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OFFICIAL REPORT
(HANSARD)

Wednesday, May 31, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Wednesday, May 31, 2017

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

AARON RAINNIE

Prayers.

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, today I rise to tell you about another exemplary young Islander.

SENATORS' STATEMENTS

ORILLIA

ONE HUNDRED AND FIFTIETH ANNIVERSARY

Hon. Gwen Boniface: Honourable senators, as Canada celebrates its one hundred and fiftieth anniversary, so do a handful of unique communities across our great nation. One of these communities is the beautiful City of Orillia, located on the shores of Lake Couchiching and Lake Simcoe in the heart of Ontario's Lake Country.

Located in the traditional territory of the Anishinaabeg, this area has a proud indigenous history. In 3,300 B.C., the oldest of the Mnjikaning Fish Weirs were installed at the Narrows, a traditional meeting place where Lake Couchiching and Lake Simcoe converge. It is here that the First Nations developed a system of underwater fences to harvest migratory fish.

The Narrows and its strategic location along the Trent-Severn Waterway would be key to the city's growth over the years, leading to the city's founding in 1867, alongside our nation.

Orillia has been home to notable Canadians, including world-renowned pianist Glenn Gould, Premier Leslie Frost, folk legend Gordon Lightfoot and humorist and literary icon Stephen Leacock, whose summer home on Brewery Bay is a national historic site.

It currently boasts many great employers, such as the Ontario Provincial Police General Headquarters, Georgian College, Lakehead University and Orillia Soldiers' Memorial Hospital.

There are many exciting projects on the horizon as Orillia enters its one hundred and fiftieth year. They include the construction of the Orillia Recreation Facility, which was recognized nationally with a Brownie Award for the rehabilitation of brownfield site; and the new Orillia Waterfront Centre, located at the beautiful Port of Orillia, the jewel of the Trent-Severn Waterway.

The community has rallied together to create a year-long calendar filled with exciting events for people of all ages. On behalf of the Senate of Canada, I would like to extend the people of Orillia our warm wishes for a wonderful sesquicentennial, and I would encourage you to make Orillia part of your Canada 150 celebrations, as well.

Aaron Rainnie has always believed in helping others and giving back to his community. Earlier this month, the 22-year-old native of Crapaud, Prince Edward Island, graduated from UPEI with his Bachelor of Science in Nursing degree.

Aaron is committed to healthy living and health-related research, looking at the health implications of exercise on human vasculature and musculature. His research was funded by two research grants from the Canadian Institutes of Health Research, one in 2014 and the other in 2015. This financial support provided him with an amazing opportunity to work on numerous experiments, present his research at three national conventions, and co-author upcoming publications.

In addition to conducting health research, he volunteered for a month in a clinic in Honduras and did a 320-hour nursing preceptorship in northern Manitoba. He was the fourth-year representative for the UPEI Pre-Med Society and the Student Representative for the Association of Registered Nurses PEI. He is one of the founding members of the UPEI Division of Exercise in Medicine, a global health initiative that encourages primary care physicians and other health care providers to include physical activity when designing treatment plans for patients. He was also involved in campus life, including new student orientation, Let's Talk Science, and UPEI's Society of Automotive Engineers.

Aaron's desire to give back extends beyond his education and professional interests. A musician since he was a young child, he has performed in five orchestras and symphonies, played solo repertoire, and competed in groups in Halifax, Toronto, and Vienna and other parts of Europe.

Another lifelong passion is chess. Formerly a competitive chess player, he is using his knowledge and experience to help others learn the game and, in doing so, develop their creativity, strategic thinking, problem-solving skills and confidence. He is currently the coach of PEI's provincial chess team, which participated in annual national tournaments for the past three years. He is President of the PEI Youth Chess Association, and a monthly tournament and camp director. He has started chess clubs in various schools and teaches private lessons to several students.

Aaron is currently working in the Prince County Hospital's intensive care unit. In the future, he plans to pursue medicine and/or graduate studies, with a focus on rural medicine to help at-risk populations within Canada and abroad.

Young adults like Aaron Rainnie, who pursue higher learning with the explicit intention of giving back, are our future community leaders.

Thank you, Aaron, for using your gifts and talents to give back to our Island.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the students who will be working in the Senate of Canada, both in senators' offices and Senate administration this summer.

May your time here be fruitful.

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

Hon. Senators: Hear, hear!

GRANDE PRAIRIE VOLUNTEER AWARDS

Hon. Betty Unger: Honourable senators, before returning to Ottawa earlier this month, I had the distinct pleasure of attending the annual Leaders of Tomorrow and volunteer appreciation luncheon in Grande Prairie, which is located in the mighty Peace River Regional District of Alberta.

Organized by the Grande Prairie Volunteer Services Bureau, this annual event recognizes students who have made outstanding contributions to their communities through volunteerism.

This year, nine deserving young women were recipients of the Leaders of Tomorrow Award. They are: Angie Marcy Campbell; Tenley Cooke; Brittany Green; Chelsea Currie; Paige Kerckaert; True Lojczyk; Caden Nelson; Yna Nicole Tejol; and Sky Vetsch.

• (1410)

For the first time, the luncheon also hosted the Duke of Edinburgh Bronze Award, which is an internationally recognized program designed to encourage young people to develop positive skills and lifestyle habits.

This award is one of individual challenge. It presents young people a balanced, not competitive program of voluntary activities, which encourages personal discovery and growth, self-reliance, perseverance, responsibility to themselves and service to their community.

I had the privilege of presenting the Duke of Edinburgh Bronze Medallions to five deserving young men: William Pernal, Miles Potter, Brandt Radcliffe, Bennett Winnicky-Lewis and Keaton Winnicky-Lewis, twin brothers. I want to commend the Grande Prairie Volunteer Services Bureau for their role in organizing this important event.

[Senator Hubley]

Honourable senators, it might surprise you, as it did me, to learn that the age group that volunteers the most is the 15- to 19-year-old group.

Over the last 13 years, the number of volunteers across Canada has been dropping in almost every age group. However, it has been consistently rising among young people. Statistics like this give me hope for our future, and the young men and women behind the numbers deserve to be celebrated. They embody the heart and spirit of what truly makes our country a great nation, putting others before yourself.

Today, I stand to honour the young men and women who received these awards in Grande Prairie. I invite you to join with me in thanking them and all young people across Canada who make the lives of others richer through their volunteer efforts.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Jocelyne Myre, member of the Commission des droits de la personne et des droits de la jeunesse du Québec. She is the guest of the Honourable Senator Dupuis.

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

Hon. Senators: Hear, hear!

REFUGE CHEZ DORIS

Hon. Renée Dupuis: Dear colleagues, I rise today to mark the 40th anniversary of the Chez Doris women's day shelter in Montreal, which just held its annual fundraiser last Sunday.

Named after a woman who was raped, tortured and beaten to death on the streets of Montreal in 1974, the shelter was opened on the initiative of a Montreal social worker who, during the course of her work, saw a critical shortage of facilities for homeless and transient women and a lack of assistance and support services for women grappling with alcohol or drug addictions or suffering from psychiatric problems.

In the 1970s, there were only six establishments with 656 beds for homeless people, and only 68 of those beds were for women. Forty years later, in 2017, there are 635 emergency beds for homeless men, only 92 beds for women and 62 beds for young people, including minors. In winter, these numbers increase to 722 beds for men, 102 for women and 64 for young people.

Chez Doris is a place where women in difficulty can feel safe, no matter what their story or personal circumstances may be, no matter what physical or mental health problems they may have, and no matter what situation they may be in, whether they are living in insecurity or other types of difficult conditions. This day centre welcomes women from all walks of life who have one thing in common: the fact that they are in a very vulnerable position when they arrive.

The shelter offers a variety of services and activities, including language classes, self-care and wellness support, group cooking classes, zootherapy, yoga, computer classes, Inuit cooking classes, legal support, AA meetings, art workshops, a financial literacy program, medical services, a dressing room, and so on. A special program also provides accommodation for indigenous women who are homeless.

I would like to share three key figures that illustrate the essential services provided by the Chez Doris shelter in its 40 years of existence: 26,967 shelter visits; 1,424 women served; and 37,000 meals served.

In addition to the subsidies and donations the shelter receives, more than anything else, Chez Doris represents the continued determination and commitment of several generations of compassionate women who have worked to support women in need, while offering support and training, thereby providing the social safety net that our society is unable to maintain.

Please join me, dear colleagues, in recognizing the crucial work done by the entire team at the Chez Doris women's shelter.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Thoren Hudyma, who is accompanied by her daughter Reyna Hansen; and Jay Sabourin, who is accompanied by his son Alex. They are the guests of the Honourable Senator Munson.

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

Hon. Senators: Hear, hear!

AMYOTROPHIC LATERAL SCLEROSIS

Hon. Jim Munson: Honourable senator, anyone who has had a loved one or a family member diagnosed with ALS knows how devastating this disease is. Today, I would like to bring your attention to this disease in honour of ALS Awareness Month.

