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(HANSARD)

Wednesday, May 29, 2019

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, May 29, 2019

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

Prayers.

### SENATORS' STATEMENTS

#### ALCOCK AND BROWN

**Hon. Fabian Manning:** Honourable senators, today I'm pleased to present Chapter 58 of "Telling Our Story."

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

**Senator Manning:** 2019 marks a significant anniversary in the history of aviation and, once again, it all started in Newfoundland. Flying from St. John's to Europe at the present time takes anywhere from five to six hours in the comfort of an Airbus or Boeing aircraft while you watch a movie, enjoy a lunch or take a nap.

What we enjoy and take for granted today would not be possible, though, without the knowledge and bravery of two pioneers, namely Captain John William Alcock and Lieutenant Arthur Whitten Brown. These two adventurers became the first pilots to successfully complete a nonstop trans-Atlantic flight. Their journey was inspired by a contest organized by the owner of the London *Daily Mail* who offered a £10,000 prize to the first pilots who successfully completed the journey.

There was no designated airport in St. John's in 1919 so, on June 14 of that year, a great crowd of onlookers gathered on a patch of land called Lester's Field. It was here that Alcock and Brown prepared their twin-engine Vickers Vimy plane for the infamous flight where they hoped to make aviation history. The plane was named after the famous World War I battle at Vimy Ridge.

Alcock carried a small linen bag which contained 197 letters that the Postmaster-General in Newfoundland had entrusted to the fliers. As you would understand, airmail stamps had not yet been invented. There were concerns with the takeoff because of the shortness of the bumpy field and the surrounding tree line, along with the weight of the additional tanks carrying the extra fuel required for the flight.

With a frugal meal of sandwiches and coffee prepared by Miss Agnes Dooley of St. John's and secure in their open-cockpit airplane, around 1:40 p.m. Alcock and Brown began their journey down Lester's Field.

The sirens of the vessels in St. John's Harbour blew a final farewell as the Vimy passed overhead and out to sea.

Almost immediately after takeoff, the aircraft's radio died so the duo were flying without a way to communicate. With the bare minimum of meteorology forecasts, they had no idea of the type of weather they would encounter. They ran into fog and

experienced an issue with ice. At one point, Brown was forced to climb out on one of the plane's wings to get rid of the ice build-up. I guess we could call that the first act of de-icing.

Through all the trials and tribulations they endured the two pilots kept the faith and, at 8:40 a.m. on June 15, 1919, after flying for approximately 16 hours and travelling 3,040 kilometres, they crashed-landed in Derrygimlagh Bog, near the town of Clifden in County Galway, Ireland.

Alcock and Brown were treated as heroes on completion of their flight. They received their £10,000 reward from the London *Daily Mail* which was presented to them by the Secretary of State for Air at the time, Winston Churchill. The pair were knighted a week later by King George V at Windsor Castle.

This year our province will observe that historic achievement that began in Newfoundland and eventually changed the world. There will be a commemorative flight to Ireland, an Aviators Ball, a downtown festival, historic stage production and so much more, including a special exhibit presented at The Rooms in St. John's focused on the history of aviation entitled "Second to None."

Honourable senators, you're all invited to come and see for yourselves.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Sophie Anne Lacourse-Pudifin and Kimana Mar. They are the guests of the Honourable Senator Munson.

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

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

#### SPECIAL OLYMPICS RHYTHMIC GYMNASTICS

**Hon. Jim Munson:** Honourable senators:

Let me win. But if I cannot win, let me be brave in the attempt.

That is the Special Olympics oath. That is just one of the many reasons why Special Olympics has an exceptional place in my heart.

Honourable senators, as the Speaker mentioned, we have with us today exceptional athletes who competed at the World Summer Games two months ago in Abu Dhabi. They are both from Ottawa: Sophie Anne Lacourse-Pudifin and Kimana Mar. They are world-class gymnasts.

Other members from across the country on this gold-medal team are Sarah Lisi, Amber Harriman, Annick Léger and Julia Kostecki.

Today I would like to talk briefly about Sophie and Kimana. Why? Because they are my friends. I first got to know them a number of years ago at the Ottawa School of Dance DragonFly Company, a program for learners with Down syndrome.

You know what, honourable senators? These young women can do anything in this brave, new world of inclusion. Not only are they rhythmic gymnasts; they are ballet dancers. They have the ability to do anything they want to do. Today, honourable senators, ever so briefly, I want to walk you into their world, which is my world, and give praise where praise is due.

In preparation for the Special Olympic World Games where 7,000 athletes competed from 192 countries, Sophie Anne Lacourse-Pudifin knew she had to work hard and she did. She trained over 15 hours a week with the Ottawa Rhythmic Spirals and the Ottawa Rhythmic Gymnastics Club while going to school and completing a job placement. Think about it. This is what hard work and support and determination can do for one person.

The reward in Abu Dhabi at the World Games — she placed first overall in the top-level event. She won seven gold medals.

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

**Senator Munson:** Honourable senators, upon her return, she wrote me this note:

Hello, Senator Munson. Nice to see you at the art show. I'm so proud and happy to win seven gold medals. Maybe we could perform for you and the Prime Minister one day.

Then there is Kimana Mar. Guess what, honourable senators? Kimana also won seven gold medals in her division in rhythmic gymnastics.

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

**Senator Munson:** Honourable senators, here in Ottawa she is known as the golden girl of her neighbourhood called McKellar Park.

Listen to the words of Kimana:

I felt really good on the carpet showing what I could do.

Well, Sophie and Kimana, in closing, we really feel good for you today. All Special Olympics athletes have a special place in our hearts. For the record, Canada came home with the most hardware: 90 gold, 37 silver and 28 bronze.

Our athletes were brave in their attempts and they did win. More than anything, they competed in what they love to do. They took their place in Special Olympics where the power of sport is transformative.

These athletes know, like Sophie and Kimana know — and I know and this country knows — Canada has the power of inclusion. Thank you.

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

• (1410)

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Joanne Charlebois, Jessica Bedford, Emily Banzet and Julie Bourassa. They are the guests of the Honourable Senator Seidman.

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

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

#### SPEECH AND HEARING MONTH

**Hon. Judith G. Seidman:** Honourable senators, I rise today to recognize May as Speech & Hearing Month.

Many of us take the ability to communicate for granted. However, there is no denying that the ability to communicate is the very foundation of our cognitive, emotional and psychological well-being. It is how we learn, connect with others and express our needs and desires.

Each year, Speech-Language & Audiology Canada, also known as SAC, and its 6,500 members and associates raise awareness about the importance of communication health and the role that speech-language pathologists, audiologists and communication health assistants play in ensuring that Canadians of all ages achieve optimal communication health.

It is estimated that over 440,000 Canadians have significant speech, language and communication disabilities.

Earlier this month in Montreal, SAC held its first ever SAC Audiology Event, where audiologists from across the country and around the world gathered to discuss the future of their profession and impact on the health and well-being of Canadians, including the need for a national hearing strategy.

During this Speech and Hearing Month, SAC is particularly focusing on the role of speech-language pathologists in schools. More than 10 per cent of children have speech, language and communication challenges. Speech-language pathology services are essential in helping these children succeed at school and get the best possible start in life.

Research has shown that birth to 2 years of age is a critical time for learning language. Just this April, the Canadian Infant Hearing Task Force, of which SAC is a part, revealed that more

than half of Canada's provinces and territories have insufficient early hearing detection and intervention programs. SAC is calling for improved access to hearing health services across Canada and the development of national hearing health guidelines for children.

In the spirit of Speech and Hearing Month, I would like to recognize all speech-language pathologists, audiologists and communication health assistants for their work in improving the quality of life of Canadians.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Inspector Tina Chalk. She is the guest of the Honourable Senator Boniface.

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

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

#### HUMAN TRAFFICKING

**Hon. Gwen Boniface:** Honourable senators, across this country, there are police officers working tirelessly investigating crimes of human trafficking and sexual exploitation of children. It is difficult and challenging work both from an investigative perspective but also for the toll this work takes on individual officers.

Human trafficking is a multi-jurisdictional crime, but many people see it as a big city issue. Victims are sourced from any part of the country and transited through many small towns and along our highways to get to the destination where they will be sexually exploited by the perpetrators. They move these victims to maintain control but also to elude law enforcement.

Who are these victims? Ninety-five per cent of them are young women and girls. Traffickers enter any child's bedroom through the Internet and engage in conversations that lead to supposed relationships and then on to human trafficking. Indigenous girls and women are over represented as victims of human trafficking.

The dedicated police officers have seen a victim as young as 11 years old. Let me repeat that: A victim of human trafficking as young as 11 years old.

The exploitation of children has been emboldened by the Internet. Constant changes and advances in technology such as encryption has created a significant demand on Internet sexual exploitation investigations.

In the first two and a half months of 2019, the OPP Child Exploitation Unit led by Inspector Tina Chalk received investigation requests from the National Child Exploitation Coordination Centre equivalent to 18 months of their previous work.

This crime knows no boundaries. Every image and video is a real child being sexually assaulted. There are recordings of violent exploitation of children. They are not just photos. Every person who possesses or shares these photos is victimizing these children again and again.

Child exploitation victims are getting younger and younger. Some include babies and toddlers. Honourable senators, the OPP, municipal and First Nation officers in this province do this work with compassion and determination, but they need the support of all of us to address this problem.

Today the Canadian Human Traffic Hotline was launched at 9:30 this morning. If Ontario, and indeed Canada, cannot take care of their most vulnerable, then who are we as a province and a country? Please join in supporting their work and getting the word out so 11-year-olds do not have to fear being trafficked and babies and toddlers are not sexually exploited. Thank you.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Lu Slone, guest of the Honourable Senator Gold.

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

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

#### NATIONAL HEALTH AND FITNESS DAY

**Hon. Marty Deacon:** Honourable senators, in our continued work of healthy nation building and celebrating the power of sport, today I want to remind you of the work we must continue to do together to make Canada the most active, healthy nation on earth.

This coming Saturday, communities across the country will celebrate National Health and Fitness Day. This is a day when Canadians are encouraged to get up, get out and get active. As with every year, I'm asking parliamentarians to go back to their communities and encourage them to proclaim June 1 as National Health and Fitness Day.

Over the past year, I have enjoyed meeting with you one-on-one to share how we use these events as a platform for healthy change. Thank you for your support of Ski Day, Swim Day and Bike Day on the Hill. Thank you to the senators living in the Toronto area who have signed a letter together demonstrating your wish to have Mayor John Tory proclaim June 1 as National Health and Fitness Day in Toronto.

