

PARLIAMENTARY WRAP-UP FOR THE WEEK OF MAY 11 - 15, 2015

Updates on Key Legislation pertaining to First Nations

Please note: LEGISinfo, a website maintained by the Library of Parliament, provides comprehensive information on all legislation:

<http://www.parl.gc.ca/LegisInfo/Home.aspx?Language=E&Mode=1&ParliamentSession=41-2>

Bill C-32: Canadian Victims Bill of Rights Act

- **Passed 3rd reading in the Senate on April 22, 2015, Received Royal Assent on April 23, 2015.**
- The Bill creates a Victims Bill of Rights that outlines specific rights for victims of crime, including accessing information about the criminal justice system and programs and services, information about the status of investigations and criminal proceedings, protection from intimidation and retaliation, right to have views considered, the right to present a victim impact statement and to make a restitution order.
- The Bill amends sentencing principles in the Criminal Code, including s. 718.2(e) that directs consideration to the unique circumstances of Aboriginal offenders. There is concern that this proposed amendment would be confusing and would interfere with the intention of flexibility in sentencing for Aboriginal offenders particularly coupled with recent introduction of mandatory minimums.

Bill C-33: First Nations Control of First Nations Education Act

- **Passed 2nd reading on May 5, 2014. The Minister of Aboriginal Affairs and Northern Development announced that the bill will be held pending clarification of the position of First Nations. The pre-study initiated by the Senate Committee on Aboriginal Peoples has also been put on hold.**

Bill C-46: Pipelines Safety Act

- **Completed 2nd reading in the Senate on May 14 and has been referred to the Senate Standing Committee on Energy, the Environment and Natural Resources for study.**
- **The AFN provided a written submission to the House of Commons Committee outlining impacts on First Nations' rights (available on www.afn.ca).**
- The Bill introduces absolute liability for all NEB-regulated pipelines, meaning that companies will be liable for costs and damages irrespective of fault — up to \$1 billion for major oil pipelines; companies continue to have unlimited liability when at fault or negligent; provides the NEB authority to order reimbursement of any cleanup costs incurred by governments, communities or individuals; and provides the NEB authority and resources to assume control of incident response if a company is unable or unwilling to do so (i.e., in exceptional circumstances).

Bill C-51: Anti-Terrorism Act, 2015

- **Completed 2nd reading in the Senate on May 14, 2015 and was referred to the Senate Standing Committee on National Security and Defence. This committee has already completed a pre-study of the Bill.**
- **Small amendments at the House of Commons committee included removing the word “lawful” from the greater certainty clause under the Definitions in Part 1, which now reads: *For greater certainty, it does not include advocacy, protest, dissent and artistic expression.***
- **National Chief Bellegarde presented to the committee on March 12, 2015 and a written submission has been provided to the House of Commons and Senate committees. These are available on www.afn.ca.**
- Under Part 1 of the ATA 2015, an “activity that undermines the security of Canada” includes: (a) interference with the capability of the Government of Canada in relation to intelligence, defence, border operations, public safety, the administration of justice, diplomatic or consular relations, or the economic or financial stability of Canada; (b) changing or unduly influencing a government in Canada by force or unlawful means; (d) terrorism; (f) interference with critical infrastructure. This definition could be problematic for First Nations who have marched across or set up blockades at the border of

the United States and Canada, First Nations who have called for action on a specific file by setting up a blockade along a major highway, or who block access to a road or railway.

- There is also a concern that that Bill C-51 would criminalize speech and intent, not just action; lower the requirement to detain people without due process; and allow security agencies unrestricted access to Canadians' tax records, online communication, and travel plans.

Bill C-59: *Economic Action Plan 2015 Act, No. 1*

- **Omnibus bill to implement provisions of Budget 2015; currently at 2nd reading in the House of Commons and pre-study at Senate Standing Committees.**
- Division 16 amends the *First Nations Fiscal Management Act* – many of these amendments have been proposed by the First Nations Financial Management Board, the First Nations Tax Commission and the First Nations Finance Authority. An assessment of the impacts of these changes is under way.

Bill S-6: *Yukon and Nunavut Regulatory Improvement Act*.

- **Completed study by the House of Commons Standing Committee on Aboriginal Peoples and Northern Development and reported to the House of Commons with no amendments. Is scheduled to begin debates at Report Stage on May 25, 2015.**
- Amends the *Yukon Environmental and Socio-economic Assessment Act* to provide that the *Canadian Environmental Assessment Act, 2012* does not apply in Yukon, to allow for the coordination of reviews of transboundary projects, to establish time limits for environmental assessments and to establish a cost recovery regime.
- Yukon First Nations have assessed that the Bill infringes their Treaty rights and has been imposed without Crown consultation and accommodation.

Private Member Bills

Bill C-628: *An Act to amend the Canada Shipping Act, 2001 and the National Energy Board Act (oil transportation and pipeline certificate)*

- **Defeated at 2nd reading in the House of Commons on April 1, 2015.**
- Would amend the National Energy Board Act to ensure that consultations must take place between the Government of Canada and First Nations whose lands or waters will be affected by a pipeline.

Bill C-639: *An Act to amend the Criminal Code (protection of critical infrastructures)*

- **Introduced December 3, 2014 by [Wai Young \(Vancouver South\)](#)**
- Act would create an offence of damaging any part of critical infrastructure, with a minimum fine of \$3,000 and maximum imprisonment of 10 years. If such damage is deemed to cause a danger to life, it could result in life imprisonment.
- Critical infrastructure is very broadly defined as: “privately owned facility, network, service or asset that provides or distributes services for the benefit of the public, including services relating to energy, telecommunications, finance, health care, food, water, transportation, public safety, government and manufacturing, the disruption of which could produce serious adverse economic effects or endanger the health or safety of Canadians.”
- This Act could be used to target First Nations engaging in civil disobedience, lawful protest or blockades.

