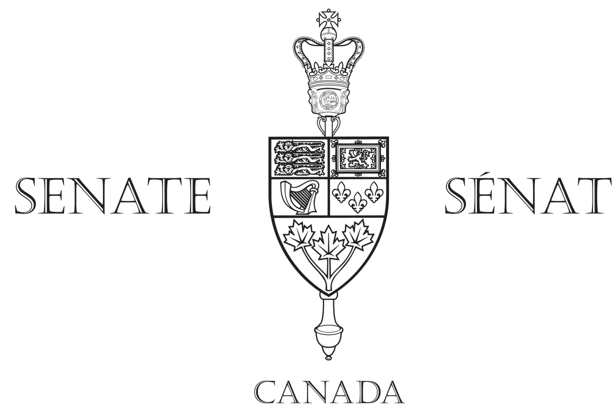

DEBATES OF THE SENATE

1st SESSION 42nd PARLIAMENT VOLUME 150 NUMBER 290

OFFICIAL REPORT
(HANSARD)

Thursday, May 16, 2019

The Honourable GEORGE J. FUREY,
Speaker

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

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THE SENATE

Thursday, May 16, 2019

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SMART CITIES CHALLENGE

Hon. Robert Black: Honourable colleagues, I rise today to congratulate my home community of Wellington County and the City of Guelph, here in Ontario, on being one of the four winners of the Smart Cities Challenge.

The challenge, which was run by Infrastructure Canada, was open to all municipalities, local and regional governments and Indigenous communities across Canada.

Consulting with residents, the participating communities submitted applications over a year ago. Finalists were selected by a jury and given $250,000 in grants to develop a final proposal.

The winners were announced just last Tuesday.

Wellington County won $10 million, which will go towards creating programs contributing to Canada's first circular food economy.

In Canada, we know in general that more than one third of the food produced is thrown out and wasted. At the same time, one in six families experiences food insecurity.

If you are thinking that's not right, well, I agree, and so do the people of Guelph and Wellington County. Their initiative aims to increase access to nutritious foods while also creating jobs and reducing our carbon footprint.

Hopefully, Guelph and Wellington County's example will lead other communities to undertake similar projects in coming years.

I would also like to briefly recognize the other winners.

The City of Montreal won the $50 million prize, which was open to all communities regardless of size.

The other $10 million prize, which was open to communities under 500,000 people, was won by the communities across Nunavut.

The town of Bridgewater, Nova Scotia, won the $5 million prize, which was open to communities of under 30,000 people.

I am absolutely confident that this money will be put to good use in making these communities smarter, healthier and more livable.

Congratulations to Guelph and Wellington County and all the other winners. I look forward to the results of their upcoming initiatives.

Thank you.

CRIMEAN TATAR DEPORTATION MEMORIAL DAY

SEVENTY-FIFTH ANNIVERSARY

Hon. A. Raynell Andreychuk: Honourable senators, May 18 marks Crimean Tatar Deportation Memorial Day. The Crimean Tatars are a Turkic-speaking Muslim people indigenous to the Crimean Peninsula in Ukraine.

Seventy-five years ago, the Tatars were forcibly removed from their ancestral homeland and relocated to Central Asia under the mass deportation policies of Joseph Stalin.

Thousands did not survive the long and perilous journey.

Those who survived lived in exile until the collapse of the Soviet Union, at which time they returned to their homeland in Ukraine.

We are honoured today to welcome prominent Crimean Tatar activist and former Soviet dissident Mustafa Dzhemilev to Ottawa.

Mr. Dzhemilev embodies the true strength and resilience of the Crimean Tatar people. He spent 15 years in prison for his defiance of the Soviet regime. While imprisoned, he endured a hunger strike for more than 300 days.

Today, Mr. Dzhemilev serves as the Commissioner of the President of Ukraine for the Affairs of the Crimean Tatars.

Nevertheless, he remains unable to return to his homeland.

In 2014, the international community witnessed a grave violation of international law with the illegal annexation of the Crimean Peninsula by the Russian Federation.

Today, the Tatars, along with other Ukrainians and ethnic minority groups, face renewed repression and persecution in occupied Crimea.

Tatar leaders and activists are subject to violent attacks, forced disappearances and unlawful detention.

Tatar literature has been banned and the Tatar language suppressed. Unlawful home searches are applied systemically to further intimidate innocent civilians.

The Mejlis, the top legislative body of the Crimean Tatars, has been banned and declared an extremist organization, exemplifying a further assault on the civil and political rights of the Tatars.

During a previous visit to Canada, Mr. Dzhemilev appeared before the Standing Senate Committee on Foreign Affairs and International Trade.

Allow me to share his words with you:

> This atmosphere of increasing fear, the abductions, the executions is what makes our people leave their homeland. Can you imagine the tragedy of these people who, for many years, tried to come back to their homeland, and right now they are forced to leave their Crimea once again?

Honourable colleagues, we must remain steadfast in our commitment to denounce and discourage Russia's aggressive policies and actions in the occupied territories of Ukraine. Let the Crimean Tatars have their homeland.

[*Translation*]

LAUNCH OF ÉGIDES

INTERNATIONAL FRANCOPHONE ALLIANCE FOR EQUALITY AND DIVERSITY

Hon. Julie Miville-Dechêne: Honourable senators, as we mark the 50th anniversary of the decriminalization of homosexuality, Quebec is taking a big step today to help LGBTQI people in the francophone community.

Just two hours ago, the Government of Quebec officially launched a new international organization, a bold initiative aimed at empowering LGBTQI people to stand up for their rights in the francophone world. This initiative involves 33 countries. Quebec became a pioneer in defending these rights in 1977, when it banned discrimination on the basis of sexual orientation under the Quebec Charter of Human Rights and Freedoms. It is time to look beyond our borders and offer our support and expertise to LGBTQI people who are often going through hell on earth.

Being gay is still fully illegal in 14 francophone countries in Africa, the Middle East and the Caribbean, and there are other places where sexual diversity is barely tolerated and violent street attacks and public shaming are common.

I witnessed that first-hand when I served as the Quebec government's envoy for human rights and freedoms. I met with gay and lesbian youth in Africa who were hiding their sexual orientation from their families, who were losing their jobs at the slightest rumour, and who were being arbitrarily stopped in the streets and thrown into prison. All those people are asking for is the right to life and liberty, fundamental rights that we take for granted.

Égides – l'Alliance internationale francophone pour l'égalité et les diversités was launched today. It is a new network to promote LGBTQI rights. It will support the creation of partnerships and safe and inclusive spaces for dialogue and promote the sharing of resources and information, particularly with regard to training.

• (1340)

This is not about imposing our values on others, but to create safe and inclusive spaces to give those who need it the ability to wage their fight for greater recognition in their communities at their own pace and in their own way.

Such a network already exists in the English-speaking world. It is called the International Lesbian, Gay, Bisexual, Trans and Intersex Association. I am proud that Quebec took the initiative to give LGBTQI francophones around the world such an alliance in their language. Thank you.

Hon. Senators: Hear, hear!

ROYAL CANADIAN LEGION POST 144

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to tell you about an important Canadian treasure I discovered earlier this year during my first trip to Florida.

[*English*]

There is a special Royal Canadian Legion Post 144, Pinellas County, which is housed within the American Legion Turner-Brandon Post 7, in Clearwater, Florida, among the first posts formed in the United States. It is the perfect symbol of the long-standing bond between our two countries whose men and women have stood shoulder to shoulder in war and peace.

Originally known as the St. Petersburg Post 144 Canadian Legion of the British Empire Service League, The Royal Canadian Legion Post 144 was founded in 1941. Members of the Post represent many branches of the United States and British Empire Forces. This is a milestone year for the Turner-Brandon Post 7 Legion, which marks the centenary of the American Legion.

On March 25, I had the honour of presenting eight Ambassador of Peace Medals issued by the Government of the Republic of Korea to the heroes of the Korea War and those who served in the UN peacekeeping mission that followed the signing of the armistice.

Medals were presented to family and friends of the late James D. Bell, John A. Smith, Ralph L. Merrit and Henry Edsel Ford, childhood friends who served together and paid the ultimate sacrifice together in Korea.

Medals were also presented to Ben St. Clair, a U.S. veteran; Anthony Joseph Bazarewsky, a U.S. naval veteran; Kathy Hunter on behalf of her father, the late Frank Steers, a Canadian veteran; and Geraldine and Larry Boudreau on behalf of Larry's father, the late Norman Joseph Boudreau, a U.S. veteran.

There was not a dry eye in the room as family members and veterans accepted these medals of honour.

[*Translation*]

This special event to pay tribute to these heroes of the Korean War was organized by HooJung Jones Kennedy and retired Major Don Kennedy.

[*English*]

HooJung is one of the truest champions of our Korea War veterans, who serves as an honorary member of the Korea Veterans Association of Canada and co-authored the book *Canadians Our Heroes 1950 1953 Korean War* and serves as a Director of Friends of HMCS *Haida*. She has received many awards for her tireless volunteerism and leadership, including the prestigious Legion of Honour award from the Chapel of Four Chaplains.

Don Kennedy, her husband, is a retired Canadian Armed Forces Major with over 43 years of service. He is an honorary member of the KVA of Canada and has dedicated his life to serving his country.

Honourable senators, I ask you to join me in honouring our heroes of the Korea War and all of our men and women in uniform past, present and future who have and will always answer the call of duty. We will remember them.

Hon. Senators: Hear, hear.

INDIGENOUS YOUTH IN STEM PROGRAMS

Hon. Lillian Eva Dyck: Honourable senators, I rise today to highlight the inSTEM Program offered by the charitable program Actua. Actua received funding from the Government of Canada Future Skills Centre to expand their program to include northern Indigenous communities in the Yukon, Northwest Territories and northern Alberta. Over the next two years, 65 to 75 Indigenous youth in these regions will be able to participate in the program thanks to the $2.3 million in funding.

For the past 25 years, Actua's inSTEM program has sought to engage Indigenous youth in the world of science, technology, engineering and mathematics in a culturally relevant manner.

There are two parts of the program. During the academic year, students will get credit on their transcripts for an Indigenous science course, and then in the summer they take part in a land-based program in their communities for 11 to 15 days. For example, one land-based learning activity saw a group of students from Six Nations Polytechnic go canoeing. While canoeing, they learned traditional stories of water and the scientific properties of water with an emphasis on sustainability and protecting it for future generations.

Mr. Doug Dokis, Director of inSTEM, stated:

> It's letting these youth in these regions know the local knowledge they inherently have is equally as valuable as a STEM knowledge that they're receiving within the school systems.

Participants in the program receive high school credits. The hope is that this will increase graduation rates. The 2016 census found that 86 per cent of Canadians aged 25 to 64 had earned a high school diploma or equivalency certificate, while only 70 per cent of Indigenous people of the same age group had done the same. As Director Dokis states:

> The greatest barrier between Indigenous youth and their career pathways is high school graduation rates.

Jennifer Flanagan, CEO of Actua said:

> The organization's priority is to look for people missing from the science and technology sector and to develop programs across the country that can engage those youth. This includes programs for at-risk youth and female youth.

Congratulations to Actua for obtaining their new funding which allows them to deliver programs in northern communities. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

COSTS ASSOCIATED WITH REPLACING THE FEDERAL PAY SYSTEM—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer entitled *Costs Associated with Replacing the Federal Pay System*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FORTY-FIRST REPORT OF COMMITTEE PRESENTED

Hon. Sabi Marwah, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 16, 2019

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

FORTY-FIRST REPORT

Your committee recommends that the following funds be released for fiscal year 2019-20.

Scrutiny of Regulations (Joint)

General Expenses	$	2,250
Total	**$**	**2,250**

Respectfully submitted,

SABI MARWAH
Chair

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

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

TRANSPORT AND COMMUNICATIONS

SIXTEENTH REPORT OF COMMITTEE TABLED—UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL COMMITTEE DOCUMENTS

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the sixteenth report of the Standing Senate Committee on Transport and Communications, which deals with the unauthorized disclosure of confidential committee documents.

STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES

TWENTY-THIRD REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Gwen Boniface: Honourable senators, I have the honour to table, in both official languages, the twenty-third report (interim) of the Standing Senate Committee on National Security and Defence entitled *Sexual Harassment and Violence in the Canadian Armed Forces* and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

• (1350)

ARCTIC

BUDGET—THIRD REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Dennis Glen Patterson, Chair of the Special Committee on the Arctic, presented the following report:

Thursday, May 16, 2019

The Special Committee on the Arctic has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Wednesday, September 27, 2017, to consider the significant and rapid changes to the Arctic, and impacts on original inhabitants, respectfully requests funds for the fiscal year ending March 31, 2020.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DENNIS GLEN PATTERSON
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 4781-4787.*)

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

(On motion of Senator Patterson, report placed on the Orders of the Day for consideration two days hence.)

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—
STUDY ON THE FEDERAL GOVERNMENT'S RESPONSIBILITIES
TO FIRST NATIONS, INUIT AND METIS PEOPLES—
EIGHTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Lillian Eva Dyck, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, May 16, 2019

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

EIGHTEENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, February 2, 2016, to study the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples, respectfully requests funds for the fiscal year ending March 31, 2020, and requests, for the purpose of such study, that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

LILLIAN EVA DYCK
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 4788-4793.*)

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

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

[*Translation*]

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

PETITION TABLED

Hon. Murray Sinclair: Honourable senators, I have the honour to table a petition of residents of Ontario concerning Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

QUESTION PERIOD

JUSTICE

VICE-ADMIRAL MARK NORMAN

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

Senator Harder, on Monday you said there was no political interference in the Mark Norman case because the people responsible for enforcing the law and for prosecutions handled the case independently.

[*English*]

In reality the government did not fully disclose all relevant documents to both sides in this case and, indeed, fought very hard to keep the documents hidden. As Marie Henein, Mark Norman's lawyer, told a press conference last week, "For six months we have tried day in, day out to get that material. It should have been handed over. It should have been handed over to the RCMP. It should have been handed over to the prosecution. It was not. As to why, I don't know. I leave you to answer that."

Senator Harder, a court order had to be issued. Why did the government hide documents from the authorities and the defence? Is that not a form of interference?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The Government of Canada, as any government, has the obligation to ensure that cabinet confidences and other confidential materials that are appropriately protected are, in fact, protected. There is often contestation in respect of what those documents might be.

The Government of Canada has complied fully with the requests in the circumstances that involved Vice-Admiral Norman. This matter is one that, as I've repeated several times now, has been under the independent management of the RCMP in the case of the police and of the prosecution service in the case of the prosecution itself.

Senator Smith: Even after the court ordered the government to release the documents, the government did not fully comply. For example, in January the court heard that the Chief of the Defence Staff, Jonathan Vance, and the Chief of Staff to the Minister of National Defence did not search their personal telephone and email accounts for information related to the Mark Norman case despite being instructed to do so.

Senator Harder, the government's actions in this case are the complete opposite of the openness and transparency it promised Canadians. By not obeying the court order and withholding documents, wasn't the government trying to weigh the scales of justice against Mark Norman?

Senator Harder: I thank the honourable senator for his question. Let me again reassure him that the Government of Canada has provided the information that it was able to provide

and that the independent prosecution service determined that prosecution should take place. The independent service also concluded that a stay of prosecution should occur. As far as the government is concerned, this matter is at arm's length from the government and in the appropriate authority of the prosecution service.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Leader of the Government in the Senate. In 2017, the Minister of Defence, Harjit Sajjan, stated that he supported the Chief of the Defence Staff's decision to suspend Vice-Admiral Mark Norman. Oddly, that was over a year before Mr. Norman was charged with breach of trust for allegedly disclosing government secrets about military procurement. What did he know at the time?

If the government you represent were transparent, it would allow us to question witnesses to find out what the minister, the Prime Minister and the Prime Minister's entourage had to do with this latest in a series of Canadian justice system wranglings.

As if the government's suspect decision were not enough, neither Minister Sajjan nor Prime Minister Justin Trudeau were in the House when MPs voted unanimously to apologize to Vice-Admiral Mark Norman. For a Prime Minister who has made a habit of apologizing for all kinds of things since taking office, that is surprising, to say the least.

Does Minister Sajjan still have the credibility and legitimacy to hold office in this government?

[*English*]

Senator Harder: I thank the honourable senator for his question. Of course, the government has full confidence in the Minister of Defence. Minister Sajjan has performed his extraordinary role with great diligence and has accomplished much in almost three and a half years in office.