And to other senators who were integral in getting their communities to proclaim as well. A special shout out to Senator Forest, who is sitting in the Finance Committee, who was integral in having 31 cities in Quebec proclaim the day. Thank you to Senator Duncan who has brought National Health and Fitness Day to the North.

This past weekend in Ottawa, the city demonstrated what building around activity can mean for a community. Over 32,000 people crossed the start line for walks, runs and marathons during the Ottawa Race Weekend. Beyond the participants, countless volunteers lined the route. Eleven live bands, which I loved, and thousands of families came together to cheer on their friends and loved ones. The fun will continue in a few days as the city is in full gear for National Health and Fitness Day this Saturday.

Colleagues, we need more events like this because the fact is we are facing a physical activity crisis in this country. The recommended baseline for physical activity in a week is just 150 minutes, yet only one third of Canadian youth are hitting this target. For adults the number is a paltry one fifth. One statistic I saw shows that we're less active today than we were in 1981. Think about this.

We will pay the price for this individually as our physical and mental health deteriorates. We literally pay the price for this as a society when these unhealthy habits further burden our health care system down the line.

I encourage you to think about this because it keeps me awake at night. Looking and feeling healthy is critical to our optimal functioning, our mental health, daily outlook and our performance. As senators, we all need to put ourselves first.

As leaders at the federal level and in our communities, we need to use our influence to remind people of this. It must be our highest priority. Once again, I encourage all of you to get out and get active this Saturday in support of both National Health and Fitness Day and your own well-being. Thank you.

• (1420)

## ROUTINE PROCEEDINGS

### NATIONAL LOCAL FOOD DAY BILL

SIXTEENTH REPORT OF AGRICULTURE AND FORESTRY  
COMMITTEE PRESENTED

**Hon. Diane F. Griffin**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Wednesday, May 29, 2019

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

#### SIXTEENTH REPORT

Your committee, to which was referred Bill C-281, An Act to establish a National Local Food Day, has, in obedience to the order of reference of April 30, 2019,

examined the said bill and now reports the same with the following amendments:

1. *Clause 2, page 1*: Replace lines 18 and 19:

“2 Throughout Canada, in each and every year, the first Saturday in August is to be known as “National Lo-”.

2. *Clause 3, page 2*: Replace line 2 with the following:

“legal holiday.”.

Respectfully submitted,

DIANE F. GRIFFIN  
*Chair*

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

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

## NATIONAL DEFENCE ACT

BILL TO AMEND—TWENTY-FOURTH REPORT OF NATIONAL  
SECURITY AND DEFENCE COMMITTEE PRESENTED

**Hon. Gwen Boniface**, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, May 29, 2019

The Standing Senate Committee on National Security and Defence has the honour to present its

#### TWENTY-FOURTH REPORT

Your committee, to which was referred Bill C-77, An Act to amend the National Defence Act and to make related and consequential amendments to other Acts, has, in obedience to the order of reference of Tuesday, April 30, 2019, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

GWEN BONIFACE  
*Chair*

(For text of observations, see today's Journals of the Senate, p. 4868.)

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

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

[*Translation*]

### THE SENATE

#### NOTICE OF MOTION TO AFFECT MONDAY AND FRIDAY SITTINGS FOR THE REMAINDER OF THE CURRENT SESSION

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

That, for the remainder of the current session:

- (a) when the Senate sits on a Monday or a Friday it stand adjourned at the earlier of the end of Government Business or the ordinary time of adjournment, unless the sitting has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
- (b) when a vote has been deferred to a Monday or a Friday, the Speaker interrupt the proceedings, if required, immediately prior to any adjournment, but no later than the time provided for in paragraph (a) of this order, to suspend the sitting until the time for the ringing of the bells for the deferred vote; and
- (c) committees be authorized to meet when the sitting is suspended pursuant to the terms of this order.

[*English*]

### ADJOURNMENT

#### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 3, 2019, at 6 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to do so for the purpose of considering government business, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That, notwithstanding any provision of the Rules, if a vote is deferred to that day, the bells for the vote ring at the start of Orders of the Day, for 15 minutes, with the vote to be held thereafter;

That rule 3-3(1) be suspended on that day; and

That the Senate stand adjourned at the end of Government Business on that day.

### INTER-PARLIAMENTARY UNION

#### ANNUAL PARLIAMENTARY HEARING AT THE UNITED NATIONS, FEBRUARY 21-22, 2019—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Inter-Parliamentary Union respecting its participation at the Annual Parliamentary Hearing at the United Nations, held in New York, New York, United States of America, on February 21 and 22, 2019.

#### SESSION OF THE UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN, MARCH 12-14, 2019—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Inter-Parliamentary Union respecting its participation at the 63rd session of the United Nations Commission on the Status of Women, held in New York, New York, United States of America, from March 12 to 14, 2019.

#### MEETING OF THE STEERING COMMITTEE OF THE TWELVE PLUS GROUP, MARCH 24-26, 2019—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Inter-Parliamentary Union respecting its participation at the meeting of the Steering Committee of the Twelve Plus Group held in Horta and Terceira, Portugal, from March 24 to 26, 2019.

[*Translation*]

### OFFICIAL LANGUAGES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 21, 2019, a final report relating to its study on modernizing the Official Languages Act, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

[English]

## 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 have the power to meet on Monday, June 3, 2019 at 6:15 p.m., for the purpose of continuing its study of bills, 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.)

## TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING  
OF THE SENATE—LEAVE DENIED

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

That the Standing Senate Committee on Transport and Communications have the power to meet, in order to continue its study of Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast, today, Wednesday, May 29, 2019, at 6:45 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?

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

## ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET DURING  
SITTINGS OF THE SENATE

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples have the power to meet on Tuesday, June 4, 2019, from 4 p.m. to 6 p.m., for the purposes of its study of Bill C-91, An Act respecting Indigenous languages, 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.)

**Hon. Lillian Eva Dyck:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to meet on Wednesday, June 5, 2019, from 12:30 p.m. to 2:30 p.m., for the purposes of its study on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples, 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.)



• (1430)

## QUESTION PERIOD

### THE SENATE

#### SOLE-SOURCE SERVICE CONTRACT

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the matter of a sole-source contract awarded by the Senate Corporate Security Directorate to private security company Arlington Group Inc. as reported earlier this week by the *Globe and Mail*. Senator Harder, could you please tell us when you learned of this particular contract?

**Hon. Peter Harder (Government Representative in the Senate):** Let me say, first of all, thank you for the question. When the *Globe and Mail* article was brought to my attention.

**Senator Smith:** Senator, what is your understanding of how this contract was approved? If you could help us, do you, as a representative of the government in this place, believe that the awarding of the contract followed the proper process?

**Senator Harder:** Let me say that my colleague is a more senior senator than I in terms of service and experience. This matter is the responsibility of Senate administration and falls within the ambit of such and for which, as Government Representative, I have no responsibility.

I have no comment to make.

**Hon. Denise Batters:** Senator Harder, section 2.13.1 of the Senate's procurement rules requires that any services contract for Senate administration over \$35,000 must go through a competitive sourcing process, but this sole-source contract for so-called ushers was double that maximum threshold.

Senator Harder, senators in this chamber worked diligently for several years to tighten Senate rules and close loopholes to safeguard taxpayer dollars. As the current Senate government leader, what are you doing about Senate procurement rules being broken in Trudeau's so-called new independent Senate?

**Senator Harder:** I thank the honourable senator for her question. As I have said, Senate administration falls outside of the direct responsibility of the Government Representative. There are appropriate responsibilities and accountabilities of Senate administration and indeed the oversight of senators. This is a matter that I understand has been and will continue to be discussed in that format.

Let me say while I'm on my feet that there are additional transparency and accountability improvements that could be made, including independent oversight.

**Senator Batters:** Yes, accountability. Senator Harder, section 2.18.3 of the Senate's procurement rules requires that sole-source service contracts for Senate administration that exceed that \$35,000 threshold must be pre-authorized by the

Senate's Internal Economy Committee. I am a Deputy Chair of CIBA, and this \$70,000 sole-source contract was never reviewed or approved by the Internal Economy Committee.

Senator Harder, who will be accountable for Senate procurement rules being broken under this Trudeau government?

**Senator Harder:** First of all, senator, I would appreciate it if you acknowledged that the Senate was responsible for its own administration and bears no accountability, directly or indirectly, to the Prime Minister or his government. I hope that all senators would acknowledge that we have a collective responsibility through our administrative processes to deal with this matter.

**Hon. David Tkachuk:** Honourable senators, my question is also for the Leader of the Government in the Senate regarding the contract to a private security firm to hire supplementary security people. Can you tell me, Senator Harder, how many supplementary security people were hired, how long was the contract for and if it was renewable?

**Senator Harder:** Again, as a former Chair of CIBA, I hope you would acknowledge that you would not wish for me — nor do I claim — to have any responsibility for the administration of the Senate. This is obviously a matter, as the honourable senator will know, for CIBA, and I wish he would ask his questions to the appropriate and accountable officers.

**Senator Tkachuk:** I would love to ask the appropriate person, but he hasn't been here all week. What consultation was there with the Speaker of the Senate regarding this contract, and was the —

**The Hon. the Speaker:** Sorry for interrupting you, Senator Tkachuk.

Senator Omidvar, points of order cannot be raised during Question Period. If you are on your feet to raise a point of order, Senator Tkachuk is asking a question.

**Senator Tkachuk:** What consultation was there with the Speaker of the Senate regarding this contract and was there consultation with the advisory committee on security in the Senate?

**Senator Harder:** Senator, I would encourage you to at least have your supplementary have some relationship to the response to your first question, and that is, I have no idea because I am not responsible or accountable for that.

I would also encourage the honourable senator to withdraw the comments he made with respect to who is and who is not in the chamber. That is unparliamentary.

**Hon. Leo Housakos:** Honourable senators, my question is also for the Leader of the Government in the Senate.

I'm a little troubled, government leader, because there have been many years of effort put into this place by a number of people on both sides of the chamber in order to create a system that is accountable, transparent and agile enough to respond in a timely fashion to the media, to the press gallery and to the public. It has now been nine days since a major outlet, the *Globe and*

*Mail*, asked a simple question with regard to a procurement contract that deserved to have been pre-approved, particularly if it was single-source for a significant amount of money, \$70,000. I find it disturbing that we, as an institution, cannot give a clear answer to the people of Canada in a timely fashion. Nine days is unacceptable.

