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(HANSARD)

Tuesday, May 7, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, May 7, 2019

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Opposition who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Wilbert J. Keon, whose death occurred on April 7, 2019.

I remind senators that pursuant to our rules, each senator will be allowed only three minutes, they may speak only once and the time for Tributes shall not exceed 15 minutes.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE WILBERT J. KEON, O.C.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I rise today to pay tribute to our former colleague, Senator Wilbert Keon, who passed away last month. Senator Keon proudly represented the province of Ontario in the Senate of Canada for almost 20 years. Dr. Keon, or Willie as he was known to his friends, was a visionary with sharp intellect, an optimistic spirit and a great laugh. It is hard to overstate how much he will be missed by his family, friends and former colleagues, by the Ottawa Valley and by those who benefited through the 10,000 open-heart surgeries he performed over the course of his medical career.

From a young age, Wilbert Keon knew that he wanted to be a doctor. He was, quite simply, one of the most respected cardiac surgeons in the world. In 1976, he founded the University of Ottawa Heart Institute, a global leader in cardiac treatment and research.

An Officer of the Order of Canada, the Canadian Medical Association awarded him its highest honour, the F.N.G. Starr Award. He was inducted into the Canadian Medical Hall of Fame. In 2004, upon his retirement as president and CEO, a monument in his honour was installed at the Heart Institute. It is inscribed with the following words:

> One of the greatest heart surgeons of his generation who also demonstrated extraordinary compassion throughout his remarkable career.

Those words, "extraordinary compassion," are the key to Senator Keon's work, not only as a doctor but as a member of the Senate of Canada. This was especially evident through his lengthy membership on the Social Affairs Committee, where he ultimately served as vice-chair. Senator Keon was proud of Canada's system of health care but also viewed it with a clear, critical eye, recognizing the need for improvement. His desire to help his fellow citizens lead longer, healthier lives was found in the work of the committee over the course of many years, including a comprehensive 2002 report on the federal role in the health care system.

Senator Keon was deputy chair when the Social Affairs Committee released its 2006 report, *Out of the Shadows at Last*, the very first national study of mental health, mental illness and addiction. This report was enthusiastically received, especially by those who worked in the field of mental health for many years without the benefit of national attention. The report ultimately led to the creation of the Mental Health Commission of Canada the following year under the previous Conservative government.

[*Translation*]

Senator Keon was known not only for his role in founding the Heart Institute and the Mental Health Commission, but also for founding other health care organizations like Genome Canada and the Public Health Agency of Canada.

[*English*]

The Canadian Institutes of Health Research recently called Dr. Keon one of its architects recognizing his tremendous impact on Canada's health research community. Indeed, it is truly difficult to find any element of modern health care in Canada that Senator Keon has not touched in some way.

Nine years ago this month, Senator Keon stepped down from the Senate of Canada. However, according to his family, he really didn't retire or slow down until about three years ago.

I know the thoughts of all honourable senators are with Senator Keon's family today, his children, Claudia, Neil and Ryan; his grandchildren; his sisters; and especially his wife of almost 60 years, Anne. Thank you for sharing your loved one with all of Ottawa, all of Canada, for so many years. Senator Keon will be greatly missed and he will be long remembered.

Hon. Senators: Hear, hear.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, I join Senator Smith in remembering a wonderful former colleague, Dr. Wilbert, Willie, Keon who died at the age of 83.

He spent nearly 20 years in this chamber where his commitment, dedication and hard work in the service of Canadians were on constant display. People and their health and well-being were always his focus. He was a driving force, together with other members of the Social Affairs Committee, in the creation of the Mental Health Commission of Canada. And close to his heart, he chaired the subcommittee on population health and its in-depth examination of the disparities facing different sectors of our population.

To say that his career before he came to the Senate was successful would be a gross understatement. Dr. Keon was the founder of the University of Ottawa Heart Institute and where he, in 1984 along with his surgical team performed their first heart transplant.

He continued this trailblazing and two years later Dr. Keon performed Canada's first artificial heart transplant. He also pioneered what he would describe to us as one of his greatest achievements, a life-saving technique, that of putting a patient on a heart-lung machine to restore blood flow in an acute heart attack, which has become standard practice.

• (1410)

Among many accolades, he was inducted into the Canadian Medical Hall of Fame and made an Officer of the Order of Canada and a member of the Order of Ontario.

It must be noted that Dr. Keon continued to practise, albeit informally, even here in the Senate after he was appointed a senator. As many senators and staff can attest, he was quick when needed to provide sound medical advice. He often put his physician skills to good use. I know there are many examples here in the Senate where his interventions made a concrete impact on the good health of his colleagues and others.

Honourable senators, Dr. Keon never faltered in his mission to improve the health and well-being of others. He was a good, kind and caring man, and his contributions in cardiology and here in the Senate will long be remembered.

On behalf of the Independent Senate Liberals, I would like to offer my deepest condolences to his wife Anne, his children Claudia, Neil and Ryan and to their families, his loved ones and friends.

Hon. Senators: Hear, hear.

Hon. Pierrette Ringuette: Honourable senators, on behalf of ISG, we pay tribute to Senator Keon.

The Senate has been blessed by a gifted Canadian citizen in its chamber. One of the most amazing senators of our time has been the late Wilbert Keon, who served in the Senate for 20 years. For 14 years he did double duty, that is his Senate duty and still served as CEO of the University of Ottawa Heart Institute.

Founder of the world-renowned University of Ottawa Heart Institute, Dr. Keon was inducted into the Canadian Medical Hall of Fame in October 2007. My good friend from Edmundston, Jean Pedneault, gained 20 additional years of his life thanks to a heart transplant he received from the institute.

It is difficult to list all the Canadians who received the greatest care at the institute. I can only say that all that care would probably not have existed if not for the brilliant scientific and medical mind of Dr. Keon.

Appointed to the Senate by Prime Minister Mulroney in 1990, I had not witnessed any indication from Senator Keon to be partisan. He was a gentleman at all times. He was quite proud of his son Ryan in his bid to run for office to serve Canadians. The duty to serve was well ingrained in their family.

I remember fondly our last conversation on the bus, as he was retiring from the Senate. One of his plans was to spend time with his wife in Ireland. He was also looking forward to travelling in his sports car to the Maritimes, as he had done a few years earlier. He was amazed at the scenery driving through New Brunswick and I concurred with him.

It was with surprise and sadness that we learned of his passing in April. In our hearts and minds, it is hard to accept the passing of such a role model. I extend my deep condolences to his wife Anne, his children Claudia, Neil and Ryan. Thank you for sharing him with us all.

As I conclude my tribute, on behalf of ISG, we express our greatest appreciation for Dr. Keon, his contribution to the medical field, to our institution, and, most importantly, for being humble with it all. It is testimony to the great Canadian that he was.

May he rest in peace after a life of giving. Thank you.

Hon. Senators: Hear, hear.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, when we're called to this place we all take a moment, after being thankful for the call, to have a look at the list of those who will be joining when we come here. When I came, I knew a lot of people who were already here. I knew all the Liberals who were here because of my previous life involved in the party. However, as I looked at the other people who were here, there was one person I really wanted to meet, and that was Wilbert Keon. He was among the superstars in this place. We may have bragged about having Frank Mahovlich in our caucus, but the Conservatives had Wilbert Keon in theirs and no man was a bigger superstar.

Wilbert Keon — a doctor, surgeon, senator, and we all need to remember that politically he was a GST senator, appointed at the time when the Conservatives needed some extra senators to get the GST passed.

Senator Keon was a community leader and an extraordinary one. As my colleague said, he was a visionary. He changed Ottawa. He changed medicine. He changed surgery in this country. He changed the treatment of heart patients in this community and country.

I am a patient at the Ottawa Heart Institute. I don't seem to have a heart problem but I have had a stroke and have received great advice from the team that Wilbert Keon assembled at the Ottawa Heart Institute. But I want to talk, very briefly, about the time I spent with him in this place.

The Senate put together a Special Committee on Aging, and Dr. Keon was on that committee. It was chaired by Senator Carstairs. I had the pleasure to sit on the committee. It was my first time to work with Wilbert. As always, he was a teacher.

As things went along, it became a little more complicated with respect to aging, and in particular with respect to the heart. He was always there to give us some background and help us understand what might be going on in some people's lives, but he was always willing to do that. And he was always willing to talk in a nonpartisan way. I appreciated that because we need to get our work done here. There are times when we need to be partisan in here, but there are also many times when we don't need to be partisan. We need to get the work done. He was a good guy to work with, especially on the Social Affairs, Science and Technology Committee.

It was interesting when we learned later on that his son was the Liberal candidate in Nepean-Carleton in a federal election and that Wilbert didn't bat an eye about the fact that he was sitting here as a Conservative and his son was running as a Liberal candidate. I think it says a lot about him as a Canadian that he was in support of his son trying to serve Canadians.

The lasting memory of Wilbert Keon rests out in the west end of the City of Ottawa — the Ottawa Heart Institute. It's a monument to him and his hard work. It's a monument to the work that he did on behalf of tens of thousands of Canadians.

It would be really interesting if we could invite all of his patients to sit in the gallery today. Number one, the gallery is not big enough. Number two, the chamber is not big enough. Number three, this building is not big enough to welcome the patients who Wilbert Keon took care of.

Ladies and gentlemen, we've lost a great Canadian. We've lost a great senator. I extend my best wishes and warm condolences to his family.

Hon. Senators: Hear, hear.

Hon. Jim Munson: Honourable senators, Dr. Willie Keon was a friend, a friend of everyone, a friend in the Senate and a friend of mine.

When he passed away a month ago, Ottawa, Canada and the rest of the world lost a selfless man — a selfless man who really lived the meaning of the concern of others rather than with his own.

• (1420)

What can you say about a person who spent his entire life as a doctor, giving? Well, there is much to say. In this community, it seems everybody knew someone whose life had been saved because of the humble heart surgeon who cared. Maybe it was his Irish roots in the small community of Sheenboro, Quebec. If you are from around here, Sheenboro, as they say, is just up the line in the Ottawa Valley.

Maybe it was because he was the youngest of 13 children. Maybe it was because he came from a close-knit family where people cared for each other. Whatever it was, this humble and, in many respects, shy man created a "world class centre for cardiovascular excellence," in the words of Dr. Robert Roberts who succeeded Dr. Keon at the Ottawa Heart Institute.

Dr. Keon was a visionary, an innovative cardiac surgeon who performed Ottawa's first heart transplant and Canada's first artificial heart transplant. He was a doctor with a common touch, a good heart and a caring manner. In his lifetime, he performed more than 10,000 open-heart surgeries.

At his funeral, they came from every walk of life. James Brooks was a patient 30 years ago. In his words:

> Seeing my family grow, playing with my grandkids now . . . he's made a monumental difference in my life . . . I would not be here today, I can guarantee you that.

Honourable senators and to those who didn't know him, I wish you could have seen Dr. Keon in the Senate. I got to know him well as a rookie member of the Social Affairs, Science and Technology Committee. I wanted to do something about autism. It was Dr. Keon who guided me on a path of persuasion in convincing the committee to do the report *Pay Now or Pay Later: Autism Families in Crisis*. This report is a template in the autism community across the country as we fight for a national autism spectrum disorder strategy.

In that same quiet and diligent manner he was one of the key architects of a number of landmark Senate reports, as has been said by other senators, including *Out of the Shadows at Last*, dealing with mental health.

Dr. Wilbert Keon didn't need headlines. He just needed and wanted to help and heal others. He didn't look at the Senate through a political lens, but as a platform where ideas could become policy and policy could lead to programs.

He really believed in the common good. The good doctor saved lives, allowed people to live longer, and along the way he gave and gave and gave.

Dr. Keon was a selfless man. Thank you.

Hon. Senators: Hear, hear.

Hon. Michael Duffy: Colleagues, I'm not going to repeat — even though it bears repeating — the many fine things that have been said about our former colleague, Dr. Wilbert Keon. I think in his life and in his service here there is a lesson, especially for our new independent senators.

I well remember the day that Dr. Keon was sworn in. The local media was full of criticism, saying the Senate of Canada — that terrible place — was no place for somebody of his skills and his professional standing as a heart surgeon.

Dr. Keon was pretty discouraged, but he hung in despite that initial negative tone of the media. What we saw throughout his 20 years here was how he was able to take the professionalism that he had from the medical side and put it to work in the interests of all Canadians in terms of health policy.

As we go forward here, it's easy for people to criticize newly appointed senators, but the fact is that Dr. Keon is a shining example of how someone who made a very strong contribution outside of the Senate can bring that here and build on it to make a better Canada.

My wife Heather and I have a special bond with Dr. Keon. We got married in the Heart Institute. We extend our sincere condolences to his widow and to his family with thanks for all the many things he has done. Canada is a better place because of Wilbert Keon.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I would ask you now to rise and join me in a moment of silence on behalf of our departed colleague.

(*Honourable senators then stood in silent tribute.*)

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleagues, the Honourable Art Eggleton and the Honourable Asha Seth.

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

Hon. Senators: Hear, hear!

CANADIAN NATIONAL INSTITUTE FOR THE BLIND

GUIDE DOG PROGRAM

Hon. Norman E. Doyle: Honourable senators, I rise today to recognize the significant contribution that the Canadian National Institute for the Blind, the CNIB, makes on behalf of the estimated half million Canadians who are blind or partially sighted.

The CNIB was incorporated in March 1918 to provide food, clothing and shelter for blind veterans returning from World War I. It was also instrumental in helping the 850 people who lost their sight in the Halifax Explosion of 1917, the largest mass blinding in Canadian history.

Today's CNIB operates with the caring and generous contribution of over 10,000 volunteers, some who contribute significantly to the Guide Dog Program. Canadians with sight loss often say that having a guide dog is a transformational experience. It is estimated that the actual cost of training a guide dog without the aid of volunteers could range between $25,000 and $50,000. Volunteers provide the core initial training over a period of 10 to 13 months.

The CNIB website explains the Guide Dog Program as follows: "Once training has been completed, a Guide Dog is partnered with a youth or an adult with sight loss. Whether it is avoiding obstacles, stopping at curbs and steps, or negotiating traffic, Guide Dogs foster independence. The harness and U-shaped handle facilitates communication between the Dog and the person who is blind. In this partnership, the person provides directional commands and the Dog ensures that the individual will be safe — if necessary, the Dog disobeys unsafe commands."

May is Vision Health Month in Canada. As part of this public awareness campaign, our former colleague, the Honourable Dr. Asha Seth, and the Honourable Victor Oh and I, in collaboration with the CNIB Foundation, cordially invite all senators today to a reception where we will learn about the CNIB's Guide Dog Program and its international efforts.

Future guide dogs will be in attendance. The event will take place this evening from 5:30 to 7:30 p.m. in room C-128, Senate of Canada Building, right here. Please join us for this informative and inspiring event.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Gord Cunningham and Eileen Alma. They are the guests of the Honourable Senator Coyle.

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

Hon. Senators: Hear, hear!

COADY INTERNATIONAL INSTITUTE

SIXTIETH ANNIVERSARY

Hon. Mary Coyle: Honourable colleagues, I rise today to recognize the sixtieth anniversary of the Coady International Institute.

• (1430)

On Sunday, I was honoured to be on stage at the St. Francis Xavier University convocation when our colleague, Senator Kutcher, received a standing ovation for his inspirational honorary degree speech.

Senator Kutcher started his speech by saying:

> StFX has forged its reputation on the call to serve others.

He challenged graduates to find ways to contribute to the world. The Coady Institute's network of thousands of community leader graduates and partners in 133 countries, including Canada, is the living embodiment of the university's commitment to service. Like Dr. Kutcher, Moses Coady, the institute's namesake, used to stir people into action and into service of their neighbours with his provocative speeches.

A towering figure of a man, Dr. Coady was known to conduct intellectual bombing exercises in the 1930s and 1940s where he would go down to the docks and motivate people by saying:

> You are poor enough to want it and smart enough to do it.
>
> The world the way it is, is not the way it has to be.
>
> We must use force! The force of ideas.

> In a democracy the people don't sit in the social and economic bleachers; they all play the game.

Dr. Coady's book, *Masters of their Own Destiny*, tells the story of the Antigonish Movement. Last year, we celebrated the 100th anniversary of this remarkable, made-in-Nova Scotia movement.

The Coady Institute was created in 1959 as a response to the growing demand for leadership education, largely from emerging nations of the global south. Today, the institute's practical education programs and innovation partnerships focus on three themes: Building resilient communities, strengthening inclusive economies and promoting accountable democracies.

Coady's priorities include women, youth and Indigenous leaders. Tamara Cremo, graduate of the Indigenous Women in Community Leadership program said:

> If you want to do good for your community, if you want to create change — Coady is the place to go.

Majubere Margaret Mofolo of Lesotho said:

> Coady produces the best women leaders who contribute significantly to social, political and economic change. Through these leaders across the world, Coady touches the lives of thousands of people.

Colleagues, the Coady International Institute is a national treasure. Please join me in congratulating the dedicated Coady team and their powerful worldwide network of heroes, who are working hard every day in the service of humanity.

Wela'lioq, thank you.

Hon. Senators: Hear, hear.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from the Canadian School Boards Association. They are the guests of the Honourable Senator Dagenais.

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

Hon. Senators: Hear, hear!

CANADIAN SCHOOL BOARDS ASSOCIATION

Hon. Jean-Guy Dagenais: Honourable senators, I want to take a few moments to pay tribute to the Canadian School Boards Association members from across Canada who are here in Ottawa today.

I know that education is a provincial responsibility, but it is reassuring to see that people across the country are getting together and sharing ideas for improving their school board management practices.

Despite regional and even language differences, the members of the association work together to build a fair, universally accessible education system for all young Canadians. That is all the more important today in light of all the new families choosing to settle in Canada, often in the hope of giving their children a better life.

Regardless of where they live in Canada, our children deserve adequately funded schools and facilities that will help them develop a taste for learning and encourage them to stay in school as long as possible.

School equipment, staff, administration and transportation are some of the incredibly important responsibilities delegated to school boards. That's why I believe it is vital to listen to and support the people who show up and get elected to participate in the organization of Canada's education system. We must never forget that school board trustees play a crucial role in local democracy.

I would like to add this. Even though there are similarities between western, central and eastern Canada, the fact remains that elected members of school boards are the ones who know best the concerns of Canadians. At the local level, in Canada's cities and towns, no one is in a better position to listen to parents' needs and ensure the kind of governance that will meet those needs. No one is in a better position to act as a liaison between parents and provincial governments and to make local concerns known.

I would like to remind senators that schools may all offer the same curriculum, but their organizational needs vary. Vancouver, Edmonton, Montreal, Thunder Bay and Gaspé are all made up of unique, diverse and different communities. We must therefore respect each of their needs when it comes to education, needs that are often expressed through members of school boards across the country.

Thank you for your attention.

[*English*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Patricia Lingley-Pottie. She is the guest of the Honourable Senators Deacon (*Nova Scotia*) and Kutcher.

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

Hon. Senators: Hear, hear!

BEAR WITNESS DAY

Hon. Brian Francis: Honourable colleagues, Bear Witness Day is marked every year on May 10 as the date observing Jordan's Principle. It reminds us of the January 2016 ruling by the Canadian Human Rights Tribunal stating that the Canadian government was discriminating against First Nations children by providing flawed and inequitable on-reserve welfare services and failing to properly implement Jordan's Principle.

This is a child-first principle seeking to ensure that First Nations children have access to all public services in a way that is reflective of their distinct cultural needs, taking into account the historical disadvantage linked to colonization and without experiencing service denials, delays or disruptions.

The principle is named in memory of Jordan River Anderson, a child from Norway House Cree Nation in Manitoba who was born with complex medical needs. He spent more than two years in hospital unnecessarily while Manitoba and the federal government argued over who should pay for his at-home care. Jordan died at age 5 without having spent one day in his family home.

Despite some progress, the Canadian Human Rights Tribunal has issued seven non-compliance orders to the Canadian government for its failure to fully implement Jordan's Principle. First Nations children still experience refusals and delays in accessing public services available to other children, including education, health, child care, recreation, culture and language.

On behalf of the First Nations Child and Family Caring Society of Canada, I invite you to show your support for Jordan's Principle by posting your photo online with a teddy bear or another stuffed animal on May 10 using the hashtag #BearWitnessDay. A teddy bear was Jordan's favourite toy and it has come to symbolize the fight against the discrimination of First Nations children, youth and their families.