Bill C-641: *United Nations Declaration on the Rights of Indigenous Peoples Act*

- **Defeated at 2nd reading in the House of Commons on May 6, 2015.**
- Would require the Government of Canada to take all measures necessary to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples and for the Government to table a report on its progress between 2016 – 2036.
- Requires the Government of Canada to take all measures necessary to ensure that the laws of Canada are consistent with the Declaration on the Rights of Indigenous Peoples, and that the Minister of Aboriginal Affairs must prepare an annual report to Parliament for the next four years reviewing progress in implementing this law.

Highlights in the House of Commons

May 12, 2015

Aboriginal Affairs

[\[Expand\]](#)

Ms. Niki Ashton (Churchill, NDP):

Mr. Speaker, the RCMP recently apologized for comparing the Idle No More movement to bacteria. On Friday, I asked the government to do the same, but the Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness called my request “abhorrent”.

Does the Minister of Aboriginal Affairs agree with her, or will he apologize to the House and condemn these discriminatory statements?

[English]

[\[Expand\]](#)

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC):

Mr. Speaker, the member is correct. The RCMP did apologize for that comment.

However, as I stated last week, I would like point out that on this side of the House we actually support our law enforcement in Canada. We have provided law enforcement, our national security agencies with the tools that they need, whether it be legislative or funding.

Also, on this side of the House, we support preventative measures for crime as well. I wish, just for once, the NDP would stand up and support any of those measures.

[\[Expand\]](#)

Ms. Niki Ashton (Churchill, NDP):

Mr. Speaker, the question is asking the government to clear its own record from last Friday, which it has not done.

The RCMP admitted that their comments were, as they called them “unfortunate” and that they do not represent the views of their organization. However, the government, yet again, has doubled down describing it as “absolutely abhorrent” that anyone would even ask for an apology on this kind of discriminatory language.

Therefore, I am asking the Minister of Aboriginal Affairs, will he stand with the RCMP, apologize and make it clear that this kind of discriminatory language toward first nations is unacceptable?

[\[Expand\]](#)

Ms. Roxanne James (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, CPC):

Mr. Speaker, as I just said and the member mentioned, the RCMP did apologize for that comment. However, once again, every single measure that we have brought forward in this House to support our law enforcement agencies, whether it be RCMP or national security agencies, have been obstructed or voted against by that opposition member and the NDP. Just once, I would like that member to stand up and actually support our law enforcement agencies, as opposed to some of the stuff that those members say about our security agencies in this country.

May 13, 2015

Aboriginal Affairs

[\[Expand\]](#)

Ms. Niki Ashton (Churchill, NDP):

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May 13, 2015

Aboriginal Affairs

[\[Expand\]](#)

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusksing, NDP):

Mr. Speaker, Pic Moberg First Nation has been working since 1992 to acquire a small 16 square kilometre parcel of land that will give the community the room it needs to grow. There is no cost to the government, but the delay is costing the first nation and is holding back projects, including an industrial park.

The province has signed, the band has signed, but the government is missing in action. When will the minister sign the agreement that will let the Pic Moberg First Nation grow its on-reserve economy?

[\[Expand\]](#)

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, as the member will know, the additions to reserve process is often a lengthy and complex one. I will speak to the minister directly about this specific case.

Certainly, we are working with willing partners in first nations communities to advance their economic needs and to advance their economic participation in Canada. Every time we do that, that member and her party vote against it.

(1450)

[Translation]

[\[Expand\]](#)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):

Mr. Speaker, aboriginal communities are tired of waiting on a minister who does not answer their questions.

The Prime Minister promised to work toward reconciliation. Nevertheless, all we are getting from this government is meaningless answers. One minister said that my bill, which seeks to uphold the fundamental rights of indigenous peoples, was “utter nonsense”. My question is simple: rather than being part of the problem, will he now try to be part of the solution?

[English]

[\[Expand\]](#)

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, the highest form of aboriginal and treaty rights, acknowledgement and protection is constitutional protection, and section 35 of the Constitution of Canada achieves that. Furthermore, the human rights of all Canadians, including aboriginals, are protected by the Charter of Rights and Freedoms.

Again, every time we bring forward new measures to give rights to people on reserve, such as matrimonial property rights on reserve, human rights on reserve, that party and that member vote against them.

[\[Expand\]](#)

Ms. Niki Ashton (Churchill, NDP):

Mr. Speaker, the refusal of the minister to join the RCMP in apologizing for an unacceptable report that termed Idle No More activists as bacteria is another indication of a broken relationship. Instead of taking the opportunity to tell indigenous communities that they are respected and that the government wants to work with them, the parliamentary secretary accused me of not supporting law enforcement. Let me be clear. The RCMP did the right thing by apologizing. The minister, on the other hand, did not.

Will he stand in the House today and say he is sorry?

[Translation]

[Expand]

Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness, CPC):

Mr. Speaker, I have to say that I agree with my colleague.

Like her, I can confirm that the RCMP apologized and that that was the right thing to do.

[English]

[Expand]

Ms. Niki Ashton (Churchill, NDP):

Unfortunately, Mr. Speaker, we want to hear an apology from the Minister of Aboriginal Affairs.

He will not apologize even though the RCMP called first nations bacteria. He blamed aboriginal men for violence against aboriginal women instead of standing with the rest of us and supporting a national inquiry. He accused first nations youth in New Brunswick, who are growing up in abject poverty, of being lazy. He told Yukon first nations that they are not “real governments”. Enough is enough.

Does the minister recognize that his words are deeply disrespectful and his actions damaging to the relationship with indigenous peoples?

[Expand]

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, since taking office in 2006, our government has given women living on reserves the same matrimonial rights as all Canadians. We have taken concrete action to ensure that first nations have the same drinking water standards as those off reserve. We have invested in jobs and skills training, which lead to greater first nations participation in the economy. We have taken action to strengthen the on-reserve election system and increased the level of accountability and transparency required of first nations government.

