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OFFICIAL REPORT
(HANSARD)

Tuesday, June 6, 2017

The Honourable GEORGE J. FUREY
Speaker

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Tuesday, June 6, 2017

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

Prayers.

SENATORS' STATEMENTS

CUBES IN SPACE

Hon. Pamela Wallin: Honourable senators, today I'd like to tell you about Cubes in Space, and I mean this quite literally, small 4x4x4 centimetre cubes that will be aboard a NASA rocket on June 22.

At Lockheed Martin Canada's Space Inspiration Day at their IMPACT Centre in Kanata, we met Story Musgrave, a 30-year NASA astronaut who has been aboard six space flights. His life is reflective of his name — Story — as he was building rafts by 5, driving trucks by 10, didn't finish school, ran off to Korea with the U.S. Marines, but over the next 55 years he accumulated 7 graduate degrees in the pursuit of becoming an astronaut.

He truly enthralled the more than 50 primary and secondary students from the National Capital Region with his tale of being the "accidental astronaut." His message to students: "being a geek is a good thing."

These students were part of a hands-on engineering challenge to design a system to fit into one of those tiny cubes that would actually protect a delicate scientific sample during violent space flight conditions, aboard a rocket, of course.

The students were given a set of materials and requirements and then had to present their design to the entire group by the end of the day. Each of the 16 groups had such a unique design that Lockheed Martin and Cubes in Space decided to launch all of them. You can imagine the reaction of the students. I think it could have been heard in outer space.

At the end of the day, one young lady came up and admitted she had not at all been interested in science prior to that day. She just showed up because the class was doing it. She said now she can't wait to get back to science. And that, of course, is the goal.

Science, technology, engineering, arts and math, often referred to as "STEAM," will define the world of tomorrow for our youth because they are the fuel for innovation and discovery and they will be the key drivers of progress and prosperity.

Companies such as idoodledu inc. and its Cubes in Space program help students embrace their curiosity and imagination while actually experiencing the joy of learning something new. The program has grown to operate in 57 countries, of course including this one. It offers students unprecedented opportunities to develop logical, methodical and creative solutions to problems and it demonstrates that connection between what we learn in school and its real-life application. I'm sure we can all remember asking ourselves, "What in the world will algebra or calculus really apply to in my life?"

I want to congratulate both the Cubes in Space program and all of the winners whose experiments will now be sent to space later this month. STEAM-oriented programs are inspiring the next generation of innovators and leaders here in Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Paula Caldwell St-Onge, Ambassador of Canada to the Republic of Haiti, accompanied by her husband, Mr. Daniel St-Onge, and Nell Stewart from Global Affairs Canada.

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

Hon. Senators: Hear, hear!

STROKE MONTH

Hon. Terry M. Mercer: Honourable senators, the Heart and Stroke Foundation of Canada promotes June as Stroke Month. It seeks to increase public awareness about recognizing the signs and reducing the incidence of strokes through better education and healthier living.

Tomorrow, the foundation will release its 2017 Stroke Report, entitled *Different Strokes*, which will highlight recovery successes and challenges at all age levels. I for one look forward to reading it.

There are 62,000 Canadians each year who suffer a stroke. I happen to be one of those people because I suffered a stroke in September of 2014.

While I am a survivor, one of the 80 per cent who did, and my prognosis was excellent, there have been challenges. The challenges are not unique to me, but the impact of a stroke was different for me because of my age and my lifestyle, much like it would be different for someone who is 40 or 50 years old.

Recovering from a stroke requires constant support in order to fully regain your abilities. I am very lucky to have been able to access the support teams necessary to accomplish this.

Only 16 per cent of stroke patients who leave in-patient care hospitals get into in-patient rehabilitation right away and only 19 per cent within the first month after leaving hospital. Services in many communities are lacking, so we need to do a better job to ensure we have the proper systems in place.

Honourable senators, we also should recognize the role that families play in the healing process. I know I would not be here today if it were not for my wife, Ellen, and the rest of my family.

I also would like to thank and recognize others who helped me, from the Mount Uniacke Volunteer Fire Department, the professional staff at the Halifax Infirmary and the Nova Scotia Rehabilitation & Arthritis Centre. These types of volunteers and professionals help stroke patients all across Canada and should be commended for their excellent work.

I encourage you all to read the Heart and Stoke Foundation's report to learn more about how you can prevent strokes but also how we need to do a better job to assist those who have suffered.