Wela'lioq, thank you.

Hon. Senators: Hear, hear.

IRAN ACCOUNTABILITY WEEK

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): Honourable colleagues, Iran Accountability Week is an opportunity to draw attention to the human rights abuses and lack of religious freedom in Iran, as well as its ties with and support of extremist terrorism movements throughout the Middle East and the world.

Sadly, Canada appears to have regressed when it comes to honestly confronting and opposing the Iranian regime.

While a few weeks ago, the United States of America took the steps of designating the Islamic Revolutionary Guard Corps, or IRGC, a foreign terrorist organization. Canada has yet to follow through on the similar action despite Parliament's unanimous decision to do so.

Honourable colleagues, it's time for Canada to follow through if for no other reason that, as Senator Harder has previously said, we must not be seen to be out of step with our allies when it comes to Iran.

The IRGC has operated beyond the bounds of the law and the judiciary. Instead, it answers directly to Iran's theocratic Supreme Leader. Iran's revolutionary Islamist ideology has led it to support international terrorism and terrorist groups, including al-Qaeda, Hamas and dozens of others. It is this ideology that is the foundation of its international policy.

• (1440)

According to the respected U.S. Council on Foreign Relations, the IRGC's ties to terrorist groups in the region, such as Hezbollah in Lebanon, help Iran to promote its international policy objectives. Hezbollah is arguably the most powerful terrorist entity in the world. Hezbollah, in fact, is so powerful that it constitutes a state-within-a-state in Lebanon. Hezbollah is not only committed to the destruction of the only democracy in the Middle East, the State of Israel, it is heavily engaged in the civil war in Syria and closely allied with the regime of Bashar al-Assad.

A wide range of open-source literature tells us that Iran has bankrolled Hezbollah, provided it with arms, including long-range missiles that are now capable of striking at most parts of Israel, and provided that terrorist group with advice and leadership. It has done this in complete violation of United Nations Security Council resolutions.

Actions like these are why Canada under the previous government decided to completely sever relations with Iran. That extraordinary step is a demonstration of the threat this regime poses to international security and to the international community.

And what of the threat this regime poses against its own people? Tens of thousands of Iranians have been imprisoned, abused, tortured and murdered by the regime over nearly four decades. According to NGO Iran Human Rights, Iran is estimated to have executed 273 people in 2018. Iran has the highest rate of juvenile executions in the world, with six confirmed executions of minors in 2018, including the executions of two child brides charged with the murders of their husbands.

This violence has touched Canadians as well. We are all saddened, aware of the suspicious death of Kavous Seyed-Emami while in Iranian custody. The IRGC is one of the entities implicated in this man's detention and custody. We cannot look away from that. We cannot turn our backs on those people and their loved ones.

Iran Accountability Week isn't only about holding Iran accountable. It is about our own accountability. It is not enough to espouse platitudes about respecting human rights and defending religious freedoms if we are not willing to walk the talk.

It is time to designate the IRGC a terrorist organization under the Criminal Code of Canada. Not to do so is to lose all credibility at home and abroad.

[*Translation*]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

2019 SPRING REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2019 Spring Reports of the Auditor General of Canada to the Parliament of Canada, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17,sbs. 7(5).

JUSTICE

CHARTER STATEMENT IN RELATION TO BILL C-83— DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a Charter Statement prepared by the Minister of Justice in relation to Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act.

[*English*]

ACCESSIBLE CANADA BILL

THIRTY-FOURTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Judith G. Seidman: Honourable senators, I have the honour to present, in both official languages, the thirty-fourth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with Bill C-81, An Act to ensure a barrier-free Canada.

(*For text of report, see today's* Journals of the Senate*, p. 4683.*)

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

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

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

TWENTY-FOURTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the twenty-fourth report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Venezuela: An Uncertain Transition* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet, in order to continue its study of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, today, Tuesday, May 7, 2019, from 5 p.m. to 9 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

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

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

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet, in order to continue its study of Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, on Tuesday, May 14, 2019, from 5 p.m. to 9 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Wednesday, May 8, 2019, at 3:15 p.m., even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber Thursday May 2, 2019, Question Period will take place at 3:30 p.m.

[*Translation*]

ORDERS OF THE DAY

ACCESS TO INFORMATION ACT PRIVACY ACT

BILL TO AMEND—THIRD READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Day, for the third reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, as amended.

Hon. Claude Carignan: Honourable senators, today I rise at third reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts.

The first thing I want to say is that I was deeply disappointed by this bill. Why was I disappointed? Because I had high expectations for this bill.

The Access to Information Act is a foundational tool in a free and democratic society, and Canada is a free and democratic society. Many people eagerly anticipated an overhaul of the over-30-year-old Access to Information Act, but what we have before us is very disappointing.

This despite the fact that the government gave clear instructions in the mandate letters for ministers involved in this reform: the Minister of Justice, the Minister of Democratic Institutions, and the President of the Treasury Board. One might even hope that if three ministers were mandated to work towards the same objective, it must be a real priority for the government.

• (1450)

Consider this excerpt from the mandate letter for the Minister of Justice, which deals with reforming the Access to Information Act, and I quote:

> Work with the President of the Treasury Board to enhance the openness of government, including supporting his review of the Access to Information Act to ensure that Canadians have easier access to their own personal information, that the Information Commissioner is empowered to order government information to be released and that the Act applies appropriately to the Prime Minister's and Ministers' Offices, as well as administrative institutions that support Parliament and the courts.

I'm sure you'll agree, honourable senators, that it was all very promising, and even enticing. Unfortunately, Bill C-58 did not live up to expectations.

I would now like to quote some of the witnesses who appeared in committee.

The former Information Commissioner stated the following on September 28, 2017:

> After studying the bill, I have concluded that the proposed amendments to the Access to Information Act will not advance government transparency. The proposed bill fails to deliver on the government's promises. If passed, it would result in a regression of existing rights.

On February 23, 2018, she stated:

> We had hoped that access to information reform would be [progressive], but the reform is [regressive], and it's extremely worrying.

The president of the Fédération professionnelle des journalistes du Québec, Stéphane Giroux, recently told our committee the following:

> Departments will continue to refer to exceptions to the act in order to not provide information, and nothing is resolved in terms of the time frames. It's a failure across the board.

As you can see, I wasn't the only one who was disappointed. A year and a half ago, we unanimously passed, in both chambers, Bill S-231 on journalistic sources protection. Any outside observer watching both chambers vote unanimously on such a bill, which was based on highly democratic values and principles and recognized that journalism is central to our free and democratic society, would never believe that this same government that had just supported this bill was the one introducing Bill C-58. It is truly very hard to understand.

Quite honestly, honourable senators, I expected the Trudeau government to take this reform much more seriously. I certainly did not expect it to introduce a bill that would set back access to information for individuals and various information professionals.

I am not saying that to be mean-spirited. I sincerely believed that the government would introduce a modern, robust bill that responded to the reality of this age of rapid communications, but that sadly that was not the case. Once again, the government signalled left and turned right. We have to admit that that is becoming its trademark.

However, there is good news. The good news is that we have the Senate.

You all know that the Senate's job is to provide sober second thought on bills passed in the other place. This is what we did with Bill C-58. The Standing Senate Committee on Legal and Constitutional Affairs carefully and thoughtfully studied this bill. Some say we took too long, but I don't agree. The Senate is independent and must not be unduly pressured when studying bills. We are part of the legislative process and we must understand and respect the importance of our role.

Furthermore, I want to point out, dear colleagues, that one of the reasons why the study of Bill C-58 took several months was that the former Minister of Justice never appeared to testify before the committee. We mentioned this in our observations appended to the report. I think it's disrespectful for a minister with such a great responsibility to not bother testifying before a Senate committee. However, I want to commend the new Minister of Justice for making himself available to testify so quickly after being appointed. I think senators will agree that it is rather worrisome for a minister to shirk her responsibilities, especially when we are studying government transparency.

Before I go any further, I would like to acknowledge the remarkable work of the members of the Standing Senate Committee on Legal and Constitutional Affairs, particularly that of our chair, Senator Serge Joyal, and the two deputy chairs, Senator Pierre-Hugues Boisvenu and Senator Renée Dupuis. This was an extensive and demanding study, and everyone took it very seriously and devoted a great deal of time to it. The final result speaks for itself. The clause-by-clause consideration of Bill C-58 clearly showed all of the flaws the government bill contained in its original form. We adopted over 50 amendments to Bill C-58, which is rare for a Senate committee. Usually, when a government bill is amended in the Senate, there are only about five amendments at most. This time, even the government suggested some 20 amendments. That simply shows that the government did not take the reform of the Access to Information Act seriously.

Many amendments were presented by the opposition in order to enhance transparency and facilitate access to information, which, you will recall, are key to our democracy.

A majority of members of the Standing Committee on Legal and Constitutional Affairs blocked the government's attempt to restrict access to information by eliminating the requirement that federal institutions maintain a directory of federal institutions, as set out in section 5 of the Access to Information Act. That directory is better known as Info Source. Senators simply deleted that clause, which would have eliminated Info Source.

As the Fédération professionnelle des journalistes du Québec stated in its submission to the Senate committee last fall, and I quote:

> The corollary to the production and conservation of documents . . . is the notion that organizations have the necessary systems to efficiently locate documents.

Senators also did away with new provisions imposing onerous requirements on those requesting access to information. The bill's clause 6 would have created barriers to access to information, barriers that senators in large part removed. Under the original clause, those making requests would have to be very specific about the type of document requested and the exact date of publication, and they would have to do so without Info Source. The clause also included reasons for which an institution could decline to act on otherwise legitimate requests for access to government documents.

The committee also proposed an amendment that sets time limits for responding to access to information requests. Additional time for the production of documents subject to an access to information request, for which the usual deadline is 30 days, cannot exceed an additional period of 30 days without written consent from the Information Commissioner. That amendment had been requested by several stakeholders, including the Fédération professionnelle des journalistes du Québec. There is currently no maximum limit for a legal time extension of 30 days under section 9 of the Access to Information Act.

• (1500)

Another important change made by senators on the Legal and Constitutional Affairs Committee seeks to give the Information Commissioner the possibility of filing orders to the Federal Court. The new provision reads as follows:

> **(6)** An order under subsection (1) that is in effect may, for the purpose of enforcement, be made an order of the Federal Court by following the usual practice and procedure or by the Information Commissioner filing a certified copy of the order in the Registry of the Court.

To me this change is critically important, because several witnesses told us that when orders issued by the Information Commissioner were not followed and executed by the institutions involved, the orders did not produce the desired effect and there were no consequences for the non-compliant parties. There was also no real follow-up mechanism. With the new power conferred on the Information Commissioner, a refusal to comply with an order from the commissioner, filed to the Registry of the Federal Court, could constitute contempt of court.

The committee also adopted a new amendment to prohibit the use of any code, moniker or contrived word or phrase in a record in place of the name of any person, corporation, entity, third party or organization. This amendment is in response to the case of Vice-Admiral Norman, who is on trial for breach of trust. It was proven that the accused did not get access to several defence department documents because his name had been replaced with code names. Mr. Norman's lawyer made requests to the defence department for all communications involving Vice-Admiral Norman. The person responsible for access to information found nothing. He then spoke to his superior, who told him that all communications involving Mr. Norman were coded. In fact the only document found was the list of code names for military personnel. The very fairness of Mr. Norman's trial was marred by a practice that circumvents the access to information regime in an insidious and unacceptable way. The amendment we adopted addresses this situation.

The Conservative senators tried to pass amendments that would have forced federal institutions to further document the decision-making process. Ministers would have been required to draft instructions and guidelines for creating and preserving federal government documents and sharing them with institutions. This obligation would have forced the Prime Minister's Office and ministers' offices to document and publish information taken into account in their decision-making process.

Among senior public servants, there is a common practice to put the pencil down during meetings to ensure there are as few notes as possible that could potentially be subject to an access to information request. The amendment we proposed would simply have required ministers to provide guidelines regarding the information to be collected and preserved. Unfortunately, this amendment was rejected by the independent senators.

An amendment to make mandatory the proactive disclosure of removal and relocation expenses of political staffers met the same fate. Let's not forget that over $220,000 in relocation expenses for Gerald Butts and Katie Telford, staffers from the Prime Minister's Office, were brought to light thanks to an access to information request made by the Conservatives. That alone demonstrates how important it is to ensure that these expenses are disclosed in a timely manner. Unfortunately, once again, most of the independent senators did not seem to think that information was relevant.

A lot of work still needs to be done to improve this bill. I hope that we will be able to continue to fine-tune it at third reading stage. With that in mind, I would like to read another excerpt from the President of the Treasury Board's mandate letter. This small and simple phrase is of the utmost importance. It says, and I quote:

> Work with the Minister of Justice to enhance the openness of government, including leading a review of the *Access to Information Act* to ensure that Canadians have easier access to their own personal information, that the Information Commissioner is empowered to order government information to be released and . . .

I would like to draw your attention to this last part in particular:

> . . . that the Act applies appropriately to the Prime Minister's and Ministers' Offices, as well as administrative institutions that support Parliament and the courts.

Sadly, honourable senators, the bill, as it is currently written, does not meet that objective. Yet that was one of the Prime Minister's major commitments during the last election campaign. What happened that caused the Prime Minister to go back on his promise? By not subjecting ministers' offices to the Access to Information Act, the government is being opaque and doing the opposite of what we would expect from an open and transparent government. Also, by refusing to amend the bill to require ministers to issue directives to provide more information about various government decisions, the government is making its administration even more opaque.

In that regard, the Fédération professionnelle des journalistes du Québec told us the following:

> Journalists who would like to obtain certain crucial documents that attest to government decisions cannot determine that they have actually been produced, since there is nothing in this bill that requires the government and its entities to disclose them upstream. This very often means that journalists who have made access requests are told that the documents do not exist.
>
> Recommendation: That an explicit provision be incorporated into the Act to ensure that government documents that attest to government decisions are produced and preserved.

Clearly, the government is under no obligation to document its decisions.

MOTION IN AMENDMENT

Hon. Claude Carignan: Therefore, honourable senators, in amendment, I move:

> That Bill C-58, as amended, be not now read a third time, but that it be further amended in clause 33, on page 18, by replacing line 17 with the following:
>
> "under this Part;
>
> **(c.1)** cause to be prepared and distributed to government institutions directives and guidelines regarding the creation and retention of government records that
>
> **(i)** document decisions made by government institutions,
>
> **(ii)** ensure the continuity of governmental operations,
>
> **(iii)** allow for the reconstruction of the evolution of policies and programs, and
>
> **(iv)** facilitate independent evaluation, audit and review; and".

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Carignan, seconded by the Honourable Senator MacDonald, that Bill C-58 be not now read the third time —

Hon. Senators: Dispense.

The Hon. the Speaker: On debate, Senator Ringuette.

Hon. Pierrette Ringuette: I thank Senator Carignan for his work as the bill's official critic. I waited a while, but I see that he has done his homework. I would like to point out the following to my honourable colleagues.

• (1510)

[*English*]

That the exact same motion in amendment just tabled in the Senate was tabled at the Senate committee and was defeated at committee; so you are well aware of the facts on this amendment. Thank you.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have an agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: Honourable senators, the bells will start ringing now for one hour, but they will stop at 3:30 p.m. so we can continue with Question Period as per a previous order of this chamber. Following Question Period, which will end at 4:10 p.m., the remaining time for the one-hour bell will continue.

Call in the senators.

• (1530)

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, appeared before honourable senators during Question Period.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the sitting is resumed. We will proceed to Question Period.

Today we have with us the Honourable Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness.

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

MINISTRY OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

BILL C-71—AMENDMENTS

Hon. Donald Neil Plett: Welcome, minister.

Minister, the Standing Senate Committee on National Security and Defence just finished its examination of Bill C-71. We sat for more than 30 hours, heard from 81 witnesses. In the end, the committee made some fairly significant changes to the bill to help minimize its negative impact on law-abiding gun owners. This chamber is now debating whether to accept the work of the committee.

My preference, minister, is that we respect the work of the committee and give you and your colleagues the opportunity to consider the amendments in the other place.

I'm wondering, minister, if you would be okay if we adopted the report with amendments or if you are instructing your independent senators to do the heavy lifting for you and defeat the report?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Your Honour, I would never presume to give the Senate advice.

Senator Plett: I clearly see that Senator Harder has taken lessons on answering questions from you, Minister Goodale. They are about the same length.

I have a supplementary question, minister. There are senators in this chamber who seem to feel a bit squeamish about making significant changes to your legislation. I'm not sure if that is because they were appointed from the Liberal list or they just don't think you're up to the job of defending your own legislation.

To be clear, if this chamber chooses to respect the democratic process and adopt the committee's report, your government has no problem with that and you are prepared to consider these amendments in the other place and make any changes you feel necessary?

Mr. Goodale: Your Honour, I think it's always wise for the democratic process to take its normal course in both the House of Commons and the Senate. People have the full, free right to debate within the rules of parliamentary procedure, to present their ideas. Those ideas come to a vote at the end of the day, and over the course of 152 years that process has served Canada rather well. I think it's also advisable for debate to remain civil, dignified and for the highest of decorum to be maintained in both houses.

ISLAMIC REVOLUTIONARY GUARD CORPS— DESIGNATION AS TERRORIST GROUP

Hon. Linda Frum: Minister Goodale, as you know, this week is Iran Accountability Week on Parliament Hill. My question to you is about your government's accountability on the Iran file.

On June 12, 2018, the House of Commons adopted a motion asking the government to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada. Both you and Prime Minister Trudeau voted in favour of this motion. Two days later, you said in Question Period that the process for listing actually involves an investigation by the RCMP and CSIS and that process will go forward.

Eleven months have passed since then. In the meantime, the United States has listed the IRGC as a terrorist organization. Minister, what are you waiting for to designate the IRGC as a terrorist entity as you pledged to do?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Your Honour, as the honourable senator will know, there is a very detailed process that needs to be followed for listings under the Criminal Code of Canada. That is a meticulous process that has served the country very well for many years. It is respected around the world as a process that is credible and has integrity. That process is going forward and involves, as one of the steps, the detailed reports on all relevant factors by police and security agencies. That process is under way and it's still going forward.

I would note that a number of steps have already been taken in the past, including the listing of the Islamic Revolutionary Guard Corps Quds Force as a terrorist entity. The listing of the Taliban, Hezbollah, Hamas and the Palestinian Islamic Jihad as a terrorist entity, imposing sanctions on Iran and the IRGC, targeting all four of its branches as well as its commander, and listing Iran as a state sponsor of terrorism. Those steps have already been taken and the step referred to in the motion that was adopted in the House of Commons last year is under detailed consideration according to the normal rules.

ASSISTANCE FOR VICTIMS OF FLOODING

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister Goodale, I know that you are well aware of the recent flooding in my home province of New Brunswick. I thank the government for its assistance thus far in that terrible flooding along the Saint John River.

I also want to go on record as thanking the Canadian Armed Forces personnel and the many volunteers for their efforts to protect people and homes from yet another record year of flooding.

Minister, this situation is becoming all too familiar. Flooding here in Ottawa, in Gatineau and Bracebridge have also caused tremendous damage. Environmental emergencies due to climate change, namely flooding, fires and the like, are on the increase.

I think we can agree that with each environmental emergency these types of things will be the norm in the future.

Your mandate letter called on you to develop a comprehensive action plan:

> . . . to better predict, prepare for, and respond to weather-related emergencies and natural disasters.

In January of this year, you and your provincial and territorial counterparts released a document entitled *Emergency Management Strategy for Canada: Toward a Resilient 2030*. This document is just 32 pages long and 2030 is a lot of floods away.

What concrete steps will be taken in the short term, minister, to address the challenges we're facing and that we will be inevitably facing in the years to come?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Senator, thank you very much for the question. As you might imagine, for the last two weeks this topic has preoccupied most of my time and attention as very serious flooding has affected at least four provinces. The original

forecast was for the most severe problem actually to be in the Province of Manitoba, where it turned out that the flood that had been anticipated did not fully materialize; there were still some significant issues, problems and flooding south of Winnipeg but not nearly to the levels previously experienced in 2011, for example.

• (1540)

Your province of New Brunswick had severe conditions down the Saint John River Valley. Fortunately, those conditions have now subsided to a large extent. The province has withdrawn its request for federal assistance. The Canadian Armed Forces are standing down, and they're now moving into the return and recovery phase.