This June, we can all do our part to spread awareness and support the work being done to find effective treatments for ALS. ALS, also known as Lou Gehrig's disease, affects approximately 3,000 Canadians. It is debilitating and is the most common cause of neurological death in Canada. Some cases are quicker than others, but, for now, ALS is a rapidly progressive and incurable disease.

Those who are affected by the disease progressively lose their ability to control their own body. Motor nerve cells die and voluntary muscles degenerate. They lose their ability to

speak, move and even breathe. Eighty per cent of those affected will pass away within five years of diagnosis. Some people die within a few months.

This is rather emotional for me today. In our parliamentary community, we are all personally affected by ALS. We have had the privilege of knowing the late MP Mauril Bélanger, a good friend, and witnessing his courage in the face of this disease. Despite being very sick towards the end of his life, Mauril Bélanger still served Canadians as long as he was able. He continued to serve. He demonstrated admirable dedication to his office and incomparable strength. The sad reality is that the diagnosis of ALS today is a fatal diagnosis. However, this does not have to be the case for the future, for our children and our grandchildren.

ALS researchers have had recent breakthroughs and continue to make significant progress toward developing effective treatments for this disease. Just this month, the first ALS drug was approved in the United States by the FDA. The exciting developments in ALS research include utilizing genetic testing, stem cell technology, biological signatures, clinical monitoring, machine learning and other technologies to understand the nature of this disease and develop treatments. With greater funding and resources, effective ALS treatments for Canadians are in sight.

Today, in the House of Commons, MP David Tilson and others are speaking to recognize ALS Awareness Month. David Tilson's private member's bill, Bill C-205, known as ALS Month Act, if passed, would officially recognize the month of June as national ALS month. I am wearing the symbol of ALS. It's a cornflower. The cornflower is a symbol of hope for the ALS community. Despite its fragile appearance, a cornflower is resilient and long-lasting and grows in most locations in this country.

I hope you will join me in wearing this symbol, honourable senators. There are more cornflowers in the Senate, in the Reading Room. We have many of these cornflowers that you could wear throughout the month of June and support the ALS community.

I encourage you, honourable senators, to do something this month to support finding a cure for this disease. Also, you can refer to the ALS Society of Canada to learn more about the work. I encourage you to do what you can this month to help the people living with ALS today and in the future. Thank you, honourable senators.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Valerie Hodgson, the spouse of the Honourable Senator Lang. She is accompanied by their grandsons Theodore Lang and Rowan Lang.

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

Hon. Senators: Hear, hear!

FORGET-ME-NOT FLOWER

Hon. Fabian Manning: Today, I'm pleased to present chapter 20 of "Telling Our Story." For those of you keeping count, I only have 80 left to go.

There was a German legend that, when God was naming all of the flowers of the world, one small plant called out, saying, "Forget me not, oh Lord." And God replied, "That shall be your name."

• (1420)

Tiny forget-me-not flowers have a special meaning in my province of Newfoundland and Labrador. We often wear them as symbols of remembrance on July 1, just as many wear poppies for Remembrance Day on November 11.

Before joining Canada in 1949, the people of my home province traditionally observed Memorial Day on July 1. This date was chosen as a reminder of the hundreds of young soldiers from the Royal Newfoundland Regiment that were killed in action on July 1, 1916 at the Battle of Beaumont-Hamel in the country of France during World War I. The forget-me-not flower is a wonderful symbol to remember those Newfoundland soldiers who fought so bravely. The blue symbolizes the loyalty of these young soldiers to their country of Newfoundland. The flower, which can survive harsh climates and grow in the toughest terrain, symbolizes the strength and courage of those young Newfoundlanders on the battlefield.

Much like the poppy, the forget-me-not emerged as a symbol of respect and to show appreciation for the sacrifice that the soldiers were called upon to make. It was in 1925 that the Great War Veterans' Association of Newfoundland asked its citizens to adopt the idea of wearing the forget-me-not. It later became a source of revenue for wounded veterans.

For a period of time, the practice of wearing the forget-me-not vanished somewhat, but in 2015, the provincial command of the Royal Canadian Legion met and agreed that there would be a return to the forget-me-not on Memorial Day. A member of the Bay Roberts Legion Branch #32 was approached and asked to design a pin using silk forget-me-not flowers.

In a time when many things are mass-produced, it is great comfort to know that this pin was designed and handcrafted in the beautiful small fishing community of Port De Grave, Newfoundland and Labrador by Florence Morgan-Thom. She has since produced thousands of these flowers. As usual, the proud history of Newfoundland and Labrador is often told through our music, and the story of the forget-me-not is no different.

Bud Davidge, a well-known songwriter and proud son of our province, who hails from Belleoram in Fortune Bay, penned a song called "The Little Blue Forget-Me-Not" in his effort to keep the tradition of the famous flower alive. I will conclude with a verse from his song:

Forget-me-not, wee flower of beauty
Your royal symbol proudly stands

Blue as the loyal men that wear them
Far from their homes in Newfoundland

We shall remember them.

[Translation]

ROUTINE PROCEEDINGS

PUBLIC HEALTH AGENCY OF CANADA

FEDERAL FRAMEWORK ON LYME DISEASE— DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a document entitled *Lyme Disease in Canada: A Federal Framework*, pursuant to the Federal Framework on Lyme Disease Act.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, May 31, 2017

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

EIGHTH REPORT

Your committee, which was authorized by the Senate on April 4, 2017, to propose amendments to the Rules of the Senate relating to the process for determining the membership of the Committee of Selection and the standing committees, now recommends that rule 12-1 be amended to read as follows:

"Appointment of Committee of Selection

12-1. At the beginning of each session, the Senate shall appoint a Committee of Selection composed of nine Senators. The initial membership of the committee, as well as any subsequent change to the membership of the committee, shall, as nearly as practicable, be proportionate to the membership of the recognized parties and recognized parliamentary groups. Senators who are not members of such a party or group shall, for this purpose only, be treated

as if they were members of a separate group. For greater certainty, the ex officio members of the committee shall not be taken into account when considering proportionality.”.

Respectfully submitted,

JOAN FRASER

Chair

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

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

**STUDY ON THE CHALLENGES ASSOCIATED WITH
ACCESS TO FRENCH-LANGUAGE SCHOOLS AND
FRENCH IMMERSION PROGRAMS IN
BRITISH COLUMBIA**

FOURTH REPORT OF OFFICIAL LANGUAGES
COMMITTEE TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on Official Languages entitled *Horizon 2018: Toward stronger support of French-Language learning in British Columbia*.

I would also like to let senators know that committee chair Senator Tardif and Senator Gagné are at this very moment holding a press conference on the release of the report in British Columbia.

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

[*English*]

**ROUGE NATIONAL URBAN PARK ACT
PARKS CANADA AGENCY ACT
CANADA NATIONAL PARKS ACT**

BILL TO AMEND—EIGHTH REPORT OF ENERGY, THE
ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE PRESENTED

Hon. Richard Neufeld, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, May 31, 2017

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act, has, in obedience to the order of reference of May 4, 2017, examined the said bill and now reports the same without amendment.

Respectfully submitted,

RICHARD NEUFELD

Chair

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

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

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

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

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, June 5, 2017, at 6:30 p.m.;

That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and

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

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE
OF THE WHOLE TO RECEIVE MADELEINE MEILLEUR,
COMMISSIONER OF OFFICIAL LANGUAGES AND
THAT THE COMMITTEE REPORT TO THE SENATE NO
LATER THAN ONE HOUR AFTER IT BEGINS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, at the end of Question Period on Monday, June 5, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Madeleine Meilleur

respecting her appointment as Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

FRAMEWORK ON PALLIATIVE CARE IN CANADA BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-277, An Act providing for the development of a framework on palliative care in Canada.

(Bill read first time.)

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

(On motion of Senator Eaton, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO INDIA, SEPTEMBER 10-18, 2016—
REPORT TABLED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Bilateral Visit to India, held in Delhi, Mumbai and Ahmedabad, India, from September 10 to 18, 2016.

• (1430)

COMMONWEALTH PARLIAMENTARY CONFERENCE,
DECEMBER 11-17, 2016—REPORT TABLED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Sixty-second Commonwealth Parliamentary Conference, held in London, United Kingdom, from December 11 to 17, 2016.

COMMONWEALTH WOMEN PARLIAMENTARIANS
WORKING GROUP MEETING,
FEBRUARY 24-27, 2017—
REPORT TABLED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of

the Commonwealth Parliamentary Association to the Commonwealth Women Parliamentarians Working Group Meeting, held in Steyning, West Sussex, United Kingdom, from February 24 to 27, 2017.

INTERNATIONAL PARLIAMENTARY CONFERENCE
ON NATIONAL SECURITY AND CYBERSECURITY
DAY, MARCH 27-31, 2017—REPORT TABLED

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the International Parliamentary Conference on National Security and Cybersecurity Day, held in London, United Kingdom, from March 27 to 31, 2017.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE OF
PARLIAMENTARIANS OF THE ARCTIC
REGION, FEBRUARY 23-24, 2017—
REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Anchorage, Alaska, United States, from February 23 to 24, 2017.

