is a loan program that they have to pay back. What do we do if China decides to expand beyond agriculture, beyond canola, pork and soybeans, and goes to something like potash? Would we consider making our intentions public to end negotiations with Huawei over its 5G technology? That would be one way to do it. Is there any other — perhaps the investment bank was suggested. How do we make a statement to China, given the considerations that this is diplomacy and it's very sensitive, that we mean business, we're serious, and we can't use the threat of execution in foreign policy?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Let me reiterate that the Government of Canada takes the issues that you have raised, from canola to the Canadians in detention, to the potential of other sectors of our relationship being affected, very seriously. It is one that preoccupies the government at the highest level. Actions are being taken. I think it is important that we react in a disciplined fashion and one that does not put at further risk intemperate reactions to our actions.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUSINESS OF COMMITTEE

Hon. Carolyn Stewart Olsen: Honourable senators, my question is for the chair of the Standing Senate Committee on Social Affairs, Science and Technology. Senator Petitclerc, you and the members of the committee, as well as our respective leaders, will have received a letter from me pertaining to the Tobacco and Vaping Products Act. It's been nearly a year since the act received Royal Assent and stories are already emerging about increased use of vaping products among children, especially concerning high school and junior high students. The latest data set from Health Canada predates the Tobacco and Vaping Products Act, yet it shows that 53 per cent of students consider vaping products easy to get. This is concerning to me from a public health perspective. I would ask you, as chair of the committee, to commit to conducting a review of the impact of legalization of vaping products has had on Canadians.

Hon. Chantal Petitclerc: Thank you, Senator Stewart Olsen. Thank you for raising this concern and for the letter you sent. As you may remember when we went through Bill S-5, I was the sponsor of the bill and we were both members of the Standing Senate Committee on Social Affairs, Science and Technology. I remember that we both shared some very serious concerns about this bill. In fact, I remember once you said to me that part of it scared you. I think, sadly, when we look at some of the numbers that we see in the newspaper, here in Canada but also in the U.S., you were right to be scared.

I still share those concerns. I want to thank you for raising them.

I also want to take this opportunity to say thank you to Senator Seidman and Senator Deacon, because they have both been very vocal in this chamber in keeping us informed and the concern and issue alive.

I am concerned, as you are. I am also aware of the — and I will continue in French.

[*Translation*]

Following the consultation held by Health Canada from February 5 to March 22, 2019, concerns were raised about vaping, and we are trying to evaluate how we can reduce the impact of vaping products advertising on youth and non-users of tobacco.

The purpose of this consultation was to receive input and make proposals to limit advertising, which is one of our main concerns, restrict where these products are sold, inform the public through warnings and restrict the display of these products. Like you, I look forward to seeing the results of this study.

[*English*]

I want to let you know that after your letter, I will meet with the health minister in the next few weeks. Of course, I will be very happy to report back and to let you know the answers I get. Thank you very much.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF COMMITTEE

Hon. Yonah Martin (Acting Leader of the Opposition): My question today is actually for the chair of the Standing Committee on Internal Economy, Budgets and Administration, Senator Marwah. The rules governing our office budget are laid out in the Senators' Office Management Policy. Under those rules electioneering is not an acceptable use of Senate funds. In an interview with CBC our colleague Senator Dasko claimed that the expense for the push poll she recently commissioned was "all cleared." Senator Marwah, my question to you is this: Did CIBA clear this expense, and was Senator Dasko granted an exemption under the Senate's office management policy to use her office budget to pay for this poll? If so, why was that exemption granted?

Hon. Sabi Marwah: Thank you, senator, for that question. This matter was discussed at the CIBA steering committee yesterday. In order to give you some background, this poll was not approved by CIBA. It was approved by management, because management felt they followed the rules. But it was discussed at steering and we said we would investigate the matter further at CIBA.

Senator Martin: Thank you.

ABORIGINAL PEOPLES

BUSINESS OF COMMITTEE

Hon. Murray Sinclair: Honourable senators, my question is to the chair of the Standing Senate Committee on Aboriginal Peoples. I have a particular interest in Bill C-262, as its sponsor in the Senate. Having had consultation with the Conservative opposition, we've come to an agreement to refer Bill C-262 to your committee the week of May 14.

• (1450)

The chamber is aware of government legislation and other bills that may also make their way to your committee. Can you indicate whether the Aboriginal Peoples Committee will be able to deal with Bill C-262, as well as this other legislation?

Hon. Lillian Eva Dyck: Honourable senators, before I answer, I would first of all like to extend my appreciation to all members of the Aboriginal Peoples Committee who have worked diligently over the last three or four weeks dealing with pre-studies of Bill C-91 and Bill C-92. In fact, we've been holding meetings at double our normal rate in order to get them done as soon as possible. I thank all members for doing that so we can accommodate as many bills as possible over the next few weeks.

We have concluded our pre-study of Bill C-91 and the report was tabled yesterday here in the chamber. We will conclude our pre-study of Bill C-92 very soon. As we wait for those bills to come to the Senate from the House of Commons, the committee now has greater flexibility to deal with other business, such as

Bill C-262, and the committee can accommodate other business now. We will continue to work diligently to maintain the flexibility within our schedule so that we are able to accommodate Bill C-262 when it is referred to the committee during the week of May 14.

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

BUSINESS OF COMMITTEE

Hon. Marilou McPhedran: Honourable senators, my question is to the chair of the Senate Ethics Committee in regard to the report that was tabled yesterday, and in particular on Recommendation 1 in that report, which states:

> . . . that unless Senator Beyak has removed from her website the five letters that the Senate Ethics Officer has identified as containing racist content, the Senate administration be directed to immediately remove the letters.

How much longer will we have to wait for the racist letters to be removed from the Senate website? When will the Senate administration have to take action? Does this matter have to come back to this chamber for direction to the administration before the letters are removed if Senator Beyak continues to refuse to take them down?

Hon. A. Raynell Andreychuk: Thank you. I will say that the committee has explored these issues. As you know, the process is that we filed our report and spoke to it yesterday. Within our code, there will be five working days to allow a reply from Senator Beyak. Should the Senate move at that point, and should the result of the decision of this place be that you accept our recommendation, it would happen immediately.

[*Translation*]

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

ASSISTANCE FOR VICTIMS OF FLOODING

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. My province and much of eastern Canada are struggling with major floods. There are floods and evacuations happening in almost every municipality in the senatorial district I represent, Mille Isles. At least 6,000 residents of Sainte-Marthe-sur-le-Lac have been evacuated, and several hundred homes have been destroyed, will be uninhabitable or will have to be rebuilt even though they were not in flood-prone areas.