Even more unacceptable is that you said earlier in one of your answers that responsibility of administration here is collective. You are right. It is the responsibility of the government side, the opposition and all of this institution. When, on this side of the chamber, our representative on Internal Economy cannot answer simple questions from our caucus — why the contract was given and the pre-authorization for a single source was done by whom — and we still don't have answers nine days later, it's concerning. If you do not take responsibility and if Internal Economy, the majority of which is made up of Trudeau-appointed senators, does take responsibility, who takes responsibility in this place?

**Senator Harder:** I thank the honourable senator for his question. I'm troubled by the accusations because they imply a role for the Government Representative that the Government Representative doesn't have. In fact, the Government Representative has absolutely no representation on CIBA. It is entirely in the hands of the non-governmental representatives in the Senate, and this question is more appropriately addressed in the context of that forum.

I understand the political theatre that the questioners wish to engage in. I will not.

**Senator Housakos:** Government leader, we are talking about \$70,000 of taxpayer funds that have been used here, and the government leader, the opposition leader, the Chair of Internal Economy and the Deputy Chairs of Internal Economy are not able to give parliamentarians an answer. And you can't give a straight answer to the *Globe and Mail*. That's what is unacceptable.

When a government leader who has been appointed by the sitting Prime Minister, who has a majority of senators on Internal Economy appointed by this Prime Minister, who has the Chair of Internal Economy appointed by this Prime Minister, gets up here and says we are putting on theatre, if you think \$70,000 of taxpayer funds don't require an answer, that is pathetic theatre on the part of this government.

**Senator Harder:** No question.

[*Translation*]

## NATURAL RESOURCES

### TRANS MOUNTAIN PIPELINE

**Hon. Jean-Guy Dagenais:** Last week, the British Columbia Court of Appeal struck down provincial legislation seeking to prevent the development of the Trans Mountain pipeline in the

province. With nothing standing in the way, your government can now proceed with the construction of this pipeline, for which it paid too much, according to many Canadians, myself included.

• (1440)

After the Prime Minister was called to order by the Federal Court of Appeal, he apologized to the First Nations for failing to consult them, even though the Trans Mountain plan proposes crossing more than 500 kilometres through a First Nations reserve. Since the Prime Minister said in December in Vancouver that he did not expect unanimity, I'd like to know whether any negotiations have taken place so far and how much support he wants to have from these communities before he ignores these First Nations' claims and moves forward with this questionable investment.

[*English*]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. He will know that the Prime Minister and ministers responsible have indicated this matter will be determined by the cabinet early in mid-next month.

## BUSINESS OF THE SENATE

**Hon. David Tkachuk:** Honourable senators, I would like to comment on what happened when I was asking my question. I would never have made reference to the fact that a senator was not here, except for the fact that when I asked the question of the Leader of the Government in the Senate, he said, "Don't ask me, ask the person responsible." Well, that person hasn't been here for three days. That is why I made reference to him. If anyone takes umbrage to that, I'm sorry.

[*Translation*]

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

### NATURAL RESOURCES—EXPANSION OF THE TRANS MOUNTAIN PIPELINE

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 119, dated March 18, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the expansion of the Trans Mountain pipeline.

### ENVIRONMENT AND CLIMATE CHANGE—MINISTER OF ENVIRONMENT'S OFFICIAL VEHICLE

**Hon. Peter Harder (Government Representative in the Senate)** tabled the reply to Question No. 121, dated March 18, 2019, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Boisvenu, respecting the Minister of Environment's official vehicle.

[English]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table the answers to the following oral questions:

Response to the oral question asked in the Senate on February 27, 2019 by the Honourable Senator Boisvenu, concerning SNC-Lavalin.

Response to the oral question asked in the Senate on March 18, 2019 by the Honourable Senator Wallin, concerning China — canola exports.

Response to the oral question asked in the Senate on March 20, 2019 by the Honourable Senator Kutcher, concerning homeopathy.

Response to the oral question asked in the Senate on April 3, 2019 by the Honourable Senator Lankin, P.C., concerning the climate plan.

Response to the oral question asked in the Senate on April 3, 2019 by the Honourable Senator Housakos, concerning support for veterans.

Response to the oral question asked in the Senate on April 11, 2019 by the Honourable Senator Frum, concerning funding for programs.

Response to the oral question asked in the Senate on April 11, 2019 by the Honourable Senator Boisvenu, concerning the judicial selection process.

Response to the oral question asked in the Senate on May 16, 2019 by the Honourable Senator McIntyre, concerning money laundering and tax havens.

## JUSTICE

### SNC-LAVALIN

*(Response to question raised by the Honourable Pierre-Hugues Boisvenu on February 27, 2019)*

#### Department of Justice

The Department of Justice indicates that the SNC-Lavalin person who approached the departmental official identified himself as a lawyer for SNC-Lavalin. The Department of Justice confirms that they are not aware of the name of the individual. The Department of Justice has no further information to provide on this matter.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### CHINA—CANOLA EXPORTS

*(Response to question raised by the Honourable Pamela Wallin on March 18, 2019)*

The Government of Canada understands that maintaining and expanding access to fast, growing markets like China is critical to the success and growth of the Canadian agricultural sector. That is why the Government is concerned by China's actions on Canadian canola seed.

Canadian officials are fully engaged with their Chinese counterparts, on a priority basis, to restore access for the suspended companies as quickly as possible, to resume the predictability of trade in canola seed.

Canadian and Chinese officials are actively engaging and will continue to exchange technical information in an effort to resolve this issue. Bilateral technical discussions are ongoing. An initial teleconference was held on March 18, 2019, between Canadian and Chinese plant health experts. A second technical call took place on March 26, 2019.

The Government of Canada has formally requested in writing, a face-to-face, high-level meeting with Chinese officials to advance the resolution of this issue.

Canadian officials will continue to engage with their Chinese counterparts at every available opportunity to find a science-based solution for this issue.

Canadian officials are also in regular contact with provincial and industry stakeholders regarding this matter. Canadian officials will keep them informed as additional information becomes available.

Addressing China's actions on Canadian canola seed is a top priority for the Government of Canada.

The Government will continue to work collaboratively with its regulatory counterparts to resolve this issue as quickly as possible.

## HEALTH

### HOMEOPATHY

*(Response to question raised by the Honourable Stan Kutcher on March 20, 2019)*

Global Affairs Canada supports Terre Sans Frontières (TSF) through its Volunteer Cooperation Program (VCP). The TSF's project sends health professionals, dentists, optometrists and homeopaths, to developing countries. The project has homeopathic activities only in Honduras.

Partner organizations are responsible for ensuring that they comply with national policies. TSF signed partnership agreements with Honduran municipalities, which are the government authorities responsible for health care in their

areas, to cover a spectrum of medical and alternative health approaches, including those that are low-cost, accessible to communities, and that respect local traditional practices.

With respect to diseases like Chagas, there have been no homeopathic remedies developed. Existing homeopathic remedies are being used by local population as complementary to medicine. No money from Global Affairs Canada is used, or has been used, to purchase homeopathic remedies.

The project, which was approved in the beginning of 2015, is in its last year of operation in Honduras with a budget of around \$55,000 for an exit plan. The next VCP will not include sending volunteers to the homeopathic sector. This project is not aligned with our current priorities which include poverty eradication, gender equality and the empowerment of women and girls

Global Affairs Canada is attentive to the concerns raised. The department is ensuring that its activities comply with international guidelines for the practice of traditional and complementary medicines.

## ENVIRONMENT AND CLIMATE CHANGE

### CLIMATE PLAN

*(Response to question raised by the Honourable Frances Lankin on April 3, 2019)*

Natural Resources Canada understands the important role that infrastructure availability plays in increasing the deployment of zero-emission vehicles.

Building on the current program, which supports the establishment of a national network of electric vehicle (EV) fast chargers allowing Canadians to travel from coast to coast, the new Zero Emission Vehicles Infrastructure Program focuses on ensuring that charging infrastructure is available where Canadians live, work, and play.

Specifically, the new program is targeting the deployment of 20,000 EV chargers in workplaces, public parking spots, commercial and multi-unit residential buildings, including in remote or rural locations.

These investments are cost-shared with partners, and funding decisions are based on specific merit criteria, which include addressing local infrastructure needs in a community.

To ensure we maximize the reach in rural and remote locations, Natural Resources Canada will undertake enhanced stakeholder engagement with governments at all levels, community leaders, utilities, and the private sector to encourage program uptake.

As with the existing program, results are reported on the Natural Resources Canada and Infrastructure Canada web sites and new stations are added to the electric vehicle and

alternative fuel station locator map in real time, allowing Canadians to identify the most convenient charging locations available to them.

## VETERANS AFFAIRS

### SUPPORT FOR VETERANS

*(Response to question raised by the Honourable Leo Housakos on April 3, 2019)*

To deliver faster decisions for Veterans related to their disability benefits applications, Veterans Affairs Canada shortened the medical questionnaire for psychiatric and psychological conditions. The questionnaire was simplified to allow medical professionals the ability to complete the process quicker. This provides Veterans with faster decisions on their disability benefits applications which allows faster access to treatment. The changes are designed to increase efficiency of the process, and to ensure that Veterans in need get access to treatments faster.

Veterans Affairs Canada consulted its Service Excellence Advisory Group. This advisory group is focused on initiatives aimed at streamlining processes for Veterans and health professionals. A team of mental health professionals, including those from Operational Stress Injury Clinics who are frequent users of the questionnaire, was also consulted and requested revisions to the form. As a result, the questionnaire was modified and streamlined to improve the turnaround times for completion and get benefits out to Veterans faster.

Veterans Affairs Canada has a new approach to making disability benefit decisions for Veterans with Post Traumatic Stress Disorder in that the department now only requires minimal diagnostic information. Veterans Affairs Canada asks health professionals to provide a diagnosis and accepts their professional assessment.

It is important to note that 97% of first applications for Post Traumatic Stress Disorder were approved (2018-2019 statistics).

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### FUNDING FOR PROGRAMS

*(Response to question raised by the Honourable Linda Frum on April 11, 2019)*

#### **Global Affairs Canada**

No funding or activities of the KAIROS *Women of Courage* project support the Boycott, Divestment, Sanctions (BDS) campaign. Project implementation documents explicitly state that funds and activities cannot support BDS. Global Affairs Canada exercises enhanced due diligence for all international assistance programming in the West Bank and undertakes robust project monitoring to ensure project funds are only used for their intended and approved purpose.

This includes up front due diligence, ongoing monitoring in the field, and audits, evaluations and regular reporting. Information collected through regular monitoring ensures that adjustments can be made and funds are being used as agreed.

Global Affairs Canada is providing a total of \$4,456,516 over the period 2018-2023 to KAIROS's *Women of Courage* project, which is strongly aligned with Canada's Feminist International Assistance Policy and contributes to Canada's National Action Plan on Women Peace and Security.