Colleagues, no senators participated in this meeting.

INTER-PARLIAMENTARY UNION

ANNUAL PARLIAMENTARY HEARING AT THE
UNITED NATIONS, FEBRUARY 13-14, 2017—
REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the Annual Parliamentary Hearing at the United Nations, held in New York, New York, United States of America, from February 13 to 14, 2017.

SESSION OF THE UNITED NATIONS COMMISSION ON
THE STATUS OF WOMEN, MARCH 17, 2017—
REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the Sixty-first Session of the

[Senator Harder]

United Nations Commission on the Status of Women, held in New York, New York, United States of America on March 17, 2017.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Legal and Constitutional Affairs be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a final report relating to its study on matters pertaining to delays in Canada's criminal justice system, between June 7 and 21, 2017, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE REPORTS OF THE CHIEF ELECTORAL OFFICER ON THE FORTY-SECOND GENERAL ELECTION WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Legal and Constitutional Affairs be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a final report relating to its study on the reports of the Chief Electoral Officer on the 42nd General Election of October 19, 2015 and associated matters dealing with Elections Canada's conduct of the election, between June 5 and 15, 2017, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

QUESTION PERIOD

BANKING, TRADE AND COMMERCE

INFRASTRUCTURE BANK—EVIDENCE OF WITNESSES

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my first question today is for the Chair of the Standing Senate Committee on Banking, Trade and Commerce, Senator Tkachuk.

As all honourable senators are aware, several different Senate committees have been pre-studying Bill C-44, the "Budget Implement Act 2017." Division 18 of Part 4 concerns the Canada infrastructure bank.

The Banking Committee has heard from several witnesses recently on the infrastructure bank, including Dr. Jack Mintz from the University of Calgary. Could the chair of the committee, Senator Tkachuk, briefly inform all honourable senators of witness testimony concerning the infrastructure bank, particularly the testimony of Dr. Mintz?

Hon. David Tkachuk: I'd like to thank the leader's office for giving me an advance copy of the question so I could give a more fulsome answer. Thank you for that, Senator Smith.

Mr. Mintz, one of the most respected scholars in Canada on economic issues, was pretty clear that he has "a great deal of concern" over the infrastructure bank. He was particularly concerned about governance issues, as other of our witnesses have been, most recently Mr. Benjamin Dachis from the C.D. Howe Institute, from whom we heard yesterday.

Mr. Mintz pointed to the sorry record of merging public and private interests, mostly due to the fact that public and private partners have diverging interests, the latter being solely commercial and the former, obviously, with other objectives. He was also very concerned that the government would assume too much risk with loan guarantees, leaving taxpayers holding the bag entirely on the downside of these projects. He worried that this type of arrangement leads private investors to take on too much risk or an inappropriate amount of risk, leading to poor performance and, again, the taxpayer paying the price, not the private investor.

Of course, there is the risk of government overstepping and interfering in projects, creating unanticipated problems for the private investor.

That's a quick summary, Senator Smith, of what we have heard not only from Mr. Mintz but from other witnesses as well.

The Hon. the Speaker: Before your supplementary, Senator Smith, I will remind honourable senators that I have already spoken about this matter; namely, that when questions are put to chairs of committees, they should be regarding activities of the committee. There is some leeway given, and I don't think Senator Tkachuk strayed too far from it, but, please, if you're questioning chairs of committees, the questions should pertain to the activities of the committee.

Senator Smith: Thank you very much, Your Honour. We're trying to respect that, and I think the question was directed to the activities of the Banking Committee on that particular issue. I guess it depends on your interpretation.

The Hon. the Speaker: For clarification, I already said that I did not think that Senator Tkachuk strayed too far from that, but I'm just reminding senators of the rule.

Senator Smith: Thank you, Your Honour.

Thank you, Senator Tkachuk, for informing us of what some witnesses said before the committee.

FINANCE

INFRASTRUCTURE BANK—HIRING PROCESS

Hon. Larry W. Smith (Leader of the Opposition): I have a supplementary question for the Leader of the Government in the Senate concerning the infrastructure bank. Bill C-44 is still before the House of Commons; it has not been introduced into the Senate and has not yet received Royal Assent. Could the government leader please tell all honourable senators why the government is disregarding Parliament's authority by currently seeking a president and directors for the Canada infrastructure bank before its creation has been approved by Parliament?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The government is clearly in anticipation, but obviously no commitments can be made before the act is proclaimed.

To ensure that there is a quick implementation, should it be the will of Parliament to move forward with the infrastructure bank, the government is firmly of the view that this is an urgent requirement among the full panoply of actions that need to be taken with respect to infrastructure. It wants to get on with it and be ready in anticipation of Parliament's decision, which I hope can be taken in the very near future.

TRANSPORT

ABANDONED VESSELS

Hon. Nancy Greene Raine: My question is for the Leader of the Government in the Senate.

Back in 2012, a Transport Canada report estimated that there were almost 400 abandoned and derelict vessels across Canada, along our coastlines, lakes and rivers. This is an environmental problem, a transportation problem and a commercial problem, impacting all levels of government.

The Oceans Protection Plan announced last fall by the Prime Minister states: "This new plan will prohibit owners from abandoning their vessels." After many months of waiting, earlier today the government announced the Abandoned Boats Program with funding for removal projects, and for education and awareness for boat owners. However, it remains unclear how the program will actually prohibit owners from abandoning their vessels.

• (1440)

Incidentally, today, five years later, quick facts from a media release from the Honourable Marc Garneau, Minister of Transport, states that the number of derelict vessels has risen to 600. This is a problem that is growing.

Could the government leader provide more details on the announcement today and tell us how the government plans to improve the system to identify shipowners to ensure that the owners of these abandoned vessels take responsibility for their property?

Hon. Peter Harder (Government Representative in the Senate): First, I thank the honourable senator for her question, and I want to take the opportunity to more formally welcome her back after her illness. We all wish you well in your recovery.

Hon. Senators: Hear, hear!

Senator Raine: Thank you.

Senator Harder: I welcome the question. It's clear from even the preamble of the question that this is a matter that all sides of the aisle are deeply concerned about. I welcomed the announcement from the minister this morning and look forward to providing the additional details requested.

I would point out that this matter, as the question implied, has been unaddressed for some years and it is a particular pleasure for the new minister, after only 18 months in office, to have come forward with this plan and deposited it this morning; but I would be happy to find the additional information.

Senator Raine: Thank you very much. I look forward to that.

I would note that Bill C-695 was introduced in 2015 by private member John Weston of the House of Commons. In his bill, he sought to amend the act by adding the following:

Every person who, being the owner of a vessel that is not wrecked, stranded or in distress, abandons the vessel and does not take all reasonable measures to resume control and possession of the vessel commits an offence and is liable on summary conviction to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.

I am hoping — and I look forward to you getting the details — that we can put some teeth in this, because it is important to take a look at it. Could you provide assurances that the responsibility and accountability of shipowners will lie at the heart of the government's new remediation program, thereby reducing the burden to taxpayers?

Senator Harder: I will undertake to add this to my inquiry.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VEGREVILLE CASE PROCESSING CENTRE

Hon. Betty Unger: My question is for the Government Representative in the Senate.

Senator Harder, when Prime Minister Trudeau visited Edmonton on May 20, he was met by a group of protesters concerned about the closures of the Vegreville immigration centre. Vegreville is a culturally diverse and vibrant community. The most common non-official languages spoken at home include German, Ukrainian, Filipino, Afrikaans, Romanian and Urdu. These are the people to which the Prime Minister retorted that if they wanted to keep their jobs they could or must drive to Edmonton.

This is unconscionable. The Prime Minister's plan to eliminate 280 jobs from the town represents almost 10 per cent of their labour force.

Just this morning, I learned of two more plant closures in small Alberta towns, eliminating another 200 jobs. In 2016, another town situated near the Jasper National Park lost 400 jobs, resulting in 150 homes now in receivership.

Is the Prime Minister oblivious to the fact that there are almost 200,000 unemployed Albertans? Why is he insisting on bringing more hardship to small Alberta towns by closing the immigration Case Processing Centre in Vegreville?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. She will know from the testimony of the minister responsible in this chamber only a few weeks ago that the decision of the Government of Canada was taken as a result of ongoing study to ensure that the most effective use of taxpayers' dollars was involved in the processing of immigration applications.

There has been difficulty experienced in the department from when it was first created in Vegreville with vacancy rates of up to 20 per cent, and the additional capacity required will allow the government in the new location to expand operations and meet the demands for services very significantly.

As the senator alluded to, the government is taking every effort possible to offer ongoing work to those who wish to travel from Vegreville as those who are presently working in the Vegreville facility are travelling from Edmonton.

This is an issue that the government takes very seriously, of mitigating as best it can when it makes a decision like this, but these decisions are important in respect of both the processing of applications in higher volume and the need to be responsible in its use of taxpayer dollars.