At noon today, a headline came through announcing that Ottawa is refusing to commit to providing financial compensation to flood victims. Even worse, the article also stated that Ottawa has not given the Red Cross a penny to help people in need.

Leader of the Government, could you have a word with the Prime Minister to make sure funds will be available to flood victims, or at least to the Red Cross? How can the government turn down these people, our fellow citizens, who are going through such a difficult time?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and I share with him, as I'm sure all senators do, our concerns for all Canadians in the provinces that are so deeply affected with these floods, principally Ontario, Quebec and New Brunswick.

That is why the government took action to provide the military to assist the local communities. That is why the government has, at the request of the provinces, invoked the emergency measures capacity that exists.

With regard to the specific question of aid to the Red Cross, I will, of course, bring it to the attention of the government.

[*Translation*]

Senator Carignan: Leader, I would like you to pass along the message that once a house has been flooded, it is destroyed. In Sainte-Marthe-sur-le-Lac some 1,500 homes will become uninhabitable. Could you pass this on to the Prime Minister and ask him to visit and see how this flood has affected the community? He needs to open the government's purse strings and compensate those who are in need. I think it's unacceptable that this government is ignoring these people. Right now, the government is ignoring Canadians in need.

[*English*]

Senator Harder: Again, honourable senator, you will know that the Prime Minister and other ministers mostly affected in their responsibilities for these matters have not only visited the regions affected, but have also made themselves available to media and to community leaders on a regular basis to update and to be informed as to what measures in support can be undertaken.

I think we should all acknowledge the tremendous work being done by our military to aid the civil authorities. Again, I will certainly bring attention to the concerns of the honourable senator.

DELAYED ANSWER TO ORAL QUESTION

Hon. Sabi Marwah: Honourable senators, I have the honour to table, pursuant to rule 4-10(3), the response to the oral question asked in the Senate on March 21, 2019 by the Honourable Senator McPhedran, concerning harassment complaints.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF COMMITTEE

(*Response to question raised by the Honourable Marilou McPhedran on March 21, 2019, to the Chair of the Standing Committee on Internal Economy, Budgets and Administration*)

The Honourable Senator McPhedran asked the following questions during Question Period on March 21, 2019:

Question 1: "Given that the Senate legal assistance and indemnification policy allows for legal representation to senators and Senate officials who face complaints of harassment, including bullying and sexual harassment, will the new harassment policy tabled today, expected to come into effect in the coming month, provide funding for complainants to access legal representation or other advocacy services to ensure equality in this process? If not, why not?"

Question 2: "Whether the committee has or will undertake any kind of a review, in the context of the new harassment policy, to look at the impact of the way you currently respond, both to questions but also to complaints, to cases of harassment, and the impact on the complainants, a different lens than a focus on Senate, Senate officials and senators?"

The answers to the two questions are as follows:

Question 1: All applications for legal assistance and indemnification are subject to the *Senate Legal Assistance and Indemnification Policy* ("the policy"), which "provides a framework for providing legal assistance to Senators and Senate staff and for indemnifying them in appropriate circumstances". Given your question, the Human Resources Subcommittee will look into the matter further.

Question 2: The intent of a new harassment policy is to look at complaints through a different lens, including fairness, transparency and timeliness.

Senator Sabi Marwah
Chair of the Standing Committee on Internal Economy, Budgets and Administration

[*Translation*]

ORDERS OF THE DAY

CRIMINAL CODE
IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), and acquainting the Senate that they had passed this bill with the following amendment, to which they desire the concurrence of the Senate:

1. *Clause 2, page 2*:

(a) replace line 3 with the following:

"person from whom it was removed or a person lawfully authorized to consent on behalf of the person from whom it was removed did not give in-"

(b) replace line 8 with the following:

"knowing that the person from whom it was removed or a person lawfully authorized to consent on behalf of the person from whom it was removed"

(c) replace lines 12 to 15 with the following:

"**(c)** does anything in connection with the removal of an organ from the body of another person on behalf of, at the direction of or in association with the person who removes the organ, knowing that the person from whom it was removed or a person lawfully authorized to consent on behalf of the person from whom it was removed did not give informed consent"

(d) delete lines 18 to 23; and

(e) delete lines 34 to 39.

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

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

• (1500)

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: consideration of the thirtieth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, with amendments and observations), followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

ACCESS TO INFORMATION ACT
PRIVACY ACT

BILL TO AMEND—THIRTIETH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirtieth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, with amendments and observations), presented in the Senate on April 30, 2019.

Hon. Serge Joyal moved the adoption of the report.

He said: Honourable senators, I only have 15 minutes at my disposal to try to give you, in a nutshell, the result of the Standing Senate Committee on Legal and Constitutional Affairs' study on Bill C-58. It is, of course, a very important bill, since the first system of access to information was adopted by the Parliament of Canada in 1983, when I was a young member of Parliament in the other place, and it has not been reviewed since then.

Here I am, at 74 years old, tasked with the responsibility, along with the members of the Legal and Constitutional Affairs Committee, to review the system. I have been privileged to lead that exercise because it was an exercise in collegiality. I think the Senate was at its best in that committee when we undertook our review of Bill C-58.

To give you an idea of the mammoth task that we have achieved, the committee held 20 different meetings, during 13 of which we heard 53 experts and witnesses. We received more than 23 briefs and we held seven meetings for clause-by-clause consideration of the bill.

Honourable senators, we adopted 35 amendments to the original bill. You can imagine that was a record in this Parliament for the number of amendments that we suggested for a bill. But I would not have been able to report to you on behalf of the committee today were it not for the support of the committee's deputy chairs, Senator Dupuis and Senateur Boisvenu. I must also mention the role played by the sponsor of the bill, Senator Ringuette, and the bill's critic, Senator Carignan, who was supported by Senator Boisvenu.

Eight of the committee's 12 members introduced amendments, so it was not the initiative of only one senator. Two thirds of the senators around the table introduced amendments.

The amendments were introduced, I think, in the spirit of the important role that the Senate plays, which is that of sober second thought and the independent review of legislation. This legislation is fundamental, honourable senators, because access to information is a quasi-constitutional right, and I insist on this. Any Canadian citizen making an access to information request is exercising their quasi-constitutional right under section 2 of the Charter.

I will read a brief excerpt from the Supreme Court decision of 2011, wherein Mr. Justice LeBel stated the following:

> Access to information legislation embodies values that are fundamental to our democracy. In Criminal Lawyers' Association, this Court recognized that where access to government information is essential, it is protected by the right to freedom of expression under section 2(b) of the Canadian Charter of Rights and Freedoms as a derivative right. Statutes that protect Charter rights have often been found to have quasi-constitutional status.