The same process is beginning in Ontario and Quebec, although there are still very high water levels along the Ottawa River; the St. Lawrence Valley; the Great Lakes; in cottage country, as you mentioned, north of Toronto; and also in Kashechewan and other places along Hudson Bay and James Bay.

In all of those circumstances in four provinces, the Canadian Armed Forces have been of extraordinary assistance. As the Minister of Defence likes to say, "They are quick to arrive and they are slow to leave." The disengagement terms are always managed very carefully between the Canadian Armed Forces and the local provincial emergency management authorities.

All Canadians would join you and I in commending the Canadian Armed Forces and all of the first responders, the provincial and municipal officials, the volunteers and everybody who came to the rescue and did such a remarkable job.

I also want to mention the Canadian Red Cross, which is providing funding and assistance to people who were dislocated and directly affected by the flooding, wherever it happens across the country. The Government of Canada made a contribution, as you may know, last Friday of $2.5 million to the Canadian Red Cross to assist them in delivering those services. They typically cover immediate human needs that fall outside of official recovery programs that are not otherwise covered.

The strategy you referred to with respect to emergency management has been in the development stage for the last three years. We've been working very carefully with the provinces and territories to put this national strategy together. We're also working very closely with Indigenous leadership, because that is important in terms of the overall inclusiveness and effectiveness of the strategy.

What the provinces and territories will now do is take the strategy and identify within each of their jurisdictions — because they're all a bit different across the country — the immediate priorities that they see as essential, moving forward, to meet emergency needs within their jurisdictions. The provinces have the lead jurisdiction under the Constitution. The Government of Canada plays a supportive role, but I'm happy to say that in the relationships we've got with all of the provinces and the territories, there is a very good effective working relationship that delivers the necessary services and cooperation.

There are three federal programs that are immediately relevant here. One is the DFAA, the Disaster Financial Assistance Arrangement. It's a cost-sharing arrangement that has existed since 1970. Under that arrangement, the provinces identify the recovery programs that they would like to put in place, the compensation, costs and so forth. Then they invite the Government of Canada to cost-share. The lower the cost of the disaster, the smaller the federal share; the higher the cost of the disaster, the bigger the federal share. It's all worked out under the arrangement, and it has worked very well over the years. That program will click into place and we will deliver our federal responsibilities under that program.

There are also two others. The first is the National Disaster Mitigation Program, which helps particularly with things like flood mapping so that we can identify where the risks are for the future and advise municipalities on things like zoning in terms of where to build and where not to build. There's also the Disaster Mitigation and Adaptation Fund, which focuses on building infrastructure that is more resilient to climate change. That program will also be useful in the weeks and months ahead.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: I would ask honourable senators to keep their questions brief. We have a long list of senators who want to ask questions. In that way, we can ask the minister to be a little briefer in his answers as well.

SOCIAL MEDIA

Hon. Serge Joyal: I'll try to follow the admonition from Your Honour.

Mr. Minister, I would like to come back to an issue before your department, which is role of social media companies in the control of hate speech, violent content and extremism. This is part of your responsibility. It's quite obvious from the past months and year that social media companies — and I'm thinking of Facebook among them — are inefficient in their will and capacity to control the spread of hate speech and violent content.

Why is the government waiting and stalling on the initiative of not tabling a bill to show the will of the government to use its responsibility and powers to stop that? That's what Canadians are expecting. It seems this government, in relation to controlling and regulating social media, is very reluctant to do anything and is just waiting on some other partners of Canada to do something and then follow suit.

Why are you not exercising leadership in that domain?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Thank you for the question. It's a very important one. This topic has been under discussion, particularly for the last two to three years, at every meeting that I've attended of the security ministers of the G7 and the security ministers of the Five Eyes. While interest in the topic has ebbed and flowed a bit over time, depending on the particular circumstances at any given moment, it's fair to say that there has

been a constant rising of interest and concern among all of our closest allies about the use of social media in ways that disseminate harm.

The first manifestation of that is undoubtedly terrorist activity that is harboured on some platforms on the Internet, but there are also the very serious issues of child sexual exploitation, human trafficking and, in the last year and a half, the concern about foreign interference in democracies.

The discussions with the social media companies have intensified both bilaterally in Canada's discussions with each one of them individually and collectively through an organization called GIFCT, the Global Internet Forum to Counter Terrorism.

In the last conversation, which was about a month or so ago at a meeting of the G7 in Paris, we made it very clear that the expectations of these countries — the G7 in that case, but it would also include all of the Five Eyes — the concern is rising, the patience is running out and we expect to see firmer, better, more effective action by the social media companies. While it wasn't unanimous among these countries, certainly the overwhelming majority were of the view that if the response levels from the social media companies were not adequate to protect society from these social harms, then the companies could expect regulation. Around the time we were having that meeting, or a little bit before it, Mr. Zuckerberg made a comment internationally to suggest that his company might, in fact, welcome regulation.

So the attention around the world is now turning to exactly what form that should take. Some companies are imposing penalties.

• (1550)

Others have taken an interesting approach, and I'd be interested in the Senate's view on this: Do you create, in law, a new tort that would effectively say that these companies assume the financial responsibility for the damage they do if their platforms are misused for purposes such as terrorism, child sexual exploitation, human trafficking or interference in democracy?

I would be interested in your thoughts on which of the various techniques available would, in your view, be the most effective.

BILL C-59—PROGRESS OF LEGISLATION

Hon. Marc Gold: Welcome, minister. As you know, the Standing Senate Committee on National Security and Defence is in the process of its study of Bill C-59, An Act respecting national security matters.

As the minister responsible for this bill, what are your concerns if the bill does not pass in a timely manner?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: There are many, Senator Gold, and thank you very much for your enthusiastic sponsorship of the legislation here in the Senate.

The bill, as you know, does many things. It's a big bill. I won't run through all 11 parts of the legislation, but it creates, for the first time, comprehensive oversight. It creates the new office of the intelligence commissioner. It has strong prohibitions against behaviour that can contribute to torture. It provides modernization for both CSIS and the CSE and it improves the Criminal Code in a number of ways.

All of those elements are important, and taken together as a package, some of the leading independent experts have said that this legislation constitutes the most significant renovation of our national security architecture since the CSIS Act was introduced in 1984.

If you remember, in 1984 a mobile phone was as big as a bread box. The fax machine was breaking new technology. A lot has changed since 1984. One of the critical reasons why this legislation is so urgent is to create a legal and constitutional framework that is up to date with technology, up to date with world security issues that are prominent around the world today and gives our security and intelligence agencies the tools they need to deal effectively with those circumstances.

It's all important. The one area that I would truly highlight, though, are the changes in various sections and parts of the legislation that create a modern, legal and constitutional framework and appropriate modern legal authorities for an agency like CSIS or the CSE to be able to function in the world as it is today.

It is no longer 1984. We're long past that and we need a security framework that reflects the realities of the 21st century, and that's why it's urgent.

BILL C-71—FIREARMS REGULATIONS

Hon. Paul E. McIntyre: Welcome to the Senate, Minister. My question is on Bill C-71.

On the one hand, this bill puts in place new regulations on firearm owners, including those owning restricted and prohibited firearms, such as handguns. On the other hand, your colleague Minister Blair has been engaged in public consultations on a potential ban on handguns and assault-style weapons.

Minister, one exercise contradicts the other. You are suggesting new regulations as the solution in Bill C-71, yet Minister Blair has been studying measures that would make those same regulations redundant.

Minister, does this not suggest your government is pursuing two different strategies when it comes to firearms?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: No, I believe the two measures are sequential and complementary. In Bill C-71, we improved the system around background checks and I must say that particular set of provisions in Bill C-71 has had broad support across almost all party lines.

We improved the process with respect to licence verification. We re-established a system of commercial inventory-keeping that is consistent with modern international practices. There are rules

around transportation that deal specifically with restricted and prohibited weapons, and we safeguard the impartiality of the classification system.

All of those measures, it seems to me, are practical, common-sense measures that will help to make Canadians safer.

There are other issues around the safe storage of firearms and so forth that Minister Blair has been consulting about. He'll finish his consultation and produce his report in due course and then the appropriate decisions will be made about his findings.

But the two areas are not inconsistent. They mutually reinforce each other.

[*Translation*]

HUAWEI—5G TECHNOLOGY

Hon. Jean-Guy Dagenais: Thank you, minister. In October 2018, Marco Rubio and Mark Warner, two American senators who serve on the Committee on Intelligence, wrote to your Prime Minister to ask him not to allow Chinese company Huawei to participate in developing 5G communications technologies in Canada.

This request was made seven months ago, and at the time, the British and the Australians had already kicked Huawei out of their countries. This is about spying, and it's serious.

Minister, can you explain what's stopping your government from making a decision, when our allies have already done so? Furthermore, did you not understand this rather clear request from the Americans, or is Prime Minister Trudeau selling our national security to help a company, just like he tried to do with our justice system in the SNC-Lavalin case?

[*English*]

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Honourable senators, 5G technology is important new information technology that is in the early stages of being developed around the world and holds incredible potential for the way we run our lives, the way we run our businesses and the way we communicate with each other. The impact of 5G is simply enormous.

The challenge, of course, is making that technology, with all its fantastic potential, available to Canadians in a way that is safe and secure.

So we have been examining very carefully both dimensions of this issue: the scientific and technological dimension regarding what this technology has the capacity to do; and the security issues around the whole issue of the supply chain and how we can ensure the integrity of the supply chain for the benefit of Canadians to keep our country safe.

It's a systemic review. We're not looking at any one company alone. We're looking at the whole system. We're looking at it in a holistic way so that at the end of the day we can accomplish two objectives: First, to make the very best of this new technology available to Canadians; and second, make sure that it is safe and secure. And we will not compromise safety.

BILL C-71—AMENDMENTS

Hon. André Pratte: Minister, my question concerns Bill C-71, the firearms bill. As already mentioned, the bill was significantly amended in committee. Minister, have you had the chance to review the changes proposed by the committee, and can you tell us what impact these amendments would have if they were to become part of the Firearms Act?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: I have had a chance to review some of them and I'm in the process of examining them all in detail. I understand one of the proposals would, in fact, restrict the review period for background checks to the immediately previous five years of a person's life history as opposed to their entire history.

• (1600)

This was a subject of great consideration and debate in the house. Many witnesses commented on it. The bill was amended in several ways in the house, in fact, to make the process of background checks more rather than less comprehensive.

You always have a range of views expressed when testimony comes before Parliament, but my reading of the evidence that was heard is that if you were to reduce the background checks, which this amendment would propose to do, you would be running contrary to much of the evidence that was heard by both the Senate and by the other place.

That one, I think, makes Canadians less safe and I don't think it would be advisable.

There's another amendment in the Senate that would propose to retain, in the Governor-in-Council, the authority to deem a firearm to be of a less restricted class than science or the independent judgment of police authorities would recommend. Again, it seems to me that is reducing the safeguards in the legislation, reducing safety for Canadians and making our society less safe.

Finally, there is a proposal, as I understand it, where individuals may automatically be authorized to transport restricted and prohibited firearms to places other than an approved range. I would simply point out that under the provisions in Bill C-71, as they were sent from the house to the Senate, the arrangements that were already in the legislation would have exempted about 95 per cent of the transportation of restricted and prohibited weapons. This further change would actually remove the transportation requirements altogether. Again, in my view, that makes society less safe and would not be advisable.

BILL C-83—ADMINISTRATIVE SEGREGATION

Hon. Kim Pate: Minister Goodale, despite intending to end solitary confinement, Bill C-83 gives broad discretion to Correctional Service of Canada staff to place individuals on a regime of at least 20 hours per day of isolation and to keep them there indefinitely.

During visits to prisons with colleagues, a number of us have been struck by glaring examples of the breadth of discretionary authority in use, as well as CSC staff not being cognizant of the law and policy that governs their actions or, worse yet, knowingly breaching same. As was recently acknowledged in the *Brazeau* case, the Correctional Service of Canada's policies on solitary confinement "are more honoured in the breach than in the observance." Prisoners learn that whether or not one moves through the system smoothly and in accordance with policy is not predictable, even if one follows all the rules.

Minister, Bill C-83 does not include judicial oversight of CSC to prevent such violations of policy, law and human rights. It instead relies on CSC staff to monitor and report human rights abuses. What measures are currently in place — not planned for some point in the future but currently in place — to change the culture within the Correctional Service of Canada to ensure that human rights of prisoners are respected, that staff are rewarded for upholding these rights and that prisoners and staff who follow the rules can get ahead?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Thank you, senator, for your passionate interest in this topic.

I have several comments in response. As you know, there have been a plethora of cases dealing with solitary confinement or administrative segregation. Those cases are at different stages now of going through the legal process. I would point out that in virtually every case, they relate to the system or apply to fact circumstances that existed in 2015 or earlier.

When I arrived in this responsibility for public safety, I began very early on examining the ways in which we can improve our correctional system, to make it more successful in rehabilitation while at the same time always keeping Canadians safe and secure. As I was examining that broad set of issues, administrative segregation obviously became a topic of very intense focus. We began examining options for how we could change the system, for example, providing some kind of a time limitation on the number of days that a person could remain in administrative segregation and providing a form of independent oversight.

As we examined all of those options and, at the same time on a different track, the legal cases were rolling forward, becoming intensely more critical of administrative segregation, we had the reports of the Correctional Investigator and other sources of information and advice. I arrived at the conclusion that rather than trying to build systems around administrative segregation, to try and make it a better system, in other words, more oversight, more hard limits and caps. The best conclusion was to get rid of it altogether, and that is what I am seeking to do in Bill C-83.

The courts have defined solitary confinement or administrative segregation as the lack of meaningful human contact. Bill C-83 tries to ensure that we have within our correctional system methods by which inmates can be separated, when that is necessary from the point of view of safety, but at the same time, ensure that the treatment, counselling, mental health services, Indigenous contact and so forth can continue and indeed intensify while a person is in what would now be called the SIUs.

I am determined to get this right.

I do not want administrative segregation or solitary confinement to continue in the Canadian correctional system. We need a better way of handling the situation so that our institutions can be safe and secure and, at the same time, the people who need the help of counselling, mental health services and so forth, can get that attention.

The critical thing is making sure the system is properly funded. I would note that the Minister of Finance has made a special allotment of $450 million to implement the principles in Bill C-83, to provide not just the correctional officers but the mental health services, the counselling, the access to Indigenous counsellors that will be necessary to bring the SIU concept to life.

We are also developing a system of external independent decision makers — and not just advisers — who have the authority to intervene if intervention is necessary. If a person, for example, is not getting the hours per day out of their cell that they are entitled to, the independent external decision makers will have the authority to intervene. The funding and independent decision-making will be there. I will also be appointing an external panel of experts to monitor the implementation of Bill C-83 so that it is, in fact, going to achieve the objectives that we have set for it and not somehow get diverted along the way to a lesser result.

Your passion on this subject is impressive. I hope we can find a way to work together to get to the result we both want, which is a correctional system that is sound and secure and achieves its rehabilitative objectives, and does so in a way that does not rely on administrative segregation.

• (1610)

Some Hon. Senators: Hear, hear.

USE OF LIBERAL PARTY DATABASE

Hon. Denise Batters: Minister Goodale, the Trudeau PMO now admits they used the Liberal Party database to vet all government appointments. PMO claims this is for information only. That might be plausible if PMO checked only the person being appointed, but PMO admitted they vet the appointments short list. Your government is using the Liberal Party database to actually pick the successful candidate.

Minister, as you will know, the Liberal Party database contains much more information on Canadians than what is publicly available: donors, including those giving less than $200; party members; identified Liberal supporters; and lawn signs.

Your Liberal political process is even being used to vet National Parole Board appointments. Minister Goodale, I don't see why you need to know if someone had a lawn sign when you are selecting people to decide whether murderers should get out of prison.

Minister, where and how are the Trudeau PMO and your minister's office staff accessing this Liberal Party database? There are only a few possible options and not a single one is appropriate. Are computers containing this information in PMO, PCO or your minister's office? Are PMO, PCO or your ministerial staffers physically going to Liberal Party headquarters to obtain this information? Are they phoning or communicating with Liberal Party headquarters to get it? Or do PMO, PCO or your ministerial staff have an access code for the Liberal Party database? Which is it?

Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness: Honourable senators, when I make recommendations for appointment to the various boards and commissions that fall under my jurisdiction, I do so on the basis of the qualifications of the individuals who come forward. As you know, there is an open process where people apply and signal their interest; they submit a detailed application form. It's on that basis that the most meritorious of candidates are selected. That's the information that I rely on. When I'm choosing people to recommend to the Parole Board, for example, that is a serious responsibility. That goes to public safety in this country. I make sure that every recommendation I make, to the very best of my knowledge and belief, is the best-qualified candidate for that job.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm sure honourable senators would like to join me in thanking Minister Goodale for being with us today. Thank you, minister.

Hon. Senators: Hear, hear.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the bells will now ring for the balance of the time for the vote. The vote will take place at 4:53.

• (1650)

ORDERS OF THE DAY

ACCESS TO INFORMATION ACT
PRIVACY ACT

BILL TO AMEND—MOTION IN AMENDMENT NEGATIVED—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Day, for the third reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts, as amended.

And on the motion in amendment of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator MacDonald:

That Bill C-58, as amended, be not now read a third time, but that it be further amended in clause 33, on page 18, by replacing line 17 with the following:

"under this Part;

(c.1) cause to be prepared and distributed to government institutions directives and guidelines regarding the creation and retention of government records that

(i) document decisions made by government institutions,

(ii) ensure the continuity of governmental operations,

(iii) allow for the reconstruction of the evolution of policies and programs, and

(iv) facilitate independent evaluation, audit and review; and".

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

That Bill C-58, as amended, be not now read a third time, but that it be further amended in clause 33, on page 18 —

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

Motion in amendment of the Honourable Senator Carignan negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Mercer
Batters	Mockler
Beyak	Munson
Black (*Alberta*)	Neufeld
Boisvenu	Ngo
Carignan	Oh
Dagenais	Patterson
Day	Plett
Downe	Poirier
Doyle	Richards
Eaton	Seidman
Griffin	Simons
Housakos	Smith
Joyal	Stewart Olsen
MacDonald	Tannas
Manning	Tkachuk
Marshall	Verner
Massicotte	Wells
McInnis	White—40

NAYS
THE HONOURABLE SENATORS

Anderson	Forest
Bellemare	Forest-Niesing
Bernard	Francis
Boehm	Gagné
Boniface	Gold
Bovey	Harder
Boyer	Klyne
Busson	Lankin
Campbell	Lovelace Nicholas
Christmas	Marwah
Cordy	McCallum
Cormier	Mégie
Dasko	Mitchell
Dawson	Miville-Dechêne
Deacon (*Nova Scotia*)	Moodie
Deacon (*Ontario*)	Pate
Dean	Pratte
Duncan	Ringuette
Dupuis	Saint-Germain
Dyck	Woo—40

ABSTENTIONS
THE HONOURABLE SENATORS

Coyle	Kutcher
Dalphond	LaBoucane-Benson
Galvez	Moncion
Greene	Wetston—8

The Hon. the Speaker: Resuming debate on Bill C-58. Are honourable senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

• (1700)

CANADA-ISRAEL FREE TRADE AGREEMENT IMPLEMENTATION ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

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

He said: Honourable senators, it is with great pleasure that I rise to speak in support of Bill C-85 at third reading debate.

The Canada-Israel Free Trade Agreement, or CIFTA, is a forward-looking trade agreement that will support the efforts of both countries to expand trade and deepen economic cooperation.

The original CIFTA was Canada's first free trade agreement outside of the western hemisphere. Until now, CIFTA has been a goods-only trade agreement.

The modernized CIFTA updates four of the original chapters, including dispute settlement, to bring CIFTA up to the standard of our more recent free trade agreements. It also adds nine new chapters, including intellectual property and e-commerce. These measures further strengthen the Canada-Israel bilateral commercial relationship and improve access to the Israeli market for Canadian exporters by eliminating and reducing tariffs and advancing a variety of non-tariff barriers.

Honourable senators, let me elaborate on this point by turning to how this translates into real benefits for Canadian businesses.

Canadian exports of industrial products, fish, seafood and some agricultural products already benefit from duty-free access as a result of the original CIFTA, which came into force over 20 years ago. Since then, two-way merchandise trade between Canada and Israel has more than tripled, totalling $1.9 billion in 2018. There is room to grow and deepen the commercial relationship. The modernized agreement will further expand this access and create new opportunities for Canadian companies.