Senator Unger: Senator Harder, I really can't accept the reason for this move, but bad news abounds, it seems. Alberta is struggling in every corner of our province, yet as the Town of

Vegreville has noted, there is no compelling reason for this closure, which will, in fact, cost more than \$40 million, the closure of a facility that has been in Vegreville for more than 20 years. Instead of shuffling jobs around, from Vegreville to Edmonton, will the Prime Minister stick to his campaign promises and focus on helping the middle class by keeping the immigration Case Processing Centre open in Vegreville?

Senator Harder: I thank the honourable senator for her question. As somebody involved in placing the facility in Vegreville some 20 years ago, I understand well the concerns of the honourable senator. Her advocacy for the Town of Vegreville is understandable, but the government has had to take into context the challenge of meeting the higher demands of service standards, higher volumes and costs that would be more efficiently spent in a new facility. The facility of the plant, as the honourable senator will know, is expiring soon and would require, if the government were to stay, an expensive refit, and the vacancy in jobs of about 20 per cent leads the government to a business decision to consolidate in Edmonton where the job market will be able to sustain the productivity that is expected from this facility.

INTERNATIONAL TRADE

VIETNAM—HUMAN RIGHTS

Hon. Thanh Hai Ngo: My question is for the Government Representative in the Senate.

Last week, the Minister for International Trade, the Honourable François-Philippe Champagne, returned from a trade mission to promote Canada's progressive trade agenda in Asia. As part of that mission, Minister Champagne met with his Vietnamese counterpart as well as the President of Vietnam while in Hanoi. Let me remind the chamber that the communist authority in Vietnam regularly uses a draconian criminal code to persecute human rights activists, who only call for greater transparency and accountability. Vietnam also commits the third most state executions, behind China and Iran.

Could you inquire with the minister and his department regarding the specific human rights violations that were raised with the Vietnamese official while in Hanoi?

Hon. Peter Harder (Government Representative in the Senate): I would be happy to do so.

Senator Ngo: I have often said trade is inseparable from human rights. It is my strong brief that any new trade agreement that Canada concludes must include a comprehensive section on human rights.

Senator Harder, you have informed this chamber that the Canadian government takes human rights seriously, and I thank you for that. Vietnam is one of Asia's fastest-growing economies and many countries will be tempted to compromise their support for human rights in order to obtain favourable trade deals. Mr. Champagne himself has said that Asia represents a massive opportunity for Canadian businesses.

Senator Harder, you have said that the Canadian government will raise human rights concerns in an appropriate forum. Do you and the Government of Canada consider trade negotiations to be one of these fora? What guarantees can the Canadian government provide that it will not sacrifice human rights and fundamental freedoms in favour of trade and economic growth?

• (1450)

Senator Harder: I thank the honourable senator for his question and his ongoing concern in regard to issues of human rights.

I assure all senators that the Government of Canada is pursuing an active trade agenda as predecessor governments have as well. The Trans-Pacific Partnership, which involved Vietnam, as the honourable senator will know, was launched some years ago on the full understanding that our engagement in Asia is to deal with and seek economic benefit through trade across a number of countries in the Asia-Pacific region.

The trade policy of the Government of Canada is one based on our economic interest and on the diversity of our economic dependency on trade as a trading country. That does not mean that we abandon our responsibilities for human rights advocacy. It means there is a balance we have to seek that may or may not satisfy every individual in this chamber, but it is a balance that the government is committed to.

PUBLIC SAFETY

CORRECTIONAL SERVICE CANADA—CARE OF PRISONERS—LEADERSHIP

Hon. Bob Runciman: My question is for the Government Representative in the Senate.

I'm following up on Senator Fraser's question from two weeks ago about the preventable death of Matthew Hines in Dorchester Penitentiary. As you know, he was beaten and pepper-sprayed in the face repeatedly, even though he was under the control of guards. The investigation by the correctional investigator into his death was deemed to be flawed and self-serving.

Senator Fraser pointed out there were few consequences for the staff involved, and we heard the same thing from Correctional Service Canada that we always hear, that they have learned their lesson and it won't happen again.

But it will happen again, and as sure as night follows day, Corrections will conduct another self-serving, flawed investigation. We saw it after the Ashley Smith inquest and after the death of Matthew Hines and we will see it again.

I agree with Senator Fraser that frontline officers need to be held accountable, but what about the leadership that has failed to address these situations repeatedly?

Senator Harder, how many second chances do they get? When will the Minister of Public Safety take action to remove the leadership at Corrections, leadership whose first instinct, when

faced with an incident like the death of Matthew Hines or Ashley Smith, is to obstruct the investigation and cover their butts?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and the follow-up to Senator Fraser's question. At the time of Senator Fraser's question, I gave assurances in this chamber that the government takes this situation very seriously, and I want to repeat that. I took the occasion of the question by Senator Fraser to bring the concern of the Senate to the attention of the responsible minister, and I would be happy to do so again, particularly in light of the sincere and straightforward question that the honourable senator poses.

This is clearly a situation that requires leadership attention and one that I know the minister takes seriously.

JUSTICE

BILL C-16—MINISTRY WEBSITE EXPLANATORY NOTES

Hon. Donald Neil Plett: My question is for the Government Representative in the Senate.

On the Justice Canada website, there was a Q&A section on the Bill C-16 page where it answered how the policies and guidelines would be determined after this legislation came into force. The website cited Ontario's guidelines as a sound example of how gender identity could be interpreted. The statement of intent was quite clear, leader. Ontario's policies, as we know, and as was pointed out to us a number of times in committee, mandate the usage of gender-neutral language, thereby compelling speech, which is an outrageous proposition in a free society.

After concerns about this were raised very publicly, the site was mysteriously taken down in December, thankfully not before a few of us had printed it.

One of the witnesses at committee said that this website, in essence, was the smoking gun. And the fact that this page linking this bill to the reprehensible Ontario policies vanished was, in his words, absolutely scandalous.

I know you won't have the answer today, and I don't expect you to, but my question to you is this: Would you take it upon yourself to ask the minister why and at whose discretion this page was taken down?

Hon. Peter Harder (Government Representative in the Senate): I would be happy to.

Senator Plett: The next answer can be as short and sweet. This is very time-sensitive. We are debating Bill C-16, and I know the government and you, leader, as well as others, want us to continue debate. I ask that you have that answer for us sooner rather than later.

Senator Harder: I will endeavour to do it as soon as I possibly can.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to Rule 4-13 (3), I wish to inform the Senate that, as we proceed with Government Business, the Senate will address items in the following order: Third reading of Bill S-3, followed by all remaining items in the order that they appear on the Order Paper.

INDIAN ACT

BILL TO AMEND—THIRD READING—DEBATE

Hon. Frances Lankin moved third reading of Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), as amended.

Hon. Peter Harder (Government Representative in the Senate): I rise today to speak on Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration).

Bill S-3 is the first stage of the government's two-stage response to the *Descheneaux* decision and its broader commitment to reform registration and membership provisions within the Indian Act.

On behalf of the government, I take this opportunity to thank the members of the Standing Senate Committee on Aboriginal Peoples Committee for its thorough and conscientious work under tight deadlines.

In keeping with the recommendations of the committee, on January 20, 2017, the government sought and was granted a five-month extension of the court's ruling to permit more time to consider Bill S-3.

Through the additional time provided by this extension, and the diligent work of the committee, there have been numerous improvements made to the bill that have been welcomed and supported by the government.

I thank Senator Dyck for her detailed review of these amendments in debate yesterday.

The bill now proactively addresses further groups affected by sex-based inequities, which were identified by the Indigenous Bar Association.

The recent decision by the Ontario Court of Appeal in the *Gehl* case has allowed the government to address the issue of unstated paternity by enshrining additional procedural protections in law through Bill S-3.

The government has also acknowledged the understandable skepticism of First Nations and parliamentarians about whether

stage 2 will proceed and whether it will lead to meaningful reform of membership and registration under the Indian Act.

That is why the government proposed a series of amendments to report back to Parliament on a number of occasions and in a number of ways to update you and all Canadians on its progress toward broader reform.

Three separate reports to Parliament are now in the legislation and will hold the Minister of Indigenous and Northern Affairs to account in respect of her commitment to design and undertake meaningful consultations through a collaborative process with First Nations, indigenous groups and affected individuals on the broader issues relating to Indian registration and band membership.

These requirements will also address the implementation of amendments to eliminate known sex-based inequities in Indian registration outlined in Bill S-3.

• (1500)

In the minister's testimony before the committee on May 16, she reiterated her personal commitment to co-designing a process with First Nations, including communities, affected individuals, organizations and experts to deliver substantive registration reforms, including potential future legislative changes.

The minister also highlighted her time spent over decades working on the issue of meaningful consultation and ensuring it incorporates voices beyond the usual suspects and provides participants with sufficient resources to engage meaningfully.

I want to assure Senators of the government's absolute commitment that this will be a process where the voices of the full range of people affected will be represented at the table, and this will be a process that incorporates a human rights lens.

In stage two, Charter compliance will be the floor, not the ceiling, and there very well may be areas of needed reform where no consensus is achieved.