So we did approach our study in the context that access to information is a right, and so the bill should seek to improve access and the exercising of rights, and not the other way around, to try to find reasons to limit access to information.

It was through this intellectual framework that all members of the committee around the table embarked on that study. I will give you, in a nutshell, many of the amendments that were proposed, and you will understand that our objective was met by the amendments that we are proposing to you today.

The first set of amendments tried to expand access to information by allowing the administration to leave the fees requested to have access. That amendment was introduced by our colleague, Senator Pratte. Some other amendments aimed to limit the objections of the administration to refuse access to only one set of cause if the request is deemed vexatious or in bad faith. Looking at our friend Senator Wetston, vexatious requests have been the object of multiple decisions in the courts, so if the administration claims the request is vexatious, it doesn't have an open-ended discretion. In fact, there is jurisprudence that establishes very clearly the framework through which an allegation of vexatious arguments can be raised.

We also curtailed the time limit for the administration to request additional time to give an answer so that it's not an open-ended schedule for the administration. This in our opinion was very important.

The second important group of issues that we considered was in relation to Aboriginal peoples, and I say that with respect to our Aboriginal colleagues. During the study that we conducted, there were no Aboriginal senators present, but I have to reassure you, honourable senators, that we did our job very thoroughly in relation to the rights of Aboriginal people to have access to information, so much so that we heard Senator Dupuis testify as an expert when she was charged to examine land claim settlements that were introduced by Aboriginal people.

We came forward with a commitment in a formal letter from the President of the Treasury Board on February 25, which you will find on pages 28 and 29 of our report. There are seven

government commitments in relation to Aboriginal people and their access to the information they need to support their land claims and the fact that the treaties that have been signed have not been respected. All of that information, as you know, honourable senators, has been detained by the Department of Crown–Indigenous Relations, formerly known as the Indian Affairs Department.

We have very specific recommendations in relation to that, and it is important because one of our other amendments to the bill is to propose a parliamentary review within a year, while, in fact, the bill originally contained only a ministerial review. A ministerial review is the review of the administration side; it is not the review of the consumer side. It is important that, in those commitments taken by the President of the Treasury Board in relation to Aboriginal issues within the year that we will have for review, we could follow up on those commitments. I'm very proud, honourable senators, to be able to report to you on behalf of the members of the committee that we paid due respect to Aboriginal concerns, even though there were no Aboriginal senators in attendance at the committee's meetings for that particular study.

The other group of amendments that we introduced, honourable senators, was in relation to the power of the Information Commissioner.

The Information Commissioner is essentially the agent or the person charged with the task to take upon himself or herself to follow up on a request from Canadians seeking information who don't receive an answer in due time with the content of information sought.

• (1510)

We introduced an element in the capacity of the Information Commissioner to have his order to the administration be certified. I'm looking at my colleagues who have sat on the bench. They will understand that when an order is certified, it has a much more compelling impact on the administration. We were concerned about the followup of a refusal of the administration to deliver the information on time.

We studied in that the capacity to allow for judicial review of a certified order for the bill . We had an amendment, and were concerned that if we were to introduce that amendment to measure the impact of that amendment on the system. We called back the Information Commissioner to testify. She informed us she would expect such opportunities in the next phase of review for the legislation. We limited our amendment to the certification of the order of the commissioner to the administration.

It is a very important step, honourable senators. I would want to thank the honourable members of the committee. That amendment was supported enthusiastically by all the members, be they Senators Pratte, Dalphond, Carignan, Boisvenu and others on the committee.

Among the other amendments, there was one that is of concern to the Speaker of our chamber. The bill was wrongly describing the responsibility of our Speaker in the determination of privilege. As you know, the Speaker in this chamber has a different status than the Speaker in the other place. In this place, the decisions of the Speaker are appealable; in other words, this chamber can challenge the Speaker's decision on privilege while, in the other place, the decision of the Speaker is final.

The bill was phrased in a way that it didn't pay due respect to that status. I thank Senator Batters. She was the first to raise it at committee. We were able to amend the bill to ensure it reflected the particular status of the Senate. This amendment was welcomed by all members.

The other group of amendments that were brought to the bill was in relation to what we call proactive disclosure. In other words, as you know, ministers, MPs and senators are called now under the bill to declare every three months their expenses, hospitality, travel and so forth. The bill ventured in a new field, which is for the members of the Canadian court to also disclose their information. And the way the bill was structured, there was certainly a very strong risk of impinging upon the principle of judicial independence. The principle of judicial independence is well established in Canadian law. There are three components to it — I won't give you a lecture on judicial independence this afternoon, since I only have two minutes left.

The conclusion was that the bill could be amended to maintain and satisfy the objective of transparency that the government was aiming to get, while at the same time balancing it with the capacity of the judiciary to manage its own affairs and to protect the fact that the judges cannot defend themselves when they are alleged to have overspent. They have the obligation of restraint.

The personal security of judges are also challenged. We were mindful that there was a recent situation that happened in Canada whereby former Justice Alban Garon, his wife and a friend of his wife's were killed by somebody who was unhappy with the decision that Mr. Garon had rendered some 10 years previous. We were concerned that by giving justices' information that could be easily accessed by disgruntled parties, we were doing something that was not proper. That is why Senator Dalphond proposed a compromise that was, in our opinion, the best way to approach this issue to protect the security, independence and capacity of our system to function on the fundamental principle of judicial independence.

Finally, honourable senators, the government really benefits from the exercise of the committee. I will tell you why. The government introduced, through Senator Ringuette, 20 amendments to the original bill. You could imagine that if we would have expedited that bill — a senator raised that issue — I don't remember which senator — that we should be doing our work fast. Sober second thought takes time. It's like the soup on the back burner of the stove. Let it rest a while. When you reheat it, the flavour will be thicker.

On this bill, we took our time. We started the study of the bill in October. We had to adjourn for the government bills in relation to the electoral act and the estimates. At the end of it, the government itself came to us to ask for some amendments. It tells you that when we take our time, do our due diligence — we are not lazy; we are not trying to beat time — we come forward with —

The Hon. the Speaker pro tempore: Your time has expired, honourable senator.

Senator Joyal: May I have two minutes more?

Some Hon. Senators: Five!

The Hon. the Speaker pro tempore: Do I have leave, honourable senators, to grant five more minutes?

Hon. Senators: Agreed.

Senator Joyal: We come to you with a bill that is largely improved and more protective of the rights of citizens to have access to information. It is largely more protective of the fundamental constitutional principle of judicial independence and largely more protective of the right of the Aboriginal people to have access to the information they need to establish their claims in court.

We established the context into which we have a better democracy. Access to information is also linked to the exercise of the democratic rights of Canadians to know what their government is doing with their information and to have that information available to the press and media to do their job. It's part of the democratic exercise. We end up being a better country as a whole.