I should also speak to the premise of the question. Given the implied criticism of the Prime Minister not being in the House of Commons at the time the house took a particular vote with respect to the vice-admiral, I should assure all Canadians in this house that the Prime Minister was on his way to Toronto to host a dinner for the visiting Prime Minister of Croatia, which of course is an appropriate and completely compelling reason not to be in the House of Commons.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

DETENTION OF CANADIANS IN CHINA

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

• (1400)

I'd like to come back to something the Government Leader said in this chamber yesterday. I quote:

> Clearly, if we had an extradition treaty with China, we would be in a better situation with respect to the management of some of our consular issues. But the fact is that the extradition negotiations haven't led to fruition at this point, and that has consequences in a real sense for Canadians who are in a state of concern that we all have for their well-being in China.

Senator Harder, on this side, that quote has created some confusion amongst my colleagues because, to our knowledge and as defined in the Extradition Act, an extradition treaty would mean that Canada would ask China to arrest, detain and extradite someone to be prosecuted here for offences committed under Canadian laws. I can't see how an extradition treaty with China would help in any way Mr. Spavor and Mr. Kovrig. The rules involving consular assistance are in the Vienna Convention. Could you let us know how you and Mr. Trudeau believe that an extradition treaty with China would allow Canadians to ask China to extradite Canadian citizens who have committed no crime in Canada just so we can free them from China?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Clearly if we had concluded — and hopefully we will at some point — an extradition treaty with China, there would be a better understanding on all sides of the appropriate rule of law governing extradition processes which would not have lead to the misunderstanding and certainly the misapprehensions that are obviously in play with respect to the actions Canada has taken in the situation of Ms. Meng. Had that understanding been available and had the clarity of the Canadian rule of law been in place, we may not have been in a situation where Canadians are in detention.

That was my intention and the reason I said that. I'm well aware of the basis on which consular access is provided but a better understanding of our respective judicial systems and the way in which extradition treaties are managed would have benefited both sides and, in particular, the Chinese understanding of Canada's extradition process.

Senator Housakos: Honourable senators, the question at issue here is not whether ours is a country of the rule of law while China has a different rule of law and making a comparison. The

question here is whether we have a government that has been inactive and incapable of improving Canada-Chinese relations to the point of helping Canadian citizens whose lives are in danger.

You also cautioned yesterday, Senator Harder, about my questions regarding Mr. Spavor and Mr. Kovrig. You said:

> I would also caution you to place, as the honourable senator is anxious to do, the situation in the hands of our Prime Minister. These were decisions taken by the Government of China.

You also said:

> It is important that we not seek to have partisan advantage in a situation where Canadian lives are at stake.

Let me quote the Honourable Stéphane Dion, then a member of the Liberal opposition in the house, asking a question on January 26, 2015 about Raif Badawi who is in a Saudi jail:

> Will the Prime Minister intercede directly with the new Saudi king as requested by Mr. Badawi's spouse?

The same request for Prime Minister Harper to directly intervene was made by several Liberal members, including the Honourable Irwin Cotler and the Honourable Marc Garneau, currently a minister in the government of Justin Trudeau.

Senator Harder, why do you think parliamentarians should not ask inconvenient questions about the inaction of Prime Minister Trudeau regarding Canadians who have been jailed in China? Or is it as usual on the part of Senator Harder and our colleagues here — it is only partisan when it is a Conservative who is asking the hard and difficult questions?

Senator Harder: I thank the honourable senator for his question. Let me, first of all reassure Canadians in this chamber that the Prime Minister has, from the very beginning of the situation involving, first, Mike Kovrig, and then subsequently other Canadians, been personally and deeply involved. Other ministers have been involved and, as I've indicated in a longer answer to a previous question, Canada has engaged with a number of allies who, themselves, have brought to bear their concerns and interests on the matter to the Government of China.

As recently as a few hours ago, in a press interview, the Prime Minister from Paris said:

> We will continue to work with our allies and work directly with China to ensure that they understand that we are a country of the rule of law, and we will allow our legal processes to unfold independently while at the same time we will always stand up for Canadians and will continue to.

It is important for us all to recognize, particularly on a day on which two Canadians were formally charged, that we should work together to minimize the risk to their well-being and to work closely on all avenues that could lead to a successful conclusion.

It was not that long ago — a number of decades — that the tragic events at Tiananmen Square took place. Nobody in Canada blamed Mr. Mulroney for the coolness of diplomatic relations at that time. It was clear. Similarly, the coolness of the relationship right now is the result of Chinese actions. That is what I said earlier. That is what the Government of Canada is seeking to repair.

CHINA—HUMAN RIGHTS

Hon. Thanh Hai Ngo: My question is for Leader of the Government in the Senate. China has forcibly confined between 800,000 to 2 million Uighur Muslims in as many as 1,200 Communist re-education camps, one for every township and county in Xinjiang. In these camps, Muslims are tortured, compelled to renounce Islam and forced to embrace the Communist leadership. They have been physically isolated, physically persecuted and cleansed from their identity. A cultural genocide is underway in China. Yet not a single Chinese official has been sanctioned under the Magnitsky Act.

Why is Canada failing to apply its own law against Chinese officials who have committed clear violations of international human rights standards that have been established to address exactly those types of atrocities?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Let me say that the Government of Canada and, indeed, working with other governments of a like-minded nature have brought to the attention of the Government of China and other international organizations who have a role in this matter our concerns with respect to the Uighur population in China. It is important that we coordinate our actions so that they can have maximum effect and lead to a change of circumstances. That is what the Government of Canada is intent on doing.

Senator Ngo: Thank you, Senator Harder. On that point, I commend the government, but it is not enough. It must take actions against Chinese foreign corrupt officials like it did against 30 Russians, 19 Venezuelans, 3 from the South Sudan and 1 leader in Myanmar and 17 Saudi Arabian citizens linked to the murder of journalist Jamal Khashoggi.

There is a massive crime against humanity being perpetrated in China. It is exactly the type of situation for which the Magnitsky Act was intended to be used. If they cannot be kept to account in China, at least we can keep them accountable here before it is too late.

The fact of the matter is that Canada never sanctions alone, so will the government rally international support to begin establishing sanctions against corrupt and rights-abusing foreign Chinese officials?

Senator Harder: I thank the honourable senator for his question. He notes a number of situations where, quite appropriately, the Government of Canada has taken action. He will know, I hope, that in each of those actions they were coordinated with like-minded countries to have maximum effects in the circumstances. That is the approach the Government of Canada takes on these matters.

FINANCE

MONEY LAUNDERING AND TAX HAVENS

Hon. Paul E. McIntyre: Honourable senators, my question for the Government Leader today is one that I had hoped to ask Minister Morneau on Tuesday. It concerns money laundering.

Last week, an organization which the minister formerly chaired, the C.D. Howe Institute, published a report which looked at the prevalence of money laundering in Canada.

• (1410)

It recommended that Canada tighten its beneficial ownership regime by creating a public registry of corporations, business trust and real estate, requiring mandatory beneficial ownership declarations and enforcing sanctions on false declarations.

I listened to the minister's answers to Senator Day and Senator Joyal on this point, but the minister did not actually say what he thought of the national ownership registry other than saying we have to work with the provinces. Leader, could you please ask his office for a written response concerning a national registry?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and I would be happy to do so.

Senator McIntyre: As the government leader knows, the subject matter of Bill C-97 is currently before the Senate. As I understand, the bill amends the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. I note that it does not introduce meaningful changes to the beneficiary regime as part of the amendments in Bill C-97, changes that provinces could have used as a starting point for their own regulatory regime around beneficial ownership. Leader, when making inquiries to the minister, could you ask him to explain why his department has not taken a leadership role in this respect?

Senator Harder: I thank the honourable senator for his question and I will do that. I would also hope that in the pre-study and when the bill comes before the Senate Finance Committee these questions can be explored in more detail.

QUESTION OF PRIVILEGE

Hon. Dennis Glen Patterson: I rise on a point of privilege which I make orally.

The Hon. the Speaker: Before Senator Patterson continues, Senator Patterson is raising a question of privilege. As all senators will know, it normally requires written notice three hours before a sitting. However, rule 13-4 allows for a question of privilege to be raised after the time has expired and a previous ruling of a Speaker in this chamber has indicated that if the matter arises after the time for giving notice and before the sitting, it can be entertained.

Senator Patterson: Thank you, Your Honour.

I make this point of privilege orally since I was engaged in Senate business last night and committees this morning and just received notice of this tweet over the lunch hour. Here is the background.

The Committee on Transport and Communications invited amendments on Bill C-48 for consideration by the committee. The deadline was Monday of this week and, as critic of bill, I drafted six amendments. At the request of Senator Miville-Dechêne, I was happy to meet with her to discuss my amendments, which were similar to some she had proposed. We talked about how we might work together to possibly marry our two amendments. I was pleased when she told me that she saw merit in my amendment relating to the Nisga'a, but I very clearly told her that I am part of a caucus which works together on a strategy to approach what she must know we consider a deeply flawed and divisive bill, Bill C-48.

I clearly said to her that the approach our caucus will take is "bigger than me." I told her our caucus would be meeting before the committee met last night. Senator Miville-Dechêne then said, "tell me if you are not going to move your amendment" — which she thought was perhaps slightly improved over hers — "and I'll move mine." "Give me a signal," she said. Our caucus met shortly before the committee and decided we would not proceed with any amendments. I told the honourable senator shortly before the meeting began that I would not be proceeding with any of my amendments. My director of parliamentary affairs also told her assistant with whom we had met on Tuesday and Wednesday.

The tweet she sent out in the early hours of the morning said:

> Too bad the Conservatives lied to their ISG Senate committee colleagues and said they would table six amendments to improve the bill. Lots of waste of time. You could have at least been honest.

She has called me a liar and dishonest and, by the way, I'm the only Conservative Party senator who moved amendments, so the tweet clearly referred to me. I did not say, "you can count on me to move my amendments," I clearly said that is subject to meeting with my caucus.

Your Honour, it is my right whether to proceed or not proceed with my amendments. I submit that calling a senator a liar and dishonest is a serious breach of parliamentary privilege, especially when it is not factually true.

I ask that you review this matter and consider whether Senator Miville-Dechêne should be asked to apologize and delete her tweet.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Pierrette Ringuette: Your Honour, it's unfortunate that the senator in question is not here to provide her comments. I don't know what your instructions would be in this circumstance. She is in committee.

The Hon. the Speaker: Senator Ringuette, I believe Senator Patterson has asked that I review the whole matter, which would mean that unless other senators wish to enter the debate I would take the matter under advisement.

Senator Housakos, did you wish to say something?

Hon. Leo Housakos: Colleagues, on a point of order, as you all know, you cannot refer to a colleague who is not present in the chamber by name. I think that should be struck from the record and we should be cognizant of that rule.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Thank you for raising that Senator Housakos.

Hon. Rosa Galvez: I was there last night for the situation that Senator Patterson described. Again, it was a very confusing situation because in the previous meeting we were given the impression that the Conservative caucus was going to move six amendments. Senator Boisvenu explained at length these six amendments. When the committee started, Senator Boisvenu and Senator Patterson were there and we were all under the impression that six amendments were going to be moved. Actually, I asked the chair to explain what was happening. I think that the answers given were not complete. We still had a lot of questions about why we used two hours of time discussing amendments that were not going to be put on there.

I think that was the frustration.

Hon. David Tkachuk: First of all, there were a number of amendments that were discussed from both sides. There might have been half a dozen Conservative amendments discussed. It was for one hour. We had Minister Garneau the first hour of the committee meeting and then we had one hour — I don't know if we spent the hour talking about the amendments. The point is that Senator Patterson said at the beginning of the meeting that he was withdrawing his amendments. That means they are his amendments, they are not anybody else's amendments. He made it clear he was withdrawing his amendments and would not be presenting them. We all understood that. There was no debate from the ISG or any other member about the fact that he was withdrawing his amendments. That debate came up in the middle of the bill when we were going through clause by clause. All you have to do is check the record. You will find that my description of what happened yesterday and Senator Patterson's description is exactly what happened.

Hon. Carolyn Stewart Olsen: I know that committee was very confused in a lot of places. They were doing valiant work with a bill that needed a lot of valiant work. In any case, I don't think that's the point for me. I think the point is that a senator, a colleague, used Twitter — which is available to most of Canada and the world — to call a senator a liar. I think that we shouldn't do that and I urge you to think about that as you ponder.

• (1420)

Hon. Donald Neil Plett: Very briefly, I was also at the meeting last night. A little bit in response to what Senator Galvez said, the fact that there is confusion does not mean somebody is lying. Not only, in my opinion, was Senator Patterson called a liar by a senator, I was called a liar because the tweet says, "Conservatives." I was part of that. Clearly, we were called liars on Twitter because someone is withdrawing amendments, which he or she has every right to do at any time they want, and that, confused or not, does not make anybody a liar.

Hon. Marilou McPhedran: I want to offer what I think is a point of information. We've just done a search and the tweet, if it was there, it is no longer there.

Hon. Paula Simons: I'm curious. Last night Senator Plett tweeted:

> You can tune in to the live stream of the Senate Transport Committee to watch Alberta Senator Paula Simons. . . . as she sells out her province by voting for Bill C-48. . . . #shameless.

Now, I don't take offence, but I just wonder, is there not something of a double standard here, especially given that I was neither selling out my province nor, indeed, voting in favour of Bill C-48?

[*Translation*]

Hon. Raymonde Gagné: Honourable colleagues, I think this serves as a call for decorum from all senators from all sides. We have to come to an agreement and treat each other with respect. I believe that the tweet from yesterday we are talking about was out of order, as are so many other tweets that my colleagues post.

Some Hon. Senators: Hear, hear!

Hon. Julie Miville-Dechêne: Honourable senators, I sincerely apologize to Senator Patterson for the words I used in a tweet on social media. I deleted the tweet as soon as possible. Senator Patterson, please accept my sincere apology for this ill-advised tweet.

As you know, I did not name any senators in this tweet, although that is no excuse. I did not name names.

This came after a tough week, but Senator Patterson was not the issue. The issue was more generally the opposition strategy, which led me to believe that we had concluded an agreement based on transparency and trust in the days preceding the clause-by-clause review of the bill.

Let me explain. The committee chair came to see me to say that we would be sharing our amendments. He said, "Put your amendments on the table and we will do the same. Then we will have a good, open, and cordial discussion on the amendments to understand them properly and see whether any amendments overlap."

In short, we showed transparency and trust on this issue. We had that meeting; we discussed amendments, and we even had other meetings to discuss very specific terms.

At that point, the Conservatives were to move six amendments and we, on our side, were to move three. Everything was on the table. I had no indication that the Conservatives were going to change their strategy. At least I was never informed of it.

At the start of the clause-by-clause study, all of the Conservatives' amendments were withdrawn. In the case of two of my amendments that had the same intent, the Conservatives chose — as is their right — not to vote on any amendment and to reject the entire bill.

They did act within the rules of the Senate. However, what upset me was that I had trusted in the process, and I felt that my trust had been betrayed, which led to my ill-advised statement.

Therefore, I sincerely apologize to Senator Patterson, whom I hold in high regard. We have had some very pointed and interesting discussions about the type of amendments we could move.

Thank you very much.

[*English*]

Hon. Rosemary Moodie: I would like to echo support for Senator Gagné's words. I do believe that we need to be leading by example for many reasons. Not only are we treating each other with some disrespect, we are also role-modelling for staff members the appropriateness of behaviour such as tweeting disrespectfully.

We are seeing this occurring. Not only are we seeing tweets occurring, but we are also being directly confronted by staff members of senators. This is becoming quite a disrespectful and toxic environment.

Some Hon. Senators: Hear, hear.

Hon. André Pratte: Senator Miville-Dechêne has apologized and withdrawn the tweet in question. Therefore, a question of privilege is raised notably so that the Senate can find a remedy to the situation. This is one of four criteria.

I believe that the remedy has now been found since an apology has been expressed and the tweet in question has been erased. Therefore, I don't think a point of privilege remains.

Senator Housakos: Your Honour, it's obviously for you to decide if the point of privilege remains or not. I'm rising simply to give my point of view on this issue.