Every time we work to improve the lives of first nations living on reserve, that party votes against it. Why do New Democrats not get on board with us in making things better for first nations in Canada?

May 15, 2015

Osoyoos Indian Band

[Expand]

Mr. Dan Albas (Okanagan—Coquihalla, CPC):

Mr. Speaker, I was excited to learn that the Minister of Aboriginal Affairs and Northern Development has signed off on a request from the Osoyoos Indian Band to designate close to 280 acres for leasing purposes. This change opens the door to another exciting new business partnership for Chief Clarence Louie, who has become well known for championing such business ventures.

Imagine a new race track designed by Canadian Formula One legend Jacques Villeneuve. The proposed five-kilometre FIA level 2 track would be a \$12 million investment that would build on the Osoyoos Indian Band's thriving business community, which includes agriculture, ecotourism, and commercial, industrial, and residential development.

To quote Chief Louie directly:

I want to see First Nations programs based around jobs.

I believe that all members of the House will join me in recognizing the leadership of the Osoyoos Indian Band in supporting new and innovative opportunities that create jobs and support our regional and local economies.

Aboriginal Awareness Week

[\[Expand\]](#)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):

[Member spoke in Cree and provided the following translation:]

Mr. Speaker, I rise today to recognize the upcoming Aboriginal Awareness Week, which takes place from May 19 to 22. This week was first introduced 23 years ago with the purpose of increasing awareness of aboriginal peoples within the federal public service.

Canada is built on treaties agreeing to share this land and live together for the benefit of all. Aboriginal Awareness Week is an opportunity for civil servants and all Canadians to renew the nation-to-nation relationships between indigenous and settler nations.

Therefore, in the spirit of the UN Declaration on the Rights of Indigenous Peoples, which urges everyone to build good relationships with aboriginal peoples and respect our inherent rights, I invite you to celebrate and respect the diverse cultures and traditions of the Métis, Inuit and first nation peoples of this land, during Aboriginal Awareness Week and every week.

Aboriginal Affairs

[\[Expand\]](#)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):

Mr. Speaker, last Wednesday, Canadians got to see first-hand how little the Minister of Aboriginal Affairs cared about his file. He was unable to answer very simple questions. Worse, when asked about the suicide rate in first nations communities and Inuit communities, he answered that it was not his responsibility. How could the minister be so heartless in the face of such an epidemic in our communities?

(1140)

[\[Expand\]](#)

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, of course, the preamble to that question is absolute nonsense, and our thoughts and prayers are with those who have lost friends and loved ones to suicide. Our government remains committed to working with willing partners to reduce and eliminate suicide on reserves.

To that end, we have provided \$200 million annually for aboriginal mental health services. We have invested over \$32 million since being elected in innovative research specifically related to suicide and its prevention. Action plan 2015 committed to another 10-year mandate for the Canadian Mental Health Association. I hope the member will get on board and support it.

[Translation]

[\[Expand\]](#)

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP):

Mr. Speaker, the minister does not even try to answer our questions in the House anymore. Aboriginal communities deserve better than a minister who blames families for their children's performance and who responds that crime is the main cause of 1,200 missing or murdered women. Frankly, instead of being part of the problem, could the minister at least try to be part of the solution?

[English]

[Expand]

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, Canadians deserve better than an opposition that votes against every single measure we take to improve the lives of first nations living on reserve. Since taking office, we have given women living on reserve the same matrimonial property rights as other Canadians. We have brought in increased transparency and accountability for first nations communities for those members. We have brought in a more transparent on-reserve election system. We have taken away key impediments to reaching treaties. Every single time we bring in these measures to improve the lives of first nation Canadians, that member and that party vote for the status quo.

Aboriginal Affairs

[Expand]

Ms. Lise St-Denis (Saint-Maurice—Champlain, Lib.):

Mr. Speaker, for 40 years Quebec Native Women has been standing up for abused aboriginal women. Coincidentally or not, after the organization criticized the government's inaction on this issue, its funding was reduced to nil.

Can the government honestly say that this is just a coincidence?

[English]

[Expand]

Mr. Mark Strahl (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, CPC):

Mr. Speaker, our priority is creating conditions for healthier, more self-sufficient first nations communities.

That is why our government is committed to improving the living conditions and economic development of aboriginal communities. We provide funding towards the core operation of aboriginal representative organizations and national women's organizations. The Quebec Native Women association is welcome to apply for this funding.

We will continue to work with first nations to advance our shared priorities.

Highlights from the Senate

May 13, 2015

Jack Saddleback

Hon. Lillian Eva Dyck: Honourable senators, on March 26, Jack Saddleback was elected as the University of Saskatchewan Students' Union president. Jack is the third Aboriginal students' union president and the first transgender students' union president at the university. Upon his election, he said:

The fact that people don't think of me as just a trans man, don't think of me as just a First Nations man. They see all the skills that I have, they see the fact that I've put in work for a number of years and have been so invested in our university to make it a better place for all students.

Jack's platform included a significant plank dedicated to developing a mental health strategy on campus. Jack was named as one of the Faces of Mental Illness by the Canadian Alliance on Mental Illness and Mental Health in 2014. Through this campaign, Jack was able to share his experience and story with Canadians all across the country in an effort to crush the stigma of mental health issues. Jack is now bringing that message to the campus.

Understanding the pressures that university students are now facing, Jack wants to make sure students have the support and services to be treated for mental health illnesses, and to create a safe environment for these issues to be discussed.

I would like to congratulate Jack on his historic election and wish him all the best in his tenure as the president of the University of Saskatchewan Students' Union. Well done, Jack!

Hon. Senators: Hear, hear!

Aboriginal Affairs and Northern Development

New Brunswick—Social Assistance

Hon. Lillian Eva Dyck: Honourable senators, my question is for the Leader of the Government in the Senate.

The Minister of Aboriginal Affairs, Minister Valcourt, has said that the federal government will cut welfare rates for New Brunswick's 15 First Nations.