Honourable senators, we have observations in the report that I invite you to read, because those observations, minority and majority observations, raise important issues we will have to deal with in the next phase of the improvement of our system. This exercise of the Legal and Constitutional Affairs Committee should be quoted as an example of efficiency, seriousness, dedication and a result that will totally stand the test of time. Thank you.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Day, that the report be adopted.

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

An Hon. Senator: On division.

(Motion agreed to, on division, and report adopted.)

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

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

OCEANS ACT
CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Bovey, seconded by the Honourable Senator Omidvar, for the third reading of Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, as amended.

Hon. Marc Gold: Honourable senators, I rise to speak to you on Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, in relation to Marine Protected Areas, or MPAs.

• (1520)

As you have already heard in the speeches of Senators Bovey and Poirier, this bill introduces a process for the temporary designation of MPAs off the three coasts of Canada, and it implements an explicit electoral promise made by the current government — a promise designed to enable Canada to meet the international obligations that were assumed by the previous government in 2010. Bill C-55 was passed by a considerable majority in the other place with only some members of the opposition caucus declining support.

I won't cover everything that was discussed at committee, but I do want to highlight the evidence that we heard on a number of issues around which some concern was expressed.

At committee, many of the objections that we heard from witnesses, and indeed from some members of the committee, were directed at the concept of MPAs generally and not necessarily at the interim protection that Bill C-55 would make possible. Other concerns were directed more at how the current regime has been administered and/or how Bill C-55 would be applied and administered rather than what was in the bill itself. Nevertheless, several important issues were discussed, of which the following were of particular concern.

You have heard some of these already and may hear others raised in debate: The concern about the precautionary principle and the role of science in the process of designating an MPA; concern about the lack of consultation with stakeholders, Indigenous communities, provincial and territorial governments; concern about the impact of MPAs on the livelihoods of those who fish in the waters or who wish to exploit the mineral resources below the waters.

Let me take these up in turn.

[*Translation*]

It has been said that Bill C-55 enshrines into law the preventive approach or the precautionary principle regarding the marine protected area, or MPA, designations. Some people are concerned that the government will use the precautionary principle as an excuse to designate MPAs without taking the

science into account, in order to achieve protections that might play well politically. One senator even said in committee that this was an excuse to avoid conducting scientific studies.

With all due respect, nothing could be further from the truth.

First, let me point out that the precautionary principle was not created for Bill C-55. It is part of the preamble of the Oceans Act, which was passed more than two decades ago. What is more, the precautionary principle is part of international environmental law, which Canada has supported for a long time. Bill C-55 merely clarifies that the Governor-in-Council and the minister cannot use the absence of scientific certainty with regard to the risks involved in carrying out activities as an excuse to reject a marine protected area designation or to defer it to a later time.

More importantly, neither the precautionary principle nor the process provided for in Bill C-55 for designating interim MPAs sets aside the science, on the contrary.

The committee heard numerous scientists say that absolute certainty in science is rare, if not impossible. One of these scientists said, and I quote:

> Science is slow. It takes a long time and a lot of work before scientists will ever say something is certain, but certainty is not an appropriate minimum requirement to make a decision.

Another researcher said, and I quote:

> . . . the science is never complete — we should not avoid making decisions which err on the side of caution.

Just because scientific knowledge is incomplete does not mean that the science is invalid. Science is at the core of the process well before an area is selected as a potential MPA.

According to witnesses who appeared before the committee, thorough scientific consultation processes begin well before the government considers designating an MPA. A non-government witness told us that the Canadian Science Advisory Secretariat, which coordinates the production of science advice for Fisheries and Oceans Canada, works with professors, stakeholders and scientific experts to designate ecologically and biologically significant areas (EBSAs), which may be selected for designation as marine protected areas. In some cases, Bill C-55 would implement a process involving more extensive research and consultation before an area is designated as an MPA. More scientific work would follow, because Bill C-55 authorizes the Minister of Fisheries and Oceans to designate an interim MPA for a period of up to five years, during which additional studies would be carried out to determine whether the area should be permanently designated as an MPA.

[*English*]

Far from doing away with science, Bill C-55, and the precautionary principle it embodies and reflects is based upon a scientific understanding of the limits of scientific certainty, on the one hand, and a respect for the importance of ongoing scientific research through the various steps of the MPA process on the other.

Considerable concern was raised about the process of consultation and stakeholder engagement, and understandably so. People's livelihoods are at stake, as is the economic vitality of communities on all of our three coasts. Moreover, there are important constitutional questions surrounding the involvement of Indigenous rights holders and provincial and territorial governments in the process of defining the scope of a potential MPA.

Let me begin with a comment about consultation.

Consultation is difficult to get right, and often appears unsatisfactory. Here again, the committee heard non-government witnesses say that, at least on the Pacific and Atlantic coasts, Fisheries and Oceans Canada engages in a broad-based consultation process with fisheries communities, local communities, provincial and Indigenous governments and conservation groups. We heard from the Chair and CEO of Inuvialuit Regional Corporation that the first two Arctic MPAs ". . . were created through a collaborative effort among Inuvialuit, Department of Fisheries and Oceans Canada, industry, local stakeholders and governments." We heard from a Nunavut industry representative that in developing a future MPA in Lancaster Sound, there appears to be ". . . a fair amount of consultation going on with various communities, Inuit organizations and elders within the communities." From what we heard at committee, it does seem that there is a significant amount of consultation going on.

Concern was also expressed about the role of Indigenous rights holders in the process, and this was the subject of an amendment proposed by Senator Patterson and passed by a large majority of the committee. I was not persuaded that it was necessary, in light of the existing provisions of the relevant legislation, but I understand and respect the importance of underlining the constitutional importance of such consultation. I would only add that with regard to Indigenous rights and interests, Bill C-55 states that the minister may only use his new authority to designate an MPA ". . . in a manner that is not inconsistent with a land claims agreement that has been given effect and has been ratified or approved by an Act of Parliament . . . ." And this is in addition to the standard non-derogation clause that one already finds in the Oceans Act regarding section 35 of the Constitution Act, 1982.

More generally, the evidence clearly established that engagement and consultation are baked into both the process envisaged in Bill C-55 and the existing process set out in the Oceans Act, regulations and directives. The DFO explained that engagement happens "throughout" the decision-making process; and, additionally, there is ". . . the formal consultation between the Crown and the Indigenous people whose rights are affected."

Could the process be improved? Of course. But there is a process that is fleshed out in the bill, the act, regulations and policies. The real challenge is to ensure that the processes are put into place effectively, which is more a matter of implementation than a matter of the bill's design.