Certainly Senator Miville-Dechêne is well within her right. We respect the fact that she rose to issue an apology to Senator Patterson, but she also owes an apology to the Conservative caucus because in her tweet she called the Conservative caucus liars. It is highly inappropriate to call any colleagues or groups in this place liars.

Colleagues, like I said, I have been in this chamber for over a decade. Over the last couple of years, with all due respect, I have seen the debate degenerate to levels I have not seen in the decade I've been here. In large part that degeneration has happened, in my humble opinion — and we've seen it on debate on this question of privilege, trying to justify why a senator was driven to the point to make the statements she made.

We are reliving on this chamber floor events that occurred at a Senate committee, which is on the record. It is in the transcripts. It has happened here more than once. What this really gives sign to is when we have committee decisions and votes at committees, there is always a group that wins and a group that loses. This is a partisan, political, democratic chamber. Depending on the side you are on in a given debate, on a given day, some days you win your point of view and some days you lose.

But just because you lose your point of view, as long as you lose it within the democratic process, within committee or within this chamber, within the rules, as long as the rules are respected, we take our marbles, go home and fight another day. We don't degenerate the debate because we came out on the losing side of things.

With respect to the Transport Committee, from my information, everything that transpired there was within the rules of the committee. As a result, we have an obligation to respect what transpired and not try to make it look like a bunch of Conservatives ganged up to kill Bill C-48 because, with all due respect, my understanding is there were other senators besides Conservative caucus members who voted on one side or another, and their right has to be respected as well.

That's what I wanted to share, Your Honour.

The Hon. the Speaker: Honourable senators, I think some of the comments are getting a bit repetitive. I really don't want to waste a lot of the chamber's time by hearing repetition of comments.

I do see Senator Miville-Dechêne and Senator Patterson rising. I will hear from both of them. Unless you have something entirely new to add to whether or not this is a valid question of privilege, please be respectful of the chamber's time.

[*Translation*]

• (1430)

Senator Miville-Dechêne: I would like to apologize to the senators who represent the Conservative Party, because it is true that in those tweets I referred to Conservative senators in general. I will therefore apologize and hope that this will bring the discussion to an end.

Some Hon. Senators: Hear, hear!

[*English*]

Hon. Stanley Paul Kutcher: Your Honour, as you consider your remedy, I wonder if you might think about the issue this technology is causing for all of us. It's clear that not just young people are having challenges using this technology. Maybe as senators we could all benefit from your wisdom about how we could learn to use this technology more appropriately.

Hon. Yonah Martin (Deputy Leader of the Opposition): I want to add something regarding what was called a Conservative strategy or this whole desire for transparency which we are doing in various ways.

However, I remember my first year as a senator. We were in government but not a majority, the Liberal Opposition was the majority. I was sponsoring a bill, and at third reading I recall you rising, Your Honour, and you moved an amendment which for me came as a complete surprise. It was at third reading on the chamber floor. You had the numbers and it got adopted. I remember asking myself what happened. I was quite panicked. I went to the back and you came out and said, “Are you okay, dear?”

I share this example to show that this is politics and this is a political chamber. We are part of the parliamentary system, the upper house.

There are amendments that will be shared and there are amendments that may not be shared. But it is part of a healthy democracy for us to address amendments that come forward, we can debate it fiercely and in the end the majority may rule. I wanted to share that example for your overall consideration.

Senator Patterson: I wish to say to my honourable colleague that I accept her most sincere apology, as she described it. I’m also satisfied that presumably she has now deleted the offensive tweet. I’m not a tweeter myself, so this is a bit of a new world that came to my attention today at the lunch hour.

I know we’ve all been working hard and late. I understand she may have been tired when she sent what she has described as an ill-advised tweet in the early hours of this morning. I thank her for her quick actions in apologizing and deleting the tweet. I consider the matter concluded.

SPEAKER’S STATEMENT

The Hon. the Speaker: I would like to thank all senators for their input into this very important and serious matter. Following Senator Patterson’s comments, I will consider the matter resolved and dealt with.

However, I remind honourable senators that in a previous ruling I did mention the use of social media. I caution that when you are using social media, please take your time before you send out tweets. If it is something you think will be offensive and you are not really sure whether or not it is something that is appropriate, I suggest you do not send, because it reflects poorly, not just on the people who are doing it, but on the whole chamber.

I believe Senator Gagné put it far more eloquently than I can and I believe her words about decorum should be kept in mind when we are using social media.

ORDERS OF THE DAY

OCEANS ACT
CANADA PETROLEUM RESOURCES ACT

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENT—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate agree to the amendment the House of Commons made to Senate amendment 1 to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to the message received on Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act.

The message creates a need for the minister to report on the following:

> (a) indicating the area of the sea designated in the order;
>
> (b) summarizing the consultations undertaken prior to making the order; and
>
> (c) summarizing the information that the Minister considered when making the order, which may include environmental, social, cultural or economic information.

Colleagues, I’m disappointed in this amendment. I feel that to call this a watered-down version of the amendment I proposed would be generous. This proposed wording removes all mention of the need for the minister to consult and cooperate with any jurisdiction, which was in the amendment approved by this chamber, prior to the issuing of an order for an interim MPA, which is at the sole discretion of the minister — whose lands or interests may be affected by the proposed order.

It removes the reasonable timelines that were in the amendment that would have ensured concerns raised were dealt with in a timely manner. It removed language that the government thought was good enough for Bill C-69, including the need to describe, “how the public was provided an opportunity for meaningful participation.”

I would just like to remind my colleagues how I came to draft this amendment.

At committee the President of the Inuvialuit Regional Corporation raised his persistent objection, despite the inclusion of a non-derogation clause during considerations by the House of Commons committee. Not all land claims are created equal and that added clause which came in an amendment in the bill did not

help restore the Inuvialuit Regional Corporation's faith in the ongoing impact and benefit negotiations. These same concerns were also raised in the House of Commons by Premier Bob McLeod of the Northwest Territories.

The Government of Nunavut raised this issue of the impact of this bill on devolution. Before commencement of devolution negotiations, an MOU was signed between Canada and the Government of the Northwest Territories and carried over to the Government of Nunavut to discuss and eventually settle the issue of co-management of the offshore. The lack of a requirement of express permission from the adjacent province or territory to proceed with the establishment of a Marine Protected Area has been interpreted by the Government of Nunavut as an act of bad faith, given the ongoing nature of the current devolution negotiations about a role for the Government of Nunavut in the offshore.

After the committee passed the amendment with 9 yeas, zero nays and 2 abstentions — I thank my colleagues from all sides for the support for my amendment — a letter was sent to the minister in support of the amendment by all three territorial premiers; Premier Silver of the Yukon, Premier McLeod of the Northwest Territories and Premier Savikataaq from Nunavut. I have a letter of support for the amendment from the Inuvialuit Regional Corporation. This amendment also addressed issues raised by Senator McInnis who brought forward concerns from his home province.

• (1440)

Honourable senators, that amendment reflected the voices and concerns of the regions and minorities, particularly the rights-holding Inuit of the Inuvialuit region. Of course, that's the very nature of our responsibilities here in the Senate, to speak up for regions and minorities. It is for that reason that I must insist upon my amendment.

MOTION IN AMENDMENT NEGATIVED

Hon. Dennis Glen Patterson moved:

> That the motion, together with the message from the House of Commons on the same subject dated May 13, 2019, be referred to the Standing Senate Committee on Fisheries and Oceans for consideration and report.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Seidman, that the motion, together with a message from the House of Commons on the same subject, dated May 13, 2019, be referred to the Standing Committee on Fisheries and Oceans for consideration and report.

Are senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 3:41 p.m.

Call in the senators.

• (1540)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson	McIntyre
Andreychuk	Mockler
Batters	Ngo
Boisvenu	Patterson
Carignan	Plett
Dagenais	Poirier
Eaton	Richards
Frum	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Manning	Tannas
Marshall	Tkachuk
Martin	Wallin
McCoy	Wells—29
McInnis	

NAYS
THE HONOURABLE SENATORS

Bellemare	Harder
Black (*Ontario*)	Klyne
Boniface	Kutcher
Bovey	LaBoucane-Benson
Boyer	Lovelace Nicholas
Busson	Marwah

Campbell	Massicotte
Cordy	McCallum
Coyle	McPhedran
Dalphond	Mégie
Dasko	Mitchell
Day	Miville-Dechêne
Deacon (*Nova Scotia*)	Moncion
Dean	Moodie
Downe	Munson
Duffy	Omidvar
Dupuis	Pate
Dyck	Petitclerc
Forest	Pratte
Forest-Niesing	Ravalia
Francis	Ringuette
Gagné	Simons
Galvez	Sinclair
Gold	Verner
Greene	Wetston
Griffin	Woo—52

ABSTENTIONS
THE HONOURABLE SENATORS

Bernard	Duncan—2

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENT ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate agree to the amendment the House of Commons made to Senate amendment 1 to Bill C-55, An Act to amend the Oceans Act and the Canada Petroleum Resources Act; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

The Hon. the Speaker: Are honourable 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.)

• (1550)

NATIONAL SECURITY BILL, 2017

TWENTY-SECOND REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twenty-second report of the Standing Senate Committee on National Security and Defence (Bill C-59, An Act respecting national security matters, with amendments and observations), presented in the Senate on May 15, 2019.

Hon. Gwen Boniface moved the adoption of the report.

She said: Honourable senators, I rise today to speak to the most recent bill studied by the Standing Senate Committee on National Security and Defence, Bill C-59, An Act respecting national security matters.

I want to take a moment to thank my colleagues on the committee for their cooperation to complete a thorough examination of the bill. In total, four amendments were made to Bill C-59, which I will outline for you, as well as 10 observations.

The first amendment surrounds Part 2 of the bill, dealing with the intelligence commissioner. It adds a new section 13.1 under "foreign intelligence authorization." This new section would allow the intelligence commissioner, in cases where she or he determines the conclusions of the minister were not reasonable, to refer the matter back to the appropriate minister along with conditions setting out what would make the conclusion reasonable. This amendment would affect the functions of the Communications Security Establishment in particular.

The second amendment concerns the "counselling commission of terrorism offence" found under the Criminal Code amendments to Part 7, clause 143 of the bill. The rationale of this amendment is to broaden the language slightly, as the term "counselling" was seen as too narrow by some of our witnesses.

The third amendment reduces the comprehensive review period from the sixth year down to the fourth year in subclause 168(1). A new subsection 1.1 in the same clause was accepted and will clarify what the comprehensive review must include, such as the effect of the act on CSIS, the RCMP and CSE, and their interaction with the National Security and Intelligence Review Agency, the intelligence commissioner and the National Security and Intelligence Committee of Parliamentarians. A subtle amendment to this new section was also agreed upon to include information sharing as part of the comprehensive review.

The fourth amendment adds a blank schedule to the act which would be populated by those particular deputy heads receiving direction in relation to Part 1.1 of the bill dealing with avoiding complicity in mistreatment by foreign entities. Should a deputy head receive a direction as contemplated by Part 1.1 of Bill C-59, they would then appear in the schedule.

As I previously mentioned, there were many observations appended to the report of Bill C-59 — 10 in total — and I would encourage fellow senators to review them.

Let me again thank all committee members for their diligent work, with particular attention to Senator Gold as sponsor and Senator Dagenais as critic, both of whom sat on the committee. I would also thank our clerk and analysts for their expedient and excellent work, as is always the case. Thank you.

(On motion of Senator Dagenais, debate adjourned.)

MULTILATERAL INSTRUMENT IN RESPECT OF TAX CONVENTIONS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Coyle, seconded by the Honourable Senator Gagné, for the second reading of Bill C-82, An Act to implement a multilateral convention to implement tax treaty related measures to prevent base erosion and profit shifting.

Hon. Thanh Hai Ngo: Honourable senators, I rise today to speak on Bill C-82, which implements multilateral instruments related to conventions for the avoidance of double taxation.

Before I begin, I must, too, like our esteemed colleague and sponsor of the bill, Senator McCoy, admit that I am not a tax expert, but I always believe I am paying way too much. I also understand that taxation is a sanction for our democracy and that it must remain fair for Canadians.

That brings me here to act as the critic of Bill C-82. I believe it represents a major step forward in addressing unfair tax-avoidance schemes. Bill C-82 is the product of an international treaty that is one component of the G20 and OECD's efforts to address base erosion and profit-shifting by multinational corporations. This agreement and bill will assist in modifying tax conventions between countries to address these twin problems of base erosion and profit-shifting.

In the case of Canada, the agreement will apply to a Canadian bilateral double-tax convention only if both countries provide notification that they wish to apply. However, we should be clear that up to 75 of Canada's bilateral tax treaties may eventually be impacted by this agreement and bill. This would be useful not only for Canada but also for other countries. They can ill afford the unfair loss of tax revenue. Indeed, it has been estimated that $700 billion of corporate tax revenue might be being lost to countries collectively as a result of profit-shifting. The impact in Canada itself could be several billion dollars annually.

The purpose of this agreement is, therefore, to empower countries to prevent shifting profit. The agreement will do this by implementing a principal purpose test, a PPT, where tax benefits can be denied if it can be determined that a particular international transaction was for the purpose of avoiding taxes.

[*Translation*]

In case of disagreement, a binding arbitration process is supposed to help resolve treaty disputes. Canada had initially expressed some reservations about certain provisions, but I believe the contentious provisions have been eliminated. However, it would be helpful if the committee tasked with reviewing this bill could find out more about those reservations and about the positions taken afterwards in that regard. The committee should also examine the other provisions of this instrument more carefully, including the one-year holding period to evaluate the reductions to the withholding tax on dividends set out in the treaty. It is important to understand the rationale for such a provision, and the same goes for the other instruments, in terms of their repercussions on individuals and businesses.

I realize it will be hard to change the treaty and the bill now. But as senators, we have a duty to understand exactly how the agreement and the bill will be implemented. We need to get a better idea of the impact they will have on Canadians and Canadian companies. When Senator Downe spoke about the bill, he raised concerns about how the Canada Revenue Agency will enforce these provisions and wondered whether we should expect more stringent enforcement. That is a question I would also like an answer to. That's why I think it warrants a more detailed study by the committee.

Given the scale of profit shifting and tax avoidance worldwide, which I spoke about earlier, we need to make sure we adopt a viable instrument that will truly enable us to fight this global problem, which is also having a direct impact on Canada. We also need to consider what is behind the United States' refusal to sign and what consequences that decision will have. It is no secret that the U.S. has opted instead to attract foreign investment by significantly lowering taxes on corporations and individuals. Canada can no longer ignore this change in direction, and it needs to fully understand the implications. I think that, ultimately, we need to find a middle ground.

• (1600)

I realize that this agreement and the bill to implement it could help us do just that. As such, I firmly believe that measures must be taken to discourage base erosion and profit sharing worldwide. However, we also need to remain competitive and strengthen our position. I'm afraid that, over the past four years, we've placed a lot more importance on deterrents than on incentives. We need to forget about the importance of tax competitiveness as a strong foundation for prosperity and tax compliance because we have become less and less competitive. That was a mistake, and Canadian workers are paying the price.

With that in mind, Senator Coyle quoted a historian from Harvard University, Albert Bushnell Hart, who said, "Taxation is the price which civilized communities pay for the opportunity of remaining civilized."

I believe that we should also heed the words of Sir Winston Churchill, who said, and I quote, "For a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle."

Yes, let's strive for tax fairness, but let's not do so to the detriment of our competitiveness and our collective prosperity.

Thank you.

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

Hon. Senators: Yes.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Coyle, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Yvonne Boyer moved second reading of Bill C-84, An Act to amend the Criminal Code (bestiality and animal fighting).

She said: Honourable colleagues, I rise today as sponsor of Bill C-84, an Act to amend the Criminal Code (bestiality and animal fighting), which proposes amendments to strengthen protections against bestiality and animal fighting. This is the first bill I have sponsored. I chose it because of its importance to me as an individual and as an Indigenous woman. I'm deeply honoured to be speaking on behalf of my animal relations.

Before I begin talking about this bill, I want to briefly share my reasons for choosing this bill today.

In thinking about this, I asked myself the question: "What is the difference between us as humans and not as animals?" And I thought how we as humans have often made this distinction in many different ways. I quickly became surprised by how so many options seemed available to me in claiming this difference.

For example, I could, as others have, claim our difference lies in the belief that we can reason, while animals cannot. Or perhaps I could claim the difference lies in the fact that we can own property while they cannot, or that we have compassion and moral agency, and they do not. That list can go on and on.