(1400)

With this cut, for example, a family of four on social assistance in the Eel Ground First Nation will go from getting \$1,262 a month to merely \$908 a month. A single person would see a drop from \$828 a month to only \$537. Those are about one-third cuts, or a 30 per cent to 35 per cent cut in welfare rates.

This cut is so egregious it will make it nearly impossible to make ends meet for those First Nations who are dependent on social assistance in New Brunswick and these cuts will effectively put them below the poverty line.

The response of the Minister of Aboriginal Affairs to this dire situation is that he thinks the First Nations' welfare system is "geared so as to encourage passiveness." He believes these cuts will push First Nations off welfare and he wants to direct the savings from these cuts to training and skills programs for Aboriginal people in New Brunswick.

Honourable senators, I would remind you that this cut would hit amongst the poorest of the poor in the country, where unemployment and illiteracy rates are substantially higher than in the rest of Canada.

Therefore, my question to the Leader of the Government in the Senate is: Does the government honestly think that by cutting welfare funding to First Nations in New Brunswick, cutting the money that provides for the bare essentials to sustain life, these Canadians, who can no longer afford a roof over their heads or put food on their tables, are going to be able to study and participate in these training programs under such dire circumstances?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, there were numerous elements to your question. Let me review the government's record on the health, safety and well-being of First Nations children in particular, who are a priority for this government. That is why we have chosen a prevention-based approach in the delivery of child and family services on reserves.

In 2012-13, our government invested nearly \$630 million in child and family services on reserves, which represents an increase of 40 per cent since 2006, and we will continue to take action to ensure that children and families receive all the support they need to live safe, healthy lives.

In addition, regarding job creation and skills training for Aboriginal populations, our government, First Nations communities, chiefs and young adults all agree that First Nations youth should have the same opportunities as all Canadians when it comes to finding and keeping a job, so that they can enjoy the benefits of working.

We are taking concrete action to create the conditions needed to ensure that First Nations communities are more prosperous and more self-sufficient. That is why our government has invested in job creation and skills development. This will help increase First Nations' participation in the economy and improve the health of their members so that they can help build a stronger Canada.

These investments have allowed us to provide personalized supports to 4,000 First Nations young adults. This is a significant investment in skills development. I could also talk about the nearly \$12 billion our government has invested in education since 2006, in order to support elementary and secondary education for First Nations.

Senator, we have done a great deal of work for First Nations in order to ensure that First Nations families and young people have the tools they need for a brighter future.

[*English*]

Senator Dyck: You say that children are a priority for this government. I find that a little hard to believe because the approximate savings on this cut for welfare for the 15 First Nations in New Brunswick works out to about \$12 million annually. At the same time your government has allocated \$13.5 million just for advertising Budget 2015 for two months. Where is the priority? It sounds to me like the priority is advertising your own government.

Do you really believe that spending \$13.5 million on ads in just two months — ads which have proven to be somewhat ineffective — is a better use of government funding than helping First Nations children in New Brunswick to actually be able to get decent food so they have a tummy full of good food so they can actually learn in those schools?

[*Translation*]

Senator Carignan: Senator, this is no place for demagoguery. It is important to bring up the government's record. It is also important to advertise the government's policies so that as many Canadians as possible can take advantage of them.

We have economic action plans that lower taxes and improve benefits for families. I am talking in particular about the Universal Child Care Benefit. We cannot announce policies that will lower taxes and improve universal benefits for as many people as possible without ensuring that the people who are eligible are aware of the measures and can claim these benefits when applicable.

I think that our economic action plans make it clear that this is a government that is working very hard to balance the budget, making decisions, lowering taxes and investing in the future. I understand that you support a leader, Mr. Trudeau, who wants to increase taxes, bring us back into a deficit and cut services.

Some Hon. Senators: Oh, oh!

Senator Carignan: However, I think that's pointless. Canadians want to choose what to do with their own money. They don't want to pay more in taxes to have it invested in bureaucracy.

[English]

Senator Dyck: You talk about your government providing tax breaks and tax reductions. Well, people living on welfare are in no way going to be able to benefit from that.

Some Hon. Senators: Hear, hear.

Senator Dyck: The benefits to advertising do absolutely nothing for people on welfare. In fact, if anything, it will probably make them very annoyed by the fact that that money is being misspent when it could have gone to feeding their own children.

How can this possibly be the correct action for the government to take, to cut welfare to these poverty-stricken First Nations people in New Brunswick?

Senator Mitchell: He probably thinks they're going to put it in a tax-free savings account.

[Translation]

Senator Carignan: Senator, as I said, billions of dollars are allocated to Aboriginal people, especially for education. I will not repeat the figures. I know that you find it frustrating when I talk about the government's record. I don't want to add to your frustration. One thing is certain. As I mentioned, the government believes that Aboriginal communities and young families must have equal opportunities. The tools developed and the investments made by our government to promote job creation and provide education and skills training for Aboriginal youth are proof of that.

[English]

Senator Dyck: Thank you.

What's really interesting about this welfare situation in the Maritimes is that apparently the federal welfare rate for First Nation people on reserve is actually higher than the provincial rate. The minister decided that, since the federal rate was higher and the provincial rate is lower, he was going to drop it. That's fine and good; we will equalize it. However, when it comes to education, which you just brought up, it is the other way around. We all know the federal rates are lower than the provincial rates, but this government

has resisted and refuses to remove the 2 per cent cap on education and put it at 4.5 per cent so that it becomes more equal.

(1410)

Why is it that, when it is higher, it is okay to drop it, but, when it is lower, there's absolutely no way they're going to raise it?

[*Translation*]

Senator Carignan: It is disappointing to hear the opposition criticizing the government. Economic Action Plan 2015 provides \$200 million over two years to improve education on reserves. It also provides \$500 million over seven years for First Nations school infrastructure.

From your remarks, I can already see that you are planning to vote against Economic Action Plan 2015. I find it very disappointing to listen to you speak out of both sides of your mouth.