This KAIROS project has activities in several countries and the West Bank. Through this project, Wi'am, a longstanding KAIROS partner, will receive approximately \$500,000 in funding. The funding to Wi'am is dedicated to psychosocial support for women in the West Bank, and is focused on helping women survivors of violence. This project improves the lives of the most vulnerable and marginalized members of Palestinian society.

## JUSTICE

### JUDICIAL SELECTION PROCESS

*(Response to question raised by the Honourable Pierre-Hugues Boisvenu on April 11, 2019)*

#### Department of Justice

The Minister of Justice and Attorney General is confident that the leak did not come from his office and the Prime Minister has stated that the leak did not come from his office. The publication of personal details from the most recent nomination process of Supreme Court of Canada judges is deeply concerning. Canadians should have complete confidence in the administration of justice. The nomination process for the Supreme Court is merit-based and considers Canada's finest jurists for the short list. The Office of the Privacy Commissioner of Canada has confirmed that it is investigating this matter.

## FINANCE

### MONEY LAUNDERING AND TAX HAVENS

*(Response to question raised by the Honourable Paul E. McIntyre on May 16, 2019)*

The Government recognizes the importance of a strong beneficial ownership transparency regime to combat money laundering, tax evasion and other criminal activities.

With less than 10% of corporations established under federal legislation - collaboration with provincial and territorial governments is essential. Since 2016, the Minister of Finance has been leading dialogue with his provincial and territorial counterparts to improve the availability of beneficial ownership information for Canadian corporations. These efforts led to the agreement announced by Canada's Finance Ministers in December 2017 to pursue amendments

to federal, provincial and territorial legislation to ensure corporations hold accurate and up to date information on beneficial owners that will be available to law enforcement, and tax and other authorities.

Finance Ministers further committed to assess mechanisms to enhance timely access by authorities to beneficial ownership information.

A central registry is one mechanism among others that are being considered, including whether beneficial ownership information should be accessible to the public. Canada continues to engage with international counterparts to closely monitor results and experiences of countries that have implemented beneficial ownership central registries and other approaches in order to inform further policy development on an effective Canadian beneficial ownership regime.

*[Translation]*

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of the nineteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, with amendments and observations), followed by all remaining items in the order that they appear on the Order Paper.

*[English]*

### IMPACT ASSESSMENT BILL CANADIAN ENERGY REGULATOR BILL NAVIGATION PROTECTION ACT

NINETEENTH REPORT OF COMMITTEE—  
DEBATE ADJOURNED

The Senate proceeded to consideration of the nineteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, with amendments and observations), presented in the Senate on May 28, 2019.

**Hon. Rosa Galvez** moved the adoption of the report.

She said: Honourable senators, I rise today as chair of the Standing Senate Committee on Energy, the Environment and Natural Resources to speak to the report on Bill C-69, An act to enact the impact assessment act and the Canadian energy regulator act, to amend the Navigation Protection Act and to make consequential amendments to other acts. I presented the report to this chamber yesterday.

[*Translation*]

I'd like to start by thanking the senators on the committee for their hard work and perseverance throughout our study of the bill and the amendment stage. I also want to thank the Library of Parliament analysts, the clerk and the other committee staff for their diligent work throughout this study.

Senators, the committee studied this bill carefully. It was a monumental task. The bill consists of three parts. First, there is the Impact Assessment Act, which will replace the Canadian Environmental Assessment Act, 2012. Next, there is the Canadian Energy Regulator Act, which will replace the National Energy Board Act. Lastly, there is the Navigation Protection Act, which will now be known as the Canadian Navigable Waters Act.

Bill C-69 modernizes Canada's impact assessment legislation. The bill has already undergone extensive analysis and study. Before it was introduced in the Senate, two expert panels and two House of Commons committees worked on the bill. After hearing from 84 witnesses representing 47 interest groups, the House of Commons Standing Committee on Environment and Sustainable Development proposed more than 100 amendments.

[*English*]

The bill was referred to our committee on December 12 last year. Since then, we have heard from, by my count, a total of 275 witnesses representing 179 groups. The hearings were conducted in Ottawa and during two weeks of travel, one to the west and one to the east, which took the committee across the country.

During the western leg of the trip, the committee held hearings in Vancouver, Calgary, Fort McMurray, Saskatoon and Winnipeg. During the eastern leg, we were in St. John's, Halifax, Saint John and Quebec.

In total, the committee heard 108 hours and 18 minutes of testimony. We heard from a wide array of stakeholder groups who were invited to speak to the bill.

Ultimately, 41 per cent of the witnesses represented various industry groups; 8 per cent represented Indigenous groups; 20 per cent represented NGOs; 10 per cent were from various levels of government; 9 per cent were from academia; 4 per cent from the field of law; 3 per cent represented regulators and regulatory bodies; and 5 per cent were independent witnesses. The committee received 121 briefs on the subject of Bill C-69, a number that does not include supplementary documents such as scientific and news articles that were shared with the committee by witnesses.

[ Senator Galvez ]

We heard from the Minister of the Environment and Climate Change, the Minister of Transport and the Minister of Natural Resources on the intent and purpose of the bill. We heard from officials who were present to answer questions during hearings and to advise the committee during clause-by-clause deliberations. It was the committee's duty to hear, understand, debate and to vote on proposed amendments. Senators, the committee has done its work.

[*Translation*]

A total of 188 amendments were approved in committee, including many technical amendments and amendments put forward by committee members. An observation was also added to the report. In my speech today, I will be focusing on the main categories of amendments proposed and approved by the committee.

[*English*]

Amendments were passed to provide a clearer, stronger standard for determining a project's contribution to sustainability. Amendments were made to ensure that public participation does not have the effect of delaying impact assessments, and criteria to guide public participation were introduced.

The new agency must work jointly with life cycle regulators during the early planning phase. Life cycle regulators include the Canadian Energy Regulator, which replaces the National Energy Board as a result of this legislation, the Canada Nuclear Safety Commission, the Canada-Newfoundland and Labrador Newfoundland Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board.

[*Translation*]

One series of amendments seeks to reduce ministerial discretion and make assessments more independent. These amendments give the agency certain powers, including the responsibility to properly manage public participation in the impact assessments conducted by the agency, decision-making power over designated projects and the authority to suspend the time limits in which the agency must make such decisions and conduct impact assessments, and the ability to request additional information from proponents or jurisdictions following a substitution process.

• (1450)

In order to restrict ministerial discretion, the bill was amended to give the president of the impact assessment agency the power to designate enforcement officers. The amendments also give the agency the power to determine the factors related to specific projects, particularly section 22.

Bill C-69 was amended to further clarify the notion of cooperation between the federal and provincial governments on regional assessments and to ensure no jurisdictional overreach.

[English]

Amendments were also made to ensure that the legislative framework for impact assessment respects the rights of and the duty to consult with the Indigenous peoples of Canada. This includes Indigenous women, who can be differently affected by industrial and resource projects than non-Indigenous women and Indigenous men, and who may have knowledge that can be particularly relevant and helpful to regional and strategic assessments.

Finally, amendments were passed to change the time period for statutory review of the proposed impact assessment act and the proposed Canadian energy regulator act to five years, rather than 10. Thank you very much.

**Hon. David Tkachuk:** Honourable senators, regarding the motion before us on the adoption of the report of the Standing Senate Committee on Energy, the Environment and Natural Resources on Bill C-69, I want to thank all members of the committee for the hard work they did. I also want to especially thank the Conservative members of the committee and Senator Richards for getting the committee to travel and for fighting the good fight. It wasn't an easy one to make some 90 amendments to the bill.

Some people might find this humorous. I'm sorry if it is, but it isn't funny to us on this side, and it isn't funny to people in Saskatchewan, I'll tell you that.

As you may know, nine of the 10 provincial governments asked the Senate for substantial amendments to Bill C-69 even though it was amended more than 100 times in the other place. To me, this demonstrates that the drafting was extremely flawed and that our amendments were crucial for workers across Canada.

I would like to outline how this report respects the clear demands of the province of Saskatchewan with respect to Bill C-69.

There is fierce opposition to the bill across the political spectrum in Saskatchewan. On March 14, 2019, the Legislative Assembly of Saskatchewan voted unanimously to call on the federal government to halt the bill.

Failing that, the Government of Saskatchewan identifies specific areas of the bill they most wanted us to amend. When Saskatchewan's Minister of Energy and Resources, Bronwyn Eyre, appeared before the committee studying Bill C-69, she said:

It's hard not to be cynical that, as provinces, we are simply being co-opted by this process, which is why this part of the process in the Senate with you is so important. It provides a chance to turn things around when it comes to what would be an economically devastating bill . . .

The committee took Saskatchewan's position seriously and amended the provisions of greatest concern to them. I would like to highlight the specific requests we heard from the province and how the committee report addressed those concerns.

Saskatchewan strongly disagreed with section 22 of the proposed impact assessment act. This section lays out the factors to be considered in an impact assessment and, in its original form, lacks clarity, transparency and predictability, as Saskatchewan's government wrote. They highlighted two new factors as unclear: The extent to which the project contributes to sustainability and the project's impact on Canada's commitment with respect to climate change.

These specific factors were addressed by the amendments labelled CPC1.19d, V6. This adopted amendment clarifies section 22 by requiring the government to develop policy guidelines in those areas and identify them to the proponent early in the process. Saskatchewan does not oppose a rigorous environmental assessment process but they insist it be clearly defined, and our caucus supports that position.

Saskatchewan was unhappy with sections 31 through 34 as originally drafted. These sections cover substitution of the federal assessment process for another jurisdiction's process. They wrote that the new regime would be challenging for most jurisdictions to meet and would prevent substitution from being allowed in most cases.

The committee adopted two amendments, labelled CPC1.26a and CPC1.26b, which addressed sections 32 and 33. Both amendments were designed to make it easier for substitution to go forward. CPC1.26a is specific to the Atlantic Provinces and their offshore industries.

CPC1.26b would clarify that the list of factors that must be considered would be developed before the substitution decision is made. This will help the substitution process go forward for all project types.

Saskatchewan asked us to adopt a suite of amendments to address the unfair treatment of the uranium mining sector under the original language of Bill C-69. To fully correct the issue, amendments were needed to sections 39, 43, 44, 46 and 67 of the proposed IAA. The committee adopted a full suite of amendments to tackle this issue. They were CPC1.31, CPC1.34a, CPC1.34b, CPC1.34c, CPC1.35a and CPC1.45b.

Uranium mining is an essential industry for our province, especially for those who live in the North. The committee showed that they recognized it by adopting six amendments focused on this one issue.