In considering my many options, I also realized how a list much like this was similarly used to separate the Indigenous person from the rest of society in much the same way that colonization subjected Indigenous people to harsh treatment through someone else's laws because we were viewed as non-human, too close to nature and thus lacking civilized qualities.

Despite our stern attempts to claim distinction from one another, an interdependency remains. Just as the idea that there exists something that is civilized depends on the idea that there exists something savage or uncivilized, knowing what is human depends on knowing what is animal.

Even in our act of separating ourselves, we demonstrate an interdependency on the other. Indeed, no matter how much we try, we are dependent on all of our relations in every way.

To be clear, an Indigenous view incorporates and acknowledges this interdependency or interconnectedness. We are not independent units but, instead, we are the sum of all of our relations and our individual well-being is dependent on our relations. This is something I am very familiar with since I have spent my lifetime studying how an individual's physiological health is determined by the health of their connection to their culture and family.

I have also heard my colleagues in this place attest to environmental issues, stressing how the sustainability of our species and the planet rests in acknowledging the ways in which we are dependent and interdependent while maintaining wise and healthy relations with our natural resources.

The sum of this is that within these discussions we have come to understand that we must act to protect and nourish our relations with the natural world if we are to nourish ourselves. But the question remains: What beings should be considered the subjects of all our relations and of our protections?

The medicine wheel guides us and is clear that interdependency exists not just between us two-legged humans but that it extends out to all of the other four directions to encapsulate the four-legged, the gilled and the winged.

Therefore, if we are to acknowledge and honour all of our relations, as well as the interdependency we share, as senators we must act to nourish and protect our relations with all beings, including those animals who, like the Indigenous peoples before them, are left legally marginalized and therefore vulnerable to increased violence. That is something this bill seeks to rectify.

This bill has received broad support from parliamentarians and stakeholders and would bring about important changes to the Criminal Code by closing two legislative gaps. These changes will better reflect the beliefs held by the large majority of Canadians who find abhorrent the abuse of animals in all of its forms.

In what follows, honourable senators, I explain how we can amend certain legislative gaps with respect to bestiality and animal fighting and show how Bill C-84 is a step toward greater justice for animals, how it offers more protections for children, other vulnerable persons and reflects our commonly held values.

I would especially like to highlight the efforts of my parliamentary colleagues, Nathaniel Erskine-Smith and Michelle Rempel, who are tireless advocates for animal welfare and persevered in moving this bill through the other place.

I would also like to thank the Standing Committee on Justice and Human Rights and all of the witnesses and stakeholders who appeared before it for their thorough examination.

This work resulted in amendments to the bill which I believe have further strengthened it and for which the government has signalled its support as well.

Canadians have also shown support through online petitions asking to quickly move this through and pass it into law.

The offence of bestiality was first defined in the Criminal Code in 1892. It has never been defined by Canadian statute, but it finds its origins in ancient British law. It is now time to modernize and add protections for the most vulnerable.

Currently, the Criminal Code contains three bestiality offences: the first is the simpliciter, or simple, offence of committing bestiality, the second is the offence of compelling another person to commit bestiality and the third is the offence of committing bestiality in the presence of a person under 16 years or inciting them to commit bestiality.

Bill C-84 does not change the nature of the maximum penalties of these offences, which range, on indictment, from 10 to 14 years in jail.

The first reform that Bill C-84 proposes is to add a definition of bestiality to section 160 of the Criminal Code, the provision that sets out the three bestiality offences already described.

Bill C-84 proposes to broaden the definition of bestiality to include:

> . . . any contact, for a sexual purpose, with an animal.

This definition responds to the 2016 Supreme Court of Canada decision of *R v D.L.W.*. This is a deeply disturbing case of animal and child abuse.

• (1610)

Without elaborating, the case involved an accused who was convicted of numerous sexual offences against his two stepdaughters that had been committed over the course of 10 years, including bestiality against a dog. In considering the meaning of bestiality, the court examined the historical interpretation at common law to interpret what it meant and held that the common law meaning of bestiality was limited to include only penetrative sexual acts with an animal. The court stated that the expansion of this definition falls squarely within the purview of Parliament, not the courts, and the accused in the *D.L.W.* case was acquitted on the charges of bestiality.

What this essentially does is risks normalizing depraved sexual behaviour. It jeopardizes animal welfare in Canada and ultimately fails to properly address the sexual exploitation of vulnerable members of society, such as children and animals. It is therefore critical that this legislative gap be remedied through a definition of what bestiality is by defining the term "bestiality" to mean any contact for a sexual purpose between a person and an animal.

The phrase "for a sexual purpose," which is used in several other provisions in the Criminal Code, such as child pornography, Internet luring and making sexually explicit material available to a child, is clearly understood by the courts to mean proof that the act, viewed objectively, was committed for the sexual gratification of the accused. It is expected that the courts will follow this approach when applying the definition to the bestiality offences.

As mentioned, when this bill was studied in the other place, amendments were passed to better achieve its objectives. Two of those amendments are related to bestiality and are based, in part, on testimony and evidence provided by witnesses at committee.

The first amendment would permit animal prohibition orders and restitution orders to be made by a court when a person is convicted of a bestiality offence. A prohibition order would mean that a person convicted of bestiality would be prohibited from possessing, having control over or residing with an animal for any period up to a lifetime ban.

Such orders are already available in section 447.1 of the Criminal Code for animal cruelty offences. It makes sense that the same type of authority be made available for the bestiality offences. Individuals convicted of any form of bestiality should not be allowed to own, have control over or have immediate contact with any animal as they have shown themselves to be serious animal abusers.

It should be noted that it was felt more appropriate to specify this power in section 160, rather than adding the bestiality offences to the animal cruelty prohibition order in section 447.1. This is to ensure that when bestiality offences are prosecuted, the availability of these orders would be more obvious to the prosecutor and the court than if they were located in another part of the Criminal Code.

The ability to make a restitution order is also an important aspect of this amendment to Bill C-84. When an animal is abused, there are often significant costs associated with its medical care, rehabilitation and general care. These costs should be borne by the person who is responsible for the injury to the animal and not by the good people and organizations who rescue and care for the animal during its recovery. In addition, such measures encourage additional accountability by the offender for his or her actions, and I strongly support these changes.

The second amendment would ensure that those who are convicted of engaging in a sexual act with an animal, the bestiality simpliciter offence, must comply with the requirements of the National Sex Offender Registry. Compelling the commission of bestiality and bestiality in the presence of a child were included in the original enactment of the Sex Offender Information Registration Act, and this change would now capture all bestiality offences.

Although the bestiality simpliciter offence does not involve an offence against an individual human as the other designated offences do, it is still considered to be a sexual offence. This is clear by Bill C-84's proposed definition of bestiality: ". . . any contact, for a sexual purpose, with an animal."

In supporting the amendment, the Justice Committee referenced evidence presented by witnesses during examination of Bill C-84 that during such conditions these animals experienced great levels of pain and suffering. As individuals and as a society, we develop compassion and show signs of maturity when we begin to listen to the voices of the voiceless. Science increasingly demonstrates the rich emotional life of animals. Scientists call it sentience, and the human heart easily feels the connection when it takes the time to listen.

Bill C-84 also proposes to modernize the law surrounding animal fighting, and I believe the proposed changes are equally important and necessary.

The proposed amendments in the bill address animal fighting in two ways. First, they would increase the list of prohibited activities that support the animal-fighting industry. These changes are set out in clause 2 of the bill and would amend the animal-fighting offence at paragraph 445.1(1)(b) of the Criminal Code. It would do this by adding additional act elements which would be prohibited, including promoting, arranging or receiving money for animal fighting. This would both expand the scope of the offence and make it easier to prosecute it by clearly setting out the prohibited acts, thereby encouraging more prosecutions under the Criminal Code.

The second proposed amendment would expand the prohibition against keeping a cockpit to ensure that the provision applies to keeping an arena for the fighting of any animal. This amendment is particularly important considering that dog fighting is the main form of animal fighting.

Dog fighting is a very real and serious problem in Canada. Dr. Alice Crook, Adjunct Professor at the Atlantic Veterinary College, explains how the pain and suffering dogs experience in these fights is both physical and emotional. A dog can experience a range of emotions that include anger, fear, panic, helplessness, extreme pain from serious bite and ripping injuries, and lasting pain and discomfort from disabilities such as nerve, muscle, tendon or bone damage.

Fights end when one animal either dies, is cowed or is seriously injured. In a fight or in training for a fight, which could include a bait animal, a witness would see a dog exhibit behaviour such as calls of distress, attempts to retreat or escape, defensive behaviour, appeasement gestures, cowering and trembling.

Honourable senators, you may wonder what is meant by a bait animal. These can be smaller dogs, usually for training purposes, but cats, rabbits and kittens are also used.

These are horrendous facts, and anyone hearing about them is undoubtedly outraged. Bill C-84 seeks to address these situations, and I am strongly in support for taking action to combat this serious issue.

A third amendment dealing with animal fighting was passed by the Justice Committee. It proposes to repeal subsection 447(3) of the Criminal Code. This provision provides that in the offence of keeping a cockpit, the birds found in the cockpit must be destroyed. The provision is a historical leftover and was enacted because birds are often injured or trained to be aggressive and are unable to be held with other birds. However, this no longer accords with modern responses to abused animals, and the removal of this section is proposed.

I do not believe that any individual, be it human or animal, is inherently violent. What is worse, in my mind, is that since they are taken away from their families and conditioned to live in fear, so to fear other people and other dogs, in this way their fear response is harnessed and manipulated. This is then used to advance and feed a despicable form of entertainment.

If the reason for the amendments is to punish those who cruelly subject animals to a life of fear and violence, I truly believe that extra care must be taken to rehabilitate and heal these animals. We must remember that these individuals are the victims of these crimes, and, as such, we must ensure that they are not simply euthanized and that advocates assess their needs on a case-by-case basis for their safe and proper rehabilitation.

The links between child abuse and animal abuse are well-founded, and I would like to add that practices such as dogs fighting are often linked to other forms of crime. Although I don't believe there are academic studies linking dog fighting and organized crime in Canada, law enforcement officers have reported finding firearms and drugs at dog fighting locations, and this concern has been echoed in the other place as being a major and important consideration for protecting animals.

Honourable senators, Bill C-84 is a very important piece of legislation that proposes amendments that would offer much greater protections to children, to vulnerable persons and animals. Many people applaud this bill because it links acts of animal cruelty to social ills such as child abuse, gambling and organized crime, but let's not forget that animals are part of our society, too, and that we have lived with them since time immemorial. We are interconnected and interdependent in every way.

Bill C-84 is a modest step in ensuring more protections of these sentient beings, our fellow creatures and relations, and a modest improvement in modernizing Canada's archaic animal welfare laws.

• (1620)

Let's move this to committee as soon as possible. This is a historical opportunity to make a difference to the voiceless and the vulnerable.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

INDIGENOUS LANGUAGES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Murray Sinclair moved second reading of Bill C-91, An Act respecting Indigenous languages.

He said: I rise today as the sponsor to Bill C-91, An Act respecting Indigenous languages.

This year, 2019, is being celebrated around the world as the International Year of Indigenous Languages and that is because with 370 million Indigenous people in the world spread among 90 countries with Indigenous communities, over 5,000 different Indigenous cultures — and 2,680 Indigenous languages are in danger.

According to the 2016 Canadian Census data 1,673,785 people identified as Indigenous persons in Canada that year, but only 263,845 said they knew an Indigenous language well enough to speak, just 15.8 per cent.

Languages play an important role in the daily lives of all people. They are an important part of our identity. Canada's longest-serving French Language Services Commissioner once told me that Indigenous youth were the only Canadians he had ever met who claimed a language as theirs that they could not speak. He related to us at the Truth and Reconciliation Commission that he often heard young Indigenous people asserting, "I want to speak my language," in reference to their Indigenous ancestry, whereas he did not hear similar sentiments from English youth who wanted to learn French and vice versa. The French and English, he observed, saw each other's languages as the language of others, not as their language as Canadians, despite years of trying to get them to see otherwise.

But that fact makes an important point for all of us.

Senators, if each you had your child or your grandchild taken away and raised in another language and culture where they were forbidden or even punished if they spoke your tongue, you would well understand how deep their desire and need was to relearn the language of their birth and the language of their parents, their grandparents and their community. Language is about who we are and who we want to be. It is fundamentally about identity.

According to UNESCO, it is through language that we communicate with the world. It is the means by which we speak of our needs and have them fulfilled. It is the manner by which we define our identity, express history and culture, learn, defend our rights and participate in society. It is a means by which we assert ourselves and take up the roles we were taught to do.

But our speaking our language helps others as well. Through language, people preserve a community's history, its customs, traditions, memory, unique modes of thinking, meaning and expression. We use it to construct our future.

Language is pivotal to self-preservation, the protection of others, good governance, peace building, reconciliation and sustainable development.

Yet from the period of Confederation until the end of 20th century, a period of about 130 years, Canada did all that it could to eliminate Indigenous cultures and languages. Through the use of laws passed by our parliamentary ancestors, cultural practices and large gatherings where languages could be spoken were outlawed, education was taken away and access to justice was denied.

One hundred and fifty thousand children were forcibly removed from their families under threat of prosecution for those parents who resisted and were placed in institutions for the sole purpose of indoctrinating them into Canadian society. Hundreds of thousands more were required by law to go to non-residential schools where they were too forced to stop speaking their language and learn another.

Prime Minister Sir John A. MacDonald not only believed that Indigenous people who practiced their culture and language were savages, but that they needed to have them stripped away. In 1883, in Parliament he stated:

> When the school is on the reserve, the child lives with its parent, who are savages, and though he may learn to read and write, his habits and training and mode of thought are Indian. He is simply a savage who can read and write.

The scale and intensity of these schools on the attack of culture and language was such that the Truth and Reconciliation Commission found that Canada had engaged in a process of cultural genocide in contravention of the International Convention on the Prevention and Punishment of the Crime of Genocide.

Canada and its institutions of governance and social influence systematically worked to destroy the structures and practices that allowed the cultural continuity of Indigenous peoples.

Legislation to advance and recognize Indigenous languages as a right was first called for by the Royal Commission on Aboriginal Peoples and by the First Nations Confederacy of Cultural Education Centres in the mid-1990s, then subsequently by the Assembly of First Nations in 1998. Federal legislation of this nature and scope was recommended in 2005 by the Indigenous-led federal Task Force on Aboriginal Languages and Cultures before being taken up again by the Truth and Reconciliation Commission.

The last time I spoke on Indigenous languages in this chamber, it was to a bill that Senator Joyal introduced at the beginning of this session. Senators, this is the third session where our honourable colleague introduced a private member's bill to advance, recognize and respect Indigenous language rights in Canada.

I want to thank Senator Joyal personally for his efforts as an ally of Indigenous peoples on this important matter.

Over the past two years, government and the three national Indigenous organizations have consulted over 1200 individuals and organizations to develop the bill that is before us today.

The approach used in the development of Bill C-91 departed from the practice that was very much rooted in the past policies of government making unilateral decisions regarding matters impacting the lives of Indigenous people.

This bill is the government response to decades of calls to action from Indigenous governments, researchers and advocates to address the critical state of many Indigenous languages in Canada. It specifically aims to address the TRC Calls to Action 13, 14 and 15.

Bill C-91 was drafted to provide flexibility. It does not prescribe or predetermine how or what Indigenous people must do to revitalize their languages. It is structured to accommodate a multitude of approaches to support the reclamation and maintenance of Indigenous languages — from language master-apprentice approaches to the promotion and use of the language by an Indigenous government and in the media.

The bill provides that the Minister of Canadian Heritage may enter into different types of agreements or arrangements in respect of Indigenous languages with Indigenous governments or other Indigenous governing bodies, organizations, communities and people.

The bill also grants federal institutions the discretionary authority to provide translation or interpretation services for Indigenous languages as part of their operations.

Finally, the bill would establish the Office of the Commissioner of Indigenous Languages and set out its powers, duties and functions.

The preamble acknowledges the importance to this country's evolution of Indigenous peoples' linguistic and cultural diversity. Substantive provisions recognize the constitutional status of Indigenous languages related to rights under section 35 of the Constitution Act, 1982, while enabling Indigenous people, with federal assistance, to continue to tackle the various stages of language vitality and the damage to them that has occurred over the past decades.