THE HONOURABLE JACK AUSTIN, P.C., C.M., O.B.C.

CONGRATULATIONS ON HONORARY DEGREE FROM SIMON FRASER UNIVERSITY

Hon. Yuen Pau Woo: Honourable senators, we are in the season of convocations. Universities and colleges across the country in recent weeks and in the weeks to come are celebrating the successful completion of academic programs by thousands of students. To those of you who have family members in the class of 2017, felicitations.

Convocations are also occasions for the conferring of honorary doctorates to distinguished recipients. I wish to congratulate our colleague Senator Lankin on her degree from the University of Windsor; Senator Marwah, upcoming honorary doctorate from the University of Ontario; and Senator Sinclair, from the University of Calgary.

In a couple of hours from now, one of our esteemed former colleagues will also be receiving this distinction. The Honourable Jack Austin, from British Columbia, will very soon be awarded a Doctor of Laws at the spring convocation of Simon Fraser University.

• (1410)

Many of you here will remember Jack Austin as a distinguished parliamentarian, having served as Leader of the Government in the Senate from 2003 to 2006. First appointed to the Senate in 1975, Jack Austin had the privilege of serving as a senator for 32 years and played a number of key roles, including sitting in Cabinet as Minister of State for Social Development in the last government of Pierre Elliott Trudeau in the early 1980s. Throughout his time in the Senate, Jack Austin contributed significantly on several committees as well as in his role as the Chair of the Rules Committee.

Prior to his time in the Senate and as a member of two cabinets, Austin led an illustrious career in law and public policy. He worked as a commercial and international trade lawyer throughout the 1950s and 1960s and was part of the legal team that negotiated the Columbia River Treaty with the United States, a treaty that continues to have great importance to both our countries.

In 1974, he was asked to serve as principal private secretary to Prime Minister Pierre Elliott Trudeau and was a key advisor on matters concerning Western Canada and the Asia Pacific. Indeed, having worked in the fields of commercial and international trade law, Jack Austin was an early pioneer in seeing the vast potential of Asia in general, but especially China, long before the rest of the western world caught on. While serving in the last Cabinet of Pierre Trudeau, Austin developed the legislation to establish the Asia Pacific Foundation of Canada, which I had the privilege of serving for a number of years, and he did this back in 1984, well before the rise of Asia was documented and recognized around the world as it is today.

As a proud British Columbian, Jack worked hard to secure federal funding for the successful Expo 86 in Vancouver, which catapulted Vancouver as an international city.

In addition to today's honorary doctorate from Simon Fraser University, Jack holds a number of distinctions, including an honorary doctorate from UBC.

Today, at the ripe age of 85, he continues to live in Vancouver. As a committed political junkie, he is having the time of his life with the recent B.C. provincial election and the uncertainty that it has engendered.

Honourable senators, please join me in congratulating our former colleague on this great distinction.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Nova Scotia Human Rights Commission: Eunice Harker, Chair; Christine Hanson, Director and CEO; and Kimberly Franklin, Senior Legal Counsel. They are the guests of the Honourable Senator Bernard.

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

Hon. Senators: Hear, hear!

THE LATE GREG MACLEOD

Hon. Daniel Christmas: Honourable senators, I rise today to pay tribute to a beacon of community and economic development, a leader in education and a man who epitomized the phrase, "love thy neighbour."

Cape Breton mourns the loss of Father Greg MacLeod, who passed away last month at the age of 81 after a life dedicated to melding Christian social teachings with social community economic development and business practices.

To say that Father Greg was a force of nature is an understatement to the extreme. The man had unmatched energy and didn't know the meaning of the words "rest" or "tired." He was an innovator remarkably adept at bringing people together, an educator and an ideas man. The only thing bigger in his to-do list was his sense of vision for his community and his fellow man.

He was ordained a Catholic priest in 1961 and was subsequently appointed to teach at Xavier Junior College in Sydney. Thus began a lifelong passion for educating others, which helped lead to his being named to the Order of Canada. He later founded the Tompkins Leadership Institute of Cape Breton University, and through this launched New Dawn Enterprises, now the oldest community development corporation in Canada.

It was in 1969, during the time that the coal mines in Cape Breton began closing and the steel industry fell into decline, that Father Greg became determined to replace these enterprises with businesses run by, and for, local people in his community. His vision for business was matched by his pastoral call that saw him strive to be a real father figure for the Cape Breton community.