The government has also made it clear that consensus will not be a prerequisite for action. However, if the government is to act absent consensus, it only increases the necessity for decisions to be based on a foundation of meaningful consultation and credible evidence about the potential impacts of reform.

As many in this chamber will know, balancing the need to engage affected communities and people with that of the parliamentary process has allowed for only two engagement periods of three months each, even with an extension granted by the court.

It is the government's view that this has not been sufficient to allow for anything near meaningful consultation on the broader issues of registration and membership reform under the Indian Act.

Given the context of the limited engagement possible within the court-imposed timelines, it is important to address the intended scope of Bill S-3.

The goal of Bill S-3 is to remedy known sex-based inequities relating to registration in the Indian Act, which fall short of Charter compliance.

This is not restricted to situations where a court has already ruled, but extends to situations where the courts have yet to rule, but where the government believes a sex-based Charter breach would be found.

However, the government has been clear that in circumstances where the courts have ruled policies to be Charter compliant, or where situations are more complex than purely alleged sex-based inequities, government action must be based upon meaningful consultations.

These issues must be addressed through a collaboratively developed second stage of Indian Act registration and membership reform. As is now reflected in the legislation, the government must design and launch consultations on a broader reform within six months of the passage of Bill S-3.

Despite supporting numerous amendments proposed and adopted by the committee, the government has made it clear that it cannot support one amendment put forward by Senator McPhedran and accepted by the Committee.

The intention of Senator McPhedran's amendment to clause 1 of Bill S-3 is to provide entitlement for Indian registration to all direct descendants, born prior to April 17, 1985, of individuals previously entitled as Indians under section 11(1) of the pre-1985 Indian Act.

In simpler terms, this clause seeks to implement the approach commonly referred to as "6(1)(a) all the way." Although this approach may seem appealing, I would ask you to consider this position cautiously.

While I believe this amendment was put forward with the absolute best of intentions, the way this clause is drafted creates ambiguity as to whether it would do what it is apparently intended to do. This legal concern was highlighted by Senator Sinclair during clause-by-clause consideration at committee.

And if this clause is interpreted in a way to implement the 6(1)(a) all the way approach, then it could potentially extend status to a broad range of individuals affected by a wide range of alleged inequities well beyond those that are sex-based.

In fact, the amendment seeks to implement the precise remedy explicitly rejected by the British Columbia Court of Appeal in the *McIvor* decision, where it was clear that this remedy is not required to make the provisions Charter compliant. The Supreme Court of Canada then refused leave to appeal.

This does not mean that the government will not consider this as a potential approach in the context of a policy decision to address broader registration and membership reform.

[Senator Harder]

During her testimony at committee, the minister said:

I think it could be 6(1)(a) all the way. But we don't have enough information to make that decision in terms of the scholarly approach that it would take to look at the impacts and make sure that it didn't impact others accidentally in a different way.

As the minister made clear in that statement, the government is open to considering this approach through stage two. However, she noted that we do not currently have the demographic information to understand the practical implications of implementing such an approach.

While the government is initiating that work now, preliminary estimates are not based on reliable data and contain huge ranges of potentially newly entitled individuals, from 80,000 to 2 million.

In addition to current uncertainty regarding the practical implications of the approach, it is clear the necessary consultation has not occurred.

This clause may have profound impacts on communities which could find themselves with huge numbers of new members with little or no connection to their community and without any meaningful prior consultation.

During witness testimony before the committee, when asked if there was support for the proposed 6(1)(a) all the way approach, Ms. Lynne Groulx, the Executive Director of the Native Women's Association of Canada, stated:

From our perspective, we can't say that 6(1)(a) all the way is the response they would give us at the grassroots level, at our level. We haven't asked them the question, "Do you want us take that mandate, that position?" Or is it no more sexes at all and we need the government to get out of the business of registration period?

We need to do an adequate consultation. We're not yet there for 6(1)(a). We're thinking about it, but we're not 100 per cent yet.

The minister summed it up well in her testimony when she said this of the 6(1)(a) all the way approach:

. . . lots of people haven't been asked that. I would want to know from the people who have been studying these things for a very long time, if that fixes things or whether it could accidentally precipitate other things.

We must be careful not to repeat the mistakes of the past where, even with admirable intentions, policies are implemented absent proper consultation or evidence and lead to direct unintended consequences as a result.

I would also ask that we take this opportunity to highlight the urgency with which we approach this debate. As many of you may be aware, there is a court deadline for this legislation, even after the extension, of July 3 of this year.

If Parliament does not have legislation passed that addresses the Charter issues outlined in the *Descheneaux* decision before July 3, the sections struck down by the court will become inoperative in Quebec.

The practical implication would be that these provisions will then become inoperative within Canada, as the registrar would not be in a position to register people under provisions found to be non-Charter compliant.

Ninety per cent of status Indians are registered by the federal government under the provisions struck down by the *Descheneaux* decision, rendering these applicants unable to access benefits that come with registration and membership.

In addition, with up to 35,000 individuals awaiting their rights to be granted through S-3, we cannot lose sight of the thousands of individuals who will not be able to register if the court deadline passes and the provisions noted above become inoperable.

Therefore, notwithstanding the government's concerns about the practical implications of one of the amendments accepted by the committee, I ask all senators to proceed with urgency in sending this legislation to the other place for its consideration and possible further amendment. Specifically, I would ask that this chamber complete its third reading by Thursday — tomorrow — as I understand that is the timeline required for the other place to complete its work and for Parliament to meet the court deadline. I thank you all for your consideration, and hope that we can accomplish this as early as today.

Hon. Dennis Glen Patterson: I would like to ask a question of the Government Representative in the Senate.

Senator Harder: Certainly.

Senator Patterson: May I, first of all, thank Senator Harder for his gracious comments about the work of the committee, to which I belong, on this complex and long-standing issue, and may I say governments of all stripes have not remedied this long-standing problem. It's not just a challenge for the current government.

I would also like to thank Senator Harder for a full explanation of the government's concern about the so-called "6(1)(a) all the way" amendment, which is helpful. But I have one question: You said, senator, in your thoughtful remarks that the government's goal was to deal with known sex-based inequities. I think I'm quoting you correctly.

• (1510)

A problem that the committee had all along with this bill is that its title is: "An act to amend the Indian Act (elimination of sex-based inequities in registration)." Not "known sex-based inequities" but "elimination of sex-based inequities."

I think the committee has taken that title and that noble goal very seriously and, in supporting Senator McPhedran's amendment, said that the bill dealt with known sex-based inequities and maybe a few more that had arisen, but it didn't

eliminate sex-based inequities; "6(1)(a) all the way" seems to do that. I think that is one reason why there was quite strong support for the McPhedran amendment.

I wonder if the honourable senator would agree that there might have been at least some confusion about the government's intention from the beginning with the title of the bill.

Senator Harder: I thank the honourable senator for his comments. Before I answer specifically the question that he posed, I want to remind him that the goal of the bill is to remedy known sex-based inequities related to the registration of the Indian Act, which falls short of Charter compliance; but, as I said in the next paragraph, this is not restricted to situations where a court has already ruled but extends to situations where the courts have yet to rule, but where the government believes a sex-based Charter breach would be found.

If the title of the act was more ambitious than the intentions of the bill, as presented, that surely has been part of informing the debate. What I am seeking to do, respectfully, is to convey to the chamber the government's concerns with respect to expanding to include "6(1)(a) all the way," without the appropriate consultations, which the minister and the government are deeply committed to. Now the act, as amended, will bind them.

Senator Patterson: I understand that position of the government, Senator Harder. I also fully understand the urgency, and I think we're certainly committed to dealing with the bill completely by tomorrow. I understand that a thoughtful technical amendment may be introduced at third reading, but do I understand it is the government's position that the bill will be sent with the amendment — which the government may not accept — from the Senate to the other place, substantially as reported by the committee?

Senator Harder: Senator, my wish would be, if it is the will of the Senate, to do exactly that; that is, to pass the bill as it has come out of committee, with the possible exception of a technical amendment, which may be forthcoming, and that the bill would then be sent to the other place.

As I indicated, the government may, at that time, proceed with an amendment that would conform to the policy view of the government, which I have described and, yesterday, Senator Lankin referenced as well. Should the government do that, the bill would then return here for the Senate's concurrence or other approach that the Senate may take.

Hon. Lillian Eva Dyck: Would the honourable senator take another question?

Senator Harder: Certainly.

Senator Dyck: Thank you for that speech. You focused a lot on phase two and the government's perceived reasons for pursuing additional consultations. One of the things that you said was that we would be in a situation where we would be potentially admitting band members who had little or no connection to their community.

I find that statement quite shocking because it's like blaming the victim. The reason they don't have connection to their community is because the government took their status away and threw them out of the community. It's like a no-win situation. It's quite appalling to say we can't admit them because they have no connection. Well, they have no connection because the government took their connection away. How do you respond to that?

Senator Harder: I thank the honourable senator for her question. I mean no disrespect in the reference that I made here, except to say that should that amendment become policy, it is the government's view that it should be a policy concluded after appropriate consultations, which have yet to take place.