In addition, Bill C-91 seeks to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

For all the efforts that past governments have put into denigrating Indigenous languages, even greater efforts and investments must be made to help revitalize them. Budget 2019 identified an investment of $333 million over the next five years to support this initiative. This is currently being discussed and studied as part of the Budget Implementation Act.

• (1630)

If this bill does not pass, that money will be lost and the state of Indigenous languages will become more vulnerable than they currently are. We cannot and should not allow that to happen. This bill is far from perfect, but it can be the battering ram that busts down the door and gets us into the room where we can do the work that is needed.

I intend to work, for example, with Senator Patterson to bring about amendments to our committee to address the need for access to services in Inuktitut for the Inuit.

The government has acknowledged that this bill is a starting point and included a provision for mandatory five-year reviews when necessary adjustments and improvements can be made as required.

In the absence of a long-term funding commitment and recognizing the critical state of Indigenous languages, I suspect the bill could be improved and strengthened to ensure that a shorter review period be put in place than the five years the bill now calls for. In this early stage of recovery and reclamation, problems and solutions must be identified as they arise.

During the consultation sessions for the 2005 Task Force on Aboriginal Languages and Cultures, it was noted that the urgent call for immediate action is required to stem the loss of languages. That was almost 15 years ago.

In many communities, the situation is critical as the last living fluent speaker may have passed on. The hope of the language being passed on by way of oral tradition to the younger generation is gone. In fact, according to UNESCO, none of the more than 90 Indigenous languages in Canada can be considered safe. If immediate action is not taken, Indigenous peoples, communities and nations stand to lose a most valuable treasure, their first-language speakers.

Over the last two decades, the number of people with the ability to speak an Indigenous language has steadily declined. In 1996, 29 per cent of Indigenous people were able to speak an Indigenous language well enough to conduct a conversation. In 2006, just over 22 per cent of the Indigenous population could converse in an Indigenous language. By 2016, this figure had dropped to 16 per cent.

> When an elder dies, "it's like a whole library is gone," says language teacher Betsy Kechego.

National Chief Perry Bellegarde provided testimony to the Standing Senate Committee on Aboriginal Peoples and spoke about his support for Bill C-91. He stated:

> It has been 20 years since the Assembly of First Nations chiefs in assembly declared a state of emergency regarding First Nations languages.

The situation of their languages has worsened since that declaration. The opportunity to pass this legislation cannot be missed, as the decline in First Nation languages will continue to worsen until concerted efforts are made.

Likewise, President Clément Chartier of the Métis National Council expressed that the Metis Nation is fully supportive and encourages Parliament to enact Bill C-91. He spoke of the urgency to act, as there are fewer than a thousand, perhaps fewer than 700, Michif speakers, all of whom are primarily over the age of 65.

This bill responds to the future of Indigenous peoples as a distinct and unique part of society. As Ellen Gabriel of the Kanehsatà:ke Mohawk Nation, an advocate for the language and culture of her people, stated in her testimony before the committee:

> We may call them ancient languages, but they are very much alive today. And I can tell you that, without a doubt, it enriches your life when you learn your own language. . . . When you are with a first-language speaker who thinks in the language, you get the breakdown of what these terms mean.

Allow me to close by recalling that reconciliation is not an end point. It is a mutually respectful relationship maintained and strengthened over time. This legislation has been called for by Indigenous organizations, commissions of inquiry and Indigenous people all across Canada for generations.

Honourable senators, if the preservation of Indigenous languages does not become a priority for us in this chamber, then what the residential schools failed to accomplish will come about through a process of systemic neglect. I urge you all to join me in supporting this bill so that we may see it passed before the end of the parliamentary session. *Meegwetch*.

Hon. Raymonde Gagné: Thank you, Senator Sinclair, for your great speech and supporting this important bill. I want to mention that today in the *Le Droit* Senator Cormier and I co-signed an op-ed. I want to give you the translation of one of the paragraphs of this op-ed:

> We cannot enhance the standing of French in Canada without considering the debate in Parliament on Bill C-91. As we saw in the Official Languages Act, the advancement of French which was made possible by Part 7 of the Official Languages Act played an important role in preserving and enhancing the vitality of French in several parts of Canada. As a linguistic minority, we should join in this fight to preserve Indigenous, Metis and Inuit languages and cultures.

That's a translation of the article.

[*Translation*]

In your speech, you mentioned the commissioner of indigenous languages position. Have you given some thought to what powers the Commissioner of Indigenous Languages would have?

[*English*]

Senator Sinclair: I realize I have a short time, so I'll give a short answer. Yes. It's in the bill. The bill itself contains a description of the powers. Let me point out very clearly that the role of the proposed Commissioner of Indigenous Languages is not anywhere close to the role and the powers that the French Language Services Commissioner has, and that's one of the issues that Indigenous organizations wish to pursue.

[*Translation*]

Senator Gagné: Are you planning to read the forthcoming report of the Official Languages Committee on the role and powers of the Official Languages Commissioner and the limitations on those powers?

[*English*]

Senator Sinclair: Yes, of course, I will. Thank you very much.

Hon. Mary Coyle: Honourable senators, I rise today to add my voice in support of Bill C-91, An Act respecting Indigenous languages.

I want to thank my colleague Senator Sinclair for introducing this important bill in such an informative, eloquent and compelling manner as only he can. Also thank you to Senator Gagné for your interventions.

As some of you know, my early studies were in linguistics and in the field of modern languages. I have also lived and worked in languages other than my own — Setswana in Botswana and Bahasa Indonesia in Indonesia.

When we are immersed in another culture and language, we come to understand the people and how they see the world.

I am proud to live in the territory known as Mikmaqi, the land of our colleagues Senator Christmas and Senator Francis. I am honoured to be a member of the Aboriginal Peoples Committee which completed the pre-study on Bill C-91. Like Senator Patterson, I'm honoured to be a member of the Arctic Committee.

In my remarks, I will touch briefly on the international, mention a beautiful local Nova Scotian example and finish with drawing all of our attention to the unique situation of the Inuit in Canada.

As Senator Sinclair mentioned, this bill is timely. It is coming to us in the International Year of Indigenous Languages, and it is urgent.

• (1640)

The International Year of Indigenous Languages aims to focus attention on the risks — and these are serious risks — confronting Indigenous languages, especially those significant for development, reconciliation, good governance and for peace building.

Award-winning Kenyan writer Ngugi wa Thiong'o said:

> Language is a carrier of culture. Culture is a carrier of people's values. Values are carriers of people's outlook or conscience and sense of identity. Through language we can

> deduce the personality and the general perspective of the people. Language portrays people's identity; therefore, to be without language is to be lost.

Like the Indigenous peoples of Canada, Kenyans have seen languages lost or threatened due to the long and deep effects of harsh colonization.

During the course of our pre-study of Bill C-91, we heard that the vitality of Indigenous languages varies across Canada. We heard of tragic losses of languages and we heard of many innovative, valiant and highly effective efforts of Indigenous peoples across Canada to reclaim, revitalize, promote and protect their precious and sacred languages.

In my own backyard, Mi'kmaw Kina'matnewey, or MK, is an organization that protects and promotes the educational and Mi'kmaq language rights of the Mi'kmaq people.

Earlier this week, I was thrilled to see on my Facebook feed that Public Radio International, PRI, broadcast the story of 16-year-old Eskasoni First Nation resident Emma Stevens singing the Beatles' song *Blackbird* in Mi'kmaq — *Buleeskeeyetch*. Emma recorded the song as part of her school's effort to celebrate the UN Year of Indigenous Languages. She says in the interview with PRI that the lyrics, "take these broken wings and learn to fly," resonate with her. She has seen her language slowly diminishing, but singing this song in Mi'kmaq inspires her to learn her language and to show non-Mi'kmaq people the beauty of that language.

It is said that Paul McCartney wrote *Blackbird* about the civil rights movement in the U.S. People in Eskasoni draw parallels with their own oppression and struggle and also parallels with their strength and pride. I highly recommend you listen to the beautifully sung Mi'kmaq language song. Just Google *Blackbird* and Emma Stevens and you are in for a treat.

With an estimated 10,000 Mi'kmaq people in Eastern Canada and the Northeastern United States, it is critical to keep the Mi'kmaq language alive. It is also important and enriching for us, the neighbours of the Mi'kmaq people.

I would now like to bring to your attention the voices of some of the people we heard from not at our Aboriginal Peoples Committee but in our Arctic Committee. Our Arctic Committee has been working on a study which looks at the rapid changes in the Arctic and its effects on the people and the land.

Mr. Eirik Sivertsen, representing the county of Nordland in the Norwegian Parliament, said:

> . . . we create and understand our world through the language we use, And, therefore, the language is the most important part of preserving or developing the culture of a people. If you don't have your own language, your culture cannot survive. One of the main tasks must be to support Indigenous people with small and threatened languages to help them preserve and to develop their language in the modern world.

Aluki Kotierk, President of Nunavut Tunngavik Incorporated, was also clear in her presentation to our Arctic Committee. A fierce champion of the Inuktut language, she said — and she has taught us a lot about some of our historical commitments here. It's important to listen to what has happened since Nunavut was created. She said:

> I am here from Nunavut, the only jurisdiction in Canada where the Indigenous population is the majority. Spread over 25 communities, all fly-in communities, Inuit make up 85 per cent of the population. Roughly half of the Inuit are under the age of 25 years old. The first language of the majority of Inuit in Nunavut is still Inuktitut. Both French and English are minority languages.

She continued:

> . . . I am sure that you are all very well versed on the legacy of colonialism and residential schools.

We heard our colleagues speak about this.

> You are aware of the concerted efforts through assimilation policies that tried to strip us away from our language and our culture. Part of the reason why Inuit worked so tirelessly to settle the Nunavut Agreement was so that, as Inuit, we could continue to assert our self-determination and we could continue to have our Inuit culture and language thrive.
>
> When we entered into our Nunavut Agreement with Canada, we had a healthy Inuktitut language. Our language is dying at 1 per cent per year.
>
> On July 14, 1998, the then Finance Minister Paul Martin and his officials informed a federally appointed interim commissioner for Nunavut that Inuit would not receive federal funding for Inuktitut as the working language of the territorial government. Instead it was stated that Inuktitut would be addressed at a later date.

So the promise of it being addressed at a later date.

> In 2001, the first data set was gathered after Canada decided to postpone funding Inuktitut for our government services. At that time, 85 per cent of Inuit in Nunavut still declared Inuktitut as their mother tongue, but more importantly, 68 per cent of Inuit said it was still the main language used in our homes. This, despite the efforts that were made to make people speak English.
>
> As of 2016 [15 years later] these numbers have dropped by 20 per cent. Mother tongue Inuktitut is now 63 per cent. Home language Inuktitut is 49.7 per cent. It is 20 years since the Liberal government at the time said they would address Inuktitut as the working language of our government at a later date, and 20 per cent of our language is gone.

This is significant.

> According to Canada's Charter of Rights and Freedoms, all Canadians are entitled to essential public services of a reasonable quality. Inuit are not receiving essential public services of a reasonable quality because they are not being delivered in Inuktitut. . . .
>
> Inuit lives should not be put at risk because they are not able to receive appropriate health services in Inuktitut.

She continued:

> The federal government has committed to developing an Indigenous language legislation.

It is the bill we are discussing today.

> This is a good initiative. In Nunavut, Inuktitut is already recognized as an official language territorially. What we need is for the federal government to recognize that Inuktitut is an official founding language of the Nunavut territory. Maybe only then would Nunavut Inuit be able to reasonably expect quality essential services delivered in Nunavut.

Then I go on to just two more people, and I'm using their voices because they are powerful and they should be amplified in this chamber.

The President of Inuit Tapiriit Kanatami, Natan Obed, also addressed our committee on this bill:

> On the First Nations Inuit and Metis languages act, we've worked with this government, from its inception, on the ambition of an Indigenous languages bill. The level of ambition was something that was basically unfettered until recently. We had hoped to have official language status for Inuktitut in Inuit Nunangat, and we still do. We hoped to have service delivery rights in relation to Inuktitut in league with the Declaration on the Rights of Indigenous Peoples and its implementation in this country and the rights we have as Indigenous peoples globally beyond that declaration.

It is appropriate, colleagues, that today we have both Bill C-91, the Indigenous languages legislation, and Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.

And the final voice that I will amplify here is that of Paul Quassa, Premier of Nunavut. Mr. Quassa said:

> . . . the lives of the Inuit were forever changed by the policies and programs that took Inuit from their homes, denying them their language and culture, placing them in unfamiliar lands and communities, and separating them from a way of life they had always known. Many of us lost our language, our culture, our traditions, which is, of course, our identity.
>
> Many struggled with trying to reconcile the ways of the past and their present. Many turned to alcohol and drugs, to violence or to suicide and have been profoundly impacted by these actions, and many today are still struggling in these ways.
>
> Reclaiming our Inuit language, culture and agency is necessary to right these historical wrongs.

• (1650)

Colleagues, Mr. Quassa speaks of that imperative of reclaiming Inuit language, culture and agency. These three items are inextricably connected.

Bill C-91 is about Indigenous languages, and it is about so much more. Mr. Quassa speaks of agency. Ms. Kotierk and others speak of self-determination.

For a person to have agency means they will have the will, the power and the capacity to act.

We have heard loudly and clearly from these committed Inuit leaders and from their First Nations and Metis counterparts that their languages are essential to having the capacity to lead and develop the strong, healthy and proud societies and communities they want and of which they were deprived for far too long.

Honourable senators, I hope we can send Bill C-91 to committee soon so we can ensure that this historically significant piece of legislation can be given the consideration it deserves. Thank you. *Welalioq*.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 15, 2019, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 27, 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.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Moncion, for the third reading of Bill S-237, An Act to amend the Criminal Code (criminal interest rate), as amended.

And on the motion in amendment of the Honourable Senator Cools, seconded by the Honourable Senator Bovey:

That Bill S-237, as amended, be not now read a third time, but that it be further amended in clause 1, on page 1, by replacing line 15 (as replaced by decision of the Senate on April 19, 2018) with the following:

"plus thirty-five per cent on the credit advanced under an".

Hon. Ratna Omidvar: Honourable senators, I wish to move the adjournment in my name.

(On motion of Senator Omidvar, debate adjourned.)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING

On the Order:

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

Hon. Nicole Eaton: Honourable senators, I rise today to speak to Bill C-262 with decidedly mixed feelings. I agree with the aspirations embodied in this bill and I have the greatest respect for my colleagues who support it.

I strongly believe that Canada, as a country, continues to fall short when it comes to extending true equality to its Indigenous peoples.

We should be ashamed of the housing crisis facing the Inuit, in particular. Shoddy construction, shortages, overcrowding, an infestation of mould leading to respiratory problems. We still have more than 50 First Nations communities with boil-water advisories. The lack of opportunities in education. Our substandard health care in the North. Our failure to provide infrastructure and telecommunications to those communities that should be able to participate in the economy of the 21st century. We have a long way to go.

I applaud Mr. Saganash for the work he has done on this bill, and Senator Sinclair and others for their advocacy in the Senate. But I question if the approach taken in this bill is right for Canada.

Many of you know that I have had serious concerns for many years with foreign money being used to influence public policy in Canada. I led an inquiry in this chamber several years ago about that.

Canadian public policy should be decided by Canadians. Canadian elections should not be influenced by outside money. In my view, Canadian law should be made in Canada. I question the wisdom of enshrining in law a declaration of the United Nations that is intended to be aspirational.

As an aside, I wonder what weight this declaration is being given in some of the other countries that signed on: China, North Korea, Iran, Libya, Myanmar and Syria. They're all signatories to this declaration — real stars in the human rights firmament.

I accept the advice of the former Minister of Justice Ms. Wilson-Raybould, who said that the United Nations Declaration on the Rights of Indigenous Peoples is unworkable in Canadian law.

The fundamental problem with this bill is that no one knows the implications. The experts disagree on whether or not the references to "free, prior and informed consent" — references that appear in six articles of the declaration — constitute a veto for Indigenous people.

There is a particular concern in the case of article 32, which calls for the free and informed consent of Indigenous peoples prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of minerals, water or other resources.

I cannot emphasize enough the importance of that article and the possible implications for the Canadian economy.