As for the impact of an MPA on the livelihoods of stakeholders, this is a critically important point. The concerns of those whose living depends upon access to the oceans' resources are real and legitimate. I learned a lot from listening to the witnesses, and I appreciate much better the social and economic implications and consequences that could follow from designating an area as an MPA.

That said, the evidence was clear and convincing on a number of points.

• (1530)

First, as you have already heard, when the Minister of Fisheries and Oceans designates an MPA, that temporarily freezes the footprint of human activity while further examinations are done to assess whether the MPA should be maintained or repealed. What does this mean and, equally importantly, what does it not mean?

Freezing the footprint does not stop all activity in the area. On the contrary. It allows "ongoing" lawful activities to continue during the interim period. What it does is stop any new activity in the designated area, pending further research on both the environmental impact of such activity on the area, as well as the economic and social consequences of regulating that activity going forward.

It also does not freeze any quotas or amounts of an ongoing lawful activity. Take, for example, the shrimp fishery. A departmental witness explained that if shrimp fishing is an ongoing lawful activity permitted within an interim MPA, the quota of shrimp could be adjusted either upward or downward based on environmental factors, as is the usual practice. The interim MPA designation would not dictate the number of shrimps a person may catch. Nor does it mean that an activity had to take place in the year leading up to the interim protection.

This was a concern raised by Senator Poirier in her speech yesterday. Let's take the case of what is termed a "rotational fishery," that is, a fishery that is not prosecuted every year but on a rotating cycle, say of two or three years. The committee heard examples of geoducks and sea cucumbers. Would this fishery be shut down just because it was not active in the year immediately before the interim MPA designation? The answer is no. Witnesses from the Department of Fisheries and Oceans Canada clearly explained that Bill C-55 preserves ongoing authorized activity rather than current activity. The choice of words was chosen judiciously, precisely to recognize that some authorized activities remain authorized on an ongoing basis, even if the activity is not currently taking place.

What happens once an interim MPA designation takes effect? Do the concerns about the social and economic impact fall off the table? Of course they do not. The five-year period gives all the parties time to do the work necessary to ensure that the right balance is struck between the relevant environmental, social and economic considerations.

To take one example, in the Gully underwater canyon off the southern coast of Nova Scotia, which was designated as an MPA in May 2004, it was established that the lobster fishery is a passive technology that would not impact what the MPA is trying to protect. Similar conclusions can be anticipated in areas currently being examined as areas of interest under the Oceans Act.

In saying this, I do not minimize the concern that people and communities may have about the impact that an MPA may have on their livelihoods. However, I am satisfied by the evidence that we heard in committee that the processes contemplated in Bill C-55 address these concerns in a responsible and appropriate manner.

Honourable senators, as I stated at the beginning of my remarks, Bill C-55 implements an electoral promise made by the current government to enable Canada to meet its international obligations that it assumed in 2010 under the previous government. It was studied by the House of Commons Standing Committee on Fisheries and Oceans, which held nine meetings and heard from 36 witnesses.

Our Standing Senate Committee on Fisheries and Oceans held eight hearings and heard from 17 different non-governmental witnesses. Moreover, we spent almost four hours on clause-by-clause considering a series of amendments, two of which were adopted. These amendments were fully described by Senator Bovey in her speech. I have nothing to add to her description of them. As I mentioned, I had reservations about both amendments, and I did not support them at committee. I thought they were unnecessary in light of provisions already in the law, and that they risked introducing unanticipated complications into the MPA process set out in the bill.

That being said —

The Hon. the Speaker: Sorry, Senator Gold, but your time has expired. Are you asking for five more minutes?

Senator Gold: One more minute.

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

Hon. Senators: Agreed.

Senator Gold: I do apologize, because I timed myself, but clearly —

Senator Plett: That's 20 seconds.

Senator Gold: I thought these were unnecessary and they risked introducing unnecessary complications into the MPA process that are in the bill. The purpose that the amendment seeks to achieve is both legitimate and salutary. I'm happy to support the bill as amended. Were the government to accept those amendments, tant mieux. Even if they do not, I remain convinced that Bill C-55 is a good bill worthy of our support.

Bill C-55 is a measured and responsible response to a very real problem preserving the integrity of our ocean's biodiversity in the face of increasing challenges by climate change and economic activity. I support it without reservation and encourage you to do the same.

Hon. Dan Christmas: Honourable colleagues, I rise today to speak to debate on third reading of Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act, which deals with the designation of marine protected areas or MPAs, as they are termed, and through this designation prohibit for up to five years certain activities within such areas.

This is, in most ways, a good bill, worthy of passage by this chamber. Its provisions will help to enable us to respect and meet our commitments relating to global conservation goals in respect of establishing a national network of MPAs.

As we know, in June 2016, given the pace of establishing MPAs on average between five and seven years, the Government of Canada announced its five-point plan to help meet its marine conservation targets. The plan includes amending the Oceans Act to facilitate the designation process for MPAs.

The global commitments committed parties to a goal of protecting, by 2020, at least 10 per cent of coastal and marine areas. Given the lengthy process of designating MPAs, it makes sense, in my view, to allow the designation of interim MPAs.

Given how rapidly climate change is happening, especially in coastal areas, it makes sense that we need a tool that can permit us to move faster to protect marine areas, endangered and threatened marine species and unique marine habitats. In light of the impacts of climate change, I believe we need this tool to move at the same or greater speed than that at which our climate is changing.

The recognition of these environmental realities and their impacts are very important to me. As a Mi'kmaq senator, I want to affirm not only the connection but also the responsibility we have to the waters and the creatures that live in it. For as American marine biologist, author, and conservationist Rachel Carson once wrote, "Even in the vast and mysterious reaches of the sea we are brought back to the fundamental truth that nothing lives to itself."

Indigenous peoples feel a sense of sacred trust between our communities and the waters. It's because of this significant relationship that our peoples seek to valiantly guard their bond with the oceans. The importance of this notion rang true in the Standing Senate Committee on Fisheries and Oceans study of Bill C-55. I'd like to briefly touch on three key areas that surfaced during our deliberations.

The first of these three deals with the federal government's duty to consult with Indigenous peoples, which in the case of this bill was left wanting, according to key witness testimony.

There were two individuals whose stark testimony illuminates the shortcomings in the consultation process around this bill, while shedding considerable light on the continuing struggles the federal government has with properly and effectively undertaking the duty to consult.