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

Once fully implemented, the modernized CIFTA will also create more favourable conditions for exporters through important commitments to address non-tariff barriers and establish mechanisms under which Canada and Israel can cooperate to address and seek to resolve unjustified non-tariff barriers that may arise.

The modernized CIFTA also includes trade facilitation measures designed to reduce red tape at the border. This includes the use of automation to expedite the release of goods, and an impartial and transparent system to address any complaints about customs determinations.

Furthermore, the modernized CIFTA contains provisions to facilitate cooperation between both parties to combat intellectual property — or IP — rights infringement and to cooperate on the enforcement of IP rights. It also includes commitments by Canada and Israel not to levy customs duties or other charges on digital products that are transmitted electronically.

Finally, let me highlight once again that this forward-looking framework includes new chapters on trade and gender, small and medium enterprises, labour and environment, as well as a new provision on corporate social responsibility. These are firsts for Israel in a free trade agreement. These inclusive provisions are designed to allow more businesses to take advantage of CIFTA's opportunities.

Honourable senators, this modernized agreement puts Canada and Israel on a positive and innovative track towards generating more business for both countries. This is why I urge all senators to support the modernized Canada-Israel Free Trade Agreement and passage of Bill C-85 as quickly as possible. Thank you.

The Hon. the Speaker: Senator McPhedran, did you wish to ask a question?

Senator McPhedran: Yes. Would Senator Wetston take a question?

Senator Wetston: Yes.

Senator McPhedran: Senator Wetston, in the free trade agreement with Mexico and the United States, there is considerable reference to human rights and gender equality. There's nothing similar to that in this trade agreement. I wonder if you could help us understand why that's missing.

Senator Wetston: That's a good question. I'm not sure whether I can answer it. The one thing I will tell you is that Canada has taken extensive positions on various issues in the Middle East and has decided to adopt a trade agreement that is similar to other trade agreements, reflecting the nature of the relationship in this particular area.

What I mean by that is that, understandably, Canada's positions are well known when it comes to Israel, and Canada's position is recently well known when it comes to the territories. I recognize that the issue of human rights you are referring to would probably reflect more with respect to the territories than with respect to Israel.

The best I can say about this — a very good question, obviously — is that I believe the rationale for not including human rights and gender equality was primarily, I expect, because this trade agreement would not easily facilitate the kind of agreement that was expected under these circumstances — recognizing that it has been updated extensively, but this particular area of human rights was not discussed or agreed to. I'm sorry I can't help you more with that.

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable senators, I rise today to talk about Bill C-85, a bill to modernize the Canada-Israel free trade agreement. I'd like to share an observation with you. Let me begin by saying that I support this bill.

[*English*]

I support Bill C-85.

Since CIFTA came into effect in 1997 — CIFTA, as you know, is the Canada-Israel Free Trade Agreement — trade between Canada and Israel has more than tripled, totalling $1.9 billion in 2018. With the modernization of this agreement, it is expected to grow further.

The modernized agreement will include new, progressive, contemporary standards in such areas as dispute settlement, trade and gender, the environment, intellectual property and corporate responsibility.

Beyond strictly economic considerations, this bill enhances the robust relationship that Canada has with the Israeli state — a deep, lasting relationship that is reflected in strong economic, social, cultural and political ties.

That being said, I want to share with you today an observation about the issue of the territories occupied since 1967 — that is, the West Bank, the Golan Heights, Gaza and East Jerusalem — and the identification of goods coming from those areas.

My goal is not to involve myself in a highly complex conflict. I simply want to point out an inconsistency. I want to say, in answer to Senator McPhedran's question, that Canada is no stranger to negotiating human rights provisions in its free trade agreements.

The agreement applies to the territory where Israel's customs laws are applied. This means that the Israeli territory, as defined in the agreement, includes the territories occupied since 1967, since Israeli custom laws currently apply there, which is paradoxical.

Indeed, according to Global Affairs Canada, Canada does not recognize Israel's permanent control over those territories.

In its testimony to the committee, the former United Nations Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 indicated that Global Affairs Canada's position was based on an erroneous interpretation of the customs union entered into in 1994 by Israel and the Palestine Liberation Organization, as set out in the Paris Protocol.

In view of this, I believe it would have been judicious to make a clear distinction between goods from Israeli territory and goods from the territories occupied since 1967. This would have honoured the requests made to all states by the UN Security Council in its resolution 2234 of December 2016. The European Union decided to require that all goods from the Israeli settlements and territories occupied since 1967 be identified as such for the purposes of trade between the EU and Israel.

• (1710)

The similar measure would have enabled Canada to correct that inconsistency. Trading with the Israeli settlements in the territories occupied by Israel supports the development and illegal expansion of those territories to the detriment of the Palestinian economy. Being able to identify goods from those territories is important, because the information can then be passed on to consumers so they can make informed decisions.

I wanted to make this observation today to ensure that it is formally recorded in Hansard and to express my regret that the agreement does not reflect Canada's position regarding the occupied territories.

That being said, since the negotiations are over and the agreement will produce benefits for the citizens of both Canada and Israel, I will vote for the bill. However, I urge the government to ensure, in all current and future negotiations of international agreements, that trade policy is carried out in keeping with its principles and duties with respect to fundamental rights.

Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Housakos, for Senator Frum, debate adjourned.)

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

TWENTY-FIRST REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Bovey, for the adoption of the twenty-first report of the Standing Senate Committee on National Security and Defence (Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, with amendments and observations), presented in the Senate on April 10, 2019.

Hon. Donald Neil Plett: Colleagues, I rise today to speak to the report of the Standing Senate Committee on National Security and Defence on Bill C-71.

Let me start by commending the chair of the committee, Senator Boniface, for her excellent work chairing the meetings; along with the hard work and long hours put in by the clerk of the committee; the Library of Parliament analysts; the government sponsor of the bill, Senator Pratte; and all senators who participated in the committee hearings.

Allow me to begin today by stating clearly and unequivocally that I support the fundamental objectives of Bill C-71, as noted by Minister Goodale in the other place, to prioritize public safety and effective police work while treating law-abiding firearms owners and businesses fairly and reasonably.

The problem I have with this bill is that it does not achieve those objectives. It does not increase public safety, it does not facilitate effective police work, and it certainly does not treat law-abiding firearms owners and businesses fairly and reasonably. Instead, the committee found that the bill diminishes public safety by allocating precious and limited resources to time-wasting bureaucratic exercises; it decreases the effectiveness of police work by increasing the bureaucratic burden; it adds no useful tools for the prevention, enforcement, investigation or conviction of criminal activities; it threatens law-abiding gun owners with criminal sanctions for actions that have no relevance to public safety; and it provides a statutory basis to confiscate the property of Canadians with no provision for reimbursement.

The committee began its hearings on February 18 and met on six occasions. All but two of these meetings lasted between six and eight hours. In total, we sat for more than 30 hours and heard from 81 witnesses representing all sides of the issue, including two cabinet ministers.

Whether one agrees with the committee's report, the committee did an excellent job examining the bill, and our approach was reflective of collegiality, which is not often seen in this chamber. In fact, the amendments made to the bill were only possible because they were supported across caucus lines. This included Conservatives, ISG senators, independents and

Independent Liberal senators. The changes were not driven by partisanship but by a genuine desire to minimize the bill's harm while maximizing its usefulness.

Senators, we're all aware that if the government doesn't like the amendments that have been made in committee, then it can take them out. It has the numbers in the other place, and if it believes that it has the electoral mandate to punish gun-owners while giving gangs and murderers a pass, then it can do just that and face the consequences in October.

However, for this chamber to repudiate the work of one of its committees is unprecedented, except under one condition: when the government's majority in the Senate acts out of partisan interest to protect the government of the day.

Senator Gold gave us a couple of examples where committee reports were rejected by this chamber: Bill C-36, An Act respecting the safety of consumer products; and Bill C-25, An Act to amend the Criminal Code respecting time spent in pre-sentencing custody. But, colleagues, here's the problem with these examples: Bill C-36 was before this house in 2010, and Bill C-25 was here in 2009. In other words, the committee reports noted by Senator Gold were rejected by this chamber only because the government of the day had a majority in this chamber. These are two perfectly acceptable examples of the government exercising the power of its majority in the Senate to steer legislation in the direction it wants to go in order to protect its partisan interests.

Colleagues, if members opposite want to admit that they are, in fact, Justin Trudeau Liberal senators, then we on this side will acknowledge that they have the right to defeat this report. But if you continue to strut about in self-righteous indignation, insisting that you must defeat this report to save the country and this chamber from ruin, then for heaven's sake, spare us the pretentious charade about how independent and non-partisan you are. I find the duplicity galling.

And I suspect there are only about 58 people —

Hon. Frances Lankin: Point of order.

The Hon. the Speaker: Senator Lankin, are you rising on a point of order?

Senator Lankin: Yes. Your Honour, we listen often to aspersions cast about the intentions of honourable senators in this chamber. I don't believe that's appropriate, but I listen to them day after day after day. Right now, comments like "duplicitous" and other comments made seem to me to start to stray over the line of "sharp or taxing" language, which is in our rules.

I would ask Your Honour, at the very least, to caution senators at this time of year, as we go forward and there are more and more tensions. It's not helpful to our working environment. More to the point, it may actually be a violation of the rules. Thank you.

> **The Hon. the Speaker:** Senator Lankin raises a good point with respect to taxing comments. The word "duplicitous", in and of itself, is not a taxing word; however, if it is applied to individuals, particularly members of this chamber, it is skating very close to the line. So I ask that words like that not be used in debate.

Senator Plett: Thank you. Since that was the only time I was using that in my speech, I think I will be okay.

As I was going to say, I suspect there are only about 58 people in the whole country who believe this "independent" nonsense. You'll find them all right here in this chamber.

Having been involved in politics for a lifetime and having been present in this chamber for almost 10 years, I have heard a lot of politically motivated speeches. But only within the last three years have I begun to hear politically motivated speeches given by speakers who insist that they are not politically motivated. Just the other day, a so-called "independent" senator stood up to speak to the committee's amendments on Bill C-71, and said:

• (1720)

> . . . I fear that, for some, the motivation behind the amendments might have been political rather than societal.

This was a senator who was appointed by a Liberal Prime Minister after careful vetting through the party's database known as the Liberal list.

The Prime Minister's Office has admitted that at least one third of ISG senators appointed by Mr. Trudeau have a history of donations to and support of the Liberal Party.

Colleagues, I don't have a problem with the Prime Minister appointing senators to this chamber based on their political and partisan affiliations. What I do have a problem with is dishonesty and hypocrisy.

Some Hon. Senators: Oh, oh!

Senator Plett: I wasn't accusing, I was saying I have a problem with it.

In fact, senators opposite are so jaded that when a Conservative senator speaks they immediately assume that whatever is coming out of their mouth is politically motivated rhetoric. They don't even listen to what is being said. Senators, please, listen to this.

We had a perfect example of this last week. I was speaking on my SNC-Lavalin motion and said the following:

> . . . there was evidence of an attempt to politically interfere with the justice system in its work on the criminal trial that has been described by some as the most important and serious prosecution of corporate corruption in modern Canadian history.

As I said those words, an ISG senator from the other side scoffed and ridiculed the remarks as mere partisan exaggeration, completely unaware, I suppose, that I was quoting a former Liberal cabinet minister, Jane Philpott.

Colleagues, at least the independent Senate Liberals are honest about their ideological and partisan affiliations. The ISG senators, on the other hand, are intent on portraying themselves as politically pure and this side as poisoned by partisanship. But they have lost any real impartiality on the issues. Their only objective is to defend the illusion of their independence.

I would suggest that this illusion is not going over well. It inevitably results in a lack of coherence in their arguments due to a condition that we call ideological myopia, better known as tunnel vision.

Let me give you a couple of examples. After listening to 31 witnesses give testimony in committee over a period of 80 hours, Senator Gold in his speech at the report stage of this bill was unable to recall any evidence which challenged the government's position on the bill. Instead he said:

> I will be voting against the report because, as I understand the rules and principles governing my constitutional duty as a senator, it would be inappropriate to accept a report that tears apart a government bill, which follows through on electoral promises and was supported by credible evidence presented in committee.

Colleagues, this is nonsense. Was there testimony at committee supporting the government's position? Yes.

Was there evidence supporting the government's position? No — none.

The absence of such evidence was repeatedly drawn to the attention of the committee by expert witnesses and sports shooting enthusiasts. They pleaded with us to get past the emotional smokescreen and realize that this bill is entirely aspirational and is not supported by any clear statistical or anecdotal evidence. It is a patchwork of feel-good promises which ISG senators think the country is supposed to roll over and simply accept because the government won an election.

I beg to differ. Ridiculous promises such as "the budget will balance itself" or "cracking down on law-abiding gun owners will reduce crime" should be called by this chamber and not endorsed.

Let me give you another example of tunnel vision at work. Last week an ISG senator stood in this chamber and said:

> . . . guns exist for one purpose, despite being used properly or for illegal purposes: They kill.

Let me repeat that:

> . . . guns exist for one purpose, despite being used properly or for illegal purposes: They kill.

Colleagues I could repeat it a third time and it will still not make any sense. Guns exist only to kill? Has the Senator ever heard of the Olympics? Does she not know there is an event called shooting? Is she unaware that this shooting sport refers to the shooting of guns? Is the assertion that guns are only for killing a common understanding of some senators? Have the ISG senators never heard of the Shooting Federation of Canada or the International Shooting Sport Federation? What about skeet shooting or trap shooting? Are all of these considered killing? Right outside these doors are members of the Parliamentary Protective Service who would and have put their lives at risk to protect yours and mine. I do not think it is appropriate to accuse them of wearing a firearm simply for killing.

What about the tens of thousands of Canadians who enjoy going to a gun range on the weekend to enjoy target shooting? Is the firearm they own simply for killing? Is that why they saved their hard-earned after-tax dollars so they could buy a weapon whose only purpose is for killing? What about all the other 2.1 million Canadians who have a gun licence? Are they all killers in waiting? The absurdity of such comments is really beyond comprehension.

Then the senators try to portray the illusion that they are opposing the committee's report on Bill C-71 because of some ideological purity and unassailable commitment to democracy. I look forward to seeing if the ISG's robust deference to an electoral mandate continues this fall when Andrew Scheer becomes the Prime Minister. I suspect that their aversion to such a scenario will have them topping up their donations to the Liberal Party quite promptly.

Colleagues, there is no doubt in my mind that every member of this chamber wants to do whatever is necessary to reduce firearms violence. But what the Standing Committee on National Security and Defence had to grapple with was whether this bill would actually accomplish that objective. The majority concluded that it would do no such thing. Our amendments attempted to correct that and salvage what we could from a very flawed bill.

I am disappointed that after all of the committee's time and effort, the government sponsor of this bill, Senator Pratte, has now rallied his Liberal colleagues to try to kill the committee's report simply because it didn't endorse his view point. He, like all members of the committee, had the opportunity to make his case. He now wants to reject the committee's work even while thanking the committee for it. I understand that as the sponsor of the bill Senator Pratte feels some pressure to deliver for the government, but I would be remiss if I did not also point out that by rejecting the committee's report he is jeopardizing the legislative timelines agreed upon by Senate leadership.

Bill C-71 is to go to third reading by May 9, but that date is contingent upon the report being accepted by this chamber. If Senator Pratte wants to derail an entire agreement because he didn't get his way, I would strongly suggest that he consult with his leaders, Senator Harder and Senator Woo, before doing so. In my view, the legislation still fails in its bid to increase public safety and continues to needlessly penalize lawful firearms owners.

The Hon. the Speaker: Sorry for interrupting you, senator, but your time has expired. Are you asking for more time?

Senator Plett: Twenty seconds.

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

Hon. Senators: Agreed.

Senator Plett: However, the amendments made by the committee do provide some measure of improvement, and the report should be adopted by this chamber. This, of course, does not prevent additional amendments from being put forward at third reading as is the right of all senators to do.

My limited time at report stage prevents me from discussing the importance of the amendments we made to this bill, so I encourage all senators to read the transcripts of clause-by-clause consideration. Colleagues, I believe that the report of the committee on Bill C-71 should be adopted, as is the normal practice of this chamber, and I encourage you to vote in favour of its adoption.

[*Translation*]

The Hon. the Speaker: Senator Dupuis, would you like to ask a question?

Hon. Renée Dupuis: Yes.

• (1730)

[*English*]

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

Senator Plett: I will if the members opposite want to give it to me.

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

Hon. Senators: Agreed.

[*Translation*]

Senator Dupuis: Senator Plett, would you mind repeating the sentence after the one in which you said that Liberal senators are honest about certain things? The following sentence begins with "The ISG senators." I noticed that, in the simultaneous interpretation from English to French, that sentence was very condensed and made no sense. I would like Canadians to hear and understand the real meaning of that sentence. Thank you.

[*English*]

Senator Plett: I have to first understand the real meaning of the question. You need to repeat it.

I'm looking here, senator, but I'm not sure which sentence you want me to repeat. I'm happy to repeat it.

[*Translation*]

Senator Dupuis: Senator Plett, I'm sure you understand that I don't wish to paraphrase what you said. That's why I said the sentence was uttered at about the halfway mark in your 15-minute, 20-second speech. It's the sentence after the one in which you very clearly stated that independent Senate Liberals are honest about their positions and about saying certain things. I don't want to paraphrase you. The following sentence begins with "The ISG senators."

[*English*]

Senator Plett: I'm sorry, senator, it's taking me a bit of time.

I'm happy — if no one else wants to ask a question, I'll sit here for five minutes and look.

The Hon. the Speaker: Senator Plett, I did see Senator Pratte, the sponsor of the bill, rise to ask a question, along with a number of other senators. I would like to give the sponsor of the bill an opportunity to ask a question if you can find it.

Senator Plett: I will listen to Senator Pratte while I am looking, if that is acceptable.

Hon. André Pratte: You can do two things at the same time. That's very impressive.

Senator Plett, at the end of your speech, you said that we should vote in favour of the report because it is the normal practice. Yet Senator Gold has provided examples, and I have other examples. It has happened many times that a report was rejected. Speaker Charbonneau said a few years ago, when had he to rule on such a case, when we send bills to committee we do so essentially to get advice from the committee. But, in my view, the Senate cannot be bound by the advice that it receives from a committee. In other words, the Senate must remain master of its own decisions.

Do you agree with Speaker Charbonneau or not?

Senator Plett: Senator Pratte, I agree with the comments that I made that if a chamber here decides to reject a report because they have political biases and partisanships, like the government of the day did in 2009-10, then I agree that they should be able to reject the report.

If I could, Your Honour, I found the phrase that Senator Dupuis was looking for. Senator Dupuis, I think you said "at least independent Liberals in this chamber are honest about their ideological and partisan affiliations?" Is that the sentence you are referring to?

I then say the "ISG senators, on the other hand, are so intent on portraying themselves as politically pure, and this side as poisoned by partisanship, that they have lost any real impartiality on the issues. Their only objective seems to be to defend the illusion of their independence."

The Hon. the Speaker: I'm sorry, Senator Forest-Niesing, but Senator Plett's time has expired again. I don't know if he's going to ask for five more minutes or even if it's going to be granted.

Senator Plett: I'll leave it up to colleagues on the other side. I have no particular desire, but since I referenced the senator who was standing, I think for that purpose I will ask for additional time to answer her question.

The Hon. the Speaker: Another five minutes, honourable senators?

Some Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

Hon. Josée Forest-Niesing: Thank you for your indulgence, senator.

I will bring us back to the topic of the report. I do notice that the amendments did, in fact, remove three of the five flagship proposals contained in Bill C-71 — background checks, ATTs, classification powers — and all three measures were contained explicitly in the 2015 Liberal electoral platform.

For the sake of future precedent on this topic, sir, do you regard a government's electoral platform as being an important consideration for the purpose of recommending amendments to legislation, which has been adopted in principle — and this may be of great importance in the event that your wish comes true and there is a change in government?

Senator Plett: And, as an independent, I'm sure you aren't concerned about that wish happening or not happening.

Senator, I believe that this is the chamber of sober second thought. I think we all agree that this is a chamber where we should be able to amend bills if we see flaws. It is common practice that there are amendments introduced, even though it may have been in a government's platform. As I said in my speech, part of the Prime Minister's platform was that the budget would balance itself. That hasn't happened. So I think we have every right to amend a bill.