Some Hon. Senators: Oh, oh!

[*English*]

Hon. Wilfred P. Moore: My question is also for the Leader of the Government in the Senate. Leader, you just said that your policy is to create conditions necessary to assist First Nations children. Now, our job here in the Senate is to look after our regions, minorities, the most vulnerable, and I want you to explain to me and everybody else here how sending kids to school not properly nourished, with empty tummies, is going to help them focus on education and become more fulsome participants in Canadian society. You tell me that.

[*Translation*]

Senator Carignan: Senator, I think I answered a question from Senator Dyck with regard to the government's record on education and skills training for Aboriginal youth. Economic Action Plan 2015 will create jobs and stimulate long-term economic growth for all Canadians, including Aboriginal people living off reserve.

Our budget includes strategic investments in key initiatives to improve the well-being of First Nations members by enabling them to take full advantage of Canada's economic prosperity. It also includes investments in education to ensure that Aboriginal youth have access to the high-quality education they need to enjoy the economic activity associated with a well-paying job.

We are also investing more in skills development for Aboriginal people in order to create more opportunities. We have also invested in expanding the First Nations Land Management Regime, which will open up new economic opportunities. The government has adopted a series of measures to look out for the well-being of Aboriginal youth.

You also spoke about children. I will repeat the answer I gave Senator Dyck earlier. In 2012-13, our government invested \$630 million in child and family services on reserves. That represents a 40 per cent increase since 2006, and we are going to continue to ensure that children and families get all the help they need to be safe and healthy.

We will also continue to ensure that Aboriginal women and children enjoy the same basic protections that other Canadians have.

[English]

Senator Moore: I can't help but think, with this situation brought to us by Senator Dyck today, that in your zeal to try to achieve some sort of a false balanced budget, you are trying to achieve that on the backs of these kids. I find it insulting. Is this a plan that your government is going to put in place across the country? Are you going to be making cuts in all of the welfare situations in all of the First Nations across Canada?

[Translation]

Senator Carignan: Senator, I talked about the investments the government is making in Aboriginal well-being and education. The beauty of it is that the government is able to invest in the education and well-being of Aboriginal families while reducing the tax burden and balancing the budget.

I understand that some of you and your leader believe that a budget balances itself, but that is not so. Balancing the budget is hard work, and creating wealth and prosperity must enter into the equation. We are not going to balance the budget by raising taxes, but rather by reducing the tax burden and creating jobs.

Just yesterday, your leader, Justin Trudeau, said that he didn't think it was fair to give tax cuts to all Canadian taxpayers. I must admit that I find that statement rather surprising, when we know that in keeping with his vision, your leader is planning to increase taxes, go back to deficit spending and most likely make cuts to services. Our government is working to create wealth and jobs and is doing so with a balanced budget.

[English]

Senator Moore: Let me say this, leader: I never heard Mr. Trudeau or any other member of any other party in the other place suggest that it is a good idea to cut welfare payments to the most vulnerable to try to achieve some kind of fiscal balance. A little reason here, a little bit of sensitivity, would go a long way. I don't understand a ministry or policy that would come through with something like this. Why are you targeting the First Nations in New Brunswick? Why are you picking on the Maritime provinces? Why?

[Translation]

Senator Carignan: It is ridiculous to claim that one community in particular is being targeted. I think I was quite clear in my responses with regard to the entire program and the Economic Action Plan of Canada, whether we are talking about previous plans that made major investments in education and school infrastructure in Aboriginal communities, skills training for young people, or support for all sorts of infrastructure.

The sad thing is that every time we allocate money in an economic action plan, including money for reserves, you vote against it. Our government passed legislation on matrimonial interests that protects children by providing for a judicial order, and you voted against that too.

You argue for one thing, but when it is time to take action, you don't do anything. We are the ones who have taken action, and we're very proud of our record.

[English]

Senator Moore: Well, if acting means supporting an omnibus bill with so many bad programs within it, then I'm proud to say I did not support it. If, as you say, you are not picking on this particular First Nation

in New Brunswick or in the Maritimes, does that mean that this a policy of your government across Canada?

[*Translation*]

Senator Carignan: Senator, if I name some of the organizations that support Economic Action Plan 2015, maybe that will encourage you to support it. You said that the 2015 Budget contains bad programs, but I'd like to remind you that the Canadian Federation of Independent Business gave the 2015 Budget an A grade.

The Federation of Canadian Municipalities welcomed the good news in the budget, especially the funding for public transit. The Mayor of Toronto, whom you like so much, John Tory, also said that it's good news for Canadian municipalities. The Canadian Taxpayers Federation also applauded the 2015-16 federal budget.

Others have joined them, including the Canadian Cancer Society and LNG Canada. Engineers Without Borders Canada had this to say:

[*English*]

. . . welcomes today's announcement that the Government of Canada will establish a Development Finance Initiative.

(1420)

[*Translation*]

Futurpreneur Canada recognized the Government of Canada's ongoing support for young Canadians, especially those who start small businesses, which will help strengthen the economy.

The Association of Universities and Colleges of Canada was very pleased with the budget.

Baycrest Health Sciences said that it was a historic commitment by the federal government to take a role in tackling health challenges.

The Investment Industry Association of Canada also praised the important measures announced in the budget, including the increase in the contribution limit for the TSFA.

Music Canada said it was pleased with the extension of copyright protection for music. Musicians Randy Bachman and Bruce Cockburn thanked Prime Minister Harper. I am certain you are quite familiar with these artists.

Finally, the Intellectual Property Institute of Canada also applauded Economic Action Plan 2015.

I could go on for a while, but I hope that hearing the reactions of some of these associations and organizations will bring this home to you and help you understand that you have the support of your community and that you must vote for Economic Action Plan 2015.