Senator Dyck: Well, on the need for consultation, the other thing you suggested was that the government needs to hear from expert witnesses. We have already heard from expert witnesses. We heard from Sharon McIvor, who has been advocating since Bill C-3 was passed before that. She has been advocating for decades. We heard from Dr. Pamela Palmater, one of the very few individuals in North America who actually has a PhD in law and has studied this. They said very clearly, "You cannot consult on this because it is a violation of those Aboriginal women's constitutional rights under section 35(4) of the Constitution." Aboriginal women are supposed to have the same rights as Aboriginal men, and it is clear they do not because of the sex discrimination in the Indian Act. You cannot consult on constitutional rights. I don't understand how we can go against that, if you could explain. Why do we have to consult on constitutional rights? To me, that makes no sense. It's not legally correct.

Senator Harder: It is the view of the minister and the Government of Canada that there must be full and respectful co-development of an approach to this issue, respecting, obviously, the constitutional rights. But these are matters that do require broader understanding and consultation in the view of the government before action is taken to expand the act to include "6(1)(a) all the way."

Hon. Serge Joyal: Would the honourable senator take a question?

I listen to you very carefully, Senator Harder. I tell you my reaction is that the government has a credibility problem. It's successive Canadian governments that have taken the away of the rights of the Aboriginal people to be truly recognized as entitled to Aboriginal rights and all the other status that ensues.

You come forward and inform us that, on a second stage, the government will study the 6(1)(a) approach and underline and consult and come back to tell you one day, "Maybe we'll do it; maybe we won't do it." I think it's not enough.

I am not criticizing you. I am speaking to the other place, to any government, in relation to this.

This bill has a remedial purpose. We are trying to correct centuries of inequities, of discrimination. When you are committed to that objective, you have to commit yourself to a

[Senator Dyck]

deadline. You can't say generally, "We will do it one day because maybe there are unintended consequences. We will want to know them. We will have to check the statistics. Maybe, if we recognize the 6(1)(a) approach, it will have an impact much broader than we think." Maybe, as you mentioned, 2 million people will be concerned with that. But at least the government would be seen as sincere if the government were committing itself to a specific date to come back in this place to legislate on this.

Again, it's an act of faith. We will do the minimum, which is the order imposed on us by the court, to act by a specific date, but for the other part, we will continue to let the issue float for as long as we think. We will do all the necessary thinking and wondering around it.

I think we have to be sincere and be seen as sincere by the Aboriginal people. That's part of the reconciliation.

I'm sorry I'm making a speech. There is a credibility gap that we have to fill, and don't you think it would be filled if we put in a date on the second phase of studying the impact of the 6(1)(a) approach? Then we would believe that the government is serious in its commitment.

• (1520)

Senator Harder: Senator Joyal, I thank you for your question and for your intervention. It was only last week in this chamber where we heard Aboriginal leaders speaking in a very meaningful and moving way about the history.

The intentions of this government in this regard, not only with respect to the particular amendment before us, but the broader issue of engaging the Aboriginal and indigenous communities in Canada, is most sincere. I do believe that the minister is well-intended and is moving ahead with a great and broad approach to that policy of reconciliation and engagement.

It is that very policy of engagement and of respecting the need for consultation that led the minister to adopt a two-phased approach when the bill was first introduced. It is that very commitment to address the credibility gap that you spoke of, that the government has accepted amendments in this bill that prescribe actions that the minister will take consequent through this bill coming into force.

I want to assure you and all senators that this minister and this government are very committed to the approach being spoken of and taken in this measure, and in all measures dealing with the reconciliation with our Aboriginal history.

[Translation]

Hon. Renée Dupuis: Senator Harder, I have a question for you about Bill S-3. At a December 2016 meeting of the Aboriginal Peoples Committee, I asked Minister Bennett about the problem with the title of the bill, which suggests that it would eliminate all sex-based discrimination in the Indian Act when it was actually introduced in response to a ruling that deals with just one aspect

of that discrimination. The minister agreed that there was a disconnect between the title of the bill and its contents. Is the government willing to admit that, in responding to the court's ruling, the bill addresses one very specific aspect of this discrimination problem and that it was not introduced as a solution to the broader issue of discrimination?

[English]

Senator Harder: I thank the honourable senator for her question, and that is precisely the approach that is being taken. Although, in phase one, the bill as drafted and the amendments that have been proposed go a little further than strictly the *Descheneaux* decision. It is the view of the Government of Canada — the minister has expressed this in committee and elsewhere as I have today — that phase two will take a broader approach and look at other issues that have been raised in the committee process, and indeed in the bill as we have it before us.

[Translation]

Senator Dupuis: I paid close attention to what you said earlier, and I do not doubt the government's sincerity in the least. However, it reminded me of the language used in parliamentary debates and discussions from 40 years ago, in 1978. When the Canadian Human Rights Act was passed, it created a discriminatory situation by precluding indigenous women from having any recourse against the government. That legislation was sincerely passed as well, in 1978, but clearly we have not made much progress toward eliminating discrimination. I think the issue deserves a closer look, and I was wondering if the government can change the wording or at least make sure that it accurately reflects the purpose of the legislation, because the question of the legislator's intent does come up in court. I think this is an important change to make.

[English]

Senator Harder: I can't speak precisely on the government's behalf on that question, but I do want to convey to the honourable senator that it is in the spirit of moving in that direction that the minister made her commitments. And it is, of course, up to this place to dispose of the legislation before us, and the other place to make its views known on potential amendments. It is clear that this is not the last debate we will have in this chamber on it in the near future and in the coming months.

Hon. Sandra Lovelace Nicholas: Would the leader take another question?

Senator Harder: Of course.

Senator Lovelace Nicholas: Did I understand you to refer to the men's organizations as being happy with this legislation as it is?

Senator Harder: I do not believe I said that.

Senator Lovelace Nicholas: Okay. Sorry about that. I'm hearing things.

I don't trust phase two. I don't know where the government got this, and I don't think we've ever seen a legislation like that with phase one, phase two. And you're saying you promise to do what is wrong in phase two, but what if you're not in power anymore? What happens then to all your promises of righting the wrong that has been done to the women?

Senator Harder: I would like to first of all thank the honourable senator for her question and reaffirm the strongest commitment possible that this minister and this government have placed not only in respect of this bill and its commitment to phase two, but also on a very active and robust engagement on the broad issues of indigenous rights and our relationship, nation to nation, between and amongst the Aboriginal peoples.

Hon. Patrick Brazeau: Would Senator Harder take another question, please?

Senator Harder: Certainly.

Senator Brazeau: I listened to your speech, and I've been at this for a very long time. In fact, I have worked with four different prime ministers on this particular issue. I have worked with Prime Ministers Chrétien, Martin, Harper, and now Trudeau. It seems to me that every time I have dealt with this issue with different prime ministers and different governments of different political stripes, it has always been the same result. That result is to limit the number of status Indians in this country.

My first question is this: Would you agree, or care to comment on my perception and my view that maybe because of that, it's because successive governments have received recommendations from the Privy Council Office to do exactly that, to limit the number of status Indians, because at the end of the day it's always a question of money?

Senator Harder: I thank the honourable senator for his question and note that even at a young age, he has dealt with many prime ministers. Of course, I cannot speak for previous governments. I can speak only for this government and reassure him and all senators of this government's intention of not only moving forward in the case of responding to the *Descheneaux* decision, but committing to a further phase of consultation and should that consultation — as I'm sure it will — yield further actions, take those actions.

I would also reference the broader approach that this government has committed to, which is unprecedented, in my view.

Senator Brazeau: Thank you for that. Again we're talking specifically about the amendment, 6(1)(a), the all-inclusive. Here is what this does: On the one hand, the government says, "Well, let's have more consultations on what that may look like in the future." On the other hand, you said yourself a while ago that we're the chamber of sober second thought, but we need to pass this legislation by the end of tomorrow.

I have issues with that because by not accepting this amendment, this is what they will do in practical terms. Perhaps there is a little self-serving interest. But it's not about self-serving

interests. It's about facts and reality. I have five children. Four of those children are status Indians. By not passing this amendment, one of my children will have to wait for more consultation from a paternalistic government, successive paternalistic governments, that decide who is Indian in this country and who is not. Well, I can tell you that that child, who is not recognized by this and successive governments, is Indian. Any comments on that?

• (1530)

Senator Harder: Let me remind the Senate that, as Senator Patterson indicated at the start, we're in a challenging situation here where I am seeking to convey directly and frankly to this chamber how the government may receive the bill that is before us, amended. I am urging this chamber to pass that bill quickly so that the other chamber can review what this chamber has passed and come to its own conclusion.

So there could be no ambivalence, I simply wanted to raise that there are concerns that were expressed by the minister on behalf of the government. They continue to be concerns of the minister and the government. And they will have to address those concerns should they receive this bill in the near future.

The reason for the deadline, of course, is that the court extension takes us only to July 3, and the consequences of not meeting that deadline are severe for all would-be claimants. These are consequences the government would wish to avoid, and I hope all senators would wish to avoid. That is the dilemma we are in, from a timing perspective, but it does not reflect the policy intent of seeking to jam anything.