I know this first-hand as Father Greg was a mentor and encourager to me and so many others. Father Greg sought to build economic resiliency and self-reliance for Nova Scotians through adult education. And in the process he made everyone in the community feel that they had a real role to play in contributing to the welfare of the whole community.

Father Greg MacLeod's heart was filled with love for his community and for his fellow men and women. I know I can perhaps speak for my home community of Membertou and Cape Breton when I say our hearts are truly heavy as a result of his passing.

One never knows the extent and the effect of the ripples we create when you place your hand in the waters of life. The ripples created by Father Greg MacLeod's life are myriad. They will be felt in Cape Breton and by Cape Bretoners for years to come, with feelings of thankfulness and gratitude for a life of such tireless service, determination and hard work.

Honourable senators, in closing, I commend to you the legacy of Father Greg MacLeod, a thoughtful, caring priest, a good man of business and someone whose business, first and foremost, was always about the welfare of his neighbour.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Adam Altmejd and Hedda Selder. They are the guests of the Honourable Senator Bellemare.

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

Hon. Senators: Hear, hear!

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, I wish to continue our tribute to pages who will be leaving us this year.

Michael Cooke is proud to have represented his home province of Newfoundland and Labrador and will forever be grateful for the opportunity to experience the activities of the Senate over the past two years.

Michael will enter his third year of his Honours International Studies and Modern Languages program, and hopes to go on an exchange to Santiago, Chile to enhance his Spanish language proficiency before completing his degree.

Thank you, Michael.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Prabhroop Chawla has cherished her memorable experiences and learning at the Senate, representing not only Vancouver, B.C., but also her heritage as the first Indian and Sikh page. She will be entering her third year of the Honours Bachelor of International Development and Globalization degree at the University of Ottawa in September. Upon graduating, she will pursue law school in the United Kingdom.

Thank you, Prabhroop.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

BUDGET IMPLEMENTATION BILL, 2017, NO. 1

FOURTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON SUBJECT MATTER TABLED

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of those elements

contained in Divisions 5, 9, 11, 13, 14 and 16 of Part 4 of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of May 8, 2017, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-44.

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

SIXTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

Hon. George Baker: Honourable senators, I have the honour to table, in both official languages, the sixteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of those elements contained in Divisions 10 and 17 of Part 4 of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of May 8, 2017, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-44.

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

TWELFTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Daniel Lang: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on National Security and Defence, which deals with the subject matter of those elements contained in Divisions 12 and 19 of Part 4 of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of May 8, 2017, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-44.

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

• (1420)

[*Translation*]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

BILATERAL MEETING, JANUARY 23-29, 2017— REPORT TABLED

Hon. Paul J. Massicotte: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group respecting its participation in the twentieth bilateral meeting held in Tokyo and Kyoto, Japan, from January 23 to 29, 2017.

[*English*]

NATIONAL SECURITY AND DEFENCE

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

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

> That the Standing Senate Committee on National Security and Defence have the power to meet for the purposes of its study on Bill C-22, Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

OFFICIAL LANGUAGES

MADELEINE MEILLEUR—LANGUAGE PROFICIENCY

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government. After the Committee of the Whole yesterday, many concerns were brought to our attention regarding Madame Meilleur's level of proficiency in English. As you know, the role requires the highest level of competency in both official languages, both orally and in written format. In the application process for the Commissioner of Official Languages, testing in a candidate's second language is a requirement completed by the Centre of Evaluation of the House of Commons. Would you kindly provide all senators with the communication of results, ELS, in order to be assured of the level of Madame Meilleur's proficiency in both official languages?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As the candidate indicated yesterday, she did take the test and was viewed as proficient. I will make inquiries with respect to the particular request that he has asked and report back.

Senator Smith: Thank you, Mr. Leader. It would be important for us to get those results back because, of course, as you know, Madame Meilleur said that she passed the test, but what we were looking for and hoping for was actually hearing what the results were, in both official languages.

Senator Harder: I understand that, and we'll make inquiries.

[*Translation*]

JUSTICE

LEGALIZATION OF MARIJUANA

Hon. Pierre-Hugues Boisvenu: My question is for the Leader of the Government in the Senate.

Last year, Senator Carignan tabled a series of written questions about the implementation costs estimated by the federal government for a system to legalize marijuana.