May 14, 2015

Era 21 Networking Breakfast for Young Canadians

Hon. Lillian Eva Dyck: Honourable senators, on Wednesday, May 6, I hosted the 11th annual Era 21 Networking Breakfast for Young Canadians at the Parliamentary Restaurant. This is a joint Asian Heritage Month and Black History Month diversity celebration made possible by the Ottawa Asian Heritage Month Society, the J'Nikira Dinqinesh Education Centre, the Ottawa-Carleton District School Board and our sponsor, the Royal Bank of Canada. One hundred high school students in Grades 11 and 12 attended the breakfast.

This year we were honoured to have Justin Holness, Gabrielle Fayant and Angelique Francis as our distinguished young speakers.

Justin Holness is the founder of Ottawa's Indigenius Art, Music and Fashion Show, which showcases indigenous culture through the arts. He also works at the Wabano Centre for Aboriginal Health as the Aboriginal Youth Diversion Coordinator, working directly with indigenous youth who are facing difficult times in their lives.

Justin has a mixed First Nation and Jamaican heritage, both of which have had a strong influence on his identity. At the breakfast he spoke passionately about his story of how his purpose drives his actions.

Coming from a rough situation in Winnipeg, Justin travelled to Ottawa and found the purpose of helping others as a core driver in his life. Through his rap and spoken word, he conveyed his own powerful message to the students of the struggle of indigenous Canadians throughout Canadian history. His message was one of peace and purpose.

Gabrielle Fayant is the co-founder of a youth-led and youth-driven organization called the Assembly of Seven Generations. She has worked for a number of organizations, such as the National Association of Friendship Centres, Native Women's Association of Canada, the Aboriginal Healing Foundation, the Canadian Commission of UNESCO's Youth Advisory Group, and Walking With Our Sisters Ottawa. She was recently named an Indspire laureate for 2015 and is of Metis heritage.

At the breakfast, Gabrielle shared her passion for discovering and learning her native language. Gabrielle led the entire group in a circle song to close the event. All in attendance stood in a circle, kept the beat with their hand over their heart as Gabrielle beautifully sang an indigenous song. What an incredible way to end the event.

Angelique Francis is a multi-talented, multi-instrumental singer-songwriter and composer. Angelique first took to the stage at age 7, and ever since then she's been wowing audiences across North America with her stage presence, instrumentals, songwriting abilities and her deep, textured vocals. Some of her performances include Canada's Walk of Fame Festival, Ottawa Bluesfest, Youth Day festival Toronto, UNITY Festival Toronto, Canadian War Museum, and Library and Archives Canada. At the breakfast, Angelique sang an original song entitled "Maybe I." Her soulful and powerful message deeply impacted the students.

(1340)

I want to thank Justin, Gabrielle and Angelique for sharing their stories and experiences with us all. They truly inspired the high school students to believe in themselves and in their dreams of a Canada that embraces and values multiculturalism.

Excerpts from debates at 2nd reading on Bill C-51

Hon. Lillian Eva Dyck: Honourable senators, I rise today to speak to Bill C-51, the anti-terrorism act, 2015, at second reading.

First, I would like to look at clause 3 of the bill that outlines the purpose of bill, and I will read that into the record:

The purpose of this Act is to encourage and facilitate the sharing of information among Government of Canada institutions in order to protect Canada against activities that undermine the security of Canada.

To protect Canada from "activities."

Now, if we go to clause 2 of the bill, it says:

The following definitions apply in this Act:

"activity that undermines the security of Canada" means any activity, including any of the following activities, if it undermines the sovereignty, security or territorial integrity of Canada or the lives or the security of the people of Canada

Then there are nine subclauses. Subclause (d) mentions "terrorism" and subclause (f) says "interference with critical infrastructure."

When I read those two very simple clauses, I started to worry, because when you talk about sovereignty and you consider Aboriginal people, right away you have a conflict. We all know there is Crown land that belongs to the Government of Canada, and we also have treaty talks and court battles about First Nations traditional territory. So we have sovereignty of the First Nations and we have the sovereignty of Canada, which means there has been and there likely will continue to be some conflict.

We've heard talk about the balance in this bill between the safety and security of all Canadians from terrorist attacks and terrorist threats. We all want to be safe and secure, but we also must balance it, we've heard, with the individual Charter rights of all Canadians across Canada.

But we haven't really talked about the fact that Aboriginal peoples have section 35 rights under the Constitution, which says that they have existing Aboriginal and treaty rights. The Aboriginal people of Canada are fearful, and I think that fear is justified, that this bill will infringe upon Aboriginal rights.

Senators Mitchell and Jaffer in their speeches mentioned pipelines in B.C., and pipelines can be considered to be critical infrastructure. We all know from watching the news that a lot of Aboriginal people are involved in protests regarding the building of things like the Northern Gateway Pipeline.

The National Chief of the Assembly of First Nations has said he is worried about the unjust labelling of First Nations activists as terrorists. He has said that Bill C-51 could potentially be used to further oppress defence of Aboriginal rights and titles.

So our national leader has said that he is worried about their being oppression of treaty rights.

The Mohawk Council of Kahnawake has also sent a letter to the Prime Minister expressing their concern about Aboriginal rights. Grand Chief Stewart Phillip of the Union of British Columbia Indian Chiefs believes that Bill C-51 directly violates the ability of indigenous peoples to exercise, assert and defend their constitutionally protected and judicially recognized indigenous title and rights to their respective territories.

We have to remember that in June 2014, just last year, there was a Supreme Court decision with regard to the Tsilhqot'in Nation in B.C. that recognized the traditional territory of the Tsilhqot'in people. That was a landmark decision.

So there is concern among Aboriginal peoples in Canada about Bill C-51, but what I'm going to go into next will show why their worries are founded. If we look at what's gone on so far, we've already found out that the RCMP and CSIS routinely monitor indigenous activists and protests; they're already being monitored by the RCMP and CSIS, so this is somewhat worrisome.

Dr. Pamela Palmater, Chair in Indigenous Governance at Toronto's Ryerson University, has said that the federal government's omnibus security bill, Bill C-51, would hand extremists what they want by shackling civil liberties and that it would make all of us suspects. I think what she means by "all of us" is all indigenous peoples.