Mr. Duane Smith is the chair and CEO of the Inuvialuit Regional Corporation. He was asked about the adequacy of the consultation process around MPA designations. When referred to the oil and gas moratorium in his region, he said:

> . . . it's fairly ignorant in regards to my region. I say that because the government slapped a moratorium on my region without any consultation to begin with. . . . the reason I say "ignorant" is because we have had a final agreement with the federal government for almost 35 years . . .
>
> The land claims agreement in the Inuvialuit region is the second major modern treaty we've had in Canada.
>
> . . . we have a co-management body that deals with offshore marine management and research. It's called the Fisheries Joint Management Committee that has Inuvialuit, territorial and federal government representation.

• (1540)

In referring to this process that has already been in place for 35 years, Mr. Smith said:

> . . . the federal government is ignoring that process and responsibility that already is in place with this co-management process.

When asked about the impact of the unilateral actions, Mr. Smith added:

> . . . the present bill as it's drafted doesn't respect the rights that we have within the final agreement that's in place. It actually goes backwards because there is no real consultation. There needs to be some mechanism or process placed within this bill to recognize our rights and numerous court rulings that point out requirements for adequate consultation.

When asked again about the degree of consultation around the oil and gas moratorium, Mr. Smith said:

> . . . if you consider a phone call 20 minutes before the announcement of the moratorium being put in place consultation, then that was the extent of the outreach that was conducted by the federal government in working — or lack of working with us — in regards to the development of this moratorium. We had companies who had rights on the offshore to explore at that time, and basically that was a signal for them to shut down. So in reality, there was no consultation on that.

We gained similar insight from the Honourable Joe Savikataaq, the premier of Nunavut. When asked how they wish to be involved in the process for MPAs, the premier said:

> . . . we're not against it. We want to be part of the process. We're the Government of Nunavut and this is our area. And it's no different from the provinces putting up an argument on their issues if a huge chunk of their coastal area is to be taken away without their consent and almost without their knowledge.

I asked the premier at committee if he felt other measures should be inserted in Bill C-55. I suggested to him perhaps there could be a collaborative structure, a working group or something that would help identify the areas before any final decisions were made. The premier responded:

> I think that's a good recommendation as long as we would be part of the process. The working group would have to have Nunavut representation on it.

Honourable colleagues, it's abundantly clear that both of these witnesses are seeking some source of comfort, some means or mechanism within the bill by which both the Indigenous rights groups and the territorial government are to be involved in part of the process of designation of MPAs.

This tells me that what we currently have in place is inadequate, despite the duty to consult and the affirmation of section 35 rights. We, as parliamentarians, must acknowledge that the government's application of the duty to consult has really failed Indigenous peoples quite miserably, despite all the legislative undertakings and numerous rulings of the courts.

Senator Patterson is to be commended for introducing his amendment proposing greater consultation and cooperation. He did so on the basis of outreach he received from Premier Saviqataaq and former premier Peter Taptuna from Nunavut saying that consultation was not happening. The committee received assurances that the Fisheries and Oceans minister would consult with adjacent jurisdictions and stakeholders, and that such consultation would include Indigenous rights holders. Senator Patterson correctly asserted that if officials and the minister say they are proposing to do that, indications of such measures should be put into the bill to ensure it indeed happens.

Senator Patterson told the committee:

> Out of an abundance of caution, colleagues, and only requiring what the government has pledged already that it will do, the amendment proposes consultation and cooperation. It's a pretty modest amendment.

I concur that this amendment is indeed quite modest. It makes no reference to rights. It is simply trying to define and elaborate a process in which rights holders and the territorial governments affected by this bill have a clear and defined process in how they can be engaged. They are entitled to no less than this, in my view.

Fellow senators, I support this bill. I also agree that there might be some need for tweaks here and there. As someone who has been involved in Indigenous politics for over 40 years, most of it spent on the other side seeking sincere, robust engagement of government, I have to tell you I have a hard time trusting government.

Honourable colleagues, that's my concern in a nutshell. That's the basis of my support for Senator Patterson's amendment. I'm pleased that the committee adopted it.

As a Nova Scotian, I also feel compelled to comment on the amendment introduced by Senator McInnis, similar in nature to Senator Patterson's but dealing with the requirement for the government to provide appropriate notice and context. This amendment makes it mandatory for the minister to determine what is to be protected within the proposed so-called area of interest prior to the designation of the order and to determine which habitat or species is to be protected. It also calls for the department's findings to be posted on its website as a means of public notice. I commend Senator McInnis for his eloquent defence of his amendment. I'd like to share some of his words with you now.

Referring to the proposed MPA off eastern Nova Scotia called Eastern Shore Islands, Senator McInnis said:

> Hearsay and unfounded statements can and do create turmoil among stakeholders . . . We cannot continue to create a veil of uncertainty as to what the MPA or the interim MPA will hold for the communities in these areas . . . Rumours of geographic areas to be covered are a problem. What footprint covers and no-take zones may be in play? Will aquaculture companies that employ a lot of people be shut down? . . . It pits community groups against other community groups. As I said, when you have a challenge to your livelihood you don't know if you're going to be able to fish or not fish.

Honourable senators, I'm glad Senator McInnis' amendment was also adopted by the committee. It puts tools into the DFO's toolbox for its staff to apply to give proper notice of what's being protected, of what the impacts will be at the community level. It feeds a good, honest, open relationship. The need for effective consultation and communication is not unique to Indigenous peoples. It should be applied in the case of anyone who has an interest. Senator Patterson's amendment speaks to adequate and proper notice. Senator McInnis' amendment speaks to giving affected people sufficient context and information.

Colleagues, I'm aware that among us there are those who push back, terming these amendments redundant and unnecessary. Even if they might be just that, it's good and entirely reasonable to repeat, to elaborate and to make sure that people are properly accommodated. If some consider this redundant, all the better. It adds greater certainty and balances and shifts the focus between people versus government. People should always trump politics. These two amendments help us to do just that. Again, I want to thank my two colleagues for pursuing them.

My last point in respect of our consideration of Bill C-55 relates to testimony heard from Ken Paul, Director of Fisheries with the Assembly of First Nations and a member of the Neqotkuk or Tobique First Nation in New Brunswick. Mr. Paul noted that freezing the footprint at the time of MPA designation would constitute an infringement of Section 35 Aboriginal and treaty rights. If you're an Indigenous group fishing in the area where DFO freezes the footprint, it has the effect of negating, abrogating and derogating section 35 protected Aboriginal and treaty rights.

Therefore, the government must assure Indigenous rights holders that freezing the footprint will not happen unless that infringement is legitimately justified. Such measures were noted in the foundational *Sparrow* ruling, in which the Supreme Court of Canada ruled that First Nations have an Aboriginal right as defined under the Constitution to fish for food, social and ceremonial purposes, and that right takes priority over all others after conservation. In overturning Sparrow's conviction, the court ruled that the Constitution Act provides "a strong measure of protection" for Aboriginal rights and that any proposed government regulations that infringe on the exercise of those rights must be constitutionally justified.