The debate in this very chamber is indicative of the confusion this bill creates. The sponsor, Senator Sinclair, said:

> . . . the bill itself doesn't raise the implementation of the declaration as its objective. The bill talks about calling upon Canada to do an analysis of existing legislation to see which laws are currently inconsistent with the declaration.

But Senator Joyal, a constitutional expert, argues that the UN declaration, because it is an annex to this bill, will become a Canadian law if we pass this. He believes it will be regarded by the courts as quasi-constitutional.

• (1700)

There is a wide gulf between those two interpretations. I am not a lawyer but the language of clause 4 seems clear enough:

> The Government of Canada, in consultation and cooperation with indigenous peoples in Canada, must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

Senator Harder argued:

> However, the bill provides flexibility for the government to determine, in consultation and cooperation with Indigenous peoples, what measures will be necessary to align federal laws with the declaration within Canada's constitutional framework.

I do not know what part of the bill he is pointing to that provides that flexibility. He is not being his usual enlightened self to suggest the government will lead this process. If this bill passes, it will not be the Government of Canada dictating the terms of its implementation; it will be the courts. In fact, that is my greatest fear — that this bill will lead to endless litigation that will tie the hands of government and cause serious damage to the resource sector of this country.

Honourable senators, the plain truth is we do not know what meaning the courts will give to the UN declaration if this bill becomes law. By all means, let us legislate with the aim of upholding the principles outlined in the declaration. Canada is an example to the world in terms of human rights, especially compared to the UN's Human Rights Council, currently chaired by Senegal and with membership including such leading lights as Afghanistan, China, Cuba and Saudi Arabia. Surely we can come up with a made-in-Canada solution to deal with the very real challenges facing our Indigenous peoples.

I just look at the leading lights of Indigenous people starting in this chamber with Senator Anderson; Senator Boyer; Senator McCallum; Senator Dyck, my dear friend; Senator Sinclair; Senator Christmas; Senator Francis. Really, do we need the UN when we have people like that in our midst?

Surely we can come up with a made-in-Canada solution, rather than importing into Canadian law a document that may well be incompatible with the social, legal and constitutional framework of this country. Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

SENATE MODERNIZATION

FIRST REPORT OF SPECIAL COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the consideration of the first report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward*, deposited with the Clerk of the Senate on October 4, 2016.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I see this item is at day 15. If I may, I move the adjournment for the remainder of my time.

(On motion of Senator Martin, debate adjourned.)

SEVENTH REPORT OF SPECIAL COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Moore, for the adoption of the seventh report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Regional interest)*, presented in the Senate on October 18, 2016.

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

(On motion of Senator Smith, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

TENTH REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin, for the adoption of the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Develop and propose amendments to the*

Rules of the Senate to establish the Standing Committee on Audit and Oversight, presented in the Senate on November 29, 2018.

Hon. Marc Gold: Honourable senators, I note that the report is at its fifteenth day. I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Gold, debate adjourned.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO INVOKE THE GENOCIDE CONVENTION TO HOLD MYANMAR TO ITS OBLIGATIONS AND TO SEEK PROVISIONAL MEASURES AND REPARATIONS FOR THE ROHINGYA PEOPLE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator McPhedran, seconded by the Honourable Senator Bellemare:

That the Senate urge the Government of Canada without further delay to invoke the Genocide Convention and specifically to engage with like-minded States to pursue the matter before the International Court of Justice in order to hold Myanmar to its obligations and to seek provisional measures and ultimately reparations for the Rohingya people;

That the Senate urge Canada to exert pressure on Myanmar to allow for unobstructed access to Rakhine State by independent monitors in order to investigate the international crimes committed and to afford protection to remaining Rohingya;

That the Senate urge the Government of Canada to continue to assist the Government of Bangladesh through multilateral aid in addressing the humanitarian needs of the Rohingya refugees, with particular focus on the needs of women and children, including education; and

That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purpose.

Hon. Jane Cordy: Honourable senators, I will begin by thanking Senator McPhedran for bringing forward this motion and thanks to all who have previously spoken on this motion. Today I'm pleased to speak to Motion 476 as amended.

Honourable senators, you have heard other senators speak about the Rohingya who have had to escape violent attacks by the Myanmar government. Because of the seriousness of the human rights violations against the Rohingya, the Standing Senate Committee on Human Rights has held a number of meetings to monitor what I, and perhaps all of us, would agree is a humanitarian crisis.

As you know, the Honourable Bob Rae was appointed as a special envoy of the Prime Minister to Myanmar. Our committee was privileged to hear Mr. Rae talk about the work that he and others are doing and to speak about his findings.

Honourable senators, Mr. Rae's testimony before our committee was some of the most powerful and emotional testimony I have heard in a Senate committee. Mr. Rae expressed the fear that lives would be lost. He also stated that the basic human rights of the Rohingya have not been respected. He told the committee:

> The basic human rights of the Rohingya have not been respected, their political rights have not been respected, and they are now the largest stateless population in the world.

• (1710)

> In the world in which we live, to be stateless is to be without a place and without rights, without an ability to move, without the freedom of mobility, without freedom of speech, and without an ability to speak your mind and to know where you will be tomorrow. That is the tragedy we are facing.

When asked by Senator Hartling at the committee about some of the emotional impacts he witnessed in the Rohingya camp, Mr. Rae had many stories to share, but I will relay one that stood out for me:

> I've told the story many times, where a man I talked to was very articulate, very controlled, very much in charge of his emotions. We had a very good conversation about what had happened to him and the discrimination that he'd faced and the struggles that he had had to get to university, the struggles that he'd had to do things. As I was saying goodbye to him, I said, "I'm reporting to the Prime Minister. What would you like me to tell him?" He grabbed me and he started to cry. He held me for a long time and he said, "Tell him we're human."

Honourable senators, the Human Rights Committee completed an interim report on the Rohingya refugee crisis. The report is entitled *An Ocean of Misery*. This title may give you a sense of some of the testimony that we heard. That title came from Kutupalong, which is the largest refugee camp in the world. This camp was described to our committee as "an ocean of misery." As our report states, "Sanitation, food, shelter, access to education and medical services are limited . . . ."

Honourable senators, sexual violence, human trafficking, drug use and radicalization are rampant in the camp. This is a crisis situation.

I would like to thank Senator McPhedran for bringing her motion, which brings attention of the Rohingya crisis to the Senate and to Canadians.

Honourable senators, sometimes when human rights violations are taking place in a faraway land, it is easy to change the channel on our television or to not watch documentaries on our iPads. I believe that, as parliamentarians, we should be vigilant in

monitoring the Rohingya crisis. I believe, in fact, that we have a responsibility to monitor the Rohingya crisis. I also believe that Senator McPhedran's motion recognizes that as well.

Honourable senators, as I previously stated, the Rohingya situation is a crisis. The Rohingya have had to escape from their own country because of serious human rights violations against them. The Rohingya people, the largest stateless population in the world, need the support of countries like Canada. Their voices should be heard, and they should be respected as the international community works at resolving this crisis.

Honourable senators, I would like to ask that we remember the words that Bob Rae relayed to our committee, the words the man and the refugee camp asked Mr. Rae to convey to our Prime Minister: "Tell them we're human." Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

• (1730)

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

THIRD READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.
>
> And on the motion in amendment of the Honourable Senator Dagenais, seconded by the Honourable Senator Plett:
>
> That Bill C-71 be not now read a third time, but that it be amended
>
> (*a*) on page 1, in clause 1, by replacing lines 4 to 9 with the following:
>
> "**1 Section 2 of the *Firearms Act* is amended by adding the**";
>
> (*b*) on page 11, by deleting clause 16; and
>
> (*c*) on page 12,
>
> (i) by deleting clauses 18 to 21, and
>
> (ii) in clause 22, by replacing lines 21 and 22 with the following:
>
> "**22 (1) Subsections 3(2) and 4(2) come into force on a day**".

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

> That Bill C-71 be not now read a third time, but that it be amended —

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

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

YEAS
THE HONOURABLE SENATORS

Anderson	McInnis
Andreychuk	Mockler
Batters	Ngo
Boisvenu	Patterson
Carignan	Plett
Dagenais	Poirier
Eaton	Richards
Frum	Seidman
Housakos	Stewart Olsen
MacDonald	Tannas
Manning	Tkachuk
Marshall	Wells—25
Martin	

NAYS
THE HONOURABLE SENATORS

Bellemare	Harder
Bernard	Klyne
Black (*Ontario*)	Kutcher
Boehm	LaBoucane-Benson
Boniface	Lovelace Nicholas
Bovey	Marwah
Boyer	Massicotte
Busson	McCallum
Campbell	McPhedran
Cordy	Mégie
Coyle	Mitchell
Dalphond	Miville-Dechêne
Day	Moncion
Deacon (*Nova Scotia*)	Moodie
Dean	Munson
Duffy	Omidvar
Duncan	Pate
Dupuis	Petitclerc
Dyck	Pratte

Forest	Ringuette
Forest-Niesing	Simons
Francis	Sinclair
Gagné	Verner
Gold	Wetston
Greene	Woo—50

ABSTENTION
THE HONOURABLE SENATOR

Griffin—1

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Natalie Cogan, Stephanie Dimascio and Suhanki Raviandran. They are the guests of the Honourable Senator Housakos.

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

Hon. Senators: Hear, hear!

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

THIRD READING—DEBATE

On the Order:

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

Hon. Rosemary Moodie: Honourable senators, I rise to speak to Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

For the past 25 years, as a physician and an intensive care specialist, I have spent my professional life working to achieve healthy outcomes for Canadians, trying to understand and prevent illness and, frankly colleagues, trying to save lives. So I am disturbed that when presented with an opportunity to make a difference — a real difference — in legislation that saves lives, we may have lost all focus.

The data is strong and the evidence is clear: Firearms can and do cause serious negative consequences in the lives of individuals in our society. When the report came back from the Standing Senate Committee on National Security and Defence, it did not appear to me that the bill as amended properly addresses this reality.

I've spent a great deal of time since then trying to understand what the committee heard from witnesses, specifically around the issue of background checks, and why an integral, life-saving component of the legislation was removed. Because it is easy to see how the changes proposed in Bill C-71 could have a direct impact on the health care sector, I feel it is important to add to the record the thoughts and the lived experiences of those who worked tirelessly in this area.

• (1740)

The medical community sent a really strong message to the committee. In their daily professional lives, trauma surgeons, intensive care physicians, nurses, long-term care physicians, rehabilitative physicians, psychiatrists, psychologists and mental health support workers are all presented with serious firearm injuries. They face those threatening suicide, those opposed to intimate partner violence, victims of parental abuse or assault and those afflicted by accidental injury. Yet, senators, it is as if their voices were not heard. Today I feel I must represent their voices.

Linda Salis, from the Canadian Federation of Nurses Unions, represented hundreds of thousands of nurses and told the committee that, in 2016, for the third consecutive year, there was an increase in both the number and the rate of firearm-related homicides in Canada. There were 223 firearm-related homicides reported, 44 more than the previous year. Firearms have, in fact, become the most common method of homicide.

Dr. Natasha Saunders from the Canadian Pediatric Society, representing thousands of pediatricians, told the committee that in Ontario, during the five-year study of unintentional and assault-related injuries, 1,777 children and youth were injured or killed by a firearm, which works out to about an average of 355 children per year, or one per day.

Dr. Alan Drummond from the Canadian Association of Emergency Physicians, again representing thousands of doctors, told the committee that Canada has one of the highest suicide rates by firearms in the developed world, about 500 per year. He informed the committee of the strong and robust scientific evidence that a gun in the home is associated with a high risk of suicide and that for every 10 per cent decline in gun ownership, firearm suicide rates dropped by 4.2 per cent. Overall, suicide rates dropped by 2.5 per cent.

He concluded that any legislation aimed at reducing access to firearms, particularly for those at risk, can reasonably be expected to reduce the number of suicides.

Finally, Dr. Ahmed from the Canadian Doctors for Protection from Guns, told the committee that just days before her testimony she had to tell a woman that her 25-year-old daughter was dead, shot by her common-law partner. She went on to speak to the committee about the Canadian femicide report, a report that analyzed data on 148 women murdered in Canada last year. It is a study that highlights three key things: women are most often killed by an intimate partner; Indigenous women are drastically overrepresented in deaths; and women are most commonly murdered with firearms.

Colleagues, before I go on, I should point out that some of these physicians speak at the risk of personal attacks and/or danger. Dr. Ahmed has been subjected to a targeted campaign by the Canadian Coalition for Firearm Rights. In an attempt to scare

her into silence, the group called on its members to submit false complaints against her to her regulator, the College of Physicians and Surgeons of Ontario. After her testimony at committee, a spokesperson for the college shared with us and confirmed that 70 fake complaints were received.

Senators, the research cited by Dr. Ahmed and by those other witnesses at committee was gut-wrenching, eye-opening, and based on the best available medical and scientific evidence — scientific evidence which has demonstrated over and over again that more stringent gun laws, more scrutiny of licence holders, greater restrictions on firearm accessibility and availability save lives and prevent injuries. They lower homicide rates, reduce suicide rates and prevent firearm-related injuries.

So I was disappointed to see that the committee reported and didn't reflect this testimony. That is why I stand before you today, to recount these important facts for you, the senators in this chamber.

When the Ontario Federation of Anglers and Hunters appeared at committee, they stated that the single most important question we must ask ourselves is: Will there be a return on investment required to implement the proposed changes in Bill C-71?

A return on investment? I am not sure that that is the most important question to ask, but it does provide us with an opportunity to explore the costly impact that firearm-related violent crimes have on our health care system.

In 2012, the Department of Justice reported in the *Economic Impact of Firearm-related Crime in Canada 2008* that for victims of firearm injury the average cost of hospitalization was about $46,000 per female and about $20,000 per male. These numbers do not take into consideration productivity losses like wages, school days missed, lost future income or personal costs for legal and counselling services. More importantly, they do not take into account the intangible costs of firearm injuries — costs such as physical and emotional pain experienced by victims, the suffering of families, loved ones and communities and, most importantly, the loss of life.

When asked whether the return on investment is worth implementing the proposed changes, for all those reasons, senators, my answer is an unequivocal yes.

This legislation is supported by organizations representing health care workers, police officers, and women's associations. It is supported by scientific research, medical evidence, victims of gun violence and, most importantly, the Canadian public. That is why I voted against the committee's report on Bill C-71, and that is why I will be voting in support of this bill at third reading.

Hon. Marilou McPhedran: Today, I rise to speak to Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Honourable senators, today let's deal with some unassailable facts on gun violence and gun presence in our communities and our families, not opinions, but evidence to debunk some of the discourse promoted by the gun lobby and gun senators in committee and on social media. The safety of women and children has been an important rationale for gun control in Canada since the Montreal massacre of women engineering students — because they were women engineering students — on December 6, 1989.

In February 1995, then-Attorney General Allan Rock stated in the other place that:

> Registration will assist us to deal with the scourge of domestic violence. Statistics demonstrate that every six days a woman is shot to death in Canada, almost always in her home, almost always by someone she knows, almost always with a legally owned rifle or shotgun. This is not a street criminal with a smuggled handgun at the corner store. This is an acquaintance, a spouse or a friend in the home.

Fact: The long-gun registry ended in 2012. The downward trend that began with gun control in 1995 firearm-related violent crimes stopped in 2013.

Fact: Since 2013, firearm-related homicides involving a long gun have doubled between 2013 and 2017.

Fact: Since 2013, firearm-related violent crimes have gone up 42 per cent.

• (1750)

Fact: Firearm-related homicides have now reached their highest rate in 25 years.

While the femicide rate in Canada has generally declined, killing of women through various manifestations of domestic violence remains a shameful and tragic fact in Canada.

Fact: Of the 81 intimate partner murders in Canada in 2016, almost 80 per cent were femicides, and more than 50 per cent of those women were killed by guns.

In spite of this, the gun lobby and their gun senators don't want this bill, don't want registration of firearms in Canada. As Senator Plett so proudly predicted to the media, they gutted the bill at committee. Regardless of use for hunting or sport shooting, guns are no less intimidating and lethal to human beings, and their presence in our communities should not be kept a mystery. In the words of Detective Rob Di Danieli of Toronto —

Hon. Yonah Martin: On a point of order.

The Hon. the Speaker: We can have only one senator standing at a time.

Senator McPhedran, Senator Martin is rising on a point of order.

Senator Martin: Senator, you made reference to "gun owners" and "gun senators." I'm not sure about the appropriateness in terms of how you're using that phrase. I wanted clarification. I feel that the way the phrase is being used sounds a bit inflammatory. That's the point of order.

The Hon. the Speaker: It is not exactly, Senator Martin, a point of order. However, now that you have raised it, maybe Senator McPhedran can take a second and explain it.

Senator McPhedran: Thank you. Does this count as part of my time?

The Hon. the Speaker: No.

Senator McPhedran: Gun senators, in my definition and understanding, are the senators who have spoken for and support defeat of this bill and not returning to some level of registration and greater public clarity around gun ownership in Canada. I could say "pro-gun senators." Would that be better?

The Hon. the Speaker: Senator McPhedran, I think Senator Martin is saying that the phrase "gun senators" is a bit of an awkward description. Perhaps a rephrasing to "senators who oppose the gun legislation" might be more appropriate. I think that would solve the problem. Would it not, Senator Martin?

Senator McPhedran: Your Honour, thank you for that guidance.

In the words of Detective Rob Di Danieli of Toronto:

> The government would know that I have two kids, two cars. But if I bought 10 shotguns, they wouldn't know that I had 10 shotguns.

[*Translation*]

As with any violence, we know that women are more vulnerable to gun violence. Access to a firearm is the major determining factor in the murder of a woman by an intimate partner. The facts are undeniable: cases of domestic gun violence mainly involve legally owned rifles and shotguns. Gun violence against women has significant consequences, and the history of Canada's gun registry goes back to the activism that emerged after the 1989 Montreal massacre.

[*English*]

Colleagues, with the late Jack Layton, I led the first vigil in Toronto, the day after the Montreal massacre in December 1989; and I was an expert witness in one of three inquests, soon after the Montreal killings, into the deaths of women and their children killed by male family members with their legally owned guns. Every inquest recommended the establishment of a registry as a crucial component of the licensing system already in place, because licensing alone did not protect women, their children and other family members from their deaths by legally owned guns.

Inquests into intimate partner killing by guns consistently find usefulness in terms of officers of the law knowing about gun ownership before responding to domestic violence calls. Our committee heard from law officers who spoke in support of this bill as important in countering domestic violence in Canada.

Let me remind you: In 2017, there were 506 female victims of intimate partner violence involving a firearm. Let me assure you that legally owned guns were used to kill many of those women.

Yesterday, Senator Kutcher helped us understand the significance of the presence of guns in a household. Not only does gun presence in a home present a heightened risk factor for suicide, but guns at home can be used for domestic bullying that causes trauma — with children in the home being particularly vulnerable when adults, who control those children's lives, use guns to terrify them or their mothers into compliance.

Inspired by Dr. Kutcher, I want to speak personally for a moment. Picture this: The cozy living room of a farmhouse where there are two little girls about 7 and 8, with their mother, and two little boys about 9 and 10, with their mother — their favourite cousins. The little girls are with their mother and father, all seated together, because a family conference has been called to discuss a family trip that the mothers planned to take with their children.

The girls' father didn't want his family to leave the farm. The mothers and kids gave him their reasons for wanting to take this special trip — largely because the cousins live far apart, and this was a special time planned for them to be together.

What wasn't openly discussed was the fact that these little girls and their mom were living with a bully, and the trip with their cousins was a welcome opportunity for them to have some safe fun with their cousins.

Like many families, the discussion was lively, with the kids interjecting, "But Dad ... Please, uncle." The father left the room before any agreement was reached.

Here's where my memory for details is shaken by trauma.

What I do remember is that he returned with his legally owned gun, sat down, and announced to all of us that the trip was off. I can tell you that the presence of that gun was all it took to silence us all. The whole time we sat there, effectively hostage to this man's obvious threat of violence, I thought of those inquests, I thought of the evidence, and I knew that every one of us in that room was perilously close to being the subjects of another inquest.

The security of Indigenous peoples is of particular concern with regard to gun violence. According to lawyer and professor Dr. Pam Palmater of Eel River Bar First Nation, many First Nations people in rural communities are fearful that they will continue to be targeted for racism, violence and even death. We also cannot forget the sexualized nature of much of the violence, as is evidenced in the thousands of murdered and missing Indigenous women and girls, some of whom were victims of gun violence.

I stand with Dr. Palmater, who observed:

> The debate on gun control seems to have focused on imaginary gun owner rights rather than the rights of Canadians and First Nations to be safe from racialized and sexualized gun violence.

In 2017, the national homicide rate was 7 per cent higher than in 2016. This increase was largely due to a rise in firearm-related homicides in both British Columbia and Quebec. In British Columbia, this increase occurred in both rural and urban areas. In part, this increase is explained by an increase in gang- and firearm-related homicides.

[*Translation*]

In Quebec, however, this increase is primarily explained by a greater number of homicides in rural areas and a greater number of firearm-related homicides in the census metropolitan area of Quebec. The increase in firearm-related homicides was attributed to the mass shooting at the Centre culturel islamique de Québec in January 2017. This shows that, although gang violence is a growing concern, it is not the only reason for the increase in firearm-related homicides. The other driver of —

• (1800)

[*English*]

The Hon. the Speaker: Senator McPhedran, I apologize for interrupting you. It is now six o'clock and pursuant to rule 3-3(1), I am required to leave the chair unless it is agreed that we not see the clock.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Senator McPhedran.

[*Translation*]

Senator McPhedran: The other driver of rising firearm-related homicide rates is members of white supremacist groups who participate in terrorist attacks.

[*English*]

Clearly, not all gun owners are white supremacists but, oh my, do white supremacists like their legally owned guns. In Canada today, any licenced firearm owner, including white supremacists, can obtain as many non-restricted firearms as they wish without any regulation or oversight. In fact, the shooter in the Quebec mosque terrorist attack was a licenced and trained legal firearm owner, and he had the required gun club membership for the guns he used to murder six people who were peacefully praying in their place of worship.

Let me speak plainly here: bullies like guns. In Canada, it is very easy for bullies to have guns. In this place, earlier today, we had an engaged discussion about social media courtesy and trolling, and no doubt this is a discussion that has just begun for us, because, colleagues, we have trolling and bullying going on in this place and on social media. Online behaviour offers a glimpse into who we are and what we encourage.

Allow me to share some evidence of whom some members of the gun lobby are, and let me remind you of Dr. Palmater's warnings about racialized and sexualized violence done with guns.

Let me also remind you that violent acts are often prefaced by threatening, assaultive words. The Sporting Clubs of Niagara, who appeared before the committee, hosts a website which represents a group of self-described "concerned" gun owners. With regard to this bill, the Sporting Clubs of Niagara posted the following statement, and the grammar is theirs:

> There is 75,000 signatures against Bill C-71. We also have a Muslim mosque that collected just 75 signatures to ban assault weapons (aka civilian carbines) and this Muslim petition of just 75 signatures is what the government is noticing; yet, our tax paying citizens' petition of 75,000 signatures against Bill C-71 gets ignored as if it never existed.

This statement makes a deliberate, albeit false, distinction between Canadian Muslims and taxpaying citizens. It also dismisses the tragedy that occurred in the Islamic Cultural Centre in Quebec City. This type of discourse does nothing but pander to xenophobic attitudes and beliefs that fuel hatred and bigotry.

The Hon. the Speaker: I'm sorry to interrupt you again, Senator, but your time has expired, including the extra time you've been allotted for the interruption. Are you asking for five more minutes?

Senator McPhedran: I would very much appreciate that.

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

Senator Martin: No.

The Hon. the Speaker: I'm sorry, I hear a no, Senator McPhedran.

Senator McPhedran: As expected, thank you.

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

Hon. Murray Sinclair: Honourable senators, I also rise to speak to this bill, particularly, though, from the perspective of the impact that it might have and what it might do with regard to Indigenous people and Indigenous rights.

I want to mention, first of all, that it's interesting when one studies the history of gun control in Canada that the first legislation regarding gun control in this country was passed in 1886. At the time, it banned the possession of firearms in Western Canada by anybody who didn't have a permit from the Lieutenant-Governor of the province.

There was, of course, a hue and cry from the settler population that they needed their guns to survive. They were concerned about Indian uprisings. The government decided permits would only be given to the settler population and permits were denied thereafter to Indigenous people. The first gun control laws that we see in Canada were those applied against Indigenous people.

Firearms played significant roles in the lives of Indigenous people since their introduction going back to the 15th and 16th centuries in their lives as traders with Europeans. They changed the way Indigenous people hunted for sustenance and obtained animals for use in traditional ceremonies and in trade. They seriously impacted the safety and crime rate within Indigenous communities.

Indigenous people are disproportionately represented within the statistics relating to suicide, violence, crime and homicide, much of it gun related. Colonization and discriminatory laws designed to disrupt and prevent Indigenous peoples from transmitting cultural values and identity from one generation to the next, along with those who created communities with social, economic, emotional and psychological damage, have been the impact that the history of laws in Canada have had.

We see that, in fact, represented in the high rates of incarceration and of child apprehension and the mental and medical health problems that Indigenous people face, as well as in the suicide rates. Indigenous peoples in Canada experience disproportionately higher rates of suicide and suicidal ideation in comparison with their non-Indigenous counterparts. This issue was brought to light in a landmark special report published by the Royal Commission on Aboriginal Peoples in 1995, which documented that rates of suicide among Indigenous peoples had dramatically increased just over the decade prior to the issuance of the report.

At the time of the writing of that report, the commission estimated that the national rate of suicide among Indigenous people was three times higher than general public or non-Indigenous Canadians, and the rate of suicide among Indigenous youth was five to six times higher than non-Indigenous youth.

Sadly, research indicates that those figures have remained unchanged and, in fact, in some parts of country have increased significantly over the past three decades.

Firearms suicide rates are highest among Indigenous people; however, the percentage of suicides themselves involving a firearm among Indigenous peoples, as opposed to other methods of suicide, is lower. People choose other methods of ending their lives than simply shooting themselves, it would appear. Only two interventions have been empirically demonstrated to be effective in decreasing suicide mortality: health treatment that includes traditional elders and traditional healing methods, and the restriction of the lethal means of suicide.

Firearms are responsible for somewhere between 21 and 31 per cent of intimate partner homicides and rifles and shotguns, the common firearms in Western Canada and, in particular, in Indigenous communities, are used in 62 per cent of all spousal homicides in First Nations territories.

One cannot contest that keeping a gun in the home is a risk for spousal homicide. The risk of death to a victim of intimate partner violence is significantly higher when there is access to a firearm, particularly when one is drinking or partaking in the use of drugs.

A firearm in the home increases a woman's risk of death fivefold in Indigenous communities and is such an important risk factor that a partner's access to firearms is a question in the well-validated danger assessment for risk of death from partner violence.

Firearms are not only used for homicide and intimate partner violence. Gun owners enrolled in a Massachusetts batterers intervention program described intimidating their partners by threatening to shoot them, to shoot a pet or to shoot someone their partner loved, or while cleaning, holding or loading a gun during an argument, or even firing the gun during the course of an argument.

In the 1980s, gun control became the focus of the efforts of Indigenous communities. In one community in northern Manitoba, the Pukatawagan First Nation, now called the Mathias Colomb Band, was known as the Dodge City of the north. It had the highest per capita homicide rate involving rifles in North America. It had 30 deaths in the course of two years, half of them classified as murders.

• (1810)

Other communities facing critical levels of violence and homicide with firearms are Shamattawa and Gods Lake Narrows. While I was Chair of the Aboriginal Justice Inquiry in Manitoba, we studied the critical situation of those two communities and what they were facing, and the other communities as well and how they dealt with firearm-related violence and crime. Many broke the law. The level of despair in the community was palpable among young people in particular. Many broke the law hoping simply to grab a jail term just to escape from the dangers, the isolation, the boredom and the sense of hopelessness they felt in the communities where they lived.

The community of Pukatawagan, under the leadership of the chief at the time, wanted to implement community-based solutions to deal with this critical issue. Drawing upon traditional practices in involving the women elders of their community, it established a justice committee through band council resolutions. They implemented laws requiring that firearms had to be stored in the band office when they were not in use. The cost of implementing such a measure was negligible. Gun-related violence and homicide dropped significantly in Pukatawagan as a result of that.

Seeing this turnaround, leaders from other northern communities turned to Pukatawagan for help. Some of them launched similar initiatives. The RCMP hired an independent researcher to find out why the practice had not taken off across the province. Their report, entitled *Safe Storage in Aboriginal Communities: Exploratory Review of Central Firearm Storage Programs in Manitoba*, highlighted that such community-based initiatives contributed to a more successful central firearm storage program because it had a formal administrative process.

If a person needed their firearm for hunting, all they had to do was show their ID and sign it out. Ninety-one per cent of firearm owners used the band storage registry and believed that the system benefited the community in terms of reduction of firearms offences, reduction of accidents and increased safety of children.

Complaints about the programs were very rare. The programs were carefully overseen by elders councils who enforced their will in that area upon all of the gun owners in the community.

The success of these programs is based on four main elements, which are the essence of community will to use the program, the level of public awareness of it, the level of public confidence in it, and the relative convenience of the program. This is evidence that Indigenous people must be part of community-based solutions to address firearm violence.

I want to acknowledge and commend Senator Pratte for his mobilizing efforts to ensure that this bill identified and addressed the unique needs, issues, concerns and rights of Indigenous peoples. Despite government oversight to include Indigenous people in the consultation process during the development of this legislation, as noted by those who came to testify during the committee stage, the consultation process they did not feel was complete or adequate. Nonetheless, Senator Pratte worked with Indigenous stakeholder groups, held Indigenous-specific briefings with senators and reached out to the Indigenous senators in an effort to understand and resolve any unforeseen impacts this bill may have on Indigenous peoples.

All Canadians, Indigenous and non-Indigenous, must meet prescribed criteria for the safe handling and use of firearms and demonstrate knowledge of the laws relating to firearms.

While the Firearms Act and its regulations apply to everyone, some sections of the act and licensing regulations, such as the Aboriginal Peoples of Canada Adaptations Regulations, have been adapted for Indigenous peoples to ensure that the application of the firearms laws respect the traditional lifestyles and Aboriginal treaty rights as recognized and affirmed by section 35 of the Constitution Act of 1982.

There are eight historical treaties in Western Canada. They provide for certain amounts of ammunition, for example, to be provided on an ongoing and annual basis to the members of those treaty territories. In the modern day context, treaty ammunition is often distributed in the form of currency and treaty benefits, and treaty beneficiaries require a valid firearms licence to purchase ammunition from a retailer.

I am satisfied, however, that the non-derogation clause relied upon in this bill is sufficient in that it will not affect or impact Aboriginal and treaty rights. It is consistent with the non-derogation clause in Bill C-68, sponsored by Senator Christmas, and we both agree that Aboriginal treaty rights will not be impacted. This legislation, in its overall impact upon Indigenous communities, will allow Indigenous communities to continue to exercise their jurisdiction safely and with a view to compliance with the overall national objectives of this law.

Therefore, I have no hesitation in supporting this bill and I encourage my colleagues to do so as well.

Hon. David Tkachuk: Honourable senators, I do not own a gun. I support legal gun owners in my province and in Canada, and I'm proud to say that I do not support this legislation.

We also live in the sixth safest country in the world. We have a very low percentage of murders in this country. Most murders are committed not by firearms but by stabbing and other means. Suicides are not populated only by guns but by hanging and poison and other methods. Women don't shoot themselves with guns when they commit suicide; they use poison and they hang themselves, unfortunately. These are questions of mental illness and have nothing to do with guns.

I am sure all senators are aware this legislation was thoroughly studied in the Standing Senate Committee on National Security and Defence, which after hearing from a broad cross-section of witnesses, proposed certain amendments at committee to address some of the concerns raised by those witnesses.

Some of these amendments were adopted and others were not. However, what was common in the discussion on all of the amendments was that the debate was thorough. Considerable witness testimony contributed to that debate, and the discussion among senators was vigorous.

It is virtually unprecedented in these circumstances that this testimony and the report of the Senate committee should be summarily rejected and that the amendments made by the committee should be summarily dismissed. It just happens to be that the proposal from Senator Pratte to reject all the amendments made at committee happens to coincide with the position of the government, that its legislation must be entirely accepted, whether flaws identified by witnesses in the Senate committee are addressed or not.

Given that this is the government's position, it is incumbent upon the opposition to ensure that amendments proposed at committee are given a full hearing in the Senate Chamber.