I asked the minister earlier today in Question Period if he was okay with us passing this, allowing it to go over to the other side and then the government of the day will decide whether or not the chamber of sober second thought has come up with some better ideas.

I'm not asking senators to defeat Bill C-71 now. I'm asking the chamber to accept a report that was adopted in committee — across party and caucus lines — to send it over to the other place, allow Minister Goodale, Minister Blair and the Prime Minister to deal with it. If they send it back to us and say, "No, we reject all of your amendments," then we have to deal with the message from the house.

I don't think that there is anything wrong with that. Whether or not you vote for this is, of course, entirely up to you, but there is nothing wrong with the procedure of us trying to amend any legislation here at all.

Hon. Colin Deacon: Senator Plett, could I ask you another question?

I'm glad you got back to Bill C-71 in your speech, specifically the witness testimony. There was one doctor who spoke against the legislation. I tallied up the organizations: The Canadian Association of Emergency Physicians, the Canadian Paediatric Society, Canadian Federation of Nurses Unions, Doctors for Protection from Guns. In all, it seemed that about 5,000 clinicians were represented through those organizations.

I'm wondering why you think the testimony of one physician outweighs that of all those other physicians represented by those groups?

Senator Plett: Thank you, senator. I don't think I said that. I said there was no statistical evidence on one side but there was on the other side.

I was not saying that I believed one person over another person. I still don't say that.

The Hon. the Speaker: Honourable senators, Senator Plett's time again is about to expire.

Are you asking for more time, Senator Plett?

Senator Plett: No.

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

Hon. Senators: Question.

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

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising.

Do we have an agreement on a bell?

Senator Plett: How about 15 minutes?

The Hon. the Speaker: Fifteen minutes. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will take place at 5:54 p.m.

Call in the senators.

• (1750)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson
Andreychuk
Ataullahjan
Batters
Beyak
Boisvenu
Carignan
Dagenais
Doyle
Eaton
Greene
Housakos
MacDonald
Manning
Marshall
McCoy
McInnis
Mockler
Neufeld
Ngo
Oh
Patterson
Plett
Poirier
Richards
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk
Verner
Wells—32

NAYS
THE HONOURABLE SENATORS

Bellemare
Boehm
Bovey
Boyer
Busson
Campbell
Christmas
Cordy
Cormier
Coyle
Dalphond
Dasko
Dawson
Day
Deacon (*Nova Scotia*)
Deacon (*Ontario*)
Dean
Duncan
Dupuis
Dyck
Forest
Forest-Niesing
Francis
Gagné
Gold
Griffin
Harder
Joyal
Klyne
Kutcher
LaBoucane-Benson
Lankin
Lovelace Nicholas
Marwah
Massicotte
McCallum
McPhedran
Mégie
Mercer
Mitchell
Miville-Dechêne
Moncion
Moodie
Munson
Pate
Pratte
Ravalia
Ringuette
Saint-Germain
Wetston
Woo—51

ABSTENTIONS
THE HONOURABLE SENATORS

Boniface
Galvez
Wallin—3

• (1800)

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

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 3-3(1), it being after six o'clock, I am required to leave the chair until eight o'clock unless it is agreed that we not see the clock.

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

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." Accordingly the session is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Serge Joyal moved second reading of Bill S-260, An Act to amend the Criminal Code (Conversion Therapy).

He said: Honourable senators, Bill S-260 is entitled An Act to amend the Criminal Code, regarding conversion therapy. The summary gives an overview of the objective of the bill, which is to make it an offence to advertise conversion therapy services for consideration and to obtain a financial or other material benefit for the provision of conversion therapy to a person under the age of 18.

Honourable senators can acquaint themselves with the bill's very well-defined objective by reading the preamble. In short, this bill seeks to prohibit the practice known as conversion therapy. What is conversion therapy? The bill defines it as any practice, treatment or service designed to change an individual's sexual orientation or gender identity or to eliminate or reduce sexual attraction or sexual behaviour between persons of the same sex. In other words, it means any practice that seeks to fundamentally change the identity of a person and turn that person into something he or she is not. Conversion therapy violates people's right to personal autonomy, or the right to be who they are as a person or individual. It also violates the right to physical and psychological integrity. The Criminal Code already prohibits attacks on physical integrity. For example, genital mutilation is prohibited under the Criminal Code. Conversion therapy can be an attack on both physical and psychological integrity, particularly the latter. It seeks to convince individuals that their state of being is not acceptable according to the standards of society, their community or their environment. It seeks to change people's fundamental nature. That is why conversion therapy contravenes fundamental human rights and constitutes an attack on people's right to dignity and equality.

[*English*]

If you read the bill, honourable senators, you will clearly realize that it is important to protect the human dignity and equality of all Canadians by discouraging these practices and treatments in light of their negative consequences, particularly for young people. This is the preamble of the bill.

You may ask where that comes from. Why are we here tonight in the chamber, trying to understand the objective of this bill and why should we amend the Criminal Code in relation to prohibiting conversion therapy?

Honourable senators, I want to remind you what the Prime Minister stated on November 28, 2017, when he presented the apology of the Government of Canada to the LGBTQ2 community in relation to the discrimination that former public servants, former members of the Canadian Armed Forces and former members of the diplomatic service of Canada experienced in the 1950s and the 1960s. The sentiment speaks directly to this fundamental issue. I will read the Prime Minister's statement:

[*Translation*]

> While we may view modern Canada as a forward-thinking, progressive nation, we can't forget our past:

— and I really want to emphasize this —

> The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives.

[*English*]

I want to underline that.

• (2010)

> The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives.

That's what we're dealing with here, destroying people's lives. We're not just preventing someone from crossing a street, stealing or committing any other common offence that we find in the Criminal Code. We are dealing here with initiatives that could destroy people's lives.

In as much as the Criminal Code is committed to protecting the physical integrity of a person if a person is the object of physical violence, as much as we should be mindful of protecting any initiative against psychological violence, both are violence against the same person.

The Prime Minister mentioned later in his speech that Canada needs to work more. I will read his *propos* in French:

[*Translation*]

> And there is still work to do. . . . The Government needs to continue working with our partners to improve policies and programs.

[*English*]

In other words, when the Prime Minister made his excuse, he also made a commitment, which was to address the other situation in which the members of the LGBTQ2 communities feel that it is dangerous for them to live in our community, our society, our country, by being just what they are.

In the other place, last February, the Member for Saskatoon West, Sheri Benson, introduced a petition of 18,000 names, asking the government to intervene, to prohibit conversion therapy. Here is the answer that was tabled in the other place by the Minister of Justice, on March 18:

> Conversion therapies are immoral, painful and do not reflect the values of our government or those of Canadians. Various medical and psychological associations have identified the practice as unethical.

You would have expected that the government would have taken a legislative initiative following the commitment of the Prime Minister to do more in November 2017.

The fact is that this issue of conversion therapy — and I will explain it later — is condemned worldwide, in countries with similar patterns as Canadian society.

Here is how the Minister of Justice concluded his answer to the petition:

> We continue to work with provincial and territorial governments to address these practices through the regulation of the health profession.

In other words, the government shifted the focus to the provinces, making it only an issue of health.

That seems to me to be an easy way out. If you look into the capacity of this Parliament to legislate in relation to the Criminal Code and health, the competence of the federal Parliament is well established.

I want to refer you to a decision of the Supreme Court in 2017 in the case of *Canada (Attorney General) v. PHS Community Services Society* in 2011. It's a recent decision. Here's what the Supreme Court states in relation to the power of the federal government in relation to the Criminal Code on the matter of health:

> . . . Parliament has power to legislate with respect to federal matters, notably criminal law, that touch on health. For instance, it has historic jurisdiction to prohibit medical treatments that are dangerous, or that it perceives as "socially undesirable" behaviour: . . .

It's quite clear that we have the jurisdiction through the criminal law to prohibit some treatments that are dangerous or that are perceived as socially undesirable behaviour.

I reflected, honourable senators, on how we should approach this issue in the Criminal Code, because if we are to legislate in the Criminal Code, it's a very serious matter, and it has very serious consequences, because as you know, there are fines or even prison terms if the offence is recognized by a competent court to have been committed.

Honourable senators, I want to refer you to the bill that Parliament adopted in 2014 in relation to prostitution. I don't know if you remember, honourable senators, Bill C-36 that was debated and studied at length at the Standing Senate Committee on Legal and Constitutional Affairs.

How did the government of the day address the issue of prostitution? The government didn't ban prostitution, but the government banned and made infractions in relation to offering or obtaining sexual services for consideration; in other words, to receive money.

The other thing the government banned was publicity. In other words, you cannot advertise that you are going to offer your prostitution services, no more than you can draw a material benefit of exercising prostitution.

I look to my colleagues on the other side. You will remember very well we debated and voted on that measure. It's now part of the law of Canada. In other words, we amended the Criminal Code to ban advertising and to ban the opportunity to receive material benefit from prostitution.

I reviewed the Charter rights involved in this legislation and I came to the conclusion that this legislation was in sync with the objective of the freedom of expression of Charter rights. That's why it was limited only to those two segments of prostitution activities, offering and receiving the money. If you engage in prostitution without publicity and without money, that's not prostitution in the sense of a criminal act.

I thought this was the approach to be taken in the bill that I would be drafting. That's why in Bill S-260 it reads that "Everyone who knowingly advertises an offer to provide conversion therapy . . .", and that's why in the following article I make sure that the same elements of material benefit are recognized:

> Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly . . . from the provision of conversion therapy . . .

In other words, this bill aligns with the precedent of Bill C-36, adopted in 2014, because I thought we were protecting the Charter rights that accompanied Bill C-36, the commitment that was defined according to the Supreme Court of Canada in the *Bedford* case.

Some of you might remember the name of Bedford. She was the lady who challenged the constitutionality of the Criminal Code.

That being said, honourable senators, you might want to ask me how the approach of conversion therapy has been considered in other jurisdictions. I asked myself, where is it? How have other countries similar in stature, experience and commitment to Canada sought to protect individual rights, to protect the Universal Declaration of Human Rights, to protect Charter rights, to protect the human rights code of Canada — well, honourable senators, I want to give you a list of international organizations that have banned conversion therapy, and you will be surprised. I was surprised myself when I dug into the research to come to the list of international organizations that have taken a strong stand against conversion therapy and not yesterday or the year before.

• (2020)

[*Translation*]

The World Health Organization issued a statement in 2012 saying this type of therapy poses a "severe threat to the health and human rights of the affected persons."

[*English*]

That was the World Health Organization seven years ago. Then there is the United Nations Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, and the Human Rights Committee have already condemned the practice of conversion therapy in several countries.

I look at the European Union, because we draw our common law from the United Kingdom. The United Kingdom has passed legislation condemning conversion therapy. Ireland has legislation presently in their House of Commons to prohibit conversion therapy.

Malta adopted the legislation some years ago against conversion therapy. The European Union last year in a report from last March 2018 — more than a year ago — came out quite strongly against conversion therapy in its annual report on the situation of fundamental rights in the EU. Even in Spain, there are some regions that have banned conversion therapy.

What about the United States? Because it's always, of course, something that we refer to, south of the border. In the United States, honourable senators, 14 states have prohibited conversion

therapy. According to the Williams Institute in California, 698 members of the LGBTQ2 communities have been the object of conversion therapy, and more than half, 350,000, were among teenagers.

In other words, half of the victims of conversion therapy in the States were youth; under the age of 18.

I wanted to know more about how the medical profession — or the psychology profession — approached this issue of conversion therapy, because I thought it would be important to know what the perception is in relation to conversion therapy among the most credible medical professions.

Honourable senators, I can report to you — and I'm quoting here a report from the American Academy of Nursing on policy, the Pan American Health Organization, the American Psychiatric Association, the American Psychoanalytic Association, the American Psychological Association, the International Society of Psychiatric-Mental Health Nurses, the National Association of Social Workers, the American Medical Association and the Association of American Medical Colleges concludes, and I quote:

> . . . reparative therapies aimed at "curing" or changing same-sex orientation to heterosexual orientation are pseudo-scientific, ineffective, unethical, abusive and harmful practices that pose serious threats to the dignity, autonomy and human rights as well as to the physical and mental health of individuals exposed to them . . . that efforts to "repair" homosexuality, by any means, constitute health hazards to be avoided and are to be condemned as unethical assaults on human rights and individual identity, autonomy, and dignity.

It is difficult to find more professional sources than all those associations that I have just mentioned, but I went further.

I wanted to look into what I called the scientific community to try to find out how they have evaluated conversion therapy. I want to refer you to a study by Cornell University in New York. Most of you would know about Cornell University, but just to remind you: 58 Nobel Prizes from Cornell University and four Turing Award prizes for mathematics.

Cornell University went through 47 peer-reviewed studies. Of these, they concluded, the majority, that conversion therapy and I quote:

> ...is ineffective and/or harmful, finding links to depression, suicidality, anxiety, social isolation and decreased capacity for intimacy.

They went on to say:

> There is also powerful evidence that trying to change a person's sexual orientation can be extremely harmful.

Honourable senators, if you want to read the cases that they reviewed, there are absolutely horrendous cases of people mutilating their genitals with a razor and pouring Drano on the wounds. When you read this, you have the impression that you are in a torture room, because some people feel so ashamed that they just want to react by mutilating themselves and what is the source of their perception that they are not normal and they have to do anything to try to comply with the norm of their milieu, community, their churches or anyone who has, as I said, a psychological influence on them. Honourable senators, it is appalling when you read that kind of material that those practices can be conducted freely without any kind of prohibition.

Fortunately, even though the federal government has decided not to move for the time being, some provinces have moved. In particular, Ontario. Ontario adopted legislation — and I will quote it here — Ontario adopted legislation in 2015 with respect to services that seek to change the sexual orientation or the gender identity of patients, to prohibit the medical profession, because provinces have the responsibility to rule the professions. The provincial government has the authority to determine what kind of medical practice is admissible, and what kind of medical practice will be covered by health insurance. In other words, the person who provides the medical service could be paid by health insurance funds.

Ontario legislated this in 2015. You will be surprised, honourable senators, to learn that Nova Scotia also moved last year and I will read the purpose of the act:

> The purpose of this Act is to protect Nova Scotia youth from damaging efforts to change their sexual orientation or gender identity.

I was also surprised to learn that Manitoba had also taken an initiative in 2015, and I read this in the news at that time:

[*Translation*]

> The province of Manitoba has taken steps to ban conversion therapy in its health care system.

[*English*]

Even the City of Vancouver moved in June 2018 — a year ago — to take initiatives to make sure that municipal bylaws would prohibit the technique to try to convince people to engage in conversion therapy.

In other words, there has been action at the provincial level, but it is insufficient because it deals only with the medical profession. The provinces don't have the capacity to create criminal offences. As I mentioned earlier on, the Parliament of Canada, according to the Supreme Court in 2011, has the capacity to determine that in the Criminal Code some "medical" practices will be prohibited because of the negative impact that they would have on the individual.

• (2030)

I submit to honourable senators that those are not the only associations that have moved in relation to conversion therapy. The Canadian Psychological Association stated in 2015:

[*Translation*]

> Conversion or reparative therapy can result in negative outcomes, such as distress, anxiety, depression, negative self-image, a feeling of personal failure, difficulty sustaining relationships, and sexual dysfunction.

[*English*]

In other words, honourable senators, in Canada, at the provincial level, among the Canadian medical profession, among the medical professionals of the psychology community in the United States, in Europe, the World Health Organization, in many international organizations, this practice has to be prohibited.

As I said, it has to be prohibited in our Criminal Code in the manner that we did with prostitution, which is essentially to prevent advertising and to prevent from deriving a material benefit of practising conversion therapies. In so doing, we protect the human rights, the Charter rights that exist in Canada and that we have to make sure we maintain when we legislate in the Criminal Code.

Honourable senators, I strongly invite you to reflect on this issue. It is a bit abhorrent. We don't want to think about those things because they are so horrendous when you look into the details and you think of what it could be for an individual to be told that because he or she is born with a certain characteristic, because he has blue eyes or because he has brown eyes, those with blue eyes are not normal and they should all have brown eyes.

You are born with your brown eyes, you stay with your brown eyes, you value your brown eyes and you live your life happy with your brown eyes. When you're born gay or when you're born with a gender identity of your sort, you live the way you are and you have all the rights to be protected by the government and by society against any attempt to try to instill in you that you are not a normal person and that you have to change.

Some Hon. Senators: Hear, hear.

Senator Joyal: I applauded when the Prime Minister took a formal stand, and that stand was applauded on both sides of the House of Commons. I applauded when we introduced and debated civil marriage in this chamber. Civil marriage is now part of the fabric of Canada. We addressed the fear and the questions around the celebration of marriage.

I thought that society had evolved and adapted itself. Parties have adapted themselves. Society has adapted itself, and the institution of marriage didn't fall down because we allowed two people to commit themselves in front of the public, to support them, and to provide one another the kind of moral and material support that we commit when we marry a person that we love.

That didn't change the institution of marriage. In my opinion, it strengthened the institution of marriage. How can we, as a society that is supposed to be egalitarian, where we value dignity, where we value equality, still tolerate that we would not give a strong signal to everyone in Canada that we have to prohibit conversion therapy in the context of our Criminal Code?

That's why, honourable senators, I took the initiative to bring this forward and have you reflect on it. I think the ideal of this country is to strive for a larger equality, a better equality. We know what we have been doing in relation to equality for men and women. We're not yet there, but at least we have an objective. We know where we are heading as a society. We know what we have to do in the economy. We know what we have to do in politics and what we have to do in our interpersonal relations between men and women. We have an objective. We have an ideal as a society. I think we should have as much an ideal to protect and to respect individuals the way they are.

We are all entitled to the same measure of equality and dignity. That is essentially what this bill tried to achieve.

I commend it to your reflection, honourable senators, and I hope we will continue to have and share those reflections because they are important. As I said, they impact the lives of individuals. We, in this chamber, are here to promote that reflection, to enlarge the conception and the horizon of our freedoms, our respect of others. And in this chamber, we can be the voice of those who don't have a voice, those who could always be pushed behind because they don't carry the vote of the majority.

In my opinion, honourable senators, this is good stuff for the Senate. That's where we are at our best, to reflect on that context as much as our former colleague Senator Pierre Claude Nolin reflected on legalization of marijuana almost 20 years ago. And, well, today we are there.

I hope it won't take 20 years to achieve prohibiting conversion therapy. As I said, it's the Senate that opens the door, and it's the Senate that brings the government to reflect, to take action and to send a strong message that when we legislate in the Criminal Code, we are serious because the rights of Canadians are at stake. We have only one preoccupation in this chamber. It's to make sure that we respect the dignity and equality of each and every Canadian.

Thank you, honourable senators, for your attention, even though I know it's late.

Some Hon. Senators: Hear, hear.

[*Translation*]

The Hon. the Speaker: Senator Cormier, do you wish to speak or ask a question?

Hon. René Cormier: I would like to ask Senator Joyal a question, if I may.

Senator Joyal: Yes.

Senator Cormier: Senator Joyal, thank you for introducing this bill and encouraging us to take a closer look at this practice that is still being used in Canada far too frequently on people from every region and every generation.

You were right to say that Canada has a long way to go. I've been researching this topic for months. I'm in contact with the Maltese government to understand how they dealt with similar legislation.

I have so many questions for you, but I will ask just one about the targeted group, people 18 and under. Why didn't you include gender expression in the preamble or in the definition of conversion therapy, for instance, since it appears in Bill C-16, which we passed some time ago?

Also, Malta very deliberately chose to include vulnerable populations, people with mental health problems, for example, who are often targeted by these conversion therapies; why didn't you follow their lead? That is my two-part question.

Senator Joyal: Thank you, honourable senator. I have before me the legislation that Malta passed on December 9, 2016. You're right that the bill recognizes gender identity and sexual orientation.

[*English*]

The title is the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act. You can deduce from the title that it is essentially the objective of the bill at that time it was adopted.

The reason I didn't mention it is because we already have a Charter of Rights; we have section 15, which is pretty clear in terms of affirming the principle of equality. We have the Human Rights Act that we have amended to include, you will remember, Bill C-16 that was sponsored by Senator Mitchell and adopted two years ago.