Some of the questions had to do with estimated costs related to hospitalization, treatment, awareness programs and injuries caused by marijuana-impaired driving. The response came a few months later but contained no numbers. Canadians are entitled to know how much legalization will cost.

Now it is my turn to ask you to provide some costing for this initiative so we can have a real debate on this issue, which will soon come before the Senate.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question and, indeed, for Senator Carignan's question. I will endeavour to determine whether or not those costs are available and report them to the house.

[*Translation*]

Senator Boisvenu: Yesterday, I told you that the Association des médecins psychiatres du Québec said that marijuana legalization would result in fewer young people in prison but more young people in psychiatric care.

In an effort to adequately manage the repercussions of this legislation, Quebec asked Ottawa to delay passage of the bill, which is being rushed through the other place. Obviously the response was that it was out of the question and that Quebec had to deal with this problem on its own.

Can the Leader of the Government in the Senate talk to his leader and ask him to give Quebec enough time to prepare for the implementation of the marijuana legislation and ensure that as few of our young people as possible are harmed by it?

[*English*]

Senator Harder: Again, I thank the honourable senator for his question. It is the Government of Canada's position that this bill is an important element of its program. As I indicated yesterday, this is a matter that is being debated in the other chamber. The questions that are being raised in this chamber are very legitimate and ones that we will be pursuing. I will seek to get the information that the honourable senator is requesting, but I do think it is an indication of the government's proceeding with this legislation, its determination to see this legislation not only completed in the other place but in this chamber and to become the law of the land.

[*Translation*]

Senator Boisvenu: Well, it is a law that will certainly create victims. I understand that this was one of the government's election promises, but it will produce victims in the education system and in the health care system.

Why doesn't the government shift its focus to allow the provinces enough time to properly prepare to deal with the victims and the costs involved, instead of insisting on keeping an election promise?

[*English*]

Senator Harder: I thank the honourable senator for his question and his point of view. I would suggest that the present state of the law produces victims as well. It is the Government of Canada's view that moving forward with the reform of the marijuana legislative framework is an important step in bringing into alignment the legislation with respect to marijuana. Bill C-46, the companion bill dealing with Criminal Code amendments consequential to the legalization of marijuana, will ensure that there's appropriate due diligence and legal protections for victims and for those who abuse the law as it will become.

OFFICIAL LANGUAGES

CANDIDATE REVIEW PROCESS FOR COMMISSIONER OF OFFICIAL LANGUAGES

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate. Yesterday, I had a question to ask Madame Meilleur. Could you share with members of this chamber the number of candidates for the Commissioner of Official Languages position that reached the psychometric level of evaluation by the search firm, which is part of the final stage in the selection process for this important role?

Hon. Peter Harder (Government Representative in the Senate): Colleagues, my understanding is that, consequent to the public notice of application, there were some 72 candidates who put their

names forward for consideration. After the initial round of candidature review, there were over 10 candidates who followed to the next round of review.

At the end of the day — I will check the precise number — a number of candidates were interviewed in a process that involved distinguished public servants and a majority of whom were public servants, some representatives, as is always the case, from exempt staff, representation of the Prime Minister's Office and the minister's office. More than one candidate was then interviewed by the minister, leading to the nomination of the candidate we heard from yesterday.

• (1430)

[*Translation*]

INTERNATIONAL TRADE

SOFTWOOD LUMBER

Hon. Ghislain Maltais: Some 246 days ago, I asked the Leader of the Government in the Senate a question about softwood lumber. On June 1, 2017, we received a positive answer from the government and, after consultations with various groups, the measures seemed to satisfy everyone for the time being.

However, the crisis is not over. I have it on very good authority that an agreement on softwood lumber could be reached before NAFTA is renegotiated. Can the Leader of the Government in the Senate confirm for us here in the chamber whether these specific negotiations are indeed under way?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing raising of the issue of softwood lumber.

As senators will know, this is an issue of high importance to the Government of Canada. We strongly disagree with the position being taken by the American administration, particularly the Department of Commerce, to impose what we view are unfair and punitive duties on Canadian softwood lumber. Senators will know that the Government of Canada has announced a significant package to assist those affected at this time of economic turbulence as a result of the imposition of these duties.

The Government of Canada continues to have high-level engagement with our American counterparts to seek a resolution of this dispute and to do so in a fashion that would bring resolution in advance of the discussions that will take place with respect to the NAFTA agreement.