Saskatchewan asked for the amendments to sections 60 through 63 of the proposed impact assessment act. They wrote that these sections should:

. . . not only consider the potential risk of a project but also consider the potential benefits to individuals, communities and regions.

The committee adopted amendments CPC1.42a, CPC1.42b, CPC1.42c and CPC1.42d, which all cover sections 60 through 63.

To give just one example, CPC1.42c requires that the social and economic effects of a project be considered. This clearly addresses the concern raised by the Government of Saskatchewan.

The Saskatchewan government's final areas of concern with the proposed impact assessment act were sections 65(5) and 65(6). These sections allowed indefinite delays to the timeline for issuing a decision statement to the proponent. The committee adopted amendment CPC1.44, which deleted Cabinet's ability to suspend the timeline indefinitely.

In the committee's thorough study of Bill C-69, Saskatchewan's concern with the Navigation Protection Act — which would be renamed the Canadian navigable waters act in part 3 of Bill C-69 — was also taken into account. Saskatchewan criticized section 10 of the Canadian navigable waters act for introducing unclear requirements around commencing works near navigable waters. The committee adopted amendment CPC49.291 to require the minister to publish guidelines in this area.

Finally, Saskatchewan noted that the definition of navigable waters set out in the act lacks specificity and fails to provide a reasonable and objective test for navigability. The committee amended the definition of navigable water through amendment CPC47.284.

Colleagues, Saskatchewan has been very clear that it saw Bill C-69, in its original form, as an economic disaster. If this bill is going to move forward it absolutely must include the amendments the province has asked for. The committee report acted on all of Saskatchewan's major requests and I encourage all honourable senators to vote for the adoption of this report.

In closing, I would like to say that this was a very difficult process. I was not a member of the committee, but Senator MacDonald, as the deputy chair, was kind enough to keep me fully informed of what was going on. Along with other senators, I was able to come and witness the work that was being done. I'll tell you this: It was quite a test of patience. In the end, a number of us got together to move this process along. I want to thank Senator Woo from the other side and Senator MacDonald from this side for the hard work they did on making all these amendments happen. Thank you very much.

• (1500)

**The Hon. the Speaker pro tempore:** Senator McPhedran, do you have a question?

**Senator McPhedran:** Yes, for the chair.

**The Hon. the Speaker pro tempore:** I'm sorry, but you've already spoken on debate.

**Hon. Grant Mitchell:** Honourable senators, I would like to say a few words before we —

**The Hon. the Speaker pro tempore:** When Senator Galvez finished, that's when you had to ask a question, Senator McPhedran. We don't usually go back. If you would like to ask a question of Senator Tkachuk, however, you're welcome to do so.

Are senators ready for the question?

**Senator Mitchell:** I'm on debate.

**The Hon. the Speaker pro tempore:** Thank you.

**Senator Mitchell:** I don't want to come between the Senate and a question on this, but there are a few words I feel I should say.

I can't tell you how pleased I am to rise today to speak in support of the committee's report on Bill C-69. I want to speak briefly, and I will reserve the bulk of my comments for third reading debate.

I think if any word or term could characterize the process that we have been through on this bill, it would be extremely hard work. It's with that in mind that I would like to extend thanks to the many people who have brought us this far and have got us a report which I think is in many ways an excellent one.

I want to begin by thanking the many Senate administration staff members and senators' office staff who have researched, organized, advised written and toiled over this bill — its analysis, its committee hearings and its issues.

I would like to make special mention of Rebecca Dixon and Sarah Gray in my office, who have been remarkable in their work and support.

I also want to thank specifically each member of the Standing Senate Committee on Energy, the Environment and Natural Resources; the chair of the Committee, Senator Galvez; the committee clerk, Maxime Fortin; the deputy principal clerk, Shaila Anwar; the Senate law clerk's office and the entire committee staff.

I would like to particularly note the efforts of Senator Cordy and Senator MacDonald, who were on the steering committee, along with Senator Galvez; and the work, effort and analysis of Senator Tkachuk, the critic of the bill.

This process has been intense and difficult at many stages along the way — I think anyone involved would agree with that — but excellent work has been done and we have a report that reflects that work.

There is no question that Bill C-69 — and this is an understatement — has been the subject of much debate and attention within the committee, within the Senate and across Canada. As the bill's sponsor, I am sincerely glad that so many of you have taken the interest in learning about this proposed legislation that you have, whether by attending briefings, participating at the committee hearings or speaking with stakeholders and Canadians in your provinces and territories.

I have been involved in many committee reviews of bills, and I don't think I have ever seen more senators who are not members of this committee attend this particular committee review. I extend my thanks and recognition to them as well.



The committee has been studying Bill C-69 since February and, as Senator Galvez has indicated, has heard over 100 hours of testimony from upwards of 275 witnesses. It has received over 120 briefs from stakeholders and engaged in committee hearings across the country in 10 different cities.

In my view, the committee has succeeded in doing a very difficult job and I congratulate the members for it. They have listened, and listened hard, and provided us with a complex set of amendments on a complex bill in response to the intense and diverse input that we have all received since this bill arrived in the Senate more than a year ago.

If the Senate decides to adopt the committee report — I don't want to be presumptuous — and to pass Bill C-69 at third reading, the government and the House of Commons will be presented with a range of ideas to improve the bill and respond to input from Canadians. As challenging as this process has been, I expect that most of us will look back on the experience as an important and clear indication of what the Senate can do to make bills better and develop effective public policy.

I would ask that senators support this report and allow us to advance the bill to third reading. Thank you very much.

(On motion of Senator Housakos, debate adjourned.)

### NATIONAL SECURITY BILL, 2017

#### THIRD READING—DEBATE ADJOURNED

**Hon. Marc Gold** moved third reading of Bill C-59, An Act respecting national security matters, as amended.

He said: Honourable senators, I rise today to speak to Bill C-59, An Act respecting national security matters. Although I am the very proud sponsor of this bill and would have 45 minutes to speak to you, I'm going to channel my inner Senator Baker and be brief.

[*Translation*]

I'd like to begin by thanking the opposition critic, Senator Dagenais, who conducted a thorough and focused analysis of the bill. I'd also like to thank the Chair of the Standing Senate Committee on National Security and Defence, Senator Boniface, and all the committee members, who studied this complex bill in a diligent and responsible manner.

Honourable senators, national security is too important to fall victim to partisan politics. The committee's study is an example of the collaboration of senators from all parliamentary groups who worked together to analyze a bill of fundamental importance to Canada.

[*English*]

As I outlined in my second reading speech, Bill C-59 addresses three major problems. The first is the changing nature of the threats to our national security and the need to provide our security and intelligence agencies with clear mandates and the tools that they need to do their job.

The second is the lack of a system-wide review and accountability of our security and intelligence agencies.

The third is the need to ensure that the powers granted to our agencies rest on a solid legal and constitutional footing, one that enhances democratic accountability and transparency.

I went on in my speech to describe the various ways in which the bill enhanced our national security, while better protecting our constitutional rights and freedoms.

At committee, we heard from 43 witnesses in the course of 18 hours of hearings. I am pleased to report that the testimony we heard at committee confirmed the major points that I raised in my second reading speech and established the following key points.

First is the fundamental importance of system-wide review and oversight. This has brought us into line with our Five Eyes allies and corrects a major problem that had been identified by commissions of inquiry and previous studies as well as the academic community.

Second is the critical importance of modernizing the powers and mandates of our agencies. You will recall that the last major structural overhaul dates to 1984, notwithstanding some additions in the interim.

Third is the practical imperative, not theoretical, of putting the powers of our agencies on a solid legal and constitutional foundation. The evidence we heard at committee clearly established the importance of this bill to our security and intelligence agencies, notably to CSIS and to the CSE, and the fact that in their professional opinion this bill will enhance their ability to do their job to protect us in Canada.

The evidence also established how fundamentally important this bill is to those families who have kids on the "No-Fly List Kids" and who will finally, if this bill receives Royal Assent, have access to a redress system to cure the injustice that they've lived with and under for far too long.

• (1510)

It's noteworthy, as well, that even though this bill and the area of national security raises enormously complex issues — finding the right equilibrium between national security, privacy and other rights and freedoms — the Privacy Commissioner testified that he was satisfied with this bill, he was pleased with the amendments that were introduced in the other place and was fully supportive.

It was also notable that the civil liberties groups, some which suggested many changes and were very critical, as they should be, of national security agencies and the need to protect rights, nevertheless said that this is a major step forward, and they approved and supported its implementation.

The evidence also established that the bill had the enthusiastic support of the leading national security academics in Canada.

Finally, what emerged from the testimony and evidence we heard was a strong consensus that Bill C-59 must pass before this Parliament rises.

[*Translation*]

Honourable senators, allow me to say a few words about the proposed amendments to the bill. As committee members will know, I was not convinced that all the amendments were appropriate, and I expressed some reservations during clause-by-clause consideration. However, these were sincere attempts to improve the bill and none of the suggested amendments went against its objectives. I am therefore very pleased to support the bill as amended.

[*English*]

Honourable senators, Bill C-59 is an important bill — one that is crucial and critical for our national security, necessary to ensure that our constitutional rights and freedoms are protected, and it's a major step forward in democratic accountability and transparency. I support it wholeheartedly. I urge you to do the same.

**Hon. Carolyn Stewart Olsen:** Honourable senators, I rise today at third reading of Bill C-59, An Act respecting national security matters.

Before we take the final step of passing this bill into law, I would like to return to the points of principle that, in my view, underline it.

As I noted earlier, I see this bill as a reflection of the flawed ideology of our current government. This instrument is a derogation of ministerial responsibility, an essential principle in any parliamentary governance. Bill C-59 is an omnibus bill. It is lengthy, complex and purports to do a lot, but I will focus on just a few aspects of it.

Canada's security agencies need new and better tools to address our very real security concerns. What I see in this bill is another academic exercise with significant flaws. We have all received hundreds of letters and emails from concerned Canadians who point out that this bill is not the improvement it claims to be. The world we live in is a world we must legislate for. There are people who live solely for inventing ways to harm us, create chaos and undermine our country. Our problems are not a morally relative abstraction that exists far from where we live, on some different plane of existence. I am not confident that our current government understands that.

The recent politicization of the 2018 Public Report on the Terrorism Threat to Canada is demonstration of this. Any mention of Sikh nationalists, or Sunnis or Shiite extremists was excised from the report in the face of a public lobbying campaign. It is no longer possible to refer to the motivations of these groups on the surface, the first of these groups being responsible for the largest terrorist attack on Canadian soil.