• (2040)

There are, of course, at the provincial level, human rights codes that clearly state that sexual orientation is a prohibited ground of discrimination, and, of course, all the other grounds mentioned in those codes and the gender that has been added in relation to the Canadian Human Rights Act. I thought that was covering the principle that they didn't have in the Malta situation.

Of course, Malta is a member of the European Union. It's covered by the European Convention on Human Rights. If you have a violation, you can go to Strasbourg to make a claim and request a decision. But as you understand, our general statutory context is different than Malta.

As the dictum says, too strong doesn't break. There is nothing that could prevent us from adding in the preamble the affirmation of gender equality and, of course, sexual orientation. It is totally possible, but as I say, I wanted to frame the act within the parameters of Bill C-36 in relation to prostitution because we had the benefit of the *Bedford* decision. I thought that to remain within those parameters would make sure that the bill could not be challenged on a ground that has not been reviewed by the court.

[*Translation*]

Senator Cormier: Mr. Speaker, might I be permitted to ask Senator Joyal a second question?

Thank you for your answer Senator Joyal. I believe that this gives us an opportunity for careful reflection because gender identity is now included everywhere.

The bill would make it an offence if there is consideration or advertising. In your opinion, what about those who volunteer to provide this therapy? This conversion therapy could be offered at no cost and would not be covered by this law. Is that correct?

[*English*]

Senator Joyal: There are two elements in the bill. The first is advertising. If you advertise and say, "My services are free," you're covered by the act because you advertise. But if you also draw a material benefit or some benefit, you are guilty of an offence under the Criminal Code. In other words, the two are separated, as by a fence. It is not to advertise and have a benefit. It's to either advertise and draw a benefit, or either only draw a benefit or advertise. There are the various possibilities within the bill, to cover as much ground as possible.

Hon. Marilou McPhedran: Would Senator Joyal take another question?

Senator Joyal: With pleasure.

Senator McPhedran: Thank you so much for this inspiring speech and for your initiative.

As you know, but hopefully other senators know, the Dignity Network is meeting in Ottawa as you speak today and this evening, and I hope the initiative you've taken will be shared with them.

My question builds on what Senator Cormier has just asked. How do you anticipate dealing with what is a very real pattern of behaviour among certain groups within certain faith-based organizations who to a large extent do not need to advertise and do not charge but where, within their communication network, a tremendous amount of damage is being done to children whose parents are within those faith-based groups and consider their children's gender identity to be unacceptable? Is there a way of protecting those children as well?

Senator Joyal: Thank you for the question, senator. It is a very sensitive one because we deal with freedom of religion and freedom of conscience. What for me is totally admissible as an attitude or an act or an intercourse would not be so according to another's faith or conviction or religion. We have to respect that as much as when we legislated on civil marriage. There was a specific provision, and the Supreme Court was quite clear in its ruling in relation to the bill that we were invited to debate and

pronounce on at the end that you cannot compel a church to celebrate a marriage whereby the principle of the church condemned that kind of marriage.

I think we all know that, for instance, the church to which I belong doesn't recognize that a marriage between two persons of the same sex is a marriage that could be attested to by the church. In other words, there is no priest that would be a witness to my commitment to another partner of the same sex. That's prohibited in my religion.

It doesn't mean that because it is prohibited in my religion civil marriage should not exist. I happen to believe that the dogma of my church — it's one of the seven sacraments — is what I have to abide by as much as another church might have a different conviction. The United Church of Canada has a different conviction, and a minister of the United Church can attest to a commitment under the marriage institution. So various churches have various positions.

You are right in stating that a church can, of course, through mouth to ear, state that such a person should be consulted and that the youth should be brought to that person to be consulted or that a camp should be organized to have all those youth together under the tutorship of a monitor who would, as I say, try to convince them that what they are is not acceptable and, according to their own belief and their own convictions, that should be changed.

As long as they don't advertise and as long as they don't draw material benefit, they will not be covered by this bill. There's no doubt about that. I, too, reflected upon that, but I thought that this bill has to be thread in a way to respect sections of the Charter, as much as when we legislated on marriage and made special provisions that we could not compel a minister of a church to celebrate a marriage.

It is a fine line, as you might understand. We have a Charter. We value the Charter because it protects the freedom of conscience and religion of any Canadian, any person. As the Supreme Court has said, you could believe whatever you want according to your own church, even though for another one it would seem outrageous; but that's not where the freedom of religion exists. The freedom exists in the commitment of a person to believe a set of convictions in relation to an explanation of the spirituality of the world as it works, as it evolves and as it has been created and as it has some kind of a future.

You believe in an interpretation of the world principle. You adhere to that, are loyal to that and try to abide by that. The court will never say, "No, this church is too wacko. That should not be protected." That's not what the court has said. The court has been very clear many times, especially a former retired chief justice, in many judgments that she has been signed — of course, with the concurrence of the court — that the court will never pronounce on the substance of a conviction.

As long as it is within those convictions, of course you can conclude that it might harm youth. It might create the same kind of damage and create low self-esteem because the person says, "I'm not like others and I feel bad because I try to repress that, but I can't. It always comes back. It's my nature."

There's no doubt that there is a situation of great unease, but it's not what this bill is trying to avoid.

The Hon. the Speaker: I'm sorry, Senator Joyal. Your time has expired. I know there are a couple of other senators who want to ask questions. Are you asking for five more minutes, senator?

• (2050)

Senator Joyal: Yes, please.

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

Hon. Senators: Agreed.

Hon. Frances Lankin: Thank you, Senator Joyal, for your initiative on this bill. I appreciate the passion that you bring to it, and I appreciate the thoughtfulness and the drafting of the bill in consideration of Charter issues. It's also very helpful to hear the jurisdictional research that you've done, particularly with respect to the United States. However, I'm more familiar with what is happening in Canada.

I followed the work in the Ontario legislature. Former MPP Cheri DiNovo spearheaded that, and I think it was a tremendous accomplishment with respect to regulated health professions and their scope. As you have indicated, that is very important as is the insured services program of support in Ontario and other provinces.

I am interested in the fact that all of the literature, all of the research and evidence clearly states that for young people, at least, this is child abuse. The majority of victims of that child abuse in the form of conversion therapy are young people — that goes without saying — and the majority of people who have been exposed to conversion therapy are young people.

Is there an approach, just through the evolution of societal understanding, in terms of definitions of child abuse and inserting in those definitions an understanding of conversion therapy as a form of child abuse that is something that we should also be looking at and working with provincial and territorial partners on?

Senator Joyal: I thank you for the question, senator. This is an issue that I have been thinking about because, as Senator McPhedran said, the harm is done in a way. If we believe that, as I say, any person has the right to physical and psychological integrity, when you violate that integrity, the result is the same. There is harm. As I said, the purpose might seem sound to an adult, but the reality is that this is a violation of the autonomy and normalcy of the person and of the right to be who you are. We are born with the right to be who we are. That's the most fundamental right. It's not even expressed this way in the Charter, but it's the way it has been interpreted by the courts. When you are born, you are born with the right to be who you are.

If there are situations whereby, as you describe, a young person is abused, there should be a way for the act to be interpreted such that this harm is covered.

I think that as much as youth protection is a provincial jurisdiction, there is a case in the province of Quebec that made headlines. As you know, a 7-year-old girl was abused by her foster parents and was found tied to a chair and beaten. She was taken to hospital where she later died. The province had a dire emotional reaction, but this is a reality. As much as I said this child was physically abused, she was also psychologically abused at the same time. We always put more emphasis on the physical aspect than on the psychological aspect, but the suffering is in the head. It is in the flesh but also in the head. As I say, conversion therapy is sometimes more prevalent in the head than in the physical, unless the person is led to self-mutilation as a reaction, as I described in the cases I read.

When the committee studies this bill, it should also look into whether the protection that exists in provincial legislation in terms of youth protection is sufficient to cover that situation. As much as the Minister of Justice was right in saying we have to continue to work with the federal, provincial and territorial ministers responsible for justice, there are initiatives the federal government can take and I think they should take.

I deplored the situation two years ago when the government made the excuse that there was not an initiative taken at that time because people were conscious of the need to do more. It's not because you excuse yourself 50 years later that you are done with an issue. There is more to it than that. I hope the committee will continue to study this measure.

(On motion of Senator Cormier, debate adjourned.)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Donald Neil Plett: Colleagues, I know it's late, but I do want to say a few words on Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

Let me begin by commending MP Romeo Saganash for his work in bringing this bill forward and Senator Sinclair's efforts to advocate for it in this chamber. This private member's bill has noble objectives, and while I have concerns about the legislation, I respect the intent behind it.

As explained by MP Saganash in the other place:

> Bill C-262 would also allow us to begin to redress the past wrongs —

The Hon. the Speaker: My apologies, Senator Plett, one moment, please.

I've just been informed by the table, who keeps fairly accurate records of these matters, that you have lost the adjournment of the Senate following the debate on this matter, which means that you cannot speak on this item without leave.

Honourable senators, is leave granted for Senator Plett to speak?

Hon. Senators: Agreed.

Senator Plett: Thank you, colleagues. I trust that I will have a minute added to the end of my speech as well now.

Bill C-262 would also allow us to begin to address the past wrongs and injustices that were inflicted upon Indigenous peoples. This is the main objective of Bill C-262.

Colleagues, injustice is something that everyone in this chamber opposes. Of that I am certain. When we see injustice, it troubles us, and perhaps the only thing that troubles us more is when we see injustices that are not being made right.

Over the past few weeks, I have been accused on social media, in mainstream media and by email of blocking this bill and not supporting reconciliation and the redress of wrongs endured by Indigenous peoples in this country. I want to say clearly and without qualification that this is categorically wrong. It is unfortunate that that misunderstanding has been fuelled by, indeed, some members of this Senate.

In actual fact, I am very sympathetic with those who are supporting this bill and those who have contacted me asking for its speedy passage. I recognize that there is a genuine desire to see true reconciliation with the Indigenous peoples of Canada. In spite of what some people have insinuated, I too share that desire.

But colleagues, the question at hand is how to achieve that objective. I am far from convinced that Bill C-262 will accomplish this or even move us closer to that goal.

I am not a lawyer and I am not a judge. I have been a plumber and a businessman. For the last 10 years, I have had the privilege of serving my country as a senator. As a senator, my job, like yours, is to examine every piece of legislation, with a view to both its public policy purpose and whether or not it will achieve that purpose.

It is not wise to support a bill simply because it embodies noble sentiments. We must be convinced that the legislation will actually achieve what it sets out to do.

• (2100)

Taking the time to properly examine legislation is not blocking legislation. It is at the very heart of what this chamber is supposed to do and is expected to do.

Honourable senators, if ever there were a bill that needed sober second thought, it is this one. The reach and impact of this 14-page bill will be sweeping and extensive. It instructs the Government of Canada to take all necessary measures to ensure

that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. We are not considering a typical bill but one which will quite possibly have implications on every other piece of legislation in this country. Some academics have even warned that there will be implications on how our Constitution is interpreted by the courts.

To be frank with you, I find it somewhat difficult and quite concerning that people both inside and outside of this chamber are trying to goad senators into pushing this bill through before its implications have been fully examined and properly understood.

I would like to remind this chamber of the words of the Minister of Indigenous and Northern Affairs on November 12, 2015 when she said the following:

> We will redouble our efforts across all Government departments, provinces and territories, municipalities and with all Canadians to fully understand and implement the United Nations Declaration on the Rights of Indigenous Peoples.

Note that the minister said "fully understand" and then "implement." Why are we being pressured to hurry and implement the bill when we are nowhere near fully understanding its implications?

I can tell you why and it's actually quite simple. The reason there is significant pressure to put this bill through before this summer is because the Liberal government chose to leave it vulnerable to an election call. This, colleagues, is not finger-pointing but rather it is fact. If the government were truly committed to implementing UNDRIP, they would have introduced government legislation to do so but, as you know, the federal government did no such thing. They flip-flopped.

First, they were supporting UNDRIP in the election; then they called it unworkable in Canadian law. Finally, they gave tepid support to Bill C-262. Their actions have not lined up with their rhetoric. This raises serious questions about their sincerity on the issue. On the one hand, they want Canadians to believe they fully support UNDRIP. Yet the best they could do was tag along on a private member's bill. Then when the bill proceeds at the usual pace of non-government legislation, they have the gall to feign exasperation and send this chamber a message demanding that we hurry up and pass it.

I am struggling to think of another piece of legislation which has been handled in such an irresponsible and contemptuous manner. Honourable senators, the concerns over the impacts of this legislation do not originate with me. They have been the focus of much public debate for many years. As you know, Canada's Conservative government, along with the United States, Australia and New Zealand, did not initially sign on to this resolution in 2007.

In 2010, the Canadian government issued a qualified statement of support on UNDRIP referring to it as an aspirational document and noting that there remained significant concerns about its application. In part, that statement said the following:

> . . . Canada placed on record its concerns with various provisions of the Declaration, including provisions dealing with lands, territories and resources; free, prior and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of Indigenous peoples; States and third parties. These concerns are well known and remain.

Many of these concerns have still not been resolved and continue to be echoed today. You may recall, on July 12, 2016, at the Annual General Assembly of the Assembly of First Nations, Canada's Minister of Justice said the following:

> Simplistic approaches such as adopting the United Nations declaration as being Canadian law are unworkable and, respectfully, a political distraction to undertaking the hard work actually required to implement it . . .

The minister was expressing clear reservations about how UNDRIP would be applied or implemented within the Canadian context.

This is a very common concern, honourable senators. Blaine Favel and Ken Coates, with the Macdonald-Laurier Institute, wrote the following in their publication *Understanding UNDRIP*:

> But there has been significant confusion and uncertainty about what it means to implement the *Declaration*. There is particular concern about the compatibility of certain elements of UNDRIP with Canada's legal, political, and constitutional architecture. This poses a major challenge for the government as it seeks to meet such heightened expectations.

In a brief submitted to the House of Commons Standing Committee on Indigenous Affairs, Thomas Isaac and Arend Hoekstra also raised concerns about Bill C-262 and they said:

> Though the mechanics of Bill C-262 are simple in design, that simplicity is problematic. UNDRIP is a blunt instrument, developed in an international setting, that is not reflective of Canada's world-leading legal protections for Indigenous rights . . .

They went on:

> However, by mandating the imposition of UNDRIP into the highly tuned Canadian Indigenous rights regime, Bill C-262, *as it is currently drafted*, risks introducing substantial uncertainty and further rhetoric into the Canadian Indigenous rights regime in the pursuit of opaque objectives.

I understand that other lawyers feel differently. For example, after quoting Isaac and Hoekstra in an email response to supporters on Bill C-262, some writers pointed me to the work of Paul Joffe who specializes in human rights concerning Indigenous peoples. Mr. Joffe strongly disagrees with Isaac and Hoekstra, claiming that they committed a number of errors and omissions in their article. He insists that the article not be relied upon. Honourable senators, this merely illustrates the problem. The impact of Bill C-262 is unclear and uncertain. Even the experts cannot agree on what it will be. I am troubled by the suggestions that we should gloss over this fact and to try to figure it all out later.

Contrary to the assertions made by some, there remain real and significant concerns about the impact of this bill on both Indigenous and non-Indigenous persons. Let me give you one additional example. Dwight Newman, Professor of Law and Canada Research Chair in Indigenous Rights at the University of Saskatchewan, told the House of Commons Standing Committee on Indigenous and Northern Affairs the following:

> . . . Bill C-262 as presently drafted is framed in ways that have the potential to cause enormously negative unintended consequences. Ultimately, Bill C-262 warrants much more study and careful analysis than what it is receiving.

Honourable senators, I could go on but I think I've made my point. There are significant unanswered questions over the impact of this bill, not because of a lack of support for the aspirations of UNDRIP but because of the lack of clarity and agreement on what its implementation could mean to Canada. The part of UNDRIP which best exemplifies this uncertainty and disagreement is found in the articles which mention, "free, prior and informed consent."

This phrase shows up six times in UNDRIP in Articles 10, 11, 19, 28, 29 and 32. It elicits the greatest concern when it comes to its impact on resource development and public infrastructure projects. What is that impact? Well, that's the problem. No one seems to know because there is no agreement on whether consent means a veto.

• (2110)

There are supposedly two positions on this question: those who believe free, prior and informed consent grants Indigenous peoples an outright veto, and those who believe it is not a veto. When you drill down, you soon discover it is not quite that simple. There are those who advocate that consent is a veto but believe it should not be a veto. There are those who say it is not a veto but that it should be a veto. There are those who insist that it is a veto and that it should be a veto, so just get over it. And then there are those who say it is clearly not a veto, so what's the problem?

Let's not forget those who try to split the issue down the middle, endlessly nuancing the phrase to try to make all sides happy. They suggest that consent is required but insist that it doesn't constitute a veto even though it has the same effect as a veto.

Colleagues, resolving this issue moving forward to reflect UNDRIP in Canadian law seems rather important. In my view, it is imperative. I find it ironic we are being compelled to codify free, prior and informed consent without having a free, prior and informed understanding of what this even means. And this is not the only issue needing clarification. According to Favel and Coates, the declaration is much more substantial.

The Hon. the Speaker: I am sorry to interrupt, Senator Plett, but your time has expired. Are you asking for five more minutes?

Senator Plett: Two minutes would do it.

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

Hon. Senators: Agreed.

Senator Plett: Thank you very much for your indulgence with me tonight, colleagues.

According to Favel and Coates, the declaration is much more substantial than the consent provisions. There is little question that UNDRIP, if implemented in full and as written, could have broad implications for federal, provincial and territorial governments in Canada.

Colleagues, I have barely scratched the surface in outlining the concerns and uncertainties about Bill C-262, and yet there are those who portray that any opposition to this bill is evidence of racism and colonialism. This is not only absurd, it trivializes the important and imperative debate. To pass such a bill without first taking the time to fully understand its implications would be better described as senseless rather than sober second thought.

Colleagues, I support this bill going to committee for in-depth study, but I urge the Standing Senate Committee on Aboriginal Peoples to ensure that the bill is examined carefully and thoroughly. I also ask and expect that the committee will adhere to the agreement that was made between myself and the sponsor of this bill.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Lillian Eva Dyck: Would you take a question, Senator Plett? I didn't quite hear your concluding statements, but I wanted to ask you about an agreement that you had made with Senator Sinclair that you would send the bill to committee next week. Is that true? Is that your intention?

Senator Plett: That is correct. We do not plan on holding up this bill after next week. That's part of the agreement.

Senator Dyck: You talked about some of the outstanding issues with the bill. Basically, what you said is no different than what was said at the beginning of April by Senator Tannas and probably also by Senator Patterson that there are issues to study. We have had three full weeks of sittings until another speaker from your side has come up. Don't you think the time would have been better spent having sent that bill to a committee for intensive study by experts to look at those big questions, rather than sitting for three weeks in the chamber waiting for you to speak?

Senator Plett: Well, Senator Dyck, I'm sure the answer to your question is, in part, yes. Probably, if we would dig down a little bit, I think there are a lot of things we could have better done with our time on a number of issues, and not just this one.

Hon. A. Raynell Andreychuk: Would Senator Plett take another question or two? Thank you.

You've talked about the issue of consent, but you have not talked about something that the Human Rights Commission addressed; that is, whose consent would be needed if you proceeded with the declaration? It is rather broad and vague. As Canada would approach each and every issue, who do we seek consent from?

The Aboriginal community is not one monolithic group. They are very different and must be heard from. That is my first question.

The second question is: In your study, because you have obviously taken the three weeks or more to reflect on it, why was this only a declaration and not turned into a treaty or convention at the United Nations so that all countries would be and should be bound by this convention?

Senator Plett: Well, I think I touched on the answer to your first question in my speech when I said I don't know about the consent, whose consent, whether it requires consent and whether it requires a veto.

There are those whom we have asked who say exactly as I said: Don't worry about it, we'll work it out. I'm saying we should work it out prior.

As far as your second question is concerned, I'm not sure, Senator Andreychuk, why this isn't government legislation. The government apparently wants this and now, all of a sudden, the government has woken up. Senator Dyck asked why it took us so long. Why did it take the government more than three years to get behind this bill that they see today, all of a sudden, is of great importance to them? I would suggest we ask them that question as well.

(On motion of Senator Housakos, debate adjourned.)

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gold, for the second reading of Bill C-344, An Act to amend the Department of Public Works and Government Services Act (community benefit).

Hon. Donna Dasko: Honourable senators, I rise today to speak in support of Bill C-344, An Act to amend the Department of Public Works and Government Services Act (community benefit).