She is concerned, and she is a very unique individual in that she has PhD qualifications in law. She says that neither the new disruptive powers nor the information sharing provisions apply to lawful advocacy, protest and dissent, but some critics say these elements can be used against Aboriginal and environmental activists who protest outside the letter of the law. This is important to mention, because the letter of the law can be open to interpretation.

If your interpretation is such that you are biased in seeing Aboriginal protesters as being violent, then you will consider it to be violent when it really isn't. Dr. Palmater told the committee in the other place that she herself is routinely tracked by federal agencies that keep tabs on her involvement in Aboriginal issues.

As I mentioned before, her arguments were echoed by Grand Chief Stewart Phillip of the Union of British Columbia Indian Chiefs. He has called for the withdrawal of the bill and has accused the Harper government of retooling its policy-making efforts to foster natural resource extraction.

Now I will talk a bit about Grand Chief Stewart Phillip in B.C. An internal RCMP report was released that Chief Phillip had a chance to look at. He was quite astounded to find out what was in this report, which was released just a little over a year ago, in January 2014. It's entitled *Criminal Threats to the Canadian Petroleum Industry*, and it's stamped "PROTECTED A // CANADIAN EYES ONLY."

(1550)

As he read through it, he was astounded to discover what this report says, and what it says is:

Aside from New Brunswick, the most urgent anti-petroleum threat of violent criminal activity is in Northern British Columbia where there is a coalition of like-minded violent extremists who are planning criminal actions to prevent the construction of the pipeline.

Remember, this is an internal report from the RCMP for Canadian eyes only. But it was obtained by the Aboriginal Peoples Television Network by an access-to-information request. The January 2014 report said that the ". . . extremists advocate the use of arson, firearms, and improvised explosive devices." And some factions ". . . have aligned themselves with violent aboriginal extremists." That's what it said in the report.

Now, Chief Phillip from the Union of British Columbia Indian Chiefs was astounded to hear this because he says he has never met anyone prepared to engage in criminal activity since his association with the B.C. environmental movement which began in the 1970s. He says:

"Every day when you turn on the television, you witness insane acts on the part of disturbed people But to suggest there's a very well-organized jihadist-style network out there that's a threat to the Canadian

public — in my experience this is absolutely not the case. I hate to say this, but this is Canada. Excuse me?

The Aboriginal Peoples Television Network also looked at internal reports from the RCMP with regard to their surveillance of the Idle No More group. As you may know, the Idle No More protests were started in Saskatchewan by four Saskatchewan women, and they have been surveilled by the RCMP.

The federal Aboriginal Affairs Department has shared information with Canada's spies and other federal law enforcement agencies to foster surveillance of the Idle No More movement, and that's what these internal government documents show. These documents reveal how easily Canadian authorities assume the possibility of violence when it comes to monitoring First Nation demonstrators. So First Nation demonstrators are seen in a light that they are far more violent than they are in reality.

The Public Safety documents stem from surveillance activities around the Idle No More movement during December 2012 and January 2013. These documents show that Aboriginal Affairs not only shared and received protest information from the Canadian Security Intelligence Agency on protests, but it also supplied details about a meeting between government officials and First Nation leaders. The information was passed on to the Integrated Terrorism Assessment Centre, ITAC, which includes CSIS and police services across the country.

It is quite phenomenal to think these documents from the RCMP were already shared with the integrated terrorism assessment unit two years ago.

While there were no indicators of potential violence specifically for the Ottawa-based action, and you may recall there were protests here in Ottawa about two years ago, security officials at Public Safety were convinced that a possibility of violence existed because some youth in their social media mentioned the 1990 Oka Crisis in their online discussions. According to an Ottawa-based human rights lawyer, Paul Champ, he said that the leap that the security officials made in assuming potential violence, based on a reference to Oka, shows how little these people understood First Nations people. Mr. Champ says:

Obviously the Oka protest is a seminal moment for First Nation people across the country in terms of an assertion of rights Vis-a-vis the government. It doesn't necessarily imply violence It shows how deeply they misunderstand First Nation people and the significance they attach to the Oka protest.

To reiterate, Mr. Champ said the documents show how easy it is for security personnel to assume the threat of violence when it comes to Aboriginal protesters. I think that concern has been expressed. Given the lack of clear definitions within the bill of what is terrorism and what are protests, I think it is more than likely that Aboriginal people could easily fall under the net of being labelled terrorists, particularly when it comes to protests involved in things like pipelines which could be considered critical infrastructure.

Interestingly, Cindy Blackstock, a child welfare advocate who has a court case against the federal government right now, was monitored by the RCMP. They were told to stop and give her the files they had on her.

The Chief of Kitchenuhmaykoosib Inninuwug, which is a remote northern Ontario First Nations that our Aboriginal people committee actually visited, found out that he had been monitored by the RCMP because his community is involved in mining, and they were against the mining activity around their traditional territory.

There is significant concern. If you go back to clause 2 of the bill, all of the activities are listed at the bottom. It says:

For greater certainty it does not include advocacy, protest, dissent and artistic expression.

The word "protest" is not defined. Protest is often a way by which all Canadians and Aboriginal people try to assert their rights and try to convince people that their rights need to be recognized. It's good they have that there, but it's not very well defined.

If you were concerned — and Aboriginal people are concerned — about an erosion of their constitutionally protected rights, the only way to alleviate that would be to put in there, "For greater certainty, nothing in this Act could be construed so as to abrogate or derogate from section 35 constitutionally protected existing Aboriginal and treaty rights." That might be a way that Aboriginal people could feel that their rights were being protected and not being captured by this bill.

Could I have five more minutes, please?

The Hon. the Speaker: Will honourable senators grant five more minutes?

Hon. Senators: Agreed.

Senator Dyck: Thank you.