The *Sparrow* case remains one of the most important Supreme Court of Canada decisions pertaining to Aboriginal rights. The decision provides substantial meaning to section 35. In short, we don't want the government to neglect its duty to consult just because there is a designation of an interim MPA. I'm asserting that a duty to consult always trumps the designation of an interim MPA. I'm reminding the government of its responsibility in this regard here today.

In our submission to the committee, Mr. Paul and the Assembly of First Nations noted that with regard to the monitoring and surveillance of MPAs and IPC MPAs that oversight of this nature ought to include Indigenous peoples or Indigenous guardians. Indigenous-led guardian programs empower communities to manage ancestral lands and waters according to traditional laws and values. Guardians are employed as the eyes on the ground in Indigenous territories. They monitor ecological health, maintain cultural sites, and protect sensitive areas and species. They play a vital role in creating land- and marine-use plans, and they promote intergenerational sharing of Indigenous knowledge, helping to train the next generation of educators, ministers and nation-builders.

• (1550)

Under the enforcement portion of this bill, I want the government to be aware that it already funds these fishery guardians. Efforts should be made around the enforcement provisions such that these guardians should be given the opportunity to become part of that enforcement. DFO often says it doesn't have enough enforcement officers to patrol all areas, but the mobilization of fishery guardians as duly deputized officers within the designation of the Fisheries Act, making them sworn peace officers, would allow these same fishery guardians to be part of the enforcement of MPAs and interim MPAs.

The Hon. the Speaker: Senator Christmas, your time has expired. Are you asking for five more minutes?

Senator Christmas: Yes, Your Honour.

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

Hon. Senators: Agreed.

Senator Christmas: Thank you, colleagues.

As I close, honourable colleagues — and as I mentioned before — I'll concede there may be some who consider my support of the amendment provisions of Bill C-55 as perhaps frivolous and will thus dismiss them as unrequired. For me, the logic in supporting them hangs together. I like to err on the side of greater certainty and to be able to say there has been real and robust consultation around these measures at each appropriate step in the process. I like to know that anyone likely to be affected by any of the provisions in Bill C-55 has been given appropriate notice and the full story of the context through which the bill might touch their lives.

So then why not define in the legislation a requirement for both of these measures? Winston Churchill once said that to improve is to change and to be perfect is to change often. While these two small changes and other reminders I offer to the government today will not result in a perfect bill, they are modest, logical measures that serve those whom Bill C-55 will directly impact.

I thank my colleagues on the Standing Senate Committee on Fisheries and Oceans for their support and efforts in the study of this bill. I encourage honourable senators to pass this legislation without delay. Thank you. *Wela'lioq*.

Hon. Dennis Glen Patterson: Honourable senators, I would like to fully associate myself with Senator Christmas's remarks and thank him for his kind words about the amendment I proposed. I also want to thank Senator Manning for allowing me to participate and work with the committee as critic for this bill, even though I'm not a member of the committee.

Honourable senators, I wish to speak at third reading of Bill C-55. I note that the committee was able to hear from 29 witnesses over five meetings. I was pleased that we spent three meetings on clause-by-clause consideration, which, as Senator Christmas has kindly acknowledged, included a robust and fulsome debate and discussion on the two amendments adopted by the committee.

As we've heard, this bill was designed to streamline the process for creating MPAs that, currently, could take anywhere from seven to ten years by bringing the process down to five to seven years. It would authorize the Minister of Fisheries and Oceans to establish an interim MPA, limiting the allowable activities to those currently being undertaken in the area in question.

That was, however, until Minister Wilkinson announced on May 25, 2019, that all oil and gas operations, mining, waste dumping and bottom-trawling would be banned in MPAs. It's unclear to me if that includes interim Marine Protected Areas where oil and gas operations or mining may already be taking place.

This bill did raise several concerns, mainly for the fishing industry. We heard, for instance, that there were concerns regarding the data used to determine what activities would be allowed under the "freezing the footprint" clause of the bill. Christina Burridge, Executive Director of the BC Seafood Alliance, told committee members:

> . . . we were troubled by the concept of freezing the footprint based on the previous 12 months of activity. If you were fishing in an area the 12 months before, you get to operate on an interim basis while the science is being done because many fisheries are rotational. The geoduck or sea cucumbers on our coast are fished once every three years for conservation reasons. Other fisheries might not take place in a particular year because of environmental conditions, water quality or other harvesting limitations. They shouldn't be automatically excluded from being able to operate during the interim period just because no fishing took place in the previous 12 months. We would like to see a longer time frame of three years or even six years, but three years for sure. I note too that the minister could introduce an immediate spatial closure under the Fisheries Act if it is really necessary.

The issue of basing the allowable activities on the previous 12 months prior to the issue of an order for an interim MPA is of particular concern to me and my home region of Nunavut, as climate change results in warming ocean temperatures and — this is a good story — cold-water fish stocks, such as cod and shrimp, are being pushed farther and farther north. This could result in MPAs being created before the new fishing stock is discovered. Should that occur, fisheries in jurisdictions such as Nunavut would be deprived of a large amount of revenue. In Nunavut, many fisheries, happily, are controlled by Inuit. Making an application to change the allowable activities within an MPA would require the proponents to go through a lengthy *Gazette* process, resulting in more and more lost revenue.

This was made abundantly clear by testimony from Mr. Jerry Ward, Director of Fisheries for the Qikiqtaaluk Corporation in Nunavut. He told us:

> Fish know no boundaries. A couple of these stocks, in shrimp and turbot, we share with Greenland and they tend to swim back and forth. With the changing environmental conditions, we are concerned about freezing the footprint without adequate science, because these fish move around based on water temperatures and salinity. So where we are fishing today, in five years' time, you may not be able to fish there. They may not have moved north or south, or even east or west. We are seeing it on a regular basis, of course. That's a real problem for us in that area.
>
> I will read something to you here: The concept of establishing the interim protection, MPAs offer the means of ensuring biodiversity and protecting sensitive habitat on an interim basis pending public industry consultation and the conduct of further science work to evaluate the case for permanent MPAs. It is important to consider the consequences if resources are not allocated to conduct the necessary science work — I know I am diverging a little here — with the five-year period in which the minister must move forward with a permanent MPA. Related to this concern is the application of the precautionary principle, which we talked about earlier, wherein the minister and cabinet do not use a lack of scientific certainty regarding risks posed by activities as a reason to postpone or refrain from exercising their powers or performing their duties and functions to make regulations for the interim or permanent MPAs.
>
> I'm not anticipating the next question, but there is a real issue with the interim and the five-year period. If you don't have the science, the manpower, the boats and the financial commitment, it will not happen. In our fishery, where our fish are moving from one area to the other, by freezing that footprint, we could be frozen out of the business. It could be a significant problem for us.