Senator Omidvar is the sponsor of Bill C-344 in this chamber and she has well described its purpose and function. The Minister of Public Services and Procurement Canada may ask bidders and contractors about community benefits relating to certain projects. That is whether and how a project will deliver economic and social benefits to the host community during and beyond the duration of the project.

Bill C-344 applies to the construction, maintenance and repair of federally owned or leased properties, not the much broader category of infrastructure projects supported by federal funds. The minister is required to keep Canadians informed about developments in community benefits by tabling an annual report with each House of Parliament.

Senator Omidvar, on leading the second reading of the bill, said:

> . . . community benefits maximize the potential of companies and communities. They take public and private dollars that are already earmarked and use them in a way to deliver a double, triple, quadruple bottom line.
>
> . . . community benefits are an innovative and cost-effective way of achieving multiple benefits through public expenditures without increasing procurement costs.

According to the senator, Bill C-344 is a modest bill that will have far-reaching impact. Bill C-344 is a small start on a big idea.

I would like to open the lens to connect this small start to a much bigger idea that I think is relevant to the bill before us and to our deliberations more generally. Honourable senators, I support this bill because I believe that the federal government must use every opportunity, direct and indirect, large or small, to contribute to a sustainable future for all.

Canada has committed to the UN Sustainable Development Goals, adopted in 2015 for implementation by 2030.

• (2120)

The 17 sustainable development goals are governed by four guiding principles and they are: universality, which means that the goals apply in every country, including Canada; integration, which means that the achievement of any one goal is linked to the achievement of others; aspiration, which means that there is a need to move past business as usual and seek transformational solutions; and leaving no one behind, in which success depends on the inclusion of the poorest and most vulnerable.

I will not quote all 17 goals here. Indeed, the goals and how they are being implemented are worthy of a review by this chamber at some point. I would like to draw your attention to the goals that I think are particularly relevant to a discussion of community benefits and to Bill C-344. They are:

> Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
>
> Goal 9. Build resilient infrastructure, promote inclusive sustainable industrialization and foster innovation . . .
>
> Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable.

We often associate the goal of sustainability with the environment and environmental best practices. Wisely, the UN Sustainable Development Goals fully encompass what is necessary for quality of life in all respects. Bill C-344 is an incremental step we can take that is consistent with these lofty goals.

The federal government owns or leases some 20,000 properties. These include 17 large public infrastructure projects, including the Alaska Highway, bridges and dams, and over 36,000 buildings. The 2018-19 Department Plan for Public Services and Procurement Canada, PSPC, indicates that planned spending for 2019-20 on real property services is over $2 billion.

PSPC is already working on a range of sustainability initiatives, including "smart" building technology, energy reduction and greenhouse gas reduction, contaminated sites management and universal accessibility. I note with particular interest that in 2017 PSPC engaged an external firm to undertake a GBA+ analysis of the Long Term Vision and Plan for the parliamentary buildings. That analysis noted, among other things, that PSPC is leveraging novel procurement strategies that target increasing the participation of youth, Indigenous people and women in its work on the parliamentary precinct.

Bill C-344 confirms for PSPC that it has an important and valued role to play in growing the community benefits that can be generated when constructing, maintaining or repairing federal real property. Bill C-344 encourages the department to do more.

Senator Wells has asked Senator Omidvar why legislation was needed when the minister could simply add community benefits as a condition of funding. This is a good question. Yes, the minister could add such a condition now. I think, for instance, of the Federal Contractors Program administered by the Labour Program of Employment and Social Development Canada. It relies on the client and contractual power of the federal government as a big buyer of goods and services. The program ensures that provincially regulated contractors maintain a workforce that is representative of the Canadian workforce, including the members of the four designated groups under the Employment Equity Act, if they wish to work on federal projects.

However, I do agree with Senator Omidvar that there is added value in this legislation beyond current administrative initiatives. I do not believe in this bill creates red tape, and as someone who had a career in the private sector, I would say that red tape is clearly not something that contractors and bidders want to see. In many cases where community benefits will be articulated, bidders will be asked to recognize what they are and to bring it forward. Transparency will add value.

In other cases and as the program matures, contractors and communities will come to the table to voluntarily design, implement and assess the benefits. Projects and community interests and objectives will vary widely and will be purpose-built. Sharing information on how this tool is being used will support implementation and innovation.

Bill C-344, as pointed out by Senator Omidvar, is about adding tailored, incremental value to communities on a project-by-project basis. It seems to me that it parallels the Infrastructure Canada Community Employment Benefits General Guidance, which has similar aims but similarly is not mandatory. Looked at together, they put the federal government in a position to encourage innovation, to monitor experience and to contribute to best practices in this emerging area. The federal government can and should show leadership in this emerging tool.

The importance of sustainability is understood by Canadians, who are going through these same processes in their own lives. It is also understood by Canadian corporations, which are embracing corporate social responsibility. I note the International Standard Organization Guidance on Social Responsibility, ISO 26000, which sets out best practices on how businesses and organizations can operate in an ethical and transparent way that contributes to sustainable development.

Businesses and the communities in which they operate are changing business as usual when it comes to community benefits. I support Bill C-344 because it keeps the federal government, as a property owner and manager, current with evolving business practices, increased wealth creation and economic growth, and improved societal outcomes.

Innovative business practices and sustainable development goals — there's much to like about this bill and I urge that it be sent to committee for study as soon as possible. Thank you very much.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today to support Bill C-344, which proposes to enter into agreements for community benefits. The bill would give the minister the authority to require a bidder selected for a federal construction, maintenance or repair project to provide information about the benefits that could be derived from the work. My colleagues spoke at length about how this community benefits program could boost employment and regional development. The Honourable Senator Dean's remarks were based on his own experience. My comments will be based on what I have heard and also on my experience in various past roles in the Quebec government pertaining to labour market development. I will give four reasons why I believe that we should quickly adopt this bill at second reading in order to study it in detail.

First, I want to say that I support this bill, because this kind of program is an important part of an active labour market policy. All provinces have workforce, training, skills development and employability strategies. However, employability strategies are not enough. People who use public employment services must be able to gain work experience and put their skills to use. Many senators have shared examples of countries that adopted community benefit programs for certain government contracts that had a positive effect on various categories of workers, including Indigenous peoples, immigrants and young people. The community benefits helped all categories of what we call "vulnerable workers." This is a very important reason to support this bill. This new tool could be used in labour market policy to provide experience and training at a time when all companies are reporting a skills shortage. They are reporting a skills shortage and also asking to bring in foreign workers. Several worker categories in Canada are experiencing particular problems.

• (2130)

Community benefit agreements provide employability services and access to an open and concrete labour market.

The second reason I support this bill's underlying principle has to do with Quebec. Since the early 1990s, Quebec's social economy enterprises have been grouped within a rapidly growing sector that we call the Chantier de l'Économie sociale. By the numbers, Quebec's Chantier de l'Économie sociale is made up of 150,000 employees working for 7,000 businesses, including 3,300 cooperatives and 3,700 non-profit organizations involved in market activities.

That is how the Government of Quebec's action plan to grow the social economy, which was introduced in 2015 and covers the period from 2015 to 2020, defines social economy enterprises, also known as collectively owned enterprises. These enterprises produce and sell various types of goods and services while meeting social needs, such as fostering social and occupational integration, creating jobs, sustaining local services, and preserving local and cultural vitality. Market activities are not an end in themselves; they are a means of achieving these organizations' social missions.

All of these social economy enterprises, which are grouped together in certain sectors in Quebec, are important. In its action plan, the government wants to do more to ensure their development, consolidate them and diversify their areas of activity. It wants to promote government contracts in maintenance services to better develop social economy enterprises.

This is a principle that could be used in a federal program in the context of developing social enterprises in Quebec.

The third reason I believe this bill should be referred to committee quickly is that it will enable all small, medium and large businesses that wish to improve their social record. More businesses are interested in this than you might think. In fact, making the assessment of social benefits mandatory can be a plus for many companies in some cases.

As you know, there is a lot of competition between companies, and if we don't force them to do something, they often won't do it. For instance, if the minimum wage were not set out by law, there would be a lot of wage competition, and employment conditions definitely would not be as good as they are now. Basically, by forcing companies to promote social benefits in their submissions, we are forcing them to act. Many companies will be happy to have the chance.

The fourth and final reason I support this bill is that these agreements on community benefits will enhance the multiplier effects of federal investment projects on local and regional economies, which will contribute to a better distribution of prosperity.

By requiring companies to promote community benefits, we ensure that the economic spinoffs happen in the places or regions where these contracts are awarded. This will help us achieve certain regional development objectives, because we know that economic development in Canada is not balanced. Not all the provinces enjoy the same level of economic development. Not every region develops at the same speed.

For these four reasons, dear colleagues, I believe that we should send this bill to committee as soon as possible to be studied in more detail.

In closing, I would remind you that this bill started as a private member's bill sponsored by the Minister of Immigration and Citizenship, Ahmed Hussen. He introduced Bill C-227 in 2016. That bill was studied in committee at the other place and was subject to amendments. When he became minister, Bill C-227 was reintroduced by MP Ramesh Sangha as Bill C-344, incorporating the amendments that had been adopted in committee.

I see no reason why we should oppose this bill in principle, since it is constitutional. It complies with the Charter of Rights and Freedoms and was passed in the other place after going through all the required steps. It offers a concrete way of promoting employment and local development by investing taxpayers' money. In my opinion, it is a good way to make cost-effective public investments.

Thank you for your attention.

[*English*]

The Hon. the Speaker pro tempore: Do you have a question, Senator Klyne?

Hon. Marty Klyne: Yes, I do.

[*Translation*]

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

Senator Bellemare: Yes.

[*English*]

Senator Klyne: I support the approach to this in terms of doing business. Would this extend beyond Public Services and Procurement Canada into Crown agencies? At the expense of admitting that I haven't read the bill, does the bill state that the government must do this or the government should consider doing this?

[*Translation*]

Senator Bellemare: Thank you for the question. What I understand is that the minister may ask those bidding on public contracts for a federal construction, maintenance or repair project to provide information about the community benefits that would be derived from the work, but he is not required to do so.

This bill doesn't address all public spending. It only concerns public procurement. This bill would authorize a minister to require a bidder selected for a project to assess the community benefits. You might say it's a way of comparing different bidders. That is my understanding of this bill.

The Quebec government's action plan proposes to do something similar with public spending as well, but I believe Quebec is casting the net a little wider.

[*English*]

Senator Klyne: So it would be voluntary, but for those who chose to take this approach, would they put a weighted criteria in the selection for the company that has a great corporate social responsibility, plus strives to achieve sustainable development goals, plus can demonstrate that there will be good community benefits if they were awarded the contract — would they get weighted criteria for that?

Senator Bellemare: I should hope it would be that way, but I think these are questions that we can ask in committee to those with experience in those kinds of agreements. There are some countries doing these kinds of programs — the U.S. in California, for instance. So I'm absolutely certain that we could dig into the details. They say it's going to increase bureaucracy. I think there could be a formula and ways to account for those local benefits more easily with experience.

On the other question about whether it's voluntary, what I understand is that the minister "may," but when the minister "may," he can say for specific contracts that those who apply must give local benefits that they think will be promoted if they have the contract.

Hon. Colin Deacon: Thank you, colleagues. I, too, am pleased to speak in support of Bill C-344 at second reading. To Senator Klyne's point, I believe this bill would amend the Department of Public Works and Government Services Act so that the minister may require a community benefits assessment of federal construction and repair projects. I think the criteria by which that is done is a really good question for the committee.

• (2140)

Its sponsor in the Senate, Senator Omidvar, provided an excellent overview of the bill back in December and its potential impacts. As many of you likely already know, I'm a big fan of and a very strong proponent of private-public partnerships. I believe community benefits agreements can play an important role in encouraging and creating a diversity of opportunity.

We've already heard a lot of about economic benefits from Senator Omidvar and Senator Moncion. Senator Francis spoke about the benefits to communities. Senator Dean focused on the benefits and the work of social enterprises. I think Senator Dasko tonight talked about novel procurement strategies and what they could do to promote inclusiveness in communities. Senator Bellemare spoke about the importance of providing these programs for skill development and work experience.

I'd like to try and string those together and show the connection between all those different themes because I think it's quite strong.

For me, I see Bill C-344 as introducing creativity and innovation in places where they might not typically exist. It's about empowering groups who might not otherwise be provided with the opportunity to contribute to federal construction or repair projects, and it's about unlocking possibilities, potential and promise.

I was first introduced to the sustainable power of investing in community benefits when I was a director of the Halifax Assistance Fund, a foundation that happened to be created a year before Confederation. I was constantly surprised by the creative ways in which pervasive social issues, issues that were primarily affecting those living in poverty, were being addressed by some remarkably entrepreneurial leaders.

An example that stood out to me was Halifax's MetroWorks. It was created over 40 years ago. This organization sought to address the growing cost of and dependence on social assistance based on the underlying belief that most people would rather work for a living.

MetroWorks seeks to deliver what its president and CEO Dave Rideout refers to as a triple bottom line. Senator Dasko referred to this.

One of its businesses, Stone Hearth Bakery, assists about 70 individuals a year — about 20 at any given time — to gain employability skills. The costs of this program are partially covered by government funding but largely covered by sales revenue.

A fully funded employability training program could cost $10,000 per client, but Stone Hearth's business model has dropped that cost by 75 per cent down to about $2,400 per person.

That is a huge savings for all involved and also has the benefit of providing otherwise marginalized individuals with the ability to receive job skills and benefits from community involvement. That savings could be reduced even further if, as is contemplated in something like Bill C-344, government could support Stone Hearth through a sales contract rather than just providing funding support. That's what Dave Rideout means as a triple bottom line.

> Government gets the service they require at the budgeted price point; the social enterprise generates revenues that make them self-sustaining; and clients get an opportunity to develop employability skills that allow them to take advantage of employment opportunities and become economically independent, which in turn reduces the costs to governments in supporting these individuals through social programs, health care services and corrections.

In recognition of the creativity we observed in our community, the Halifax Assistance Fund established something called the Social Innovator Award. The intention was to identify and recognize innovative ways in which some of our most marginalized citizens were being helped.

We created a $10,000 Social Innovator Award and we expected maybe the community might identify and nominate five or six creative community leaders. We were astonished when over 45 remarkable individuals were nominated for this award. We struggled so hard to select a winner that we decided to expand the number of prizes.

I'm always amazed by what you don't see because you're not looking and what do you see when you do look.

I think that's true for all of us. I'm astounded by what we found. I think that's why we need to create formal mechanisms for large procurement projects that make sure that we don't overlook opportunities that can benefit communities, formal mechanisms like the one outlined in Bill C-344.

It will remind procurement managers and project contractors to seek opportunities to improve, to do more, to not always do things the way we've always done them and to give someone a shot who might not otherwise get that chance to deliver disruptive value.

As someone who has spent more than two decades building businesses that offer a unique value proposition, I have some sense of how hard it is to break into traditional, conservative marketplaces.

The barrier created by the sentiment "that's not how we do it here," is always much higher, wider and more resilient than you expect. Even when the promised results are disruptively positive, it can be incredibly challenging to convince managers to change their buying habits. Finding that one person who, like you, has been frustrated by the limited number of traditional solutions and who is willing to give you a shot can sometimes seem almost impossible.

This is what Bill C-344 is all about. It provides the opportunity to create market-based solutions for pervasive social issues. It is about causing decision makers to not always choose the path of least resistance but to sometimes try something a bit different, to find something that will meet the requirements but promise to deliver benefits to the community, uncover previously unseen opportunities, to help make a particular project unique and make it special in a very positive way.

Great improvements rarely emerge from the centre of accepted practice; they almost all are outliers.

In business, I've been inspired by the tremendous productivity gains that employers benefit from when they hire neurodiverse adults. Senator Munson has certainly provided this chamber with ample proof of the benefits that come from unlocking the potential of marginalized Canadians, specifically those with autism spectrum disorder. There are plenty of inspiring news stories on the opportunities that emerge when those on the autism spectrum are hired for jobs that require exceptional levels of precision and accuracy, including cyber security threat detection, software quality assurance, licensing and regulatory compliance and data analytics.

This is an outlier of an idea that was created from a previously unseen opportunity. I'll bet it would never have been uncovered unless someone had not taken a risk, likely a motivated family member, and provided that as an opportunity in their business.

It was a random and fortunate act that uncovered tremendous productivity gains and created new opportunities where they did not previously exist. I believe that as an economy and as a society we can no longer afford to count on random acts. We need to deliberately innovate in all areas of how we do business.

I would argue that the advantages of including community benefits in infrastructure and repair projects cannot be ignored and we can no longer leave them to chance.

Our honourable colleague Senator Wells raised an important question last week as to whether Bill C-344 might place an onerous burden on a micro or small business that is trying to get a federal contract.

I look at the issue underlying his question a bit differently. I see Bill C-344 as providing small and local organizations with the opportunity to partner with much larger businesses that are looking to strengthen their community benefits portion of their project.

If passed, Bill C-344 would provide the additional advantage of drawing more attention to these smaller organizations as larger corporations start to seek them out. There is no shortage of inventive partnerships that could be formed as a result of this proposed legislation.

Partnerships can come in all forms. Consider the growing shortage of skilled workers in several trades.

Arlene Dunn, the new director of Canada's Building Trades Union, voiced her support for Bill C-344. She pointed to the challenge of replacing the 250,000 skilled workers expected to retire over the next 10 years. This has caused her to focus on attracting and retaining under represented groups in the construction trades. Bill C-344, she says:

> . . . will give under represented groups the first priority to training and employment opportunities.

Hers was not the only letter of support I received, arguing against the suggestion that this bill could be onerous to business. I also agree with the Mainland Nova Scotia Building Trades when their executive director said:

> Procurement decisions made by the federal government create economic multipliers, employment opportunities and environmental and social ripples. We believe that all federal construction, maintenance and repair projects should benefit the people and businesses in the communities in which they happen. Far too often, however, this is not realized and benefits go elsewhere.

• (2150)

It's clear to me that Bill C-344 is not a burden but an opportunity.

I've mentioned before that our own Senator Christmas was one of the authors of Nova Scotia's Ivany report. It identified community economic development and social enterprise groups as ". . . indicative of what can be done when leaders in different sectors put their heads together to change attitudes and build better future from the ground up."

The *Now or Never* report, which he helped to produce, also noted the role of these organizations to help "build a new culture of entrepreneurship amongst our youth." Let's not limit that to our youth. Let's start to fully embrace entrepreneurship across all that we do. Bill C-344 helps us do just that.

Professor Howard Stevenson is a revered leader in entrepreneurship studies based at Harvard Business School. He defines entrepreneurship as "the pursuit of opportunity beyond resources controlled." It's a very simple concept, but it's quite profound: The pursuit of opportunity beyond the resources you currently control.

This definition promotes a distinctive approach to management generally rather than simply representing a specific stage of an organization's life cycle. This definition promotes the idea that entrepreneurship can be fostered in any organization or project. It's not just about tech start-ups.

This definition of entrepreneurship — the pursuit of opportunity beyond the resources you currently control — captures the spirit of Bill C-344 for me. It encourages entrepreneurial action to create opportunity in areas where it does not yet exist.

It is my genuine hope that my honourable colleagues will choose to expeditiously send this bill to committee for further study, where I believe we will hear more examples of the ways in which community benefit agreements can help create opportunities and benefits in our communities and in our economy.

Let's work to do better as we also work to do good. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Housakos, debate adjourned.)

[*Translation*]

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Mégie, for the second reading of Bill C-354, An Act to amend the Department of Public Works and Government Services Act (use of wood).

Hon. Percy Mockler: I have rarely spoken at such a late hour since I was appointed to the Senate in 2009.

I rise this evening to speak at second reading of Bill C-354, An Act to amend the Department of Public Works and Government Services Act, use of wood.

Madam Speaker, this debate is very important to Canada's industry.

[*English*]

I will always cherish and remember when Senator Mercer was the deputy chair when a report was tabled in the Senate of Canada in July 2011. I remember it very well. Senator Eaton was also a member of the Standing Senate Committee on Agriculture and Forestry at the time.

We tabled a report, for the benefit of all honourable senators, entitled *The Canadian forest sector: a future based on innovation*.