The decision's political nature is obvious in that the terminology remains the same on the Public Safety's list of outlawed groups. The absurdity of this decision has been pointed out by former CSIS analysts and officials. Phil Gurski, formerly of CSIS, noted that the inability to call a threat what it is makes it harder to identify and neutralize it.

Senators, this is the climate in which we are legislating.

[ Senator Gold ]

The decision to remove these names from official publication no doubt runs parallel to Bill C-59's measures, which limit the power of the government to take action against terrorist propagandists. We cannot underestimate the impact terrorist propaganda has on the path to violent extremism.

The weakness of our approach to radicalization was noted in the Senate National Defence Committee earlier this month by Isaac Kfir, the Director of the National Security Program at the Australia Strategic Policy Institute. He noted:

I did not see in the bill specific provisions about what to do with the radicalization of children and whether specific entities within the newly constituted intelligence community have the capability to deal with the possibility of children becoming terrorists . . .

Bill C-59, as with much of this government's legislation, was not designed with an intent to propose in so much as it was designed in opposition to a law passed in the previous government. Bill C-51 gave law enforcement agencies critical tools for stopping radicalization in its tracks. Creating an offence for advocating for terrorist organizations helped struggling security agencies to intervene when they saw individuals progressing from propaganda to considering real action.

As I noted at second reading, there is an essential struggle in law enforcement when it comes to budding terrorists. If we know someone has been radicalized or is progressing down that road, or we can see with a degree of certainty that they are likely to act on these beliefs, how do we prevent them from acting before it's too late? In 2015, our National Defence Committee did a study on terrorist threats in Canada, and this tension was repeatedly presented.

Bill C-59 does more than just change the rules around terrorist propaganda; it makes the peace bond process tougher for law enforcement. This reinforces the thematic approach this government has taken to real problems: bureaucratization, obfuscation, derogation of responsibility and more.

I could regurgitate all of these grievances, but I want to return to my remarks on the politicization of our security apparatus. My concerns remain regarding the soon-to-be-created intelligence commissioner. This position carries enormous power as envisioned in this bill. It would be fully independent of the government and the Communications Security Establishment. The commissioner would be able to assess the authorization of intelligence missions, among other things, even after a minister has come to a conclusive finding.

Colleagues, we must realize we're voting here to give a bureaucratic office a veto power over our elected representatives.

As Richard Fadden, former Director of CSIS and former National Security Advisor, noted at the House of Commons Public Safety Committee last year:

The bill proposes to give the commissioner final say about a number of CSEC and CSIS activities . . . surely "reasonableness" should be the domain of ministers . . .

In practical terms, if something goes wrong in the future . . . it seems to me that the veto proposed to be given to an appointed official will make it too easy for the minister of the day to escape accountability.

Oversight without accountability is pointless. Without ministerial accountability, without the ability to hold elected officials responsible for decision-making, we make it harder for Canadians to influence how our government operates. Politicians must be held responsible for the choices they make. Public servants should never be a substitute for cabinet ministers when mistakes are made.

The bill before us does a lot, but I'm not confident in this or this government's ability to do the things that will make Canadians any safer. The safety of Canadians is my sole interest when legislating national security matters.

In that spirit, I do not support this bill in any form and would urge my colleagues to do the same. Thank you.

**Hon. Linda Frum:** Honourable senators, I rise today to speak to Bill C-59, which proposes broad changes to our national security legislation.

Late last year, I spoke to this legislation at second reading. Among the many components of this bill that caught my attention at that time were provisions that proposed to eliminate the offence of advocating or promoting terrorism and instead replace it with the offence of counselling to commit a terrorism offence. The government rationalized this step by claiming that since there had been no prosecution of the offence of advocating or promoting terrorism in the past three years, the offence should simply be eliminated.

• (1520)

Minister Goodale claimed that creating a more specific offence of counselling to commit would lead to more charges that could be defended in court. However, this argument was disputed by witnesses who appeared before the House of Commons committee that examined Bill C-59.

When the Senate Standing Committee on National Security and Defence examined this legislation, several witnesses raised similar concerns with these clauses.

Mr. Shimon Fogel, CEO of the Centre for Israel and Jewish Affairs, stated:

. . . we are deeply concerned by one key aspect of the bill: the amendment to the Criminal Code provision outlining what is now known as advocacy and promotion of terrorism.

Bill C-59 will redefine this offence as "counselling terrorism."

Mr. Fogel further stated:

As currently worded, the new offence would apply to "every person who counsels another person to commit a terrorism offence." This wording suggests that the offence exclusively pertains to one who counsels another specific individual.

Consistent with what witnesses said in the House of Commons committee, Mr. Fogel cautioned that this gap could create a potential loophole in the law. There was a risk the defendant could counsel social media followers to commit acts of terrorism and then argue that they did not directly counsel a specific person.

To address this gap, Mr. Fogle proposed a very useful amendment to ensure that terrorism counselling would explicitly apply whether one counselled a specific individual or whether one counselled broader audiences to commit acts of terrorism. He correctly referred to this as "a modest clarifying amendment."

The sponsor of the bill, Senator Gold, opposed that amendment in committee. He argued the amendment was unnecessary because, he said, counselling does not require an accused to know the identity of those he counsels.

I know that Senator Gold is an expert on constitutional matters, and I accept his expertise on this matter. However, it also seems that this interpretation is not universally accepted among his legal peers. In this regard, in my second reading speech on this bill, I quoted former Crown attorney Scott Newark, who stated in the House of Commons committee:

I guarantee you, sir, that if that wording is used, there will be occasions when defence counsel will come to court when somebody is charged, and ask, "Who was it that he was counselling to commit the offence?" If you don't have another person involved —

— if the advocacy of terrorism is just general in nature —

— you aren't able to prove the offence.

On behalf of his organization, Mr. Fogel argued that the intent of the law must be clear. That intent, with this amendment, is that those who counsel broader audiences to commit acts of terrorism must be held criminally accountable. I would hope that we would all agree with that.

However, Senator Gold also stated that the proposed amendment risked confusing the current law in that the Criminal Code will potentially have more than one definition of "counselling to commit an offence." Again, I do not dispute that this is a possibility. However, I will note that neither Mr. Newark nor Mr. Fogel expressed similar concerns.

I will say that if such a risk does exist, why would the government not amend potentially conflictual sections of the code to ensure the definitions are either broader or at least sufficiently consistent in the context of the specific offences to which they apply?

Unfortunately, what I noticed is that the government and its supporters made considerable effort to find reasons not to tighten the law to address security and public safety risks. If there is a potential problem, as Senator Gold has asserted, between broader and narrow Criminal Code definitions of “advocacy of terrorism” or “counselling to commit,” why does the government instinctively opt for sustaining the narrower definition? Why does it focus on real or imagined constitutional risks instead of prioritizing the need to address potential security risks? I do not believe there is any doubt that the security risks are serious ones.

The promotion of terrorist propaganda is, unfortunately, part of the times in which we live. Canadians who have participated in radical Islamist terrorism in recent years, whether in Canada or overseas, have often done so after consuming jihadist content online. Online jihadist propaganda was a factor in the radicalization of both Martin Couture-Rouleau and Michael Zehaf-Bibeau, the individuals who carried out the October 2014 terrorist attacks in Saint-Jean-sur-Richelieu and Ottawa.

Online hate and terrorist advocacy have also contributed to acts of violence recently perpetrated by white supremacists against synagogues in Pittsburgh and San Diego.

In relation to the terrible attack on mosques in Christchurch, New Zealand, online propaganda and advocacy again played a major and very disturbing role.

Mr. Fogel correctly stated that “The ability of police to intercept those who counsel others in their virtual network to commit terrorism must not be impeded by ambiguity in the law itself.” I would further argue that this is a fundamental problem on which the government must focus.

I noted, in my remarks last year, that journalist Stewart Bell stated the following with respect to extremist radicalization:

. . . what governments can do is challenge the world view of extremists and step in when radicalization crosses the line, when it becomes a recruiting mechanism that materially supports terrorism.

Radical preachers must be isolated, and prosecuted if they violate hate crimes or incitement laws.

The government has claimed that it is seized with this issue. Foreign Affairs Minister Freeland stated at the United Nations, just a few weeks ago:

Today, hatred is increasingly spread through the internet; in online forums and on social media. We must be aware of this and work to stop it.

The question I would ask the minister, then, is whether her government will now support this amendment to Bill C-59. This issue should, in all frankness, have been tackled when the government introduced its original bill. But it was not. Instead, it became incumbent upon Senator McIntyre, after hearing witness testimony, to introduce this amendment at committee.

If the government accepts this amendment, I will, of course, be relieved. Should it fail to, then we will have to question the sincerity of the minister’s rhetorical claim that we must work to stop the spread of online hatred.

In conclusion, I would like to quote what Mr. Michael Mostyn, the CEO of B’nai Brith Canada, said at the committee in the other place:

We accept that the right to freedom of expression is an important consideration, but the right of potential victims to be free from terrorism and the threat of terrorism must be a greater priority.

I completely agree with that statement. I now hope that the government will, even if belatedly, agree to accept that principle as well. Thank you.

(On motion of Senator Martin, debate adjourned.)

## FISHERIES ACT

### BILL TO AMEND—THIRTEENTH REPORT OF FISHERIES AND OCEANS COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Fisheries and Oceans (Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, with amendments), presented in the Senate on May 27, 2019.

**Hon. Fabian Manning** moved the adoption of the report.

He said: Honourable senators, during clause-by-clause consideration of Bill C-68, the Standing Senate Committee on Fisheries and Oceans considered 50 amendments and adopted 35. I will not speak to each amendment today; however, I will provide a quick overview of the major changes.

Following much testimony on the subject, several clauses were amended to clarify which portions of designated projects will be subject to permits. Modifications to the bill helped clarify that only those works, undertaking and activities that would negatively impact fish or fish habitat would be subject to permits.

Amendments were also brought to Bill C-68 to address concerns raised about water flows. For example, clause 21 was amended to remove the requirement for project proponents to manage flows upstream of an obstruction, which the committee heard was onerous and, in many cases, simply impossible.

Clause 1 of the bill was also amended to repeal a change proposed and adopted at committee stage in the House of Commons. The amendment returns the definition of “fish habitat” to the definition first proposed in Bill C-68.

The committee also adopted several amendments to clarify Indigenous rights. These amendments were proposed following testimony and briefs received from many Indigenous organizations.

• (1530)

For example, clause 3 of the bill was amended to reflect the non-derogation wording as proposed in Bill C-91, an Act respecting the Indigenous languages. I would like to thank Senator Christmas for his work on bringing those amendments forward.