As a result of this testimony, Senator Poirier brought forward an amendment recommending that the period of time used to examine what current activities are taking place in an area be extended from the last 12 months prior to the issuance of an order to three or even six years. This amendment was not, however, accepted by the committee.

We also heard concerns about disrupted access to current established fisheries, despite the fact that Canada's fisheries are world leaders in sustainable practices. Carey Bonnell, Vice-President for Sustainability and Engagement of Ocean Choice International, told the committee during his February 5, 2019, appearance that:

> The stability of access challenges caused by MPAs is deeply concerning and could grow more acute. Canada is on track to meet the United Nations Secretariat of the Convention on Biological Diversity target of 10 per cent marine protected areas by 2020, not without considerable pain for fishing communities. There are rising concerns that Canada is contemplating committing itself to additional targets by 2030.

• (1600)

The Hon. the Speaker: Senator Patterson, I have to interrupt you, it being four o'clock. Debate on Bill C-55, as amended, stands adjourned until the next sitting of the Senate. You will be given the balance of your time then.

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

THE SPEAKER

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THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Peter Harder, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Larry W. Smith

THE LEADER OF THE SENATE LIBERALS

The Honourable Joseph A. Day

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Yuen Pau Woo

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(May 1, 2019)

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(May 1, 2019)

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Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechêne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Josée Forest-Niesing	Ontario	Sudbury, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Margaret Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.

SENATORS OF CANADA

ALPHABETICAL LIST

(May 1, 2019)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Anderson, Margaret Dawn	Northwest Territories	Yellowknife, N.W.T.	Independent Senators Group
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Independent
Bernard, Wanda Elaine Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Independent Senators Group
Beyak, Lynn	Ontario	Dryden, Ont.	Independent
Black, Douglas	Alberta	Canmore, Alta.	Independent Senators Group
Black, Robert	Ontario	Centre Wellington, Ont.	Independent Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Bovey, Patricia	Manitoba	Winnipeg, Man.	Independent Senators Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent Senators Group
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Independent Senators Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Christmas, Dan	Nova Scotia	Membertou, N.S.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Independent Senators Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis, New Brunswick	Hampton, N.B.	Liberal
Deacon, Colin	Nova Scotia	Halifax, N.S.	Independent Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Demers, Jacques	Rigaud	Hudson, Que.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Forest-Niesing, Josée	Ontario	Sudbury, Ont.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Independent Senators Group
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George J., *Speaker*	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Independent
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Independent Senators Group
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gold, Marc	Stadacona	Westmount, Que.	Independent Senators Group
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Independent Senators Group
Griffin, Diane	Prince Edward Island	Stratford, P.E.I.	Independent Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Independent
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Non-affiliated
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Klyne, Marty	Saskatchewan	White City, Sask.	Independent Senators Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Independent Senators Group
Lankin, Frances	Ontario	Restoule, Ont.	Independent Senators Group

Senator	Designation	Post Office Address	Political Affiliation
Lovelace Nicholas, Sandra M.	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Marwah, Sabi	Ontario	Toronto, Ont.	Independent Senators Group
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Independent Senators Group
McCoy, Elaine	Alberta	Calgary, Alta.	Independent Senators Group
McInnis, Thomas J.	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Independent Senators Group
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Independent
Miville-Dechêne, Julie	Inkerman	Mont-Royal, Que.	Independent Senators Group
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Pate, Kim	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Pratte, André	De Salaberry	Saint-Lambert, Que.	Independent Senators Group
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Simons, Paula	Alberta	Edmonton, Alta.	Independent Senators Group
Sinclair, Murray	Manitoba	Winnipeg, Man.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Independent Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Wetston, Howard	Ontario	Toronto, Ont.	Independent Senators Group
White, Vernon	Ontario	Ottawa, Ont.	Conservative
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(May 1, 2019)

ONTARIO—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Jim Munson	Ottawa/Rideau Canal	Ottawa
2	Nicole Eaton	Ontario	Caledon
3	Linda Frum	Ontario	Toronto
4	Salma Ataullahjan	Ontario (Toronto)	Toronto
5	Vernon White	Ontario	Ottawa
6	Thanh Hai Ngo	Ontario	Orleans
7	Lynn Beyak	Ontario	Dryden
8	Victor Oh	Mississauga	Mississauga
9	Peter Harder, P.C.	Ottawa	Manotick
10	Frances Lankin, P.C.	Ontario	Restoule
11	Ratna Omidvar	Ontario	Toronto
12	Kim Pate	Ontario	Ottawa
13	Tony Dean	Ontario	Toronto
14	Sabi Marwah	Ontario	Toronto
15	Howard Wetston	Ontario	Toronto
16	Lucie Moncion	Ontario	North Bay
17	Gwen Boniface	Ontario	Orillia
18	Robert Black	Ontario	Centre Wellington
19	Marty Deacon	Waterloo Region	Waterloo
20	Yvonne Boyer	Ontario	Merrickville-Wolford
21	Donna Dasko	Ontario	Toronto
22	Peter M. Boehm	Ontario	Ottawa
23	Josée Forest-Niesing	Ontario	Sudbury
24	Rosemary Moodie	Ontario	Toronto

QUEBEC—24

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

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

NEW BRUNSWICK—10

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

PRINCE EDWARD ISLAND—4

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

MANITOBA—6

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

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Mobina S. B. Jaffer	British Columbia	North Vancouver
2	Larry W. Campbell	British Columbia	Vancouver
3	Yonah Martin	British Columbia	Vancouver
4	Richard Neufeld	British Columbia	Fort St. John
5	Yuen Pau Woo	British Columbia	North Vancouver
6	Bev Busson	British Columbia	North Okanagan Region

SASKATCHEWAN—6

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

ALBERTA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Grant Mitchell	Alberta	Edmonton
2	Elaine McCoy	Alberta	Calgary
3	Douglas Black	Alberta	Canmore
4	Scott Tannas	Alberta	High River
5	Patti LaBoucane-Benson	Alberta	Spruce Grove
6	Paula Simons	Alberta	Edmonton

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	The Honourable		
1	George J. Furey, *Speaker*	Newfoundland and Labrador	St. John's
2	Elizabeth Marshall	Newfoundland and Labrador	Paradise
3	Fabian Manning	Newfoundland and Labrador	St. Bride's
4	Norman E. Doyle	Newfoundland and Labrador	St. John's
5	David M. Wells	Newfoundland and Labrador	St. John's
6	Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Margaret Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

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

YUKON—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Pat Duncan	Yukon	Whitehorse

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