I remember very well the comments made by Senator Mercer about the importance of using wood. When I look at the report that was tabled in July 2011, I remind everyone about Recommendations 6 and 7. Recommendation 7 says:

> The Committee recommends that, by 2015, the Minister of Industry, through the National Research Council Canada: . . .
>
> fosters a consensus among provincial and territorial partners to amend the National Building Code to permit the construction of multi-storey wood-frame buildings to a maximum height of seven storeys.

We did visit such infrastructure buildings across Canada. Western Canada was certainly a leader in that respect.

We also remember Recommendation 6. Again, it reflects on Bill C-354 that we are debating this evening and is laudable. Recommendation 6 said:

> The Committee recommends that the Department of Intergovernmental Affairs promote the issue of the harmonization of building codes across Canada at federal-provincial ministerial meetings, to facilitate the increased use of wood in the residential and non-residential multi-level construction sector, and remove restrictions on the use of wood.

Looking at Senator Mercer, I think this report has permitted the debate that we're having this evening on Bill C-354.

To the sponsor of Bill C-354, please let me thank and congratulate Senator Griffin for her leadership. I have to admit that with her work and her team she provided some great guidance for the preparation of the bill being debated this evening.

The objective to send it to committee is applaudable.

Being from New Brunswick, I understand the importance of this bill, and Senator Griffin, being from the neighbouring province, understands the significance of the wood and the impact those products have on our Atlantic provinces and the rest of Canada when we look at their economies.

As a reminder, honourable senators, in 1867, the province of Prince Edward Island hosted a meeting that created a great country, the best country in the world — Canada.

Senator Griffin, your work as a member from P.E.I. in this chamber will have an impact that will leave a legacy for the next generations, with Bill C-354.

As the critic of Bill C-354, An Act to amend the Department of Public Works and Government Services Act (use of wood), I have to admit, to use the expression of Senator Harder, I will be brief with my remarks.

[*Translation*]

Honourable senators, my community of Saint-Léonard, New Brunswick, is home to the largest sawmill east of the Mississippi River, so I can't criticize the policy objectives of this bill, which calls on the Minister of Public Services and Procurement to consider the use of wood to reduce greenhouse gas emissions during the construction, maintenance or repair of federal property. In this case, although I am being critical, I do strongly support the objective of Bill C-354.

Honourable senators, allow me to give you a little context. The forestry industry in my home region of Madawaska, in northwestern New Brunswick, has generated total revenues of $363 million, which represents 26.6 per cent of all jobs in the region. New Brunswick's forestry industry generated more than $1.7 billion in economic spinoffs in 2016. This amount will be higher in 2017-18 and no doubt in 2019.

[*English*]

However, honourable senators, what I can criticize is that the lower house did not fully consider how this bill would be beneficial to all the Maritimes and specifically my province of New Brunswick.

I do not know whether it is because the sponsor in the other place is from British Columbia. His focus on the debate was on the forestry sector and the environmental benefits for the West Coast.

• (2200)

Honourable senators, this bill is a step in the right direction for the economy of Canada.

Honourable senators, I do not need to convince you or senators from Prince Edward Island on the merits of this bill. However, I will focus on the economic and environmental benefits to New Brunswick and Nova Scotia.

As of 2017, the forestry sector in New Brunswick provides direct employment of 12,820 jobs. With apologies to my friend Senator Mercer, Nova Scotia only provides approximately 4,500 jobs. We must do better.

Clearly, in New Brunswick, lumber is king, but it is an important part of the economy in all our provinces, especially in Atlantic Canada.

According to the Forest Products Association of Canada, if Bill C-354 becomes law, there is the potential for 10 per cent growth in the use of wood across Canada when this bill is combined with a review of building codes to allow the construction of tall wood buildings. The Forest Products Association of Canada predicts, honourable senators, the possibility of an increase of between 500 to 750 direct jobs for all of the Maritimes and approximately 1,500 to 2,000 indirect jobs in the area of New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland and Labrador.

[*Translation*]

Honourable senators, from an environmental perspective, every additional cubic metre of wood used in Canada eliminates one tonne of carbon dioxide from the atmosphere. That is a lot. The increased use of wood by the plants of New Brunswick, Nova Scotia and Canada would eliminate 160,000 tonnes of

carbon dioxide a year, which is equivalent to the carbon dioxide produced by 35,000 vehicles. However, we do not know the exact quantity for many other sectors.

Honourable senators, when the environment and the economy go hand in hand, Canadians come out as winners.

[*English*]

Honourable senators, wood from northern New Brunswick was used by the British Empire to sail the globe, and wood from northern New Brunswick created the Republic of Madawaska. Honourable senators, let us see how wood from New Brunswick and the Maritimes can help build new federal structures from coast to coast to coast.

Honourable senators, let us move forward and send this to committee, as recommended by Senator Griffin, the able chair of the Standing Senate Committee on Agriculture and Forestry, because it's the right thing to do, and it's the right thing to emphasize that wood is important to our economy. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Senator Mockler, I want to give some advice to my colleagues that are new to the chamber. If the opportunity ever arises while you're here to travel to northern New Brunswick and places like Saint-Léonard, Edmundston and Grand Falls in New Brunswick with Senator Mockler, take the trip.

It is worth the trip, but I have to tell you, those of you who think you are not political, there is a lesson here. There isn't a hand in that part of New Brunswick that Percy hasn't shaken at least 15 times. You should go because it is an education, but it's also an eye-opener about the opportunities in the forestry sector.

I will not speak on this. I will save most of my time for later on.

The interesting thing Senator Mockler may not be aware of is just yesterday, Senator Plett, Senator Griffin and I, who are now the steering committee of the Standing Senate Committee on Agriculture and Forestry, sat down and talked about future studies. One of the major studies we talked about was, again, about the use of wood in construction, and the reflection on that report was one where we actually asked the analysts for the committee to come back and give an update on that report because there were some very important recommendations. You've only mentioned a couple.

Your Honour, I am going to move the adjournment of the debate for the balance of my time, where I will get into more detail on the subject.

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTY-EIGHTH REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Marwah, seconded by the Honourable Senator Day, for the adoption of the thirty-eighth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Process for recommendation – Clerk of the Senate and Clerk of the Parliaments*, presented in the Senate on March 21, 2019.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable colleagues, I would like to say a few words in relation to this particular matter. There is a bit of a history here that I will go into on this, but it has been dealing with how we can modernize, change and become more independent as a chamber.

I'll explain how we have been working in that regard on this particular matter. I looked at the Order Paper, and it doesn't actually give you the report. What I'm going to be debating and asking you to consider my comments on is the thirty-eighth report of Internal Economy. The report is not reproduced, so permit me to give you a précis of what I'm asking you to consider. The report says:

> On December 6, 2018, the Senate authorized your committee to recommend "a process by which the Senate could submit to the Governor-in-Council its recommendation on the nomination of a person or list of persons with the skills and capacities required for the position of Clerk of the Senate and Clerk of the Parliaments."
>
> Your committee notes that the Clerk of the Senate and Clerk of the Parliaments is appointed by the Governor-in-Council under the provisions of the *Public Service Employment Act*.

• (2210)

So that's not lost. They didn't do this without taking that into consideration.

> Your committee recommends as follows . . .

This is Internal Economy recommending to the Senate Chamber —

> 1. That the search process for the Clerk of the Senate and Clerk of the Parliaments be led by the Subcommittee on Agenda...

That's the Steering Committee of Internal —

> . . . in collaboration with the Speaker of the Senate;

2. That the Steering Committee and the Speaker be supported by an executive search firm throughout the process, leading to the interview of a short list of candidates; and

3. That the recommendation of one (or a list of) candidate(s) be made by the Steering Committee and the Speaker to the Governor-in-Council for the official appointment to take place.

That is what Internal Economy is asking you to consider. I'm pleased to support that particular report, and I hope that you will.

To help explain my support, I would like to refer to a speech I delivered in this chamber in December of last year. At that time, I was speaking to Senator Saint-Germain's amendment to the motion of Senator Housakos on this matter. The motion of Senator Housakos called on the government to appoint a new Clerk of the Senate "in accordance with the express recommendation of the Senate."

Senator Housakos originally gave notice of this motion in April 2018, a little over a year ago. However, as I explained in my remarks in December, there was a long history underlying his motion. I would like to briefly remind everyone of that history, if for no other reason than it helps to explain what we're trying to achieve, but it also points out that there has been a lot of ongoing work trying to modernize the Senate and to bring our processes and procedures more up to date as we move ahead.

In the summer of 2017, when we heard through His Honour that the government was intending to establish a selection process for a new Clerk of the Senate, Senators Smith, McCoy and I wrote to the Speaker and to the government leader.

In our letter of July 27, 2017, we described the informal consultations that took place between the government and senators on at least two occasions when a new Clerk was being appointed by the Governor-in-Council — by cabinet. Strictly speaking, this is a GIC appointment that is totally within the hands of the government. We understand that. Cabinet's authority over this appointment is contained in the Public Service Employment Act. There is no requirement in the act for consultation with anyone. The government can go ahead and do what the government feels is right. Nevertheless, as we described in our letter, both Prime Ministers Chrétien and Harper, in their time, appointed Clerks who had originally been recommended by senators themselves, through their leadership teams.

In our letter, the three of us proposed that, for the selection of a new Clerk, the government establish a panel made up of the Speaker, "and one senator representing each of the political caucuses, parliamentary groups and the Government Representative in the Senate."

Regrettably, our suggestion was not accepted.

On September 8, 2017, Senator Harder wrote back to us but made no mention of having senators represented on any selection panel or committee. Instead, he stated his government had a GIC appointment process in place for various tribunals, boards, commissioners, Crown corporations, and for agents and officers of Parliament. He then suggested that we share the Senate Clerk competition "with Canadians who might be interested in this opportunity and encourage them to apply."

That was our recommended participation in all of this.

On September 22, 2017, Senators Smith, McCoy and I wrote back to Senator Harder, explaining that we were "disappointed" that his letter "contained no commitment that senators themselves would be on the Selection Committee."

We ended our letter by noting that the government's official policy on GIC appointments states — and this is in the policy, which is available for anyone to read — "Selection Committee membership is based on . . . who can bring a perspective on the needs of the organization." That is what the GIC policy states.

So we wrote back:

> . . . if the government insists on treating the Senate of Canada as an "organization" for the purposes of GIC appointments, it is difficult to understand why it would wish to leave the impression that it believes that parliamentarians who actually serve in the Senate are not the individuals best placed or even qualified to bring a "perspective on the needs of the organization."

You will recall that is the wording in the GIC appointment. And again, this was on September 22, 2017.

Another Senate-related GIC appointment occurred late that same year. In December 2017, the government announced the nomination of a new Senate Ethics Officer. A selection committee had been created by the government to assess the candidates and make a recommendation to the government for this GIC appointment. It is sounding good so far.

But as I described in my remarks last December, that committee consisted of one person from the Prime Minister's Office, one from the Privy Council Office, one from Senate Administration, and one from the Senate government leader's office. That was the recommendation committee.

There were no senators on this selection committee. As I said in my earlier speech, I find it disappointing that the government believes, with all due respect, that bureaucrats and political staffers are all more qualified to bring a perspective on the needs of the Senate than senators themselves.

Colleagues, I am pleased that the report we now have before us for the selection of a new permanent Senate Clerk proposes a much different approach. Instead of bureaucrats and political staffers, senators themselves would take the lead in recommending to the government a name or names of qualified individuals — and I say "in recommending"; not making the appointment but recommending.

I want to thank Senator Housakos for introducing his motion, whereby the Senate would make an express recommendation to the Governor-in-Council, to cabinet, about a new Senate Clerk.

I also want to thank Senator Saint-Germain for her amendment, instructing Internal Economy to establish a process for nominating a person or list of persons for this position.

The proposal now before us from Internal Economy looks a lot like what Senators Smith, McCoy and I proposed to Senator Harder more than a year and a half ago, in our letter of July 27, 2017.

To remind everyone, at that time we recommended that the government create a selection panel made up of the Speaker and "one senator representing each of the political caucuses, parliamentary groups and the Government Representative in the Senate." That was our recommendation at that time.

The steering committee of Internal Economy consists of one senator from each of the Senate's three caucuses and groups — Senators Marwah, Batters and Munson.

• (2220)

The report also calls for the steering committee to work with the Speaker of the Senate. The only substantive difference between what we recommended two years ago and what is now being recommended after careful consideration by Internal Economy is that the government leader does not have a role.

I reflected on this difference and wondered if that was a fundamental flaw in the recommendation. I concluded that perhaps this outcome from Internal Economy better reflects how a truly independent Senate should function.

Senator Harder represents the government. If the Senate is truly independent, it might appear at least awkward to some people if the government, through Senator Harder, played a leading role in determining what recommendation it would receive concerning the new Senate clerk. In other words, it would be making a recommendation to itself.

The Speaker, on the other hand, even though he or she is a partisan appointment, is expected to act in the interest of the Senate as a whole. That is his or her role, to maintain a balance and to serve all of the interests impartially.

Furthermore, the three members of the steering committee of Internal Economy, which would be expected to reflect the views of their respective caucuses and groups, would be serving on that committee.

Last week, Senator Harder said he was going to seek a legal opinion because, in his view, the committee's report "raises serious legal issues." I am not clear what legal issues, serious or otherwise, Senator Harder is referring to.

The report before us simply establishes a process for senators, through our Committee on Internal Economy, to make a recommendation or provide a suggestion to the government about the appointment of a new clerk. I do not believe that it is illegal for an individual or organization, even the Senate, to provide suggestions, advice and recommendations to the government about any matter whatsoever. You can draw a parallel between the new process for Senate appointments and this particular recommendation. Even if a committee is established to give good thought to who would be appropriate and then to make recommendations to the government, it's still the government that decides from the names being submitted whether to make the appointment.

The Governor-in-Council has the exclusive authority under the Public Service Employment Act to appoint the Clerk of the Senate. As I have said, there is no requirement in the act for any consultation with anyone before the appointment is made. However, likewise, there is no prohibition in the act to prevent anyone from making whatever suggestions they might wish to make about the exercise of that power.

The Senate, through its Committee on Internal Economy, and Speaker would make a recommendation to the government about the appointment of the new clerk. The government would be absolutely free to either accept or reject that advice, just as it accepts or rejects the advice from countless Canadians on countless matters throughout the year.

But as it decided whether to accept the Senate's and the senators' advice, the government would at least know that the recommendation had originated from the careful reflection of senators themselves, from people who were in the best position, in the words of the government, in their GIC appointment guidelines to "bring a perspective on the needs of the organization "

Colleagues, to conclude, I strongly support this report from our Committee on Internal Economy, Budgets and Administration. In my view, it proposes an effective and reasonable way for an ever more independent Senate to play a meaningful role in the selection of its most senior administrative official.

I want to commend all members of our Committee on Internal Economy for the work they did in bringing this report forward. I urge each of you to consider Senator Housakos' and Senator Saint-Germain's motion and bring it forward for consideration at your earliest opportunity so we can proceed with this matter.

Some Hon. Senators: Hear, hear.

(On motion of Senator Saint-Germain, debate adjourned.)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIFTH REPORT OF COMMITTEE—
DEBATE CONTINUED

The Hon. the Speaker: Honourable senators, pursuant to rule 12-30(2), a decision cannot be taken on this report, as yet. Debate on the report, unless1 some other senator wishes to adjourn the matter, will be deemed adjourned until the next sitting of the Senate.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

(Pursuant to rule 12-30(2), further debate on the motion was adjourned until the next sitting.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO INITIATE CONSULTATIONS WITH VARIOUS GROUPS TO DEVELOP AN ADEQUATELY FUNDED NATIONAL COST-SHARED UNIVERSAL NUTRITION PROGRAM—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Mercer:
>
> That the Senate urge the government to initiate consultations with the provinces, territories, Indigenous people, and other interested groups to develop an adequately funded national cost-shared universal nutrition program with the goal of ensuring healthy children and youth who, to that end, are educated in issues relating to nutrition and provided with a nutritious meal daily in a program with appropriate safeguards to ensure the independent oversight of food procurement, nutrition standards, and governance.

Hon. Stan Kutcher: Honourable senators, I rise today to speak to Motion 358, the universal nutrition program, which addresses the importance of good nutrition for all young Canadians. It is a privilege to be able to speak to such an important issue, championed by Senator Eggleton and ably advanced by Senator Marty Deacon.

Good nutrition is not the only way to help young people grow into healthy adults, but it is part of what we can do. This assistance is particularly important for those young Canadians who face obstacles to their current and future health as a result of food insecurity.

We know that food insecurity, also known as inadequate access to nutritious food, affects many Canadians. Often overlooked is that this number includes 1.15 million children, and food insecurity is not equally distributed across our country.

People who live in poverty, Indigenous peoples and those who live in remote areas, particularly the North, are over-represented in this data. These are the young people who are most vulnerable to the problematic outcomes that inadequate nutrition brings.

Poor nutrition can impact both brain and body development, resulting in long-term negative health outcomes in both physical and mental health. Often these may not be seen early in life but may be manifested later in life.

We understand the importance of good nutrition for infants and young children. It is also important for us to know that older children and adolescents need good nutrition for optimal brain and body development. We know that the adolescent years are very important for the growth of the human brain, specifically those processes that are vital for improving our higher cognitive capacities, such as abstract reasoning and complex problem-solving, our ability to regulate our emotions and our understanding of social and civic complexities. Over the adolescent years, bodies grow and develop rapidly. Good nutrition is essential for optimal physical growth.

• (2230)

Will better nutrition alone provide all that is needed? No. But it is one important part of what is needed. So a national approach to improving nutrition makes sense.

What also makes sense is using schools as the site for its delivery. One reason is because schools are the place where most young people are. Education is the great socio-economic leveller, and public health interventions delivered through schools are great health levellers; for example, vaccinations, screening for poor vision and so on. Nutrition falls into that same category.

Nutrition interventions delivered through schools can be one of the most important health levellers to help achieve better health outcomes for all young people.

Examples of this positive approach abound. For instance, an intervention applied in the Toronto District School Board demonstrated improved student behaviours, reduced numbers of disciplinary incidences, improved sustained attention and reduced tardiness. Studies of school nutrition programs in Manitoba and Alberta showed significant increases in vegetable and fruit consumption, lower obesity rates, improved social interactions and better school attendance. A Nova Scotia school breakfast program had a positive impact on a number of variables, including better mathematics performance.

Numerous studies from jurisdictions outside Canada have also demonstrated positive impacts on other important outcomes, including but not limited to improved academic attainment, fewer school suspensions and better behaviour.

Some research has demonstrated that these outcomes were disproportionately greater in youth from disadvantaged groups. Thus these interventions may be able to help improve equality of opportunity for both academic and social success.

In all of these considerations, it is important to keep in mind that eating habits and food literacy are important components of a healthy lifestyle. When young people are exposed to programs that provide a nutritious meal as well as the opportunity to widen food-related learning in a school setting, they can establish good nutrition practices for the long term.

Recently, I had the pleasure to be invited to a school lunch and food learning event at Musquodoboit Rural High in Nova Scotia. This school serves about 300 students attending grades 7 to 12. There I participated in The Great Big Crunch, a part of that school's better eating program, which includes school lunches and learning about food and nutrition. This event was organized by the Coalition for Healthy School Food.

I had the privilege of speaking to the students and joining them for their noon meal. What a good meal it was. It was so much better than the cafeteria food that I remember with no fondness from my own school lunch days. It included excellent discussion with the young people at whose table I sat. Our conversation was wide-ranging, thoughtful and enjoyable.

Later, I was able to meet some of the parents who volunteered in bringing this initiative to the school. This was a real community activity. As everyone was learning, they were enjoying what they were learning. After all, what's not to like about learning how to make and then eat a delicious apple crumble?

Honourable senators, this motion is an important one. We should not delay in acting to improve the health of our young people. I look forward to a vote on this motion sooner rather than later and hopefully to its unanimous support in this chamber. Thank you.

(On motion of Senator Housakos, debate adjourned.)

MOTION TO URGE THE GOVERNMENT TO ADDRESS THE ISSUE OF THE SELLING OF FALSE MEMBERSHIP CARDS— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Deacon (*Ontario*):
>
> That the Senate urge the Government of Canada and the RCMP to address the issue of fraudulent "native" individuals and organizations selling fraudulent membership or status cards, a practice that is detrimental to the Indigenous peoples of Canada.

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

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

Hon. Senators: Agreed.

(On motion of Senator McCallum, debate adjourned.)

(*At 10:35 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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