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Monday, May 27, 2019

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

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

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THE SENATE

Monday, May 27, 2019

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

May 27, 2019

Mr. Speaker,

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 27th day of May, 2019, at 1:37 p.m.

Yours sincerely,

Assunta Di Lorenzo

Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Monday, May 27, 2019:

An Act to amend the Canada-Israel Free Trade Agreement Implementation Act and to make related amendments to other Acts (*Bill C-85, Chapter 6, 2019*)

An Act to implement the Convention between Canada and the Republic of Madagascar for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (*Bill S-6, Chapter 7, 2019*)

An Act to amend the Oceans Act and the Canada Petroleum Resources Act (*Bill C-55, Chapter 8, 2019*)

SENATORS' STATEMENTS

QUEBEC—BILL 21

Hon. Marc Gold: As a senator from Quebec, I rise today to register my opposition to Bill 21, An Act respecting the laicity of the State. This bill, which was introduced by the Government of Quebec, would prohibit teachers, police officers, judges and many others from wearing religious symbols in the performance of their duties.

I am a proud Quebecer, and I know my history. I understand the dominant political role that the Church played in Quebec and the mark it left on generations of Quebecers. I lived through the Quiet Revolution, which was something I supported, and I strongly believe in state secularism. However, Bill 21 is based on a flawed interpretation of secularism, one that is incompatible with Quebec's religious and constitutional traditions.

Here's what I said more than 10 years ago when I testified before the Bouchard-Taylor commission:

We should support a Quebec-specific model of secularism . . . in which the state does not promote one particular religion over another but is also not required to ban all religious symbols from public spaces, as radical secularism calls for.

Honourable senators, I know that the Government of Quebec has the constitutional authority to enact Bill 21 and that it has the support of many Quebecers. I take very seriously my responsibility as a senator to consider the opinions and interests of my fellow Quebecers. However, as senators, we are not the agents or representatives of our provincial governments. We were also not appointed to simply channel the opinions of the public, even if the public takes a strong stand. As members of the Parliament of Canada, we have the responsibility to act in the national interest, and it is in the national interest that we defend the rights of religious minorities when they are targeted by discriminatory legislation.

Bill 21 infringes on the fundamental rights of all citizens who choose to publicly express their religious beliefs. Although the bill applies to many religious minorities, including practising Jews and Sikhs, its main focus is Muslim women who wear a hijab or veil. As a Quebecer, a Canadian, a senator and a Jew, I feel compelled to voice my strong opposition to Bill 21. Thank you.

[*English*]

THE ALDERWOOD PUFFIN PATROL

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 57 of "Telling Our Story."

Thousands of seabirds soaring through the air creating a symphony of sound, breaching humpback and minke whales, majestic and beautifully shaped icebergs, waves crashing on the seashore and refreshing ocean breezes are only some of the magic you can experience just a few minutes' drive from our capital city of St. John's to the four small islands that make up the Witless Bay Ecological Reserve.

Newfoundland and Labrador has one of the largest concentrations of seabirds in the world. The Witless Bay Reserve is the largest Atlantic Puffin colony in North America. There is no doubt that the reserve is one of nature's greatest wonders

anywhere on Earth. Although the islands are too sensitive to tolerate human presence, local tour boat operators offer a thrilling and exciting tour that you will never forget.

• (1810)

Nestled along the shoreline of the harbour overlooking the reserve in the town of Witless Bay is a seniors complex named the Alderwood Estates, and this is where my story becomes interesting. Within that seniors complex, we have a 10-member team of individuals ranging from 71 to 99 years of age who make up the Alderwood Puffin Patrol. Colleagues, these seniors are a true inspiration. Instead of sitting back and watching life pass by, along with the whales and puffins, these wonderful individuals are donning their reflective vests, grabbing their butterfly nets and flashlights, and heading out into the darkness to rescue baby puffin chicks.

The Puffin Patrol Program began in 2004, when Juergan and Elfie Schau from Germany were visiting their summer home in Witless Bay and noticed baby puffins had gone astray. Since the chicks are attracted to light, they often crash into buildings or get struck by motor vehicles. This is where the Alderwood Puffin Patrol comes to the rescue.

Watching these senior citizens scour the roadways and backyards of the community with their walkers and canes is an amazing sight to behold. Their determination to give back at their age is teaching us all a very valuable lesson, and the stories they share are priceless.

Eighty-eight-year-old Mr. Dave Melvin, who is originally from the small community of La Manche, says that at one time, the puffins were a source of protein for the 21 members of his family. He once hunted birds and puffins just to help put food on the kitchen table. He says, "If you had told me 70 years ago that I would be walking around Witless Bay with a pink butterfly net in my hand saving baby puffins, I wouldn't have believed you."

Then we have 84-year-old Mike Keiley, another senior puffin patroller and former fisherman from Petty Harbour, who says he joined the puffin patrol team initially for the social aspect. "Before this," Mike said, "the only puffin I cared about was puffin' on my cigarette butt, but searching through the ditches with a net trying to save a little puffin is exciting."

At 99 years young, Mrs. Nora Normore, who hails from the town of St. Vincent's, is renowned as the world's oldest puffin patroller and has the distinction for having the most years of service. She made her first successful puffin rescue more than 25 years ago when driving home from mass on a Saturday evening with her daughter, Sister Ann Normore. She tells us that they saw a baby puffin on the side of the road in Witless Bay and stopped to help. They wrapped the bird up in her coat and took it home to Tors Cove. The before-their-time conservationists even had the foresight to buy some worms on the way home to feed the puffin. They released the puffin the next morning and watched it fly out to sea. From that day forward, she was hooked on saving the baby chicks.

I cannot forget my good friend, Mrs. Bride Martin, also from St. Vincent's, who, at the tender age of 90 years, is so proud to be a member of the puffin patrol team.

Eighty-eight-year-old Mrs. Jose Whalen was encouraged to join the puffin patrol by her daughter, Carmel; her granddaughter, Wendy; and her great-granddaughter, Kate. With four generations of the Whalen family involved in the puffin patrol now, it has grown into a family affair.

The Hon. the Speaker: Sorry, Senator Manning. We will have to —

Some Hon. Senators: More, more!

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

Senator Manning: — Norman Vincent Peale once wrote, "Live your life and forget your age." There is no doubt that the senior citizens who comprise the Alderwood Puffin Patrol in Witless Bay are definitely doing just that. We congratulate and thank them for saving the puffins, and teaching us all a little about the important things in life.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Paul Lee. He is the guest of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

THE LATE MARGARET-ANN ARMOUR, C.M.

Hon. Paula Simons: Honourable senators, I am saddened and honoured to pay tribute to a remarkable Edmontonian Margaret-Ann Armour, who died this Saturday at the age of 79. Dr. Armour was an organic chemist, an expert in hazardous waste management, a professor, a university administrator and she was a chemical catalyst for generations of young women who were inspired by her passion to pursue careers in engineering and science. She was also a thoroughly delightful human being, unpretentious, witty and fizzling with enthusiasm.

You might meet her and think she was a slightly muddled, slightly ditzzy Scottish granny, but she always reminded me a little bit of Agatha Christie's Miss Marple. Behind the soft Scottish accent and the soft blue eyes was a mind that delighted in solving mysteries.

Born in Glasgow, she took her first two degrees at the University of Edinburgh and worked for several years as a research chemist before moving to Edmonton to pursue a PhD at the University of Alberta. She graduated in 1970, and just nine years later was named assistant chair of the department.

Concerned by the relatively small numbers of women enrolled in science degrees in the U of A, Dr. Armour helped to found WISEST, Women in Scholarship, Engineering, Science and Technology, a program designed to spark girls' interest in fields traditionally dominated by men.

For almost 40 years, she dedicated herself to proving science could be exciting and fun. She led workshops for elementary, junior high and high school students — workshops full of sly humour and sometimes explosive surprises. She made science hugely entertaining, whether she was blowing things up or shattering bananas she'd dipped in liquid nitrogen.

In Edmonton, we didn't need a Miss Frizzle or a Magic School Bus. We had Margaret-Ann Armour, and she brought the magic.

She blew things up in academia, too. In 2005, she was named the associate dean of diversity for the University of Alberta's Faculty of Science. She pushed hard not just to boost the enrollment of students in underrepresented groups but for greater diversity in academic hiring. She earned at least half a dozen honorary doctorates, was awarded the Order of Canada and inducted into the City of Edmonton Hall of Fame. In 2016, the Edmonton Public School Board named a school in her honour, where she delighted in dropping in to play at science with students, making her final visit just last month.