Senator Brazeau: I want to state for the record that I know timing is an issue, as are time frames. I understand that. But I want to say for the record that each time that anything has been done on recognizing Indians in this country, it's been because First Nations people have gone to court and not because of any initiative done by any government, regardless of political stripe and colour.

For the record, I want to say that it doesn't seem to be a problem, on the one hand, accepting new Canadians and immigrants, and recognizing them and accepting them. It doesn't seem to be a problem, because that entails financial issues as well. But when it comes to status Indians and recognizing our First Peoples as who they truly are, that seems to pose problems for past and, I guess, this current government, because they don't accept the 6(1)(a) amendment.

Some Hon. Senators: Hear, hear!

Hon. Marilou McPhedran: Honourable senators, I want to begin by thanking all colleagues in this chamber as well as the minister, Dr. Carolyn Bennett, and her staff for the consultative and collaborative process that has brought us to this point.

I want to acknowledge the collaborative and consultative leadership by Senator Lankin as the sponsor of this bill, and I want to also express sincere appreciation to every member of the Standing Senate Committee on Aboriginal Peoples, again, for what has been a consultative and collaborative relationship and interaction.

[Senator Brazeau]

I want to note that many of the points that have been made about the merits of phase 2 emphasize the transformational potential of such a process. I want to state that I support that phase two concept. The amendment that has been proposed, in fact, enormously strengthens phase 2, because instead of being a phase 2 on a rotten and tainted platform of decades and decades of discrimination against Aboriginal women, it would be a phase two that started on the constitutional principles and the international legal principles to which Canada, as a country, is obligated in terms of gender equality, of equality between male and female indigenous peoples.

Minister Bennett responded to one of the recommendations of the Truth and Reconciliation Commission chaired by our esteemed colleague Senator Sinclair by going to New York less than a year ago to address the United Nations Human Rights Committee. On that occasion, as she left the UN committee meeting, she made a public promise that she would eliminate all known sex discrimination in the Indian Act.

Let me also note that in the *Descheneaux* decision, which has been the primary driver of the legislation before us today and which is the genesis of the July 3 deadline we have been warned about repeatedly, the court called upon Canada not only to respond to the specific facts of that case but also to take "appropriate measures to identify and settle all other discriminatory situations that may arise from the issue identified."

We have heard from a whole range of indigenous organizations in support of the amendment that, short form, is described as "6(1)(a) all the way." Time does not allow extensive quoting, but let me reference just a few.

On May 26, the committee received a letter from the Union of B.C. Indian Chiefs. They acknowledged the amendment at the Senate committee, and they said:

We write to you today to ask you to support the Senate Committee's amendment, which will assist Indian women and their descendants, and all indigenous peoples, to move forward.

They went on to say:

In 2008 UBCIC intervened in the constitutional case of *McIvor v. Canada*. . . . In 2010 UBCIC participated in the Parliamentary review process for Bill C-3. Additionally, UBCIC has submitted materials to the United Nations Human Rights Committee in both December of 2011 and June of 2016 in support of the petition of Sharon McIvor and Jacob Grismer. Ms. McIvor's petition asserts that Canada stands in violation of the *International Covenant on Civil and Political Rights* because the *Indian Act* continues to treat Indian women and their descendants differently and less advantageously than Indian men and their descendants. Further, in March of 2016 the UBCIC supported Mr. Jeremy Matson's Petition to the Committee on the Elimination of Discrimination against Women (CEDAW) calling for a CEDAW General Recommendation to Canada to call for a comprehensive national strategy to promote the equality of Indigenous women. . . .

In light of Canada's long history of piecemeal reform and the damage of this ongoing discrimination, Canada must now move to eliminate the sex-based hierarchy between 6(1)(a) and 6(1)(c) in the status registration regime. The UBCIC's position has been, and remains, that the only effective remedy to the ongoing sex discrimination is to place Indian women and their descendants born prior to April 17, 1985 on the same footing as Indian men and their descendants born prior to April 17, 1985, so that they are all entitled to registration under s.6(1)(a) of the *Indian Act*.

The letter continues:

It is our position that there is no impediment to Canada immediately and finally eliminating the sex discrimination in the status provisions; this amendment provides the means to remove the central inequity in the regime. The time for talk and consultation about whether to continue Indian Act sex discrimination is long past.

The sex discrimination in the Indian Act has been, and continues to be, a tool of forced assimilation.

Let me quote from another letter that came to us from two esteemed national organizations, the Feminist Alliance for International Action and the Women's Legal Education and Action Fund. That letter being signed by Dr. Lynn Gehl, Dr. Gwen Brodsky, Dr. Pamela Palmater, Mary Eberts and Shelagh Day. With all due respect to the Leader of the Government in the Senate, these are experts, and the government knows that these women are experts. We have heard extensively from experts on this issue.

• (1540)

An Hon. Senator: Hear, hear.

Senator McPhedran: But before I read from the FAFIA and LEAF letter, let me just address a reference made by Senator Harder to the Native Women's Association of Canada indicating that they weren't quite sure or weren't quite ready — I don't remember the precise words — but what was conveyed by that quote was that the Native Women's Association of Canada thinks it's okay to go ahead with phase two. That may or may not be. That's actually not my information about what's going on within that organization, but let me point out to this chamber that we as senators have received separate letters from a number of the member organizations of the Native Women's Association of Canada and those organizations have said to us: "We don't agree with this idea of phase two. We want section 6(1)(a) all the way, and we want it now. It is the amendment we want."

I will quote from one of those letters, from the Nova Scotia Native Women's Association. Towards the end of their letter to us they say:

... we are in complete agreement with the amendment referred to as "6(1)(a) all the way" which makes all Indigenous women and their descendants born prior to April 17, 1985 equal in status with all Indigenous men and their descendants born prior to April 17, 1985. It also

eliminates the offensive and discriminatory hierarchy between 6(1)(a) and 6(1)(c) Indians. While this can't bring back our loved ones, nor undo all of the irreparable harms that exclusion from registration has caused, it is the least that can be done to address one of the most harmful acts of colonization: the targeting of our women for assimilation.

We were copied on the letter from FAFIA and LEAF, but it was addressed to the Right Honourable Justin Trudeau, the Honourable Carolyn Bennett, the Honourable Jody Wilson-Raybould and the Honourable Maryam Monsef. In that letter, it is clearly stated and addresses the comment made by the minister, the promise made by Minister Bennett at the UN less than a year ago and says:

This amendment is crucial, because it will have the effect of removing the core of the sex discrimination that has existed in the status registration provisions for more than one hundred years.

The organizations and individuals that are signatory to this letter participated in the hearings at the Senate Committee on Aboriginal Peoples on Bill S-3 and/or in consultations with officials from Indigenous and Northern Affairs regarding the issue of ongoing gender discrimination in the *Indian Act*. . . we made it clear that Bill S-3 does not eliminate the sex-based inequities. . .

— and here they're referring, of course, to the title of Bill S-3 —

... in the *Indian Act* registration provisions, and that it is time to do that.

To this point of "known" discrimination, and I am still quoting:

Since the 1970s Indigenous women, including Mary Two-Axe Early, Jeannette Corbiere-Lavelle, Yvonne Bedard, Sandra Lovelace, Sharon McIvor, Lynn Gehl, Susan Yantha and many others, have been fighting for equality for Indigenous women and their descendants. Having been involved in the litigation struggles (*McIvor*; *Descheneaux*; *Gehl*) . . .

This is our most recent decision.

... that have arisen because of the inadequate amendments to the *Indian Act* registration provisions in Bill C-31 (1985), Bill C-3 (2009) and your proposed Bill S-3, we urge you to take this opportunity to remove the central piece of the discrimination — the 6(1)(a) - 6(1)(c) hierarchy — and embrace equality for Indigenous women and their descendants.

They continue later:

To reiterate, we are in complete agreement, with the amendment. . . .

Referencing the amendment moved in the Senate committee.

And they close in the letter by talking about the scope of, and they of course refer to the title of this bill, which is the elimination of sex-based inequities in registration in the Indian Act.

Let me make a technical but important point, and that is, it is the job of the Government of Canada, it is the legal requirement of the Government of Canada to run the Indian Act, and status and membership are two separate processes. They have often been conflated. This is about what is the government's job to do with a government law.

In points of law, let me quickly refer to some of the national and international obligations that we are already obligated to under these existing laws.

This is not a discussion about what we might decide to do and go out and discuss. We are already obligated. Our Charter. Bill S-3 without the amendment, Canada has legal obligations to ensure equality in law in our domestic law and in our international law, and if we don't do this, we are continuing to perpetrate an assimilationist agenda and we are also continuing to contribute to what is part of the root cause of extraordinary violence and discrimination against indigenous women in this country.

Let me also point out that section 6(1)(a) all the way is an adaptation of what is essentially what was proposed by the Liberals in 2010 and was supported in a signed letter by our now Attorney General of Canada in a previous leadership position with an Aboriginal organization.