[*Translation*]

Senator Maltais: Given that we must never mislead the chamber, I feel I must reveal my source. It is Raymond Chrétien, the nephew of the Right Honourable Jean Chrétien, former Prime Minister of Canada and former Canadian ambassador to the United States.

He insists that high-level bilateral negotiations are currently under way. This measure will be needed to reach an agreement on softwood lumber, and all before the rest of NAFTA is negotiated. At present, the only person who refuses to comment, confirm or deny the need for these negotiations is the minister responsible for the file.

Can the Leader of the Government in the Senate gently remind the minister that if we miss the boat this time, Canadians will be forced to pay a surtax for years to come, which will lead to another softwood lumber crisis?

[*English*]

Senator Harder: As the honourable senator will know, Raymond Chrétien is a highly regarded diplomat and public servant. He is also at the present time advising the Government of Quebec on these important negotiations. There are other significant personalities working with provinces, and they also have a point of view they will be expressing.

At the end of the day, these are negotiations with and between the Government of Canada as represented by the minister responsible and the Department of Commerce. It is my view that these negotiations ought to proceed. As with all negotiations, there must be some degree of respect for lack of public commentary, except the very clear position of the Government of Canada that we disagree with the position being taken.

It is absolutely the case that it would be desirable to have this dispute resolved as quickly as possible and in advance of the NAFTA. But we should have a good deal, not a fast deal.

[*Translation*]

Senator Maltais: Leader, that is what I am worried about, that it will not necessarily be fast.

We should keep in mind that in Canada, the major sawmills and forestry workers plan their work a year in advance. I think that everyone should know that. At this time, because it is not clear whether the surtax will apply indefinitely, all the cuts planned for next year are on hold, as are tens of thousands of Canadian jobs. I think you should make it clear to the minister responsible that this problem needs to be resolved within a reasonable timeframe, let's say by July 30.

[*English*]

Senator Harder: I want to assure the honourable senator and all senators that the Government of Canada seeks a resolution of this important issue as quickly as possible and one that preserves the interests of Canada at a time of preoccupation with the overall bilateral trade relationship.

[*Translation*]

OFFICIAL LANGUAGES

BILINGUAL STATUS FOR CANADIAN CITIES

Hon. Rose-May Poirier: My question is for the Leader of the Government in the Senate. Yesterday, during her testimony in Committee of the Whole, Madeleine Meilleur confirmed that she believes the City of Ottawa should be an officially bilingual city. What is the government's position on that? What criteria does it use to determine whether a city should be officially bilingual?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. The position of the Government of Canada on this issue has not yet been enunciated, and I would defer to the minister responsible.

As you know, as we approach our one hundred and fiftieth anniversary, there is renewed advocacy for the recognition of such status. I will bring your question to the attention of the minister responsible.

Senator Poirier: Leader, I would also like to know, in those discussions that are happening to see if Ottawa should be bilingual, are they considering looking at criteria that would be set for whether other cities in Canada should also be bilingual?