One such amendment concerns the question of whether the screening of a firearms licence application should be focused on the five-year period immediately preceding an individual's new licence application or renewal, or whether the screening in general terms should always apply to an individual's entire life history.

Current legislation requires that the background of an individual applying for a new firearms licence or renewing the existing firearm be focused on the five years previous to a firearms licence application being made. The government has proposed that this screening should be expanded to cover an entire life history.

I have not heard a particularly strong rationale for that from the government. What concerns me is that the resources simply do not exist to consistently apply that sort of lifetime review. This means that inevitably, lifetime reviews will be random. There is a risk that it will not be case-specific but instead carry a high risk of being haphazardly applied.

That is what is being proposed in Bill C-71. In that context, it is useful to consider how the current firearms screening system actually functions. What we find is that the lifetime review of

licence applications is already permitted under the current system. Under the current background check system, subsection 5(1) of the Firearms Act already states that:

> A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm . . . .

• (1820)

To verify that, background checks already consider a person's entire criminal history beyond five years, plus mental health, addiction and domestic violence records.

The reality is that investigations can also go into a person's history if there is a reason to do so. In this context, we have to consider what we are gaining by more routinely requiring lifetime background checks in legislation. Witness testimony on this bill has referenced the impact that this provision could have on Canada's more vulnerable communities.

I was not a party at the Senate committee, but when the House of Commons reviewed Bill C-71, Heather Bear, Vice-Chief, Saskatchewan Region, Assembly of First Nations, asked:

> Obviously we need to keep firearms out of the hands of dangerous criminals and people with serious mental illnesses, but why punish a person who made a mistake decades ago?

The majority of members on our National Security and Defence Committee agreed with that perspective, as well as what they heard from other witnesses, and the committee amended the bill to have background checks focus on the five years immediately preceding a firearms licensing application or renewal.

In addition to using resources more effectively, that amendment would have ensured that mistakes a person made decades ago should not be held against that same person decades later.

Senators should be aware that this amendment to focus licence reviews on the five years previous still left all the other provisions related to enhanced background checks intact. Therefore, an individual would continue to be screened for the following: First, whether the person has been convicted of an offence in the commission of which violence against another person was used, threatened or attempted; a firearm-, weapon- or ammunition-related offence against the Firearms Act or Part III of the Criminal Code; criminal harassment, drug trafficking or possession for the purpose of trafficking.

In addition to these criminal checks, individuals are also screened as to whether a person has been treated for a mental illness, whether in a hospital, mental institute, psychiatric clinic or otherwise, and whether the person was confined to such a hospital, institute or clinic that was associated with violence or threatened or attempted violence on the part of the person against any person; and (b) whether that person has a history of behaviour that includes violence or threatened or attempted violence on the part of the person against any other person.

This type of focused screening is justifiable and reasonable. When required, the screening can cover a person's life history. Such screening is also manageable within the resources that are allocated to the Canadian Firearms Program.

What I fear will happen if we move to lifetime screening is that such reviews will, at best, be random. The resources will not be available to support that approach The system risks being made more inefficient, with longer and unnecessary wait times being created through cascading delays.

This will not enhance public support for reasonable gun controls, which I believe most of us support. I propose that focused five-year background checks be retained in the legislation.

MOTION IN AMENDMENT—VOTE DEFERRED

Hon. David Tkachuk: Therefore, honourable senators, in amendment, I move:

> That Bill C-71 be not now read a third time, but that it be amended in clause 2, on page 2,
>
> (*a*) by replacing lines 4 to 10 with the following:
>
> "**2 (1) Subsection 5(2) of the Act is amended by strik-**"; and
>
> (*b*) by replacing line 32 with the following:
>
> "**(2) Section 5 of the Act is amended by adding the**".

Hon. André Pratte: This is a very important issue regarding background checks, so I would like to make a couple of points on debate, please, Your Honour.

First of all, you will remember that I mentioned a poll that was commissioned by The Canadian Press, conducted by Leger, which was published last month. One of the specific questions that was asked was whether or not people agreed with the possibility of extending the length of time the RCMP can check into a person's background, when applying for a gun permit, from the last five years to that person's full life.

According to that poll, 82 per cent of Canadians agreed with this policy, including, I might highlight, 80 per cent of Conservative voters. I'm just saying.

Senator Plett: A political poll or a gun control poll?

Senator Pratte: The Canadian Press poll, so it's a valid poll, in my view.

The honourable senator mentioned that one of the concerns — and certainly it was a concern expressed by many in committee and in public debate — was that applicants for a firearms licence could be prevented from receiving this licence because of a mistake they would have made decades ago, but the bill and the Firearms Act are very clear that what firearms officers are looking for is violent or threatening behaviour versus another person or the applicant himself.

The issue is whether something that happened more than five years ago can be an indicator of something that could happen in the future. Testimony on this point was very clear in committee by many experts, for instance, on the issue of suicide. Brian Mishara, who is a professor at L'Université du Québec à Montréal and a renowned expert on suicide, said that a suicide attempt that happened more than five years ago could be an indicator of a future suicide attempt.

Now, this doesn't mean that a person who attempted suicide 25 years ago would necessarily be prevented from getting a gun licence. It would be the decision of the Chief Firearms Officer, considering all the other factors, including the present situation of the person.

I know of a case where a person who attempted to commit suicide many years ago applied for a gun licence, and the reply from the Chief Firearms Officer was. "Okay, but we would like to have a certificate from your doctor, considering the medicines that you are taking," and so on.

That's prudent behaviour from the Chief Firearms Officer to prevent someone who can have mental health issues or a past marked by violent or threatening behaviour. I don't think that something that happened seven years ago, whether it's a suicide attempt or whether it's an incident of domestic violence, is as relevant as something that happened three years ago.

The honourable senator mentioned that the Chief Firearms Officer can already verify more than five years ago in certain cases. In fact, one of the reasons for the amendment brought forward by Bill C-71 is that there was confusion on that point. Some people thought, including the Chief Firearms Officer and some judges, that going back more than five years, considering what is written in the act at present, was not possible. Others thought that it was possible.

What happened is in the end, the B.C. Court of Appeal and others decided that, in fact, the Chief Firearms Officer could consider anything that happened, whether it's five years ago or more than five years ago, in a whole lifetime, if they believed that it raises a safety issue either for the person or for others.

Therefore, what the bill does is simply codify jurisprudence. It doesn't add any new power. It just codifies what the courts have said when they interpreted the Firearms Act.

I believe that the overwhelming majority of people who want to get a firearms licence want to do it for legitimate purposes, and they will have no difficulty whatsoever, even with this strengthening, this deepening, of the background checks. They will have no difficulty whatsoever receiving a gun licence.

[*Translation*]

In my opinion, running a background check on someone who wants to acquire a firearm is the prudent thing to do. In the vast majority of cases, this will change absolutely nothing, but in the rare cases where the Commissioner of Firearms might have some concerns, he will be able, under established law, to do what jurisprudence already allows him to do, namely ask questions and run additional background checks on the person before issuing a firearms licence. I think this is simply the wise and prudent thing to do. Thank you.

• (1830)

[*English*]

Senator Tkachuk: I have a question. In the poll that was done, the people who were being questioned, did you get information as to whether they owned firearms? Did they know that you could do a lifetime check now?

Senator Pratte: No, we don't know who owned firearms or not. That question wasn't asked in the poll. Gun ownership rates vary across the country. In all regions, there was a strong majority in favour of these deepened background checks.

Whether people who answered this question are aware of all the details of the current regime, probably not. But then polls presently are showing that the Conservative party is ahead of the Liberal party. Do all people who answer in favour of the Conservative party know all the positions of the Conservative party? I don't know. A poll is a poll. It's one indicator. It's not determinative, but it's one indicator that shows answering other questions to this poll that are very clear that Canadians in a large majority favour a strengthened gun control regime.

Senator Tkachuk: I have another question on suicide. You mentioned that there was strong evidence that showed that people who may have exhibited some tendency towards suicide in the past are more prone to do it again. Was that background evidence given on the basis that they tried to kill themselves with a gun or they used poison or as they do in large majority of suicides did they attempt to hang themselves? Do you prevent them from having rope? I don't quite understand what the correlation is between that and another option because they may choose another option. It has nothing to do with a gun. It's got to do with convenience. Most men kill themselves by gun, but women don't.

Senator Pratte: That allows me to discuss briefly the issue of suicides. I won't do it as convincingly as Senator Kutcher did yesterday.

I could send the references to the honourable senator, but certainly it's been demonstrated clearly by research that there is little or no substitution effect. Of course you can ask will you prevent people from getting a rope? We all know that's not possible. What is possible, however, is to prevent people who have mental health issues and have attempted suicide before, we can prevent them from getting a gun. We know, and research shows that has a positive effect on the suicide rate.

Hon. Carolyn Stewart Olsen: Honourable senators, I will be brief. I don't really want to wade into this because I really don't know all the ins and outs of gun control.

I do know I worked for years as an emergency room nurse. I worked in Baltimore at Johns Hopkins for three years. I saw gun violence that was an epidemic. It was drugs, alcohol, gangs, and a way of life.

Here at home, I see much less, but I do agree, I see more gun violence.

With bills like this, we tinker on the outside because we really want to do something to help. We want to make it better, and we find this is a good way to make it better. I don't think it does. I think we have to look more at root causes, alcohol, drugs especially, those are major factors.

I also think we should allow for the way humans are. If someone wants to commit suicide, they will do it if they really want to. I agree, it's convenience if there's a gun there.

I hate to get into this whole area where we blame guns and we blame people who have guns when we're actually not dealing with what's really happening, which is the violence. Domestic violence, gang violence, we're not getting anywhere near them. It's too easy to get a gun. If you buy it legally, that's great, but it's too easy to get illegal guns.

One big factor is the violence we see on television and in movies. A few years ago, I would never have thought of picking up a gun and shooting somebody if they made me mad, but after a while you get used to it. I don't think people have the same abhorrence of shooting someone as they used to. I think it's the progression of society.

I would urge you perhaps to look at other things that would be causing this. It's not so much gun violence. We're not going to solve the problem with that. Thank you, senators.

Hon. Donald Neil Plett: I've been called a lot of things in my life. Today I was called a gun senator; not because I own a gun, because I don't; not because I do any sport shooting, because I don't; not because I go hunting, because I don't. But because I support law-abiding citizens who own guns and law-abiding sport shooters who want to sport shoot and law-abiding hunters who want to hunt. I now have the title of a gun senator. Thank you very much.

The Hon. the Speaker: Excuse me, Senator Plett, when Senator Martin raised this issue earlier and I believe Senator McPhedran addressed it and said it was an unfortunate phraseology to use "gun senators" and it was changed, just for your information.

Senator Plett: Thank you, Your Honour. I was in the reading room watching it. I think to call myself a gun senator certainly is not out of order and I was referring to myself.

The Hon. the Speaker: Quite honestly, Senator Plett, I don't think you were calling yourself a gun senator as much as you were referring to the comments made by Senator McPhedran. That's the difference.

Senator Plett: Fair enough, thank you.

Let me take a few minutes to speak to this. I know there is probably little point. There are probably those who are sitting there thinking that if there is a little point, sit down. I won't do that. I will speak for a few minutes and hopefully some people will take note and maybe consider the relevance of this good amendment that Senator Tkachuk brought forward.

Senator Pratte talked about a poll. I talked about that poll earlier this week. It's strange how two people can look at the same poll and come to absolutely differing opinions. Since I used it the other day, I won't use it again.

I support Senator Tkachuk's amendment. Just last weekend, I was speaking at an event in Calgary about Bill C-71 and the government's agenda on gun control. There were a lot of people there; young, middle age, old, grandmothers, grandfathers, kids, gun enthusiasts, hunters, gun collectors.

One person I had the opportunity to chat with for quite some time told me how much he enjoyed being an avid sport shooter, gun collector and hunter. What made it such a rewarding experience was the fact that he was able to enjoy these sports with his wife and his son. His wife was there as well and agreed with that. This gentleman is an amazing, upstanding citizen working in the construction industry in Alberta.

• (1840)

Yet, due to an unfortunate event in his past, he would have never qualified for a gun licence if lifetime background checks were required and he was the honest person that I certainly deem him to be.

Colleagues, the intention behind extending a five-year background check to cover a lifetime is a noble one. No one wants to be issued a firearms licence if doing so would pose a threat to public safety. Let's settle the discussion that no one is debating that point. The question is how, with limited resources, do you most effectively achieve that goal?

I would propose to you that increasing the current five-year window to cover a lifetime is not the right approach. In fact, until we are satisfied that we are doing a good job with the current five-year window, it would be foolish to expand it to a larger time frame.

I'm sure everyone in this room knows the name Alexandre Bissonnette. On January 29, 2017, he opened fire at a Quebec City mosque, killing 6 and wounding 19. He was a licensed gun owner. In September 2014, having completed the Canadian firearms safety course, Mr. Bissonnette applied for his

Possession and Acquisition Licence. Like all applicants, he was required to fill out a four-page form that includes the following question:

> During the past five (5) years, have you threatened or attempted suicide, or have you suffered from or been diagnosed or treated by a medical practitioner for: depression; alcohol, drug or substance abuse; behavioural problems; or emotional problems?
>
> The response is yes or no.

Mr. Bissonnette answered, "no." The problem was that he was lying. Under the existing background screening, he should have never been granted a licence. Three times over a period of two years, Mr. Bissonnette had sought treatment for panic attacks, anxiety disorders, suicidal thoughts and depression. He was on two different medications in order to treat these issues, but as reported last year by *Le Devoir* an applicant's answers to these questions are not verified by the RCMP. Not verified by the RCMP. If they tick the box that says "no," that's as far as it goes.

Each applicant is also required to provide two references that the RCMP can contact in order to verify information included on the application form. Once again, as reported by *Le Devoir*, these references are not checked unless there is a clear reason to do so. This situation isn't new.

In 2014 "Global News" reported that, according to RCMP Sgt. Greg Cox:

> Personal references are contacted on a case-by-case basis, with priority normally given to first-time applications for licences with restricted privileges.

In other words, the so-called background checks involve very little checking.

These shortcomings are compounded by the fact that the ongoing eligibility of a licence holder is continuously assessed while the individual is a licence holder, and every five years when the individual applies to renew their licence.

In February 2018, the RCMP released a report which examined the effectiveness of this ongoing eligibility screening. The report found that there were significant delays into investigations about whether a gun licence should be revoked due to violent incidents or mental illness. The report noted these delays could have a negative impact on public safety.

To understand the scope of what the RCMP is being asked to do in conducting background checks, it is important to note that as of December 31, 2017, there were 2,109,531 licence holders in Canada. In 2017 alone, the RCMP issued 401,884 individual licences, including 270,067 renewals.

Colleagues, even with a five-year window for background checks, this is a mammoth task. It is difficult to see how extending the time frame to cover a lifetime will do anything but decrease public safety by stretching an already limited resource. I would argue that Canadians would be better served by doing a better job of background checks under the existing five-year time frame rather than increasing it and diminishing the quality of the checks even further. Expanding the window to cover a lifetime may be well-intentioned, but it is the perfect example of trying to run a marathon before you can crawl across the room.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment it was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald that Bill C-71 be not now read a third time but that it be amended in clause 2. May I dispense?

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

Senator Plett: We'll defer the vote to the start of the next sitting of the Senate.

The Hon. the Speaker: The vote is deferred to the next sitting of the Senate at the start of Orders of the Day with the bells to ring for 15 minutes.

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Monday, May 27, 2019, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

[*English*]

Senator Plett: Speaker, if I could just say that we on this side, in the spirit of cooperation and collaboration, want to enthusiastically support that motion.

Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES AND OCEANS

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

On Motion No. 486 by the Honourable Fabian Manning:

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

Hon. Fabian Manning: Honourable senators, pursuant to rule 5-10(2), I ask that that Notice of Motion No. 486 be withdrawn.

The Hon. the Speaker: So ordered.

(Notice of motion withdrawn.)

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

On Motion No. 490 by the Honourable Fabian Manning:

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

Hon. Fabian Manning: Honourable senators, pursuant to rule 5-10(2), I ask that Notice of Motion No. 490 be withdrawn.

The Hon. the Speaker: So ordered.

(Notice of motion withdrawn.)

(*At 6:49 p.m., the Senate was continued until Monday, May 27, 2019, at 6 p.m.*)

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