This weekend she was scheduled to receive yet another honorary doctorate, this one from Edmonton's Concordia University. She wasn't well enough to attend, so on Friday, Concordia sent a delegation to her hospital room, in full academic regalia, to present her degree. She apologized for being unable to attend the convocation ceremony, and then handed them her speech, which she had quite literally composed on her deathbed. The very next day, she left us, embarking upon life's ultimate chemical transformation.

[Translation]

Molière said, and I quote:

To live without loving is not really to live.

[English]

Margaret-Ann Armour was in love with the universe, with knowledge, science and the excitement of inspiring young minds. In Edmonton, we loved her back.

ROUTINE PROCEEDINGS

FISHERIES ACT

BILL TO AMEND—THIRTEENTH REPORT OF FISHERIES AND OCEANS COMMITTEE PRESENTED

Hon. Fabian Manning: Honourable senators, I have the honour to present, in both official languages, the thirteenth report of the Standing Senate Committee on Fisheries and Oceans, which deals with Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence.

(For text of report, see today's Journals of the Senate, p. 4798.)

[Senator Simons]

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

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

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

PRE-NATO SUMMIT CONFERENCE, JULY 11-12, 2018—
REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canadian NATO Parliamentary Association respecting its participation at the Pre-NATO Summit Conference, held in Brussels, Belgium, on July 11 and 12, 2018.

SUMMER DEFENCE CONFERENCE, SEPTEMBER 10-11, 2018—
REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation at the 16th Summer Defence Conference, held in Paris, France, on September 10 and 11, 2018.

PARLIAMENTARY TRANSATLANTIC FORUM,
DECEMBER 10-12, 2018—
REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canadian NATO Parliamentary Association respecting its participation at the Parliamentary Transatlantic Forum, held in Washington, D.C., United States of America, from December 10 to 12, 2018.

JOINT MEETING OF THE DEFENCE AND SECURITY, ECONOMICS
AND SECURITY, AND POLITICAL COMMITTEES,
FEBRUARY 18-20, 2019—REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation at the Joint Meeting of the Defence and Security, Economics and Security, and Political Committees, held in Brussels, Belgium, from February 18 to 20, 2019.

STANDING COMMITTEE MEETING, MARCH 29-31, 2019—
REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation at the Standing Committee Meeting, held in Zagreb, Croatia, from March 29 to 31, 2019.

• (1820)

[English]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT ON THE STUDY OF THE IMPACT
AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN
CANADIAN FOREIGN POLICY AND DIPLOMACY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Tuesday, March 19, 2019, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on the impact and utilization of Canadian culture and arts in Canadian foreign policy and diplomacy, and other related matters, be extended from May 31, 2019 to June 28, 2019.

QUESTION PERIOD

NATIONAL DEFENCE

DEDICATION OF AFGHANISTAN WAR MEMORIAL

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and it concerns the secret ceremony to dedicate the Afghanistan Memorial Hall at DND Headquarters containing a memorial of military members and civilians who previously stood at the Kandahar Airfield. Canadians only learned of this ceremony three days after it occurred, in a Facebook post. Without a doubt it was the wrong decision to keep the ceremony quiet and wrong to exclude the families of our fellow Canadians who died in Afghanistan in service to our country.

On Friday, the chief of staff, General Vance, apologized for the insensitivity, pain, anger and frustration caused by this decision. My question for the government leader is simply this:

Why did it take four days for Minister Sajjan to apologize? The Minister of National Defence attended this secret ceremony so it must have had his approval. Does the minister truly accept his responsibility for what happened here?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I'm sure that I along with at least a number of other senators have in fact been to Kandahar to see the memorial. I think we all pay tribute to those who paid the ultimate price in Afghanistan and continue to pay in terms of the wounded from that engagement.

It's very clear from statements that have been made outside the chamber and elsewhere that General Vance, in particular, has acknowledged that the way in which it was proceeded with was inappropriate. He's written an extensive statement to Canadians to assure them that he intends to make right this mistake. He says:

More importantly, an apology is meaningless unless the wrong it seeks to address is mitigated, and this is how we'll make things right:

The Afghanistan Memorial Hall will become accessible to all who come and wish to see it. All members of the Canadian Armed Forces and their families . . . While we must balance security and access, we know that we have already established a system for personal escorted access to the memorial for the families of the Fallen.

He goes on to say:

We are now coordinating their visits. Families and Veterans may also attend the Headquarters, and they will be immediately escorted for a visit.

He continues:

In the coming month, we will begin providing continuous scheduled visit-opportunities to all who wish to visit.

Clearly from the CDS we have a clear statement of correction. The Minister of Defence has indicated his agreement with the actions that the CDS have undertaken to mitigate the circumstances. I think we all want to accept those apologies and, more importantly, the mitigation that is under way.

Senator Smith: Thank you, leader. The previous Conservative government announced that a national memorial to Canada's mission in Afghanistan would be constructed here in Ottawa. It was to have been ready by the sesquicentennial in 2017. In March 2016, when asked in the other place about the fact that the monument had not moved forward, former Veterans Affairs Minister Kent Hehr stated, "We will get it done." Over three years later and in fact nothing has been done. Senator Harder, when will the construction of the monument begin and when will it be completed?

Senator Harder: Again, I thank the honourable senator for his question. With respect to a memorial, I will take it under advisement and report back.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question for the government leader this evening also concerns the secret ceremony held earlier this month to dedicate the Afghanistan Memorial Hall. It is disappointing but not surprising that it took Minister Sajjan four days to apologize for this obvious mistake, as he has yet to formally apologize to Vice-Admiral Mark Norman for what the vice-admiral and his family went through over the last two years. Canadians have a right to know how this ceremony came about as it is clear something like this should never happen again.

Senator Harder, would you please make inquiries and let us know the details of the approval process for the secret ceremony? Specifically, at what point was the minister and his office involved in the planning for this ceremony? Also, did the minister and his office know that the families of those who died in Afghanistan had been excluded?

Senator Harder: Again, I thank the honourable senator for her question. She's asked me if I will make inquiries and I certainly will.

Senator Martin: In reference to the response you gave to our leader regarding a process to allow the public access to the current memorial, I'm just a little bit — I won't say skeptical, but I'm concerned that — I won't name the regiment. I have great respect for our military. There was a base where I wanted to visit and have a look at this particular site. When I contacted the proper individual that was given — the name that was given to me, we were told that I would need an eight-month advance request time in order for this to be processed. That was just my one experience at this one particular site. I'm curious, in terms of this public access, what assurances do we have that it will indeed be accessible to the public? We talk about the safety and the security, but I think it's in a very private location where I think access will be an issue. I'd be curious to know the ongoing plans and how this will be executed.

Senator Harder: Again, I thank the honourable senator for her question. She will know from the statement that General Vance issued that he indicated that they were proactively engaging with the families, as well as a website he referenced in his statement. I want to assure the honourable senator that I will be happy to bring the concerns she has raised with experience not only with respect to this matter but others.

I take it from General Vance's statement that there is a very sincere acknowledgement by the senior military of our country that we have to do better in respect of our fallen in Afghanistan and an appropriate memorial to commemorate their service. As his statement that I spoke to earlier references, he has personally made a commitment to do just that, not just to state the acknowledgement of the inappropriateness of the actions that were taken but also to take a number of steps to correct that. That's what's under way.

ABORIGINAL PEOPLES

BUSINESS OF COMMITTEE

Hon. Donald Neil Plett: Honourable senators, my question is for the chair of the Aboriginal Peoples Committee.

• (1830)

Senator Dyck, a few weeks ago, before the break week, you asked me a question after I spoke on UNDRIP and Bill C-262. You asked me whether I had, in fact, reached an agreement with Senator Sinclair on when this bill would go to committee. I assured you I had.

Part of that agreement, Senator Dyck, was that Minister Lametti and Minister Bennett would appear at committee. As a matter of fact, they would be the first witnesses at the committee. That was part of the agreement. I assured you I would keep my end of the bargain and I did.

I'm told today that the ministers are not on the slate of witnesses. Can you assure us, Senator Dyck, that both of those ministers will appear at committee and testify as to why they have chosen to take ownership of a private member's bill and are insisting that the Senate move forward with it?

Hon. Lillian Eva Dyck: Thank you for your question, Senator Plett. There's no way I can assure you that they will appear. They have been invited, but we can't force a minister to appear. They were invited and they declined. I understand they're sending senior officials to testify with respect to the various departments.

They were invited, but I don't know what agreement you had. There's no way we can force someone to appear as a witness.