Portions of Bill S-203, ending the captivity of whales and dolphins act and Bill S-238, the ban on shark fin importation and exportation act were also incorporated into Bill C-68 in clauses 15 and 18.1 respectively. In addition, the coming into force provisions of Bill C-68 were amended to accommodate these new additions. Habitat banking was also expanded through amendments to allow project proponents to provide offset payments in lieu of habitat credits when deemed appropriate by the minister, clause 22, and to allow for third parties to bank habitat in clause 28.

The committee also heard considerable testimony from fishers and their associations about the integration of the PIIFCAF, the policy on Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries and the fleet separation policy. For the most part, Atlantic Canada fishers told the committee that these were welcome additions to Bill C-68. Although the policies had been in place for some time, witnesses explained that enforcing these policies was often difficult for DFO. The people involved in the fishing industry have been seeking this enforcement mechanism for many years. Our committee is confident that Bill C-68 protects and enhances, and now provides the enforcement tools to strengthen the owner-operator and fleet separation policies. Melanie Sonnenberg, president of the Canadian Independent Fish Harvesters Federation noted that once Bill C-68 is passed, these provisions will clearly establish in law the minister's authority to enforce the owner-operator and fleet separation policies.

However, the committee heard mixed feedback on the integration of similar owner-operator and fleet separation policies on Canada's Pacific coast. The committee also heard how difficult a transition from the current regime to a new regime could be. The committee understands these difficulties but certainly hopes the DFO continues to consult fishers on the West Coast of Canada on these very important matters.

During its study of Bill C-68, the committee also heard testimony regarding succession planning for family-owned fishing enterprises and the need to integrate shore skipper status into the bill for this reason. Following that particular testimony, Minister Wilkinson sent me a letter noting that consultations had been undertaken by the department on the subject, although feedback had been mixed.

In his letter, he noted that DFO would pursue further dialogue with stakeholders about the issue of substitute operator allowances in order to identify a strong and fair regime that will balance needed flexibilities while also striving to preserve the underlying objectives of the owner-operator policy. I would like to thank the minister for his letter and his willingness to address this matter, and we look forward to further clarification.

I also would like to take the opportunity to say that I was approached by Senator Black, who raised an issue with me. I want to make sure that it is brought into my speech today. His concern was there was a lot of concern about the bill when it came to the Senate because of an amendment that was made in the other place. That amendment changed the definition of "fish habitat" to include any body of water that could support fish. Senator Black's concern was that this would include puddles in the middle of a field, trenches dug along farm land, et cetera. There was a great deal of concern about the impact this would have on primary agriculture and this was raised and brought up to Senator Black during several stakeholder meetings that he had over the past several months. He wanted me to assure him that the amendments the committee put forward in the bill resolved this issue.

I want to thank Senator Black for raising the concern with us and for his continued hard work and representation on behalf of the thousands of individuals and families involved in Canada's agriculture industry.

Our committee also heard testimony from agriculture groups that reflect the concerns raised, but also heard similar concerns from other industry stakeholders. In fact, many witnesses suggested that the definition of "fish habitat" be changed back to what was originally proposed in Bill C-68. As I mentioned earlier, clause 1 of Bill C-68 was amended by the Standing Senate Committee on Fisheries and Oceans to repeal the amendment proposed and adopted at committee stage in the House of Commons to designate water flow as fish habitat. The amendment therefore returns that portion of the clause to its original form as first introduced in the House of Commons.

In addition to this, during clause-by-clause consideration, Mr. Nicholas Winfield, director general of Ecosystems Management at Fisheries and Oceans Canada assured our committee members that the department had met with the Canadian Federation of Agriculture, the Canadian Cattlemen's Association and other agriculture groups and associations to consult on Bill C-68. Mr. Winfield also confirmed that these groups would be consulted should DFO develop any regulations that could impact their ability to undertake these activities. Our committee is hoping that DFO lives up to its commitment of consultation put forward by Mr. Winfield. Once again, I thank Senator Black for raising this important issue with us.

Honourable senators, I would like to take this opportunity to thank all members of the committee for their thoughtfulness and time they devoted to consideration of Bill C-68. In particular, I wish to recognize Senator Gold, the deputy chair, for his work. We don't see eye to eye on everything, as you would understand, but we get along well. Members have devoted their time and effort to Bill C-68 and, previous to that, to Bill C-55, which required a fair amount of work. I also want to take the opportunity to thank our clerk Chantal Cardinal and our analyst Daniele Lafrance for their work with the committee and for putting a lot of time and effort into ensuring that we finish our work.

When it will become law, this bill will affect many stakeholders such as Indigenous organizations, environmental groups, multiple industry sectors and more. We had a chance to hear from many of these groups and receive many briefs. As

chair of the committee, I want to take this opportunity to thank our witnesses and those who provided briefs to the committee and the knowledge and expertise they brought to the table, especially for people who may not be as familiar with the fishing industry as those people are.

Honourable senators, I look forward to seeing Bill C-68 move forward here and welcome any further participation in the debate.

**Hon. David M. Wells:** I have a question for Senator Manning, if he would take it.

**The Hon. the Speaker pro tempore:** Senator Manning, would you accept a question?

**Senator Manning:** Yes.

**Senator Wells:** Senator Manning, thank you very much for your speech and for your leadership on the committee, on which I sit. We had a fairly robust discussion on habitat banking, led by Senator Christmas at times, Senator Griffin at times, and by me. There was some commentary from DFO regarding habitat banking. Of course, the amendments at committee passed. Could you give us some comment on your view of habitat banking and how that's helpful to habitat and the natural resource industries?

**Senator Manning:** Thank you, Senator Wells. As you are aware, we passed several amendments in our committee on habitat banking to address the concerns of protection of the habitat, but certainly in cases where other industries are involved, sometimes we do encroach on habitat. In the process of habitat banking, with the amendments that we have put forward, we hope that companies and different industries will be able to build up credits to bring forward to address habitat banking and ensure not only the protection of habitat, which I think we all are concerned about, but the fact that other industries also operate in the ocean. We have to make sure we find ways to accommodate all the industries that provide economic activity to many Canadians from coast to coast.

Being from Newfoundland and Labrador, the fishing industry is very important to our province, our tourism industry and our oil and gas industry. All of these industries operate with the ocean around us. There are agreements made and everybody comes to the table and makes a concerted effort to make sure we protect the environment, we protect the ocean, but we also find ways to provide the necessary economic activity.

I think the amendments we brought forward through the bill address those concerns and habitat banking will be a way of making sure that we consider all of the issues that are out there, but at the same time make sure we move forward.

**Hon. Carolyn Stewart Olsen:** Honourable senators, I rise today at third reading of Bill C-68, an Act to amend the Fisheries Act and several other acts.

• (1540)

My real concern in relation to this bill is its effect on the fishers in my constituency. I come here today with the words of fishers across the country, including many from New Brunswick. For months, I have received letters imploring me to support the

legislation before us. I have also met with industry representatives several times, and they have told me what this bill means to them.

The list of representatives includes Carl Allen, President of the Maritime Fisherman's Union, who is a constituent of mine. Indeed, he lives close to my home. I make this point to demonstrate to you how much my region is defined by the men and women who work in the fishery. It is not just a question of those who go out on the water to harvest fish; it is a question of jobs created in our communities by those same people who invest their money locally. In short, the fishery is the epicentre of local economies that rely on a resilient fishery to sustain the people who live there.

I am torn on the bill. It has serious flaws that should be addressed and, indeed, have been addressed in many of the amendments. However, the people I represent are steadfast in supporting a key tenet. It is this part of the bill I will focus on.

When meeting with our fishermen and fisherwomen, what struck me was their unity. That's very interesting if you have ever been to a meeting of a fishermen's union. It is rare to see any two Maritimers agree on anything, let alone a whole swath of an industry. Independent fishermen in the Maritimes have been clear: They believe Bill C-68 will protect a foundational principle that has always defined our fishery. That principle is that of fleet separation and ensuring fishermen remain owner operators.

As someone who lives in a rural community on the Atlantic coast, I can see the concerns they have raised about a hollowing-out effect if we don't protect our fish harvesters. Up and down our East Coast, independent fishers are an essential, integral component of the communities they live in. Many of these predominantly rural communities are just holding on by the skin of their teeth to their economy. Coastal economies in the East are struggling to avoid being swallowed whole by large corporations that buy licences en masse and administer them through controlling agreements.

Fishermen have told me how their lives have been directly affected. Wages on a controlled boat are much lower than what an independent fisherman would receive. Much of what fishermen earn in these cases is paid out to the big corporation. This can and, anecdotally speaking, has resulted in captains having to pay their crews out of savings from previous harvests.

It can often be difficult to find out who these corporations are. Fishers associations have tried to identify who is responsible for these conditions and have been met with stonewalling either from searching through various numbered corporations and shell companies or from our own officials in the Department of Fisheries and Oceans failing to answer.

Controlling agreements offered by these corporations are managed for the benefit of multinationals. Canadian fishermen want a fishery managed for their benefit and do not want to work under these conditions.

This issue affects all fishermen. My constituents tell me that while Indigenous fishermen hold the control of their licences, further encroachment by multinationals would result in ownership in name only and erode the role that this traditional knowledge has always had in sustaining our fishery.

Independent fishermen are shrewd environmental stewards who are invested in keeping our resource safe and sustainable for now and generations to come. This attitude is essential for keeping our rural communities alive and would be lost if major corporations that are not accountable to the communities they work in take over.

The fishermen in my province are convinced that this bill is the tool they need to use to protect their livelihoods and communities both now and in future. Industry representatives I've met with have framed the codification of fleet separation and owner operators as the deal of the century. They fear that if this bill does not pass, they may not see it codified in law again.

This strong support brings me back again to the serious reservations I have. Bill C-68 is a step backward from the measures the previous government took in 2012. Before 2012, it was difficult to even dig a ditch in certain areas, and Bill C-68 will no doubt make it difficult once more for those in the energy, gas and agricultural sectors if the amendments are not adopted.

However, we have an election in October — an election that may replace the current government with one committed to both responsible development and economic growth. I'm confident that a new government would be able to reverse the worst elements in this bill while keeping essential protections our fishermen are asking for.

I would truly add to my speaker notes that I think that when we come back, the Fisheries Committee should do an investigation of the licensing process in this country regarding who are holding the licences. Specifically, the West Coast fisheries are more concerned about this. East Coast fisheries have managed to hold the line a bit. We can lose our own natural resource if we don't protect our industry.

As a New Brunswick senator and someone who strongly believes in representing the people, I listen to my constituents. I have publicly said that on serious issues my vote must reflect the wishes of those I represent. In this case, New Brunswick's fishermen have been clear. Fishermen in New Brunswick and across the country have told me they need this law — that it is critical for their future — so I will vote in support of this bill.

I urge my colleagues from the Maritimes and Atlantic Canada to carefully consider how they vote on this legislation. Thank you, senators.

**Hon. Michael L. MacDonald:** I have just a few words to add to this debate. I don't have any written words, but I want to say a few things about this bill. The issues that Senator Stewart Olsen brought up are very relevant issues. As somebody who grew up in a fishing community and who has had so many of my family on my mother's side fish for generations, the management of our offshore food resources is a concern that we don't address enough in this country.

We have some of the wealthiest fishing grounds in the world on both coasts, but particularly on the East Coast. Nova Scotia, Newfoundland and New Brunswick, P.E.I. and Quebec have created economies off the East Coast for half a millennium. Most people don't really appreciate that. We always talk about the fur trade as being the underpinning of the foundation of the country, but even in 1800, the apogee of the fur trade never surpassed the value of the North Atlantic fishery. That fishery is one of the great wealth-producers in this country.

I guess I'm old enough to remember when individual fishermen went out and made a living. Of course, fishing has become much more sophisticated and much more international today, but the resource is still there, and it's more valuable than ever. We don't seem to take a lot of time in Canada to take a hard look at how we manage these resources in terms of the licensing and who is going to come in. There's really nothing on the books to stop anybody coming in with enough money, buying up every licence and buying up the entire food source on the West Coast and East Coast. There are people and countries out there that do have the money. They often have the inclination, as well.

As the senator aptly put in her speech, there are all types of things I don't like about the bill. There are a couple of things in particular I do like about the bill. One is the fact that my private member's bill, Bill S-238, will be incorporated into this bill.

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

**Senator MacDonald:** Maybe we can stall this bill a few more days and get mine passed first, so it doesn't become superseded, because it will be.

The other more serious thing is that we have to — and it's one of the things I support in this bill and one of the reasons I'm going to vote for this bill — is that the issues raised by Senator Stewart Olsen are legitimate. As the world changes and becomes smaller in one way but bigger in terms of the market for these products, we have to take a very responsible look at how the country manages this resource. If this bill is at least a first step and maybe an awakening of how we should manage these resources, then I accept that as being something positive in the bill.

• (1550)

I encourage people to take the same look at these provisions. As the senator aptly puts it, again, we are more than willing to deal with the deficiencies in the bill in the new Conservative government.

**Hon. Senators:** 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 Christmas, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

### GIRL GUIDES OF CANADA BILL

PRIVATE BILL—THIRD READING—MOTION IN AMENDMENT—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Cordy, for the third reading of Bill S-1002, An Act respecting Girl Guides of Canada.

And on the motion in amendment of the Honourable Senator Dalphond, seconded by the Honourable Senator Dupuis:

That Bill S-1002 be not now read a third time, but that it be amended on page 8 by adding the following after line 17:

“**16.1 (1)** Directors of the Corporation are jointly and severally, or solidarily, liable to employees of the Corporation for all debts not exceeding six months’ wages payable to each employee for services performed for the Corporation while they are directors.

(2) A director is not liable under subsection (1) unless

(a) the Corporation has been sued for the debt within six months after it has become due and execution has been returned unsatisfied in whole or in part;

(b) the Corporation has commenced liquidation and dissolution proceedings or has been dissolved and a claim for the debt has been proved within six months after the earlier of the date of commencement of the liquidation and dissolution proceedings and the date of dissolution; or

(c) the Corporation has made an assignment or a receiving order has been made against it under the Bankruptcy and Insolvency Act and a claim for the debt has been proved within six months after the date of the assignment or receiving order.

(3) A director, unless sued for a debt referred to in subsection (1) while a director or within two years after ceasing to be a director, is not liable under this section.

(4) If execution referred to in paragraph (2)(a) has issued, the amount recoverable from a director is the amount remaining unsatisfied after execution.

(5) A director who pays a debt referred to in subsection (1) that is proved in liquidation and dissolution or bankruptcy proceedings is subrogated to any priority that the employee would have been entitled to and, if a judgment has been obtained, the director is

(a) in Quebec, subrogated to the employee’s rights as declared in the judgment; and

(b) elsewhere in Canada, entitled to an assignment of the judgment.

(6) A director who has satisfied a claim under this section is entitled to recover from the other directors who were liable for the claim their respective shares.”

**Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals):** Honourable senators, I note this item is at day 15 and I’m not ready to speak to it right away. Therefore, I move that further debate be adjourned until the next sitting of the Senate for the balance of my time.

(On motion of Senator Mercer, debate adjourned.)



**EMANCIPATION DAY BILL***[English]*

## SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bernard, seconded by the Honourable Senator Forest, for the second reading of Bill S-255, An Act proclaiming Emancipation Day.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I note this item is at day 14. If I may, I will take the adjournment for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

*[Translation]*

**STUDY ON NEW AND EMERGING ISSUES FOR CANADIAN IMPORTERS AND EXPORTERS WITH RESPECT TO COMPETITIVENESS OF CANADIAN BUSINESSES IN NORTH AMERICAN AND GLOBAL MARKETS**

TWENTY-FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Black (*Alberta*), seconded by the Honourable Senator Bovey:

That the twenty-fourth report of the Standing Senate Committee on Banking, Trade and Commerce, tabled on Tuesday, October 16, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Finance being identified as minister responsible for responding to the report.

**Hon. Pierrette Ringuette:** Honourable senators, first of all, I must say that I'm troubled by this twenty-fourth report of the Banking, Trade and Commerce Committee entitled "Canada: Still Open for Business?".

Like Senator Tkachuk, I've been a member of that committee for quite some time. My interest in economic matters should come as no surprise to my fellow senators, but because of my surgery last fall, I had to step back temporarily. However, my temporary absence in no way diminished my interest in our studies.

I will comment on the study as it relates to two major issues, first, with regard to its recommendation for a Royal Commission on taxation, and second, with regard to our tax competitiveness.

Tax systems around the world are complex and Canada's does not stand out as being a simple one to apply. Over the years, additional complex regulations created the necessity for the Canada Revenue Agency to issue interpretive documents. Navigating the tax system is not an easy task for individuals or corporations.

I don't know how many countries in the world have tax courts, but it seems to me that this Canadian entity is quite busy.

The twenty-fourth report of the Banking Committee recommends a Royal Commission on taxation to examine Canada's tax system with the goal of improving efficiency, simplicity and international competitiveness. I do not believe that a Royal Commission is necessary to improve the efficiency of the system and simplify it. In fact, I believe that the most appropriate group to recommend efficiency and simplicity to the current system would be a combination of current Canada Revenue Agency employees along with former and current tax court judges mandated as a one-year task force to recommend efficient and simple statuses and rules.

This focused expert task force can deliver within a one-year time frame. The recommendations of a Royal Commission with a three-year mandate are not required to simplify our tax act. However, it would provide a grand stage for some corporate entities to apply pressure for a reduction in their taxes.

In fact, for decades corporate Canada has been lobbying not only for tax cuts for themselves, but they have also been arguing that taxes for small- and medium-sized businesses should be increased, stating that some SMEs do not want to grow their businesses so that they would be taxed at a lower rate.

Based on that premise, if you believe that SMEs do not want to grow their businesses, then I ask: Have you ever met a businessperson who does not want to grow their enterprise? Have you ever met such a person? Of course, if corporate Canada manages to force increased taxes for SMEs, then their next step would be that all businesses should pay the same taxes, regardless of their size.

**BUSINESS OF THE SENATE**

**The Hon. the Speaker:** I'm sorry to interrupt you, Senator Ringuette. This matter will stand adjourned in your name for the balance of your time. It is now 4 p.m. The Senate has come to the end of government business. Pursuant to the orders adopted on February 4, 2016, and May 9, 2019, the sitting is suspended.

The bells will ring at 5:15 p.m. to call in the senators for a deferred vote at 5:30 p.m.

Call in the senators.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1730)

### FOOD AND DRUGS ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS—MOTION TO REFER MOTION AND MESSAGE FROM COMMONS TO COMMITTEE—MOTION IN AMENDMENT NEGATIVED

On the Order:

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

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

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

And on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Bovey:

That the motion, together with the message from the House of Commons on the same subject dated September 19, 2018, be referred to the Standing Senate Committee on Agriculture and Forestry for consideration and report.

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

That the motion be not now adopted, but that it be amended to authorize the Standing Senate Committee on Agriculture and Forestry, without limiting the committee's right to invite other witnesses as it may decide, to invite the following witnesses:

1. Dairy Farmers of Canada;
2. Grain Growers of Canada;
3. National Miller's Association;

4. The Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Health; and
5. The Honourable Marie-Claude Bibeau, P.C., M.P., Minister of Agriculture and Agri-Food.

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

That the motion be not now adopted, but that it be amended to authorize the Standing Senate Committee on Agriculture and Forestry, without limiting the committee's right to invite other witnesses as it may decide, to invite the following witnesses —

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

Anderson	McInnis
Ataullahjan	McIntyre
Batters	Mercer
Black ( <i>Alberta</i> )	Mockler
Campbell	Munson
Carignan	Neufeld
Dagenais	Ngo
Dawson	Oh
Downe	Patterson
Doyle	Plett
Eaton	Poirier
Francis	Richards
Frum	Smith
Greene	Stewart Olsen
Griffin	Tannas
Housakos	Tkachuk
MacDonald	Verner
Manning	Wallin
Marshall	Wells
Martin	Wetston—41
McCoy	

### NAYS THE HONOURABLE SENATORS

Bellemare	Joyal
Bernard	Klyne
Boehm	Kutcher
Boniface	Lankin

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Bovey	Massicotte	Gagné	Simons
Busson	McCallum	Gold	Sinclair
Christmas	McPhedran	Harder	Woo—45
Cormier	Mégie	Hartling	
Coyle	Mitchell		
Dalphonf	Miville-Dechéne		
Dasko	Moncion		
Deacon ( <i>Nova Scotia</i> )	Moodie		
Deacon ( <i>Ontario</i> )	Omidvar		
Dean	Pate	Nil	
Duncan	Petitclerc		
Dupuis	Pratte		
Dyck	Ravalia		
Forest	Ringuette		
Forest-Niesing	Saint-Germain		

ABSTENTIONS  
THE HONOURABLE SENATORS

(At 5:38 p.m., pursuant to the orders adopted by the Senate on February 4, 2016, and May 9, 2019, the Senate adjourned until 1:30 p.m., tomorrow.)

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