For the whole idea of there needing to be the elimination of sex-based inequities in registration, let us look at the status provisions in the Indian Act, which are, yes, technical and complex, but they have been complicated by the refusal of successive federal governments to remove the core of the sex discrimination, as is happening yet again with Bill S-3.

This is an archaic piece of legislation, but it is Canadian law, and it is the job of our government to remove discrimination that is embedded within that law.

Bill S-3 is only one piece of the reform that will change the way that indigenous First Nations people are recognized in Canada under the law, and yes, it is a good thing that there is a proposed second phase of collaborative consultative work, which may lead to more transformative changes about whether and how Canada provides for the recognition of Indians in federal legislation.

The Hon. the Speaker: Excuse me, senator, your time has expired. Are you asking for five more minutes?

Senator McPhedran: I would appreciate that.

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

Hon. Senators: Agreed.

Senator McPhedran: We do not know what is to come with this reform but we are obliged now by the Canadian Charter of Rights and Freedoms to ensure that federal law about indigenous

peoples complies with fundamental rights and freedoms, including the right to equality.

If there is discrimination in the status provisions, as there is and as there will continue to be if Bill S-3 as presented and promoted by Senator Harder and the government goes ahead, we are under a legal obligation to remedy this discrimination now.

In Canada, we have a botched history of legislative reform of the status provisions of the Indian Act. Bill C-31 was failed remedial registration leading to the court cases that we now have: *McIvor*, *Descheneaux* and *Matson*, and also leading to the attempt to go outside our own country to seek justice, to go to the United Nations with petitions to the Human Rights Committee. This judicial action and legislative advocacy has been forced as a way to bring about the cure of the discrimination that is being perpetuated yet again by the Government of Canada.

Bill S-3 adds new subcategories to 6(1)(c), an extension of the stigmatized inferior reinstatement status. Yes, we acknowledge there is pressure to move forward, but you have before you from the committee the comprehensive bill, which includes the section 6(1)(a) all the way already in that bill available for a vote.

So when it comes to going ahead with this particular amendment, let me close by saying this amendment would remove the level of technical complexity currently needed to interpret and apply the rules properly.

• (1550)

This technical complexity has led to continued and protracted costly litigation and trying for indigenous families and communities, and ultimately it should not be necessary.

Canada can now remove the differential treatment of indigenous men and women born before April 17, 1985 and their descendants by entitling indigenous women and men and their descendants to full section 6(1)(a) status. This is an effective, reliable and a thorough cure.

Let me end by quoting from Sharon McIvor: "Indigenous women have the individual right to equality under our Constitution and under international human rights law."

Canada has a fiduciary duty not to discriminate on the basis of sex.

Hon. Tobias C. Enverga, Jr.: Would the honourable senator take a question?

Senator McPhedran: Of course.

Senator Enverga: I have been a member of the Standing Senate Committee on Aboriginal Peoples for over three years, and I have heard so many stories about the unfair treatment of our Aboriginal women.

I feel bad because when we heard about the murdered and missing indigenous women, this would be a part of this, because we treated them unfairly. Do you think our indigenous women have suffered enough, and that's why we have to make this a reality for everyone?

Senator McPhedran: The short answer to that question is yes, of course, but I think it's also to address the notion and nature of that suffering. For the purposes of our decision making here today, and potentially tomorrow in order to meet the government's deadline, that what we have to look at is how the Indian Act and the sex-based inequities in the Indian Act have perpetuated and enabled much of the suffering that has been borne disproportionately by indigenous women in this country.

I also suggest it is entirely possible to move ahead with a stronger inquiry on missing and murdered indigenous women with a clear curing of the sex-based discrimination in the Indian Act itself.

The Hon. the Speaker: Your time has expired. Are you asking for more time, Senator McPhedran, to answer another question?

Senator McPhedran: Yes, of course.

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

Hon. Senators: Agreed.

Senator Enverga: Thank you for your hard work and passion. It is a big opportunity for everyone and the Senate of Canada to solve the issue together. Don't you think we should unite with all the amendments? Do you think we've had enough of this?

Senator McPhedran: The short answer to that would be yes. One of the points I want to make here is that although I ended up being the person to move the amendment — and I'm very grateful to Senator Pate for seconding that amendment — it's very important to note for the house that what we did, we did in full consultation with experts in this area, including those who have litigated on this case, the legal counsel for Dr. Gehl and Sharon McIvor. The amendment represents the work of experts.

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

Hon. Murray Sinclair: I realize we're spending a great deal of time on a relatively small bill, but I can assure my colleagues that this is a very important piece of legislation for the indigenous community.

I couldn't help but think, as I was listening to some of the remarks made today, about the various and many conferences that I've been at and discussions that I've participated in about the Indian Act and how it came about and what was done with it over the years. I can remember not that long ago saying that every time we talk about the Indian Act, we're flogging a dead horse, and today we're being asked to put a saddle on it.

I want you to know that it gives me no great sense of pride to be standing here to do what I can to improve this legislation, because short of rewriting this entire law in order to address the issue of

citizenship for indigenous people generally, as called for by the United Nations Declaration on the Rights of Indigenous Peoples, everything we do with regard to the membership provisions of the Indian Act is an exercise in frustration.

The history of membership under the Indian Act of Canada goes back 150 years to 1867, when the first legislation was put in place that called, interestingly, for the gradual enfranchisement of Indian people. The intention from the very beginning of Confederation on the part of the federal government was to do away with the status of indigenous people under law and do away with their treaty and Aboriginal rights so the government could facilitate its movement particularly West where it had expansion ambitions. I'm not going to go through that history lesson today.

The committee has done as well as it can under the circumstances with the timeline we had and the pressures that we were facing to try to get this bill into a form where we can at least pass it, even if we have to hold our noses while doing so.

I introduced an amendment at committee that I want to amend further in a technical way. I want to begin by acknowledging the cooperation of Senator Patterson, who worked with us on the wording of this technical amendment and has given it his approval. We've spoken with Senator Dyck about this wording and others in the Liberal caucus to ensure that as we move forward, we are not going against the principles we discussed at the committee.

The amendment that I'm going to propose, which will be circulated to you momentarily, is intended to address an issue that arose in the *Gehl* decision subsequent to the introduction of the bill. It concerned the question of the descent of a couple where the father's name was either not known or unstated on the birth certificate and resulted in the child, in this case the daughter, Dr. Gehl, being refused registration because the Department of Indigenous Affairs' policy was that if one of the parents was not declared, then it was presumed that that parent was not status. Because the mother of Dr. Gehl was non-status herself, or did not have status, or lost status, perhaps more correctly, before 1951, the registrar took the position that Dr. Gehl was not entitled to be registered.

Dr. Gehl went to court and challenged the policy of the registrar and succeeded. The Ontario Court of Appeal said that the obligation was on the registrar for the Indian registry to look at all of the evidence and to come to a fair and just conclusion based upon all of the evidence as to whether or not the unstated or unidentified parent was, in fact, a status person.

The evidence in the *Gehl* case was sufficient for the Ontario Court of Appeal to conclude that he was likely a status male and therefore her mother was entitled to status and she was entitled to status.

• (1600)

The issue was addressed in committee. In the committee report, you can see how the provisions relating to unstated parent were dealt with in a committee report. Since then, a further request has come from those who have been consulted about it, to deal with the question of the presumption because we did not have a presumption addressed in the report.

The Hon. the Speaker: Honourable senators, it is now 4 o'clock, unfortunately. We will have to return to this item tomorrow.

JAN POTTER

MACE BEARER—CONGRATULATIONS ON RETIREMENT

The Hon. the Speaker: Honourable senators, before we adjourn, I wish to bring to your attention the fact that our Mace Bearer, Jan Potter, is taking her well-deserved retirement. After 13 years of service, today marks her last day in the Senate.

Some Hon. Senators: No, no!

The Hon. the Speaker: She is leaving us to spend more time with her two grandchildren.

After graduating from the University of Ottawa with a Bachelor's Degree in Fine Arts, Jan moved to Edmonton where she worked with Revenue Canada as an enforcement officer. She later returned to Ottawa where she began a 16-year career in the airline industry working for Wardair, Canadian Airlines and Air Canada.

She began volunteering at the Senate in 2003 to assist in the organization of special events. Shortly after, in January 2004, Jan

made history when she was named the fourteenth Mace Bearer of the Senate of Canada and the first woman to hold that office.

[Translation]

Jan asked me to convey to all senators and Senate employees her sincere gratitude for having had the privilege of carrying the mace. She will cherish her many, wonderful memories of this institution.

[English]

Honourable senators, Jan will be missed. I speak not only for current and former senators and employees who have had the pleasure of working with her, but also for the many Senate pages and alumni who refer to Jan as the "mom of the Page Pprogram."

Jan, please accept our very best and sincere wishes for good health and happiness to you, Dale, your family and now your very lucky two grandchildren.

Honourable senators, I know you will join me in thanking Jan for her loyal and dedicated service.

Hon. Senators: Hear, hear!

(The Senate adjourned until Thursday, June 1, 2017, at 1:30 p.m.)

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