I would suggest that at the committee there be witnesses from the Aboriginal community, such as National Chief Perry Bellegarde, who are concerned about this and that there be a discussion to look at whether or not something like the insertion of a protection of constitutionally protected Aboriginal rights might be something that would allay their concerns so they don't feel that this bill will capture them as well.

Unless that provision is put in, I don't support the bill. There are many other reasons that other senators have brought up that are major concerns, so at this point I can't see myself supporting it.

Hon. Anne C. Cools: Honourable senators, I would like to join in this debate for a very few minutes.

I wish to register, as I always do, my concern that this debate has been abbreviated and unduly abridged. I will say yet again, as I always do, that these time-allocation motions may only be moved by ministers. Only they are allowed to make such motions in this place. I shall note, again, there is no minister of the Crown in this Senate. That is one of the conditions for these time limitation motions. The other one is that the matter before the house must be urgently needed, and of course urgently needed for the public interest.

Honourable senators, I record these thoughts from time to time in the hope that somebody may take an interest and uphold that these tools to abridge debate are supposed to be used rarely and for exceptions.

(1600)

Colleagues, I must say that I have been taking a look at Bill C-51, and because I served on the national parole board, and had some experience in the business of dealing with people in the administration of justice as they moved through the system and the processes of clemency, mercy and, of course, paroles.

In many years of what I would describe as substantive and substantial experience, I have never encountered anything as that which is articulated in proposed section 12.2 at page 49 of this bill that Senator Baker alluded to. Interestingly, I had this bill open on my desk and I wanted to ask Senator Baker a question about it. I should put this on the record.

I shall read clause 42. I am speaking about part of this bill for the Canadian Security Intelligence Service Act and of the necessity for amendments to this bill. As we know, the intelligence service was separated from the RCMP and set up and constituted as CSIS. I believe it was in 1980.

Now, clause 42 of this document states that the act, meaning the CSIS Act, is amended by adding the following after section 12. In the margin note, it says "Measures to reduce threats to the security of Canada." This proposed new section 12.1(1) reads "reasonable grounds to believe" — to believe. Let us understand "belief" is quite different from "knowledge." It states:

If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, the Service may take measures, within or outside Canada, to reduce the threat.

The margin heading says "Measures to reduce threats to the security of Canada."

Honourable senators, if we look to the bottom of the page, we will come to proposed section 12.2, which Senator Baker read into the record. This is called "Prohibited conduct." This is very interesting, colleagues, because why would anyone in drafting a proposed statute like this, in respect of reasonable grounds to believe that there is a particular activity, a constitutional threat, why does the drafter go into the conduct of the security officers?

This is a huge mystery. I have never read or seen anything like this in my entire life, and I have read a lot. Of course, I went to the dictionary to look up the meaning of "conduct" because we know "conduct" usually means behaviour. In effect, we are passing into statute a law about how CSIS officers will behave or should behave. If we look at "conduct," it says, behaviour in its moral aspect. I am looking at the *Concise Oxford English Dictionary*. It also says: "the action or manner of directing" business.

I thought I should also look to see what Webster has to say. "Conduct," in the *Webster's Encyclopedic Unabridged Dictionary*, says, "Personal behaviour;" a way of acting; "deportment." Do you remember when we were young and we went to the best schools? We received awards for good deportment. This clause is about how CSIS officers will conduct or behave themselves.

So I still read the whole section then, the proposed section:

12.2(1) In taking measures to reduce a threat to the security of Canada, the Service shall not

- (a) cause, intentionally or by criminal negligence, death or bodily harm to an individual;
- (b) wilfully attempt in any manner to obstruct, pervert or defeat the course of justice; or
- (c) violate the sexual integrity of an individual.

Colleagues, do we have a problem with security officers in the service of CSIS exercising and doing such things? Do we need to put a statement like this in a statute? What has happened or is about to happen that has provoked a clause like this in a statute? Are there CSIS officers that are behaving themselves in this way? Because this is articulated as behaviour. Do we need a statute — to do what? To prevent it? Statutes usually do not prevent behaviour. These actions are always retrospective. That's the nature of the Criminal Code. It treats bad deeds committed in the past. The Criminal Code comes in after the offences happen. You prosecute under the Criminal Code.

Honourable senators, I am just hoping that this does not mean what I think it means, and I'm hoping that those individuals on the Standing Senate Committee on Legal and Constitutional Affairs will look into this in a very profound and deep way. Any time a clause shows up in a bill, it is usually for a reason. I think we should make it our business to find out what the reason is in this instance. From where I am looking at it, this is very suspicious. In addition to sounding suspicious, it is undesirable and it doesn't speak well about those men and women who serve in our intelligence service.

Honourable senators, we now talk about security, but when I was younger we used the words "spies" and "spying." But this clause is an indictment and offensive to all those good people who are currently serving. So I would like it to be investigated and examined in committee. I have never seen anything like this move in a federal statute.

Honourable senators, there is much about the bill that disturbs me. I want to support what Senator Jaffer and what Senator Dyck said. There is no doubt that persons who are visible minorities will have a fallout effect from this bill. Recently, the large concern is with Muslim peoples and Arab peoples, but it was not that long ago that these concerns were all about Black people. Back in the 1960s it was not uncommon that the fears were about Black people.

Honourable senators, I wish and I hope that the Senate committee will do its utmost best to improve this bill, which sounds more like a public relations exercise than actions to protect the health, well-being and safety of Canadians. Colleagues, I find this bill very disturbing. I hope that senators will see it to be as disturbing as I find it.

I thank you, colleagues. That is all I wish to say on that matter. I was not planning to intervene. I just thought I should record my very strong objections. I find that clause extremely offensive. If there are Canadian individuals in CSIS who are acting in that way, we should know about it. I am sure that those who lead that organization would want to know. But the real question is: What is the need for this clause and why has someone decided to put something like this into a statute? Who is defending whom against what?

I thank you.

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

Hon Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Senator Fraser: On division.

(Motion agreed to and bill read second time, on division.)