Senator Plett: You're certainly correct there; you can't force them to come. However, the deal was that they would be on the list before that bill would go to committee. I was assured that they would be. That invitation could perhaps have been sent out well ahead of time so we were assured that that part of the agreement would in fact be followed.

Now government officials are coming to testify at committee on a private member's bill — something that the government has had no part in drafting. They will come and testify to a private member's bill. In the first place, I find it very strange that these officials would come. Again, Senator Dyck, the agreement prior to the bill going to committee was that the ministers would come.

Why was that deal not honoured? We made sure before the committee meeting started that those ministers would come.

Senator Dyck: The agreement that you're referring to is an agreement that you made apparently with Senator Sinclair. It was not an agreement made with the committee nor with me. I can't speak to that agreement. I had no part in that agreement.

With regard to officials coming to testify on a private member's bill, we haven't had a lot of private members' bills at our committee. We did have one in the past. At that point, I am quite sure we did not have a minister testify. Even on some government bills, we don't necessarily have a minister appear either. It seems kind of odd that we require a minister to come for a private member's bill. To me that is as odd as you requesting that they be there. That's all I can say.

Hon. Murray Sinclair: I rise on a question of privilege.

The Hon. the Speaker: Senator Sinclair on a question of privilege.

Senator Sinclair: Your Honour, I will look to your ruling on whether it's a question of privilege or a point of order.

It has been suggested that I reached an agreement with Senator Plett to require two ministers to speak. I did not reach such an agreement.

The Hon. the Speaker: I'm sorry, Senator Sinclair, but points of order and questions of privilege cannot be raised during Question Period. As soon as Question Period is over, you may rise on that.

[Translation]

NATIONAL DEFENCE

CHIEF OF THE DEFENCE STAFF

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government. Senators got a 2 per cent salary increase, which is roughly equivalent to the increase in cost of living, despite some senators telling the press we earn too much and should take a pay cut. The day after the dismal political failure that was the Vice-Admiral Mark Norman case, which General Vance dropped under circumstances the government refuses to make public, your Prime Minister raised General Vance's top pay increment from \$291,000 to \$306,000, which is a 7 per cent increase. That's three times more than senators got and many times more than middle-class Canadians get. When the U.S. armed forces' most senior officer earns the equivalent of \$240,000 Canadian, how can you justify that kind of pay raise? The timing strongly suggests it might be a reward for his help covering up the truth in the Norman case.

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I totally reject the implication in the question that the adjustment to the compensation of our Chief of the Defence Staff is in any way related to operational matters involving the vice-admiral and the circumstances surrounding that.

Let me simply report this to the chamber. As honourable senators will know, the performance and the compensation accorded to senior officials are reviewed on an annual basis. There's a category of compensation for each level of appointment. The adjustment was made consistent with the category for the compensation for the Chief of the Defence Staff.

It would be inappropriate for me to comment further on matters of personnel, but we do believe in a system of transparency of revealing these adjustments not just for the CDS but for other officials at senior levels.

[Translation]

Senator Dagenais: I get that there's some kind of agreement with public servants, but the private sector tends more toward performance bonuses.

I'd like to know what it was about General Vance's performance that earned him a 7 per cent bonus.

[English]

Senator Harder: Honourable senators, again, without getting into the specifics of any one case, the performance evaluations and the consequent awards are generalized throughout the senior ranks of the public service and take place in a transparent fashion.

QUESTION OF PRIVILEGE

Hon. Murray Sinclair: Honourable senators, I rise on a question of privilege.

Your Honour, it has been suggested that I made certain commitments and agreements with Senator Plett to require cabinet ministers to appear at the Aboriginal Peoples Committee. Senator Plett should know better than to say that I would be able to do that because I could not and I did not. The most that can be said was that I undertook to ensure that they would be invited to appear. I spoke to Senator Dyck. She has invited them. They've declined to appear. That's the most that can be said of that.

The accusation that we entered into an agreement and somehow I breached it is an unfair representation, and I ask Senator Plett to withdraw that accusation.

Hon. Donald Neil Plett: Honourable senators, I absolutely agree with Senator Sinclair that he does not have the authority to get ministers to come here. This happened well before the bill went to committee. Senator Sinclair and I were in one of the small rooms in the back here. He asked me when this bill would go to committee. I don't have a calendar in front of me, so I will not give you the dates. I cannot do that off the top of my head.

Senator Sinclair asked, “When will you allow this bill to go?” I said, “Number one, I want to speak to it,” which of course I did. I said, “There may be others but, nevertheless, I will assure you that by a certain date we will allow the bill to go to committee; but the conditions are thus.” I didn’t have the ministers’ names at that point. The terminology I used referred to the two ministers who wrote to the Senate demanding that private member’s Bill C-262 would be moved forward. One of my conditions was that I wanted assurance that they would come.

Senator Sinclair assured me he would try. I said, “That’s fine but that is the deal, so you better try beforehand.”

• (1840)

We shook on that deal. I expected that to be Senator Sinclair’s word that he would assure that either they would come or he would let me know and we would discuss further whether this bill would go to —

Senator Lankin: Just withdraw. He said he would try.

An Hon. Senator: Well, the chair said she didn’t know anything about it.

Senator Plett: He assured me that he would try and we would discuss it further if he couldn’t do that.

After the bill went to committee, I asked Senator Sinclair whether he had done that. He said yes, he had tried, but there was no guarantee. I again said to Senator Sinclair, “However, senator, you know that was our agreement.”

He assured me that he would continue trying and I am sure he has done that. I never accused Senator Sinclair of not trying to get the ministers to come. All I said was that was the agreement. Senator Sinclair I’m sure did his job short of making sure the committee would not start their hearings until those ministers came.

So no, Your Honour, I will not withdraw those comments.

The Hon. the Speaker: Honourable senators will recall that in a recent ruling on a question of privilege pertaining to agreements, I ruled that agreements reached outside of parliamentary proceedings are not covered by privilege. However, at the time I also stated that it is very important to the proper, efficient and effective running of the Senate that agreements that are entered into between parties or between senators should be taken very seriously. On this matter, I

would suggest strongly to the parties involved that the matter be taken up in the committee for further consideration and, hopefully, resolution.

Honourable senators, pursuant to rule 9-6 I must now interrupt proceedings in order that we proceed to a deferred vote on an amendment to Bill C-71. There will be a 15-minute bell and the vote will take place at 6:57.

Call in the senators.

• (1850)

ORDERS OF THE DAY

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

THIRD READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald:

That Bill C-71 be not now read a third time, but that it be amended in clause 2, on page 2,

(a) by replacing lines 4 to 10 with the following:

“2 (1) Subsection 5(2) of the Act is amended by strik-”; and

(b) by replacing line 32 with the following:

“(2) Section 5 of the Act is amended by adding the”.

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

That Bill C-71 be not now read a third time, but that it be amended in clause 2, on page 2 —

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

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

YEAS
THE HONOURABLE SENATORS

| | |
|-------------|---------------|
| Anderson | McIntyre |
| Andreychuk | Mockler |
| Ataullahjan | Oh |
| Batters | Patterson |
| Boisvenu | Plett |
| Doyle | Poirier |
| Eaton | Richards |
| Frum | Seidman |
| Housakos | Smith |
| MacDonald | Stewart Olsen |
| Manning | Tannas |
| Marshall | Tkachuk |
| Martin | Wells—27 |
| McInnis | |

NAYS
THE HONOURABLE SENATORS

| | |
|-------------------------------|-----------------|
| Bellemare | Harder |
| Black (<i>Alberta</i>) | Hartling |
| Black (<i>Ontario</i>) | Klyne |
| Boehm | Kutcher |
| Boniface | Lankin |
| Bovey | Marwah |
| Boyer | Massicotte |
| Busson | McCallum |
| Campbell | McPhedran |
| Christmas | Mégie |
| Cordy | Mercer |
| Coyle | Mitchell |
| Dalphond | Miville-Dechêne |
| Dasko | Moncion |
| Dawson | Moodie |
| Day | Munson |
| Deacon (<i>Nova Scotia</i>) | Omidvar |
| Deacon (<i>Ontario</i>) | Pate |

| | |
|----------------|---------------|
| Dean | Petitclerc |
| Downe | Pratte |
| Duncan | Ravalia |
| Dyck | Ringuette |
| Forest-Niesing | Saint-Germain |
| Francis | Simons |
| Gagné | Sinclair |
| Galvez | Verner |
| Gold | Wetston |
| Greene | Woo—56 |

ABSTENTION
THE HONOURABLE SENATOR

Griffin—1

• (1900)

THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Donald Neil Plett: Colleagues, this bill was introduced in the other place just over a year ago on March 20. It came to this chamber last fall and has been the subject of much debate and discussion.

At second reading it was debated over 12 sittings by 18 senators who spoke to it and by many others who asked questions. At committee we sat for more than 30 hours and heard from 81 witnesses, including two cabinet ministers.

The report stage covered four more sittings, with four senators speaking to the report.

Today we find ourselves at what is expected to be the last third reading speech, having heard from 14 senators. I am being told there might be one more senator who will want to speak. I say this not only to commend all senators for their participation but to illustrate that we have covered a lot of ground with this bill and have heard arguments from many different perspectives.

Yet in spite of the participation and rigorous examination, I admit that I am concerned. I am concerned that we find ourselves exactly where we were before we began looking at this bill. I suspect that if we had voted on this bill when it arrived in this chamber, the outcome would have been exactly the same as it will be when we are finished here tonight.

After all the time, research, debate, testimony, letters, emails, phone calls, discussions, questions, answers and non-answers, we are finishing right where we began.

The Senate Committee on National Security and Defence did an outstanding job examining this bill and bringing in amendments to improve it. These were simply ignored by this chamber. When we sought to reintroduce these individually, they were again unceremoniously rejected without true consideration.

Colleagues, how is it possible that so many senators who claim to be independent consistently vote as a block in support of the Liberal Party. And despite the evidence, how is this nonpartisan?

If ISG senators were truly independent, we would at least see their votes proportionately reflect the views of Canadians — maybe not all the time but at least some of the time? Yet that is far from what is happening. Instead, we are repeatedly seeing a wholesale endorsement of the government's agenda.

I understand there may be some concern amongst senators opposite that it is not the appropriate role of this chamber to challenge the elected house. I would remind you that amending legislation in this house in no way prevents the other place from rejecting those amendments. This has happened many times in this parliamentary session, and repeatedly throughout history.

Our job is to give sober second thought to the legislation that appears before us. At times, this includes challenging the very premise of what is being proposed. If we repeatedly fail to do this, it brings into question the usefulness of this chamber. We have a responsibility to look beyond the talking points, challenge assumptions, and require evidence-based policy.

This has not happened with Bill C-71.

Colleagues, as the bill now stands, no one is happy with it. Gun owners are not happy, and gun control advocates are not happy. On this side of the chamber, we have at least acknowledged that fact rather than making excuses for the government. On the other side, have you noticed how many times ISG senators claim to support this bill while at the same time making soft apologies for it? We have repeatedly heard things like: This is no silver bullet, or this is not a magic bullet. On the one hand, you're endorsing it, and, on the other hand, you're apologizing for it. Right now, you have an opportunity to make a difference, and you are not.

So let me ask you this: If Bill C-71 were a term paper, what grade would you give it?

I would give it an "F." The student has completely failed to address the objective of the assignment, which was to increase public safety.

But if you are not prepared to give it an A-plus —

[Senator Plett]

[*Translation*]

POINT OF ORDER

Hon. Lucie Moncion: Honourable senators, I am rising on a point of order.

This isn't the first time our motives, our expertise and our choices have been called into question in this chamber.

You cautioned senators on several occasions during the last sitting of the Senate. I think we've had enough. I've certainly had enough of always being questioned on my motives, my choices and my expertise.

I'd like to raise a point of order on the matter.

[*English*]

• (1910)

The Hon. the Speaker: Senator Plett, did you wish to address the point of order?

Senator Plett: No.

The Hon. the Speaker: Are there any senators who wish to address the point of order?

Honourable senators, I have to address it from the chair.

Senator Moncion raises a point that I have noted in the past. When senators are addressing a subject, they should deal with the issues. To criticize a person's stand on an issue is fine, but to go behind that and start talking about the motivation or motives of an individual is really not parliamentary, and is something that should be avoided.

Any discussion on debate is, of course, fine — this is a debating chamber — but I would ask senators not to go beyond debating the topic or the legislation at hand and to avoid attributing motives for why people take a particular stand.

Senator Plett, on debate.

THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Donald Neil Plett: If you are not prepared to give it an A-plus, then where are the corrections? Where are the amendments? Why are you about to send this terrible bill back to the other place, rubber-stamped and ready for implementation, if it's broken or incomplete?

I'm not saying you must support our amendments if you don't believe in them, but where are your amendments? I find it hard to believe that you cannot think of one way to make this bill better.

You've rejected all of our efforts to improve this bill, and yet you've made none of your own. What are Canadians supposed to make of this?

I know that every senator in this chamber supports measures that increase public safety. Yet, instead of taking action to do so — any action — you quietly fall in line behind your leader.

Let's be clear; we all know what is going on here. Either through ignorance, intimidation or deference, you are acting like a government caucus. I'm sorry if it bothers you when I say that, but you are acting like a government caucus while protesting loudly that you are not. While claiming to be independent, your actions say the exact opposite.

Just last week, we saw Senator Woo telling *The Hill Times* that if no deal was reached on Bill C-69 at committee, then senators on the committee would have voted on each amendment “. . . along the lines of which group we belong to . . .” How is that independent?

Some of you may not recognize this, but what Senator Woo is describing is how a whipped caucus works. You are acting like the very thing you tell us over and over again that you are not. While calling yourselves independents, you will stand tonight and vote as a bloc — with only a handful of exceptions — to send this bill back to the other place unamended.

Let there be no mistake; this is exactly what we are about to see. The ISG caucus has been summoned by their whip to be present in the chamber tonight — and I see it has worked — in force to pass the government's legislation without amendment, and your whip is taking attendance.

Senators, I am the whip of the Conservative caucus in the Senate. I understand the role of a whip. When I see it, I recognize it. Well, my friends, for the record, you are being whipped.

Your voting patterns on this legislation and on proposed amendments have not been based on the evidence or the arguments. They have clearly been based only on your loyalty to the government and the direction of your whip.

POINT OF ORDER

Hon. Marc Gold: Point of order. Your Honour, just a few moments ago you admonished all of us, and I think in an appropriate way, to stick to the issues and not to attribute motives and behaviours which are inappropriate and unparliamentary. I would simply ask us to follow your advice.

I think, with all respect, the most recent comments of Senator Plett seem to stray from your good and wise advice.

Hon. Donald Neil Plett: Well, I will address this.

Your Honour, I have chosen my words. There's no duplicity in any of my comments that senators didn't like. I have not called anyone any names. I have evidence. I have quoted what Senator Woo said. I have evidence to what I just said about the ISG whip, and I have said nothing that isn't the truth.

When I say something that isn't the truth, challenge me on it. Stand up and speak.

Senator Gold and others, if you challenge the Conservatives about being partisan, we will all say, “Hallelujah, we are.” That's all I'm saying, Senator Gold. If senators opposite can't take it, if you can't stand the heat, get out of the kitchen.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I do not want to have the debate inflamed over this. Obviously, there is a line that can be crossed when you attribute attitudes or motives to a group or to individuals.

Senator Plett has made certain statements that no doubt are skating close to that line. However, I haven't heard anything yet that I think crossed that line.

I thank senators for bringing this to my attention, allowing me to emphasize that we want debate in the chamber to be on issues, not on individuals or groups.

THIRD READING—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Donald Neil Plett: Thank you, Your Honour.

Before I continue with my speech, let me read a letter that was slipped under my door:

Dear colleagues,

As you know, the vote on the amendment to **Bill C-71** was deferred to Monday, May 27. Consequently, and as per a new agreement, the final third reading vote for the bill, which was scheduled for yesterday, will also take place that day.

In light of this, I wish to remind you all that it is critical that you be present in the Chamber that evening to vote on this important piece of legislation. I would ask colleagues to make every effort possible to be present for the sitting.

It is also very important that the Leadership and the Secretariat have an accurate account of how many ISG members will be in attendance. I therefore ask that you please confirm your presence for the **Monday, May 27 sitting** as soon as possible by responding to this email.

I thank you in advance for your cooperation and wish you a wonderful break week.

I never sent a letter like that out, and I'm the whip, and I admit it.

Hon. Frances Lankin: Your Honour, I know I'm testing your patience, and my apologies to you and to others if they feel that way. I wanted to intervene a few moments ago.

I simply want to say that the correspondence I received from the liaison of the ISG implored us to be here for important government business votes and to inform us of those votes and for us to inform him of our attendance.

Many times I've received that kind of communication. Never have I been directed how to vote. In fact, most times it also includes a statement that says, "You're entitled to vote the way you want. We'd just like you to be there."

Some Hon. Senators: Hear, hear!

Senator Lankin: The point I want to make is that in Senator Plett's earlier comments that preceded the last point of order raised by Senator Gold, he clearly said that we were directed to be there and to vote for the government bill. That is not the case. Once again, he is misstating the facts, and he has the evidence in front of him.

Hon. Yonah Martin (Deputy Leader of the Opposition): I didn't hear a point of order raised by Senator Lankin. It seems she's on debate, or is she speaking to a point of order?

Senator Lankin: Speaking to a point of order, yes.

The Hon. the Speaker: Order, please.

Senator Lankin stood on what I was expecting to be a point of order. However, I did not hear a point of order. I heard a point of clarification.

Senator Plett, on debate.

Senator Plett: Thank you. I seem to recall the week before last that someone who was interrupted asked that the duration of the interruption not be charged against their time. I trust that will happen here as well.

• (1920)

Your voting patterns on this legislation and on proposed amendments have not been based on the evidence or the arguments. They have clearly been based only on your loyalty to the government and the direction of your whip.

I am not standing here trying to change your minds. I know that is an effort in futility. I am standing here because there are millions of Canadians who care about this legislation. They care about what it was supposed to do. They care about dealing with gun and gang violence.

They may have believed the Liberal government's campaign promises to do something about it. They deserve to know the truth about this legislation — that it is a sham and a farce, and it will do absolutely nothing to increase public safety.

I would like to review the Liberal Party's election promise on the issue before us. What exactly did they promise, and does this bill fulfil that promise or even move us closer toward it?

In their platform, on page 54, the Liberal Party promised to do the following, on guns:

We will take action to get handguns and assault weapons off our streets . . . We will take pragmatic action to make it harder for criminals to get, and use, handguns and assault weapons.

That was the promise. Yet, if you look at Bill C-71, it has nothing to do with gangs. It has nothing to do with getting handguns and assault weapons off our streets. And it has nothing to make it harder for criminals to get, and use, handguns and assault weapons.

Instead, this bill harasses law-abiding gun owners while giving gangs and criminals a pass. Rather than fulfilling campaign promises, this bill breaks them.

Colleagues, no one is denying that there are very real concerns about gun violence in Canada. But suggesting that we are going to deal with these concerns by developing policies that target licensed gun owners is nothing short of fantasy.

If the government wants to live in a make-believe world, there is little we can do to stop it, this side of the election. But I urge you, colleagues, not to play their game.

From the very beginning of this debate, the Trudeau government's insincerity has been evident. They have repeatedly claimed that this bill "prioritizes public safety and effective police work." Yet when you scratch the surface, you quickly find out that it does neither.

It reminds me of an old proverb which says: Like clouds and wind without rain is a man who boasts of gifts never given.

Justin Trudeau talks like he's serious about dealing with gangs and crime, but his actions are little more than empty, fluffy promises that deliver nothing.

When Bill C-71 was introduced in the other place, Minister Goodale began by painting a grim picture. He said:

While crime rates generally in Canada have been on the decline for decades . . . However, offences involving firearms are bucking the positive trend.

Minister Goodale repeated this assertion both at the House of Commons committee and the Standing Senate Committee on National Security and Defence, when he insisted that:

While crime rates generally have been steadily falling in Canada for decades, we have seen a sharp increase in the number of criminal incidents involving firearms.

Colleagues, the evidence says this assertion is nonsense. No matter which metric you look at — overall crime rates, the violent crime rate or the crime severity index — the last 20 years of statistics clearly show that gun crime and overall crime rates follow the exact same arc: When crime goes up, gun crime goes up with it; and when crime goes down, gun crime goes down as well. The suggestion that gun crime is rising while overall crime is dropping is simply not true.

However, as I said earlier, this does not mean we don't have a problem. We do. But if you look at the evidence, you will find that it has nothing to do with making sure law-abiding gun owners get special permission to take their restricted firearms to the gunsmith. It has nothing to do with taking away their only real avenue of appeal when their firearms get reclassified and are rendered valueless. It has nothing to do with the fact that background checks currently cover five years instead of a lifetime.

It has nothing to do with any of these things. Bill C-71 is chock full of feel-good, aspirational notions that are designed to leave the impression of taking action, while accomplishing absolutely nothing.

Colleagues, I encourage you to take a closer look at Statistics Canada's reports on homicide by firearms. If you do, you will see that at least three things stand out. Number one, there has been a failure to enforce our existing gun laws; number two, there is a disproportionate homicide rate by Indigenous persons; and number three, we are suffering from rising gang violence. Yet Bill C-71 completely ignores every single one of these.

Consider the following: Between 2014 and 2017, 66 per cent of homicides by firearms were committed by people with criminal records. This tells us that up to two thirds of gun homicides could be the consequence of a failure to properly enforce our current gun laws. Because in many cases, it is already illegal for someone with a criminal record to possess a firearm.

In every case where a gun homicide was committed by a person who was ineligible to possess that firearm, more regulation would have done nothing to save these lives. The problem was a lack of enforcement from our existing gun laws.

Second, over the same period — 2014 to 2017 — 68 per cent of all homicides were committed with a restricted or prohibited weapon, and yet restricted and prohibited firearms are already registered and tightly controlled.

This should be a red flag for anyone who is paying attention. If gun control measures for restricted firearms are not working, what makes us think that more regulations for non-restricted firearms will suddenly be effective?

Third, according to Statistics Canada, 38 per cent of all homicides in 2017 were committed by Indigenous persons. In the vast majority of these homicides, the victims were Indigenous as well.

When you consider this in context of the size of the Indigenous population, it means that across Canada, an Indigenous person is 12 times more likely to commit homicide than a non-Indigenous person. Broken down by province, it works out to 11 times more likely in Alberta, 13 times more in my province of Manitoba, and 43 times in Saskatchewan.

Minister Goodale has gone out of his way to point out that the problems with firearms violence is not just because of gangs in Toronto, noting that it's also found in rural areas — especially in Prairie provinces like Manitoba and Saskatchewan. What he didn't bother to tell you is that, in Manitoba, 67 per cent of homicides with a firearm in rural areas are committed by Indigenous persons. In Saskatchewan that number is 77 per cent.

Colleagues, if you haven't looked at the evidence, then these numbers might shock you. But don't misunderstand me. I am not blaming Indigenous people for firearms violence.

What I am doing is pointing out that there is a tragedy unfolding in slow motion in Indigenous communities and families right before our eyes. Yet the Liberal government is ignoring this tragedy, pretending to be oblivious to the fact that there are much deeper societal issues at play here that will not be addressed by simply piling on more gun laws.

Frankly, I am at a bit of a loss as to how my honourable colleagues from Manitoba believe this bill addresses any of the root issues behind these tragic numbers. Why are all Indigenous senators opposite not opposing this bill and demanding real action and real answers that would actually help to reduce firearms crime and the resulting victimization? And if you're not going to oppose it, then where are the amendments? Where are the improvements?

- (1930)

Honourable senators, the other thing we learned from Statistics Canada is that between 1991 and 2017, 90 per cent of homicides were solved, but only if gangs were not involved. When homicides are gang-related, the solve rate drops to 44 per cent.

If we look at the years 2014 to 2017 again, this means that with an average of 206 homicides committed with a firearm each year, about 70 were left unsolved each and every year. Approximately 57 of those 70 unsolved homicides would have been gang-related. In other words, between 2014 and 2017, approximately 280 murderers have been left to roam free on our streets and the majority of these — 228 — are gang members. You might want to let that sink in.

If the government was serious about preventing homicides by firearms and prioritizing public safety, getting known murderers off our streets, would that be their top priority? But it is not. This bill will have zero impact on gangs and criminals. Instead, Minister Goodale is busy making scapegoats out of law-abiding

gun owners, saddling them with more paperwork, more hoops to jump and more threats of criminal charges, all the while pretending that this will get criminals off our streets.

The assertion is absurd and gun owners are tired of the charade. Instead of taking substantive action to deal with real issues, the Liberal government is splashing around in the shallow end, pretending to do something important. This is not the time to be playing politics. This is a time to understand what is really going on and to take meaningful action to change the current trajectory and actually save lives.

Colleagues, facts, research and statistics matter, but the problem we have seen in this debate is that it is too easy to simply quote a study that supports your position. This is true on many subjects, but it is particularly true when it comes to the question of the effectiveness of gun control. One person will hold up a study that says gun control works. The next person will hold up a study that says it doesn't. People pick the one that best aligns with their view and use that to endorse their position. So how do you know what the truth is?

In 2016, the B.C. Centre for Public Safety and Criminal Justice Research did something different. Rather than simply producing another study on the matter, they undertook an extensive literature review of all the existing studies. These studies examined, "the various strategies and processes that have been tried in Canada and internationally to reduce or remove illegal firearms from circulation, particularly from offenders." The focus of the review was on "research published in English that evaluates legislative attempts, police-led, and community-led programs, tactics, or interdictions designed to address the issue of illegal firearm possession and use."

So instead of just producing one more study, in order to review their findings, the centre took a step back and looked at all studies that had already been published. You cannot easily dismiss such an approach if you're interested in the facts.

At the end of the review, they concluded the following:

. . . the lack of reliable empirical data on firearms and violence, including suicides, makes it virtually impossible to undertake comparative analysis or the ability to develop more effective responses. In sum, the current evidence is generally inconclusive and suffers from a range of methodological challenges and limitations.

If you're one of those who likes to argue for more gun control based on an isolated study here and there, this will not come as good news. But these are the facts: "the current evidence is generally inconclusive."

The good news is that something can be done about gun violence. The review found the following:

The research literature. . . demonstrates that gun violence can be reduced by the police when they engage in sustained, strategic, and intelligence-led enforcement practices that targets prolific offenders and gangs, and prolific locations where gun violence occurs.

Colleagues, this is exactly what a Conservative government would do. Instead of fiddling on the margins with ineffective measures based on evidence that has been found to be "generally inconclusive," a Conservative government would take clear and decisive action to deal with gangs, illegal guns and criminals. Contrast with this Justin Trudeau, who has softened Canada's approach to tackling gang crime by reducing its penalties to as little as an administrative fine.

A Conservative government would end automatic bail for known gang members, making them prove to a court that they should be eligible for bail. It would deliver tougher sentences for ordering gang crime and new sentences for violent gang crime.

This is the kind of leadership Canadians need. Instead, here's where we find ourselves today: In just a few minutes we're going to have a vote on Bill C-71. And in spite of the fact that this bill is not supported by the facts, the evidence or the research, the majority of senators in this chamber will vote in favour of it. In spite of the fact that it ignores the real problems, fails to listen to either the gun owners or the victims of gun violence, this chamber will send it back to the other place unamended.

This is a tragedy, colleagues, because it is not only law-abiding firearms owners who are not being heard; it's also the communities being rocked by crime; it's the families that have been torn apart; and it's the moms and dads, sisters and brothers, friends and acquaintances of victims of gun crime.

Honourable senators, you and this government are failing them by passing this legislation, because although the Liberal promise was a good one — "we will take action to get handguns and assault weapons off our streets" — this bill does not take even one tiny baby step toward fulfilling that promise.

If that was not bad enough, it gets worse. This bill implements a back-door gun registry. Now I know there is a little clause in the bill that says it's not introducing a registry, but this, quite frankly, means nothing. In the words of committee witness Dr. Teri Bryant, "Is a duck a duck if you don't call it a duck?" Colleagues, this is a duck.

On June 29, 2012, the Conservative government registered a regulation that stated the following:

A person cannot be required, as a condition of a licence that is issued under the Firearms Act, (a) to collect information with respect to the transfer of a non-restricted firearm; (b) if they collect such information, to keep a record of it; or (c) if they keep such a record to keep it in a form that combines information that identifies the transferee with information that identifies an individual firearm, links such information, or enables such information to be combined or linked.

At the time, then-Justice Minister Vic Toews appeared before the Senate Legal and Constitutional Affairs Committee to explain why this regulation was necessary to ensure that such information should not be collected. This is what he said:

The real purpose of this regulation is simply to clarify the effect of Bill C-19, that is, to prevent the establishment of another long-gun registry through other means, whether it is through information collected through CFOs or otherwise.

Bill C-71 is specifically designed to override this regulation.

So how is it that Minister Toews could clearly see that collecting information about the transfer of non-restricted firearms creates a long-gun registry by other means, and yet Minister Goodale claims to be oblivious to this fact?

Colleagues, this legislation fails on not one but two counts: First, it completely fails to implement the government's promise to "take action to get handguns and assault weapons off our streets." Second, it cynically breaks the government's promise to not create a new national gun registry.

• (1940)

There is only one appropriate response for this chamber to take in such a situation. This bill should be defeated.

In closing, I'd like to leave you with this thought: Gun control advocates often — and we heard it here in this chamber — like to use the expression, "If it saves one life then it's worth it." What they fail to recognize is that if the same amount of effort and money utilized in a different manner would save 10 lives, then refusing to do so and saving only one is criminal.

Yet this government has repeatedly refused to acknowledge what gentlemen all know to be true. Public resources are limited, and the budget will not balance itself. Tax dollars should be allocated in the most efficient, effective manner possible in order to achieve the greatest possible impact and the best public policy outcome.

Colleagues, it is indisputable that Bill C-71 utterly and tragically fails to do this. It needs to be defeated.

An Hon. Senator: Question.

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

Hon. Pierre J. Dalphond: Will Senator Plett accept a question?

Senator Plett: Yes.

Senator Dalphond: Senator Plett, at the end of your speech, you referred to the register. According to the Toronto police, 50 per cent of the guns used to commit crimes in Toronto are domestically sourced. A study by the ministry of public safety

and Solicitor General of British Columbia shows an increase in the numbers of legally purchased firearms diverted by straw purchasers to illicit markets. Why do you oppose the obligation made to the sellers to keep the names of those to whom they sold the guns?

Senator Plett: I apologize, Senator Dalphond, I got that big percentage of guns in Toronto are obtained domestically; I have no argument with that. That doesn't make them legal. They are obtained domestically.

I have no issue, Senator Dalphond, with us clamping down on illegal guns, gang violence and gun crime. I support that. I think I said that throughout the entire speech and had said that all along. I think all gun advocates support that. This bill does nothing to address gang violence. It does nothing to address illegal guns.

Senator Dalphond: My question was really to help the police track the straw purchasers. Isn't that useful to have the names from the sellers to whom they sold the firearms?

Senator Plett: Again, Senator Dalphond, the majority of these guns are not registered guns. They are brought in from other areas. They are unregistered guns that have serial numbers scratched off. There is no method of tracking. There is already a number of hoops that you have to jump through right now and we're not opposing any of those, but to just simply implement more registration is not going to be the answer.

Senator Martin: Honourable senators, as I said, I will be brief. I feel it's important to add my voice to this debate as an urban Canadian who has lived in Vancouver for more than four decades. I just came from Creston, B.C., a rural part of my province where most nights we were around a fire pit. I know there were gun owners around the circle, gun enthusiasts like my husband and yet in this community, people leave their doors open and there is a real sense of community.

I don't claim to be in any way an expert in firearms and all of the rules and regulations already surrounding it, even before the adoption of this bill, if that's what we end up with as the outcome. However, I felt that what was important for me to add to the debate, as an urban Canadian who has never owned nor tried a firearm, though I'm married to someone who is a bit of a Kootenay boy at heart, even though he was born in Richmond, B.C., and he and his friends at times go shooting at gun ranges.

As an educator of 21 years, I saw some of the gang violence and the peer influence on some of these kids. I taught one of the notorious Bacon brothers, who was the leader of a gang in the Fraser Valley. He was shot outside a casino in B.C. I taught him in Grade 11 when he was an impressionable young man. To think about what happens to these kids. There is gang and gun violence in my city, in the Metro Vancouver region. I know that when we were in government one of the areas we focused on, including what Senator Plett mentioned, was on prevention and money that would be invested in youth to get them attached to things other than this culture of violence.

I took a bit of the lead from Senator Petitcher who, during the Bill S-5 debate on the vaping bill, told me she had gone into these places and met with people in the industry. Things were way ahead and the science was still catching up and I remember saying I was opposed to that bill, but I hadn't done that kind of homework. I thought with Bill C-71, this was going to be passionate. It has been a passionate debate where I need to do that kind of homework.

I still have some remnants of what happened to us on the Hill a few years ago, so the sound of gunfire really alarms me, but I decided to go and do my homework. I went to the Ridgedale Rod & Gun Club in Abbotsford, B.C., the home of these notorious gang members. As well, in the Tri-Cities area, I went to Port Coquitlam & District Hunting & Fishing Club, which has become one of B.C.'s largest outdoor ranges serving both civilian and government since 1956. For new members, they are required to attend a four-hour mandatory class followed by a written examination at the end and must achieve 90 per cent or above to be successful.

Even though I am not a gun enthusiast — and I don't know if I will or not, but I don't see myself trying a firearm in the near future — I find even in the cities, there are people who have licensed firearms and belong to these clubs. Sometimes it's people you don't expect. When we talk about rural and urban Canada, we can't just assume that this is a rural issue or the gang violence is an urban issue. I think this touches all Canadians across our country.

What made an impression on me at these clubs is the respect with which I was met by the members of the club, the kind of research and homework that they had done to present me with facts and evidence and other compelling examples. When I asked Senator Pratte the question about the small business owners, there were some examples. I won't go into it again, but it dawned on me as I was meeting these individuals that these law-abiding Canadians, who are hunters or sport shooters, who possess these firearms, are grandfathers and grandmothers, parents, business owners, teachers, care workers. I have met these Canadians in the overall process that we have undertaken.

As Senator Plett outlined, we have heard from a lot of individuals. We have all received emails and phone calls. We've stood to talk about why we support or do not support this bill. I am going to say for the record the distinction that I'm making in not supporting this bill.

- (1950)

I'm very disappointed that some of the good amendments were not adopted so I'm going to say, for the record, that the distinction I'm making in not supporting this bill is that I know that legislation is a real blunt instrument at the best of times. What I see is the difference between the gangs and gun violence and law-abiding, taxpaying Canadians who are already so regulated and follow the rules to the "T." I saw the safety protocol and the respect with which they interact with one another.

[Senator Martin]

So in drawing that clear distinction, I do not feel this bill achieves the aim outlined, and I do see how unfairly Canadians in cities and in rural places will be overburdened yet again.

It doesn't seem fair to me that this bill should achieve something that I think all of us would oppose, which is to overburden a group of Canadians who are doing their best to follow the law and take all of the safety measures and courses to respect one another and to respect the laws that we have in place already. Bill C-71 will, in turn, add additional paperwork when they are already doing so much.

I draw this distinction based on the homework that I have done and the debate that has happened in this chamber. I do acknowledge the incredible work of the committee, the sponsor, our critic and everyone who has spoken.

I wanted to put on the record that I will be voting against Bill C-71.

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

Senator Dean?

Hon. Tony Dean: I have a brief question of Senator Martin, if she would take one.

Senator Martin, we each heard Senator Plett talk about the original commitments made by the government going back to the election campaign. I, too, would have been disturbed if there was no follow-through on that, but Senator Martin, I note that in Bill C-71 there is a call for enhanced background checks that goes directly to the issue of gun safety. There would be a requirement for retailer record keeping that I think would allow law enforcement personnel to track at least some diverted firearms.

I note that in November 2017, the government committed \$327.6 million over five years to tackle the increase in gun-related violence and gang activity in Canada and to bring together federal, provincial and territorial efforts to support community-level prevention and enforcement efforts.

I'd ask Senator Martin this: Are things like over \$320 million in targeted funding on guns, gangs and border initiatives, a provision for enhanced background checks and a provision on retailer records that would help track diverted firearms not tangible responses to the problems that we all are concerned about in terms of guns and gang-related gun activity?

Senator Martin: I will refer to Senator Tkachuk's response about the background checks. I know that there are already measures in place to check someone's background, but to do a lifetime check seems to be beyond reasonable.

In terms of the commitment made to tackle gangs and gun violence, I commend the government on that. I know that we had such a commitment and we should continue to do that, and preventive measures are very important.

The third item that you had raised, senator was —

Senator Dean: Retailer records.

Senator Martin: That's what we're saying; it is sort of a back-door registry. What I have read is that in terms of asking the store owners to keep such records over — was it 20 years? — if they were to sell the business and somehow didn't ensure that these records are passed on and kept, there could be penalties. Small businesses, as we know, are already overburdened, and if that's what the government is doing, they should do it and not put the onus on the businesses.

That's my support of small businesses. They are already overextended and will have to further stretch their resources.

Those are my responses and that is my position.

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

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, that the bill be read a third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

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

Senator Plett: We will defer the vote to the next sitting of the Senate.

The Hon. the Speaker: The vote will be deferred to 5:30 p.m. tomorrow.

NATIONAL SECURITY BILL, 2017

TWENTY-SECOND REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Pratte, for the adoption of the twenty-second report of the Standing Senate Committee on National Security and Defence (Bill C-59, An Act respecting national security matters, with amendments and observations), presented in the Senate on May 15, 2019.

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

Some 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, on division, and report adopted.)

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

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

INDIGENOUS LANGUAGES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Day, for the second reading of Bill C-91, An Act respecting Indigenous languages.

The Hon. the Speaker: Honourable senators, as is allowed by our practice, Senator Patterson will rise on debate in Inuktitut during our proceedings today. Honourable senators may listen to a simultaneous interpretation.

On debate, Senator Patterson.

Hon. Dennis Glen Patterson: Honourable senators, thank you for acknowledging, in speaking to Bill C-91, An Act respecting Indigenous languages, my desire to speak in an Aboriginal language in this chamber.

I would like to briefly pay tribute to my predecessor, Nunavut Senator Willie Adams and our former Senate colleague, Senator Charlie Watt, for having pushed for this amendment to the rules that allows for that to happen upon reasonable notice.

I will, in my imperfect Inuktitut, be speaking to this bill in the first language of my constituents, but not for the whole speech.

[Editor's Note: Senator Patterson spoke in Inuktitut — translation follows.]

Honourable senators, I rise today to speak to Bill C-91, An Act respecting Indigenous languages.

[English]

On December 6, 2016, Prime Minister Trudeau stood before the Assembly of First Nations Special Chiefs Assembly and pledged to bring this bill forward. Two-and-a-half years later, in the dying days of his government's mandate, we have a bill that your Aboriginal Peoples Committee conducted a pre-study of. A pre-study which I helped initiate because I knew there would be precious little time to give this very important bill the due consideration it deserves and because I know how important getting this right is to Inuit in my region and also throughout Inuit regions in Canada.

• (2000)

[Editor's Note: Senator Patterson spoke in Inuktitut — translation follows.]

As senator for Nunavut, a territory where 86 per cent of residents are Inuit and where Inuktitut is a majority language, I know that the protection and preservation of the language is among the highest priorities for the Inuit and territorial leaders. However, this bill, which brought with it so much promise, remains seriously flawed and lacking.

[English]

It was only after your committee's study and the tabling of our report calling on increased guarantees around funding that the government decided to append a Royal Recommendation to this bill. Without it, the programs outlined in this bill would have been wholly reliant on existing funding levels.

Honourable senators, we have heard time and time again that the funding available is neither sufficient to address the current decline of many Indigenous languages nor would it be enough to promote and protect the decline of healthy languages such as Inuktitut. I wonder how, before the addition of the Royal Recommendation, the government intended to fulfill its promise "to provide adequate, sustainable and long-term funding to support Indigenous languages," as Minister Rodriguez stated during his March 19, 2019, appearance before your committee.

The government also prided itself on the co-development process. Minister Rodriguez told us:

We have worked very hard with the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council to co-develop the legislation over the last 18 months.

[Senator Patterson]

He went on to state that the government was:

. . . continuing our dialogue with ITK and the four rights-holding Inuit regional organizations. The Inuit can be assured that this legislation applies to them and their languages too. Being inclusive is important to us. More than important, Madam Chair, it's fundamental.

[Editor's Note: Senator Patterson spoke in Inuktitut — translation follows.]

And yet Inuit Tapiriit Kanatami President Natan Obed, and Nunavut Tunngavik Incorporated President Aluki Kotierk, both clearly rebutted that testimony. The picture painted for us by Inuit was that their particular concerns were not being listened to.

[English]

On March 20, 2019, President Obed gave his perspective on the co-development process, saying:

All the way through, Inuit have been very clear that we're not interested in largely symbolic legislation. We are interested in the practical implementation of our right to use, speak, work and receive services in Inuktitut, our language.

. . . Bill C-91 currently falls far short of fulfilling the Government of Canada's own commitment to develop distinctions-based legislation. It was on the basis of this commitment that ITK agreed to participate in this legislative initiative.

Bill C-91, as it is currently drafted, completely overlooks the unique status of Inuktitut and the practical needs of its speakers.

This was echoed on April 2 by President Kotierk, who expressed her disappointment in the government's lack of response to thoughtful recommendations brought forward by Inuit representatives. She said:

The resolutions that we recommended have not been looked at, which is unfortunate. If only they had looked at our recommendations properly, the committee. We will be passing those on to you today. I know Tapiriit Kanatami talked about that. We have not heard anything about whether our recommendations and our additions to this are feasible or useable. Can it be legislated or not?

I don't think they made any considerations or decisions about them. We had not heard anything about our recommendations and whether they will be added. Inuit are also Aboriginal people, represented by the Queen. We hope that they will be telling the truth about everything and working with the Inuit on these matters. Inuit are part of Canada.

Despite your committee highlighting the government's failure to incorporate Inuit concerns into this proposed legislation in its report back to this chamber following the conclusion of the pre-study, your committee received a letter from President Kotierk, dated May 14, 2019, that shockingly stated:

Unfortunately, I am obliged — and very much disappointed — to report to you that, despite the passage of time since my appearance in early April, NTI has not been contacted to that end.

Honourable senators, this cannot stand unaddressed.

[Editor's Note: Senator Patterson spoke in Inuktitut — translation follows.]

Language, honourable senators, is not just about culture; it is about dignity and independence.

[English]

During his April 2, 2019 appearance before your committee, the Honourable David Joanasié, Minister of Languages, Minister of Culture and Heritage, and Minister of Education for the Government of Nunavut, told us:

... Nunavummiut continue to be treated as second- or third-class citizens when they communicate or receive services from federal departments or federally regulated bodies operating in our territory, as these services or programs are insufficient or not provided in Inuktitut.

This desire to have more federal services delivered in Indigenous languages, where numbers warrant, is among the recommendations put forward by Inuit. I think that's very reasonable and is language that is also in the Official Languages Act of Canada respecting Canada's two official languages. Where numbers warrant is a reasonable qualification on a right.

They also asked for teacher training support and mechanisms to ensure initiatives seeking to deliver key services related to education, health care and the administration of justice in cooperation with provinces and territories would be eligible for federal funding support.

• (2010)

Is it too much to ask that federal government programs and services be delivered to the Inuit, who established sovereignty for Canada in the harsh northern latitudes, which we are proud to say define the extent and magnificence of this great country — should be delivered to a population whose first and often only language is not English or French? The Commissioner of Official Languages in Nunavut, Ms. Helen Klengenber, told the committee that Canada has not acknowledged their obligation to deliver programs and services to unilingual Inuit in Nunavut in their own language, despite that obligation being set out clearly in the Inuit Language Protection Act of the Legislative Assembly of Nunavut. The powers to hold the Government of Canada responsible for the delivery of federal services in Inuktitut is outlined in the Nunavut Act. Ms. Klengenber submitted a legal opinion to that effect.

This bill is an opportunity to implement this reasonable requirement of federal departments delivering programs and services to Inuit.

Let me also acknowledge that Bill C-91 has one clause that merits our support and commendation. That is the clause that recognizes that the rights of Indigenous peoples, recognized and affirmed by section 35 of the Constitution Act, 1982, include rights related to Indigenous languages. Having been involved as a participant in the three years of intense efforts to more precisely define the meaning of section 35, following repatriation of the Constitution, among federal, provincial, territorial and Aboriginal leaders — which got exactly nowhere in that noble aspiration — clause 6 in the bill is a great leap forward. Of course Aboriginal rights include Indigenous language rights, for languages are the carriers of cultures, which define the distinctiveness of Aboriginal peoples.

[Editor's Note: Senator Patterson spoke in Inuktitut — translation follows.]

The amendments that I intend to table during clause-by-clause consideration of this bill result directly from the recommended changes brought forward by Inuit.

[English]

Honourable senators, I hope these amendments receive the support of the committee and, ultimately, of you. It is important to ensure that any legislation addressing Indigenous languages responds to the concerns of all of Canada's Indigenous peoples.

I would be remiss in speaking to this bill if I did not acknowledge a senator in this chamber who has long been a champion of Indigenous languages: Senator Joyal. When Senator Joyal was Secretary of State in another Trudeau government, the Northwest Territories considered becoming officially bilingual at the urging of the Government of Canada. We eventually did so. I'm proud of having been a part of that. But at the time, we said to Mr. Trudeau's government, "But what about also supporting the preservation and enhancement of Aboriginal languages, of the majority of our population, as well as English and French?"

Senator Joyal reached out to us in his office of Secretary of State, as it was then called, in the N.W.T., recognizing that the majority population of the N.W.T. spoke — and to this day this is even more true in Nunavut — in first languages other than English or French. With his leadership, significant provisions were established at that time to allow the N.W.T. to preserve and enhance its Indigenous languages. These measures also applied to other regions.

I salute him for that. I know Senator Joyal is closely following this bill, having introduced but withheld his own private member's bill on this subject, awaiting the government's initiative. I will count on Senator Joyal's support for amendments that will come forward to improve this bill.

In closing, honourable colleagues, I want to make it clear that I have heard from First Nations and Metis leaders that Bill C-91, although disappointing to them in some respects, is largely considered by them to be an important first step in addressing Indigenous languages, which are sadly struggling and facing

extinction. As we deliberate on this important bill, please let us not overlook the rights and aspirations of another small minority of Indigenous peoples in Canada, the Inuit, who are also engaged in a struggle to prevent the erosion of their first language.

Thank you. *Nakurmiik*.

Some Hon. Senators: Hear, hear!

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Sinclair, seconded by the Honourable Senator Day, that this bill be read the second time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Sinclair, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

(*At 8:18 p.m., pursuant to the order adopted by the Senate on May 16, 2019, the Senate adjourned until 2 p.m. tomorrow.*)

CONTENTS

Monday, May 27, 2019

| | PAGE | | PAGE |
|--|------|---|------|
| Royal Assent | 8204 | QUESTION PERIOD | |
| SENATORS' STATEMENTS | | National Defence | |
| Quebec—Bill 21 | | Dedication of Afghanistan War Memorial | |
| Hon. Marc Gold | 8204 | Hon. Larry W. Smith | 8207 |
| The Alderwood Puffin Patrol | | Hon. Peter Harder | 8207 |
| Hon. Fabian Manning | 8204 | Hon. Yonah Martin | 8208 |
| Visitor in the Gallery | | Aboriginal Peoples | |
| Hon. the Speaker | 8205 | Business of Committee | |
| The Late Margaret-Ann Armour, C.M. | | Hon. Donald Neil Plett | 8208 |
| Hon. Paula Simons | 8205 | Hon. Lillian Eva Dyck | 8208 |
| | | Hon. Murray Sinclair | 8209 |
| <hr/> | | National Defence | |
| ROUTINE PROCEEDINGS | | Chief of the Defence Staff | |
| Fisheries Act (Bill C-68) | | Hon. Jean-Guy Dagenais | 8209 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Peter Harder | 8209 |
| Hon. Fabian Manning | 8206 | Question of Privilege | |
| Canadian NATO Parliamentary Association | | Hon. Murray Sinclair | 8209 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Donald Neil Plett | 8209 |
| Hon. Fabian Manning | 8206 | ORDERS OF THE DAY | |
| Canadian NATO Parliamentary Association | | Bill to Amend Certain Acts and Regulations in Relation to Firearms (Bill C-71) | |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Third Reading—Motion in Amendment Negatived | 8210 |
| Hon. Fabian Manning | 8206 | Third Reading—Debate | |
| Canadian NATO Parliamentary Association | | Hon. Donald Neil Plett | 8211 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Point of Order | |
| Hon. Fabian Manning | 8206 | Hon. Lucie Moncion | 8212 |
| Canadian NATO Parliamentary Association | | Third Reading—Debate | |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Donald Neil Plett | 8213 |
| Hon. Fabian Manning | 8206 | Point of Order | |
| Canadian NATO Parliamentary Association | | Hon. Marc Gold | 8213 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Donald Neil Plett | 8213 |
| Hon. Fabian Manning | 8206 | Third Reading—Vote Deferred | |
| Canadian NATO Parliamentary Association | | Hon. Donald Neil Plett | 8213 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Frances Lankin | 8214 |
| Hon. Fabian Manning | 8206 | Hon. Yonah Martin | 8214 |
| Canadian NATO Parliamentary Association | | Hon. Pierre J. Dalphond | 8217 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Hon. Tony Dean | 8218 |
| Hon. Fabian Manning | 8206 | National Security Bill, 2017 (Bill C-59) | |
| Canadian NATO Parliamentary Association | | Twenty-second Report of National Security and Defence Committee Adopted | 8219 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Indigenous Languages Bill (Bill C-91) | |
| Hon. Fabian Manning | 8206 | Second Reading—Debate Continued | |
| Canadian NATO Parliamentary Association | | Hon. Dennis Glen Patterson | 8219 |
| Bill to Amend—Thirteenth Report of Fisheries and Oceans Committee Presented | | Referred to Committee | 8222 |
| Hon. Fabian Manning | 8206 | | |