Senator Harder: I would be happy to add that to my inquiry.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions: first, the response to the oral question of November 3, 2016, by the Honourable Senator Carignan, concerning the recovery of sponsorship funds; second, the response to the oral question of December 1, 2016, by the Honourable Senator Pratte, concerning protection of journalists; third, the response to the oral question of February 9, 2017, by the Honourable Senator Carignan, concerning taxable measures for Armed Forces members in Kuwait; fourth, the response to the oral question of February 28, 2017, by the Honourable Senator Day, concerning Canada-U.S. relations and the role of Canada in Syria; fifth, the response to the oral question of February 28, 2017, by the Honourable Senator Carignan, concerning preliminary hearings; sixth, the response to the oral question of February 28, 2017, by the Honourable Senator Carignan, concerning the judicial appointment process; seventh, the response to the oral question of February 28, 2017, by the Honourable Senator Enverga, concerning refugee claims; eighth, the response to the oral question of March 2, 2017, by the Honourable Senator Marshall, concerning infrastructure projects; ninth, the response to the oral question of March 8, 2017, by the Honourable Senator Boisvenu, concerning early enforced marriages; tenth, the response to the oral question of March 8, 2017, by the Honourable Senator Martin, concerning sexual assaults on university campuses; eleventh, the response to the oral question of March 8, 2017, by the Honourable Senator Raine, concerning the It Starts with One—Be Her Champion campaign; twelfth, the response to the oral question of March 8, 2017, by the Honourable Senator Wallin, concerning asylum seekers; thirteenth, the response to the oral question of March 28, 2017, by the Honourable Senator Jaffer, concerning legislative review—human rights; fourteenth, the response to the oral question of March 28, 2017, by the Honourable Senator Ngo, concerning funding for United Nations Relief and Works Agency for Palestinian refugees; fifteenth, the response to the oral question of March 29, 2017, by the Honourable Senator Lang, concerning Budget 2017—Royal Canadian Navy—shipbuilding; sixteenth, the response to the oral question of March 30, 2017, by the Honourable Senate Wallin, concerning the Canadian Armed Forces—Office of the Ombudsman; seventeenth, the response to the oral question of April 5, 2017, by the Honourable Senator Carignan, concerning Canadian Food Inspection Agency—food imports; eighteenth, the response to the oral question of April 6, 2017, by the Honourable Senator Lankin, concerning small seasonal campgrounds—small business tax rate; nineteenth, the response to the oral question of April 6, 2017, by the Honourable Senator Maltais, concerning spruce budworm control initiatives; twentieth, the response to the oral question of April 6, 2017, by the Honourable Senator Martin, concerning social isolation among seniors—New Horizons for Seniors Program; and twenty-first, the response to the oral question of April 12, 2017, by the Honourable Senator Bovey, concerning charitable organizations.

JUSTICE

RECOVERY OF SPONSORSHIP FUNDS

(Response to question raised by the Honourable Claude Carignan on November 3, 2016)

Our Government is committed to ensuring we do business with suppliers in Canada and abroad in an ethical way to protect the interests of Canadians. We will always protect the interests of Canadian taxpayers in all procurements we undertake. We ensure that all procurements we undertake are done in an accountable and transparent manner.

Our Government takes all necessary steps to recover funds that were obtained by fraud. In contrast, the previous government failed to take any meaningful action.

In March 2005, the Government of Canada instructed the Attorney General to file a Statement of Claim before the Quebec Superior Court against 19 defendants. The Statement of Claim was amended to add 13 defendants as information of the involvement in sponsorship contracts emerged.

Canada has reached out of court settlements with 27 defendants and recovered $8.42 million dollars.

The Attorney General of Canada is currently considering options to determine the best approach to continue to recover other sponsorship funds obtained fraudulently by three remaining defendants.

One of the defendants was Jacques Corriveau. On January 25, 2017, he was sentenced to four (4) years in prison and awarded to pay restitution in the amount of $1.67 million. The Court also ordered the transfer to the federal government of assets and a property seized from Mr. Corriveau.

PUBLIC SAFETY

PROTECTION OF JOURNALISTS

(Response to question raised by the Honourable André Pratte on December 1, 2016)

Prior to the introduction of Bill S-231, discussions were held between Public Safety Canada and Department of Justice officials to seek views of media representatives, organizations, and academics to identify, define and describe issues surrounding the protection of journalists and their sources.

Preliminary work and outreach was undertaken with members of these groups to explore the feasibility of a working group of media academics to inform government decision-making in this regard.

Following the introduction, and later passage in the Senate, of Bill S-231, a consensus emerged that parliamentary discussion and debate would be a route preferable to any event, roundtable, or working group with a similar mandate.

NATIONAL DEFENCE

TAXABLE MEASURES FOR ARMED FORCES MEMBERS IN KUWAIT

(Response to question raised by the Honourable Claude Carignan on February 9, 2017)

The risk levels of Canadian Armed Forces (CAF) operations are assigned by the Departmental Hardship and Risk Committee (DHRC) based on analysis and advice from subject-matter experts and advisors. They are continuously reviewed by the DHRC to ensure CAF members deployed abroad are appropriately compensated. Tax relief measures are applied in accordance with the *Income Tax Act*. In its recent assessments, the DHRC found that the level of risk for Operation IMPACT Kuwait had decreased, thereby falling below the tax relief threshold.

The Minister of National Defence is fully aware and engaged on this issue. The implementation dates of the new risk levels have been deferred in order to ensure that CAF members who were deployed in Kuwait when these levels dropped will not be affected by a change in level while there are on deployment. This will also ensure they qualify for tax relief for the entire duration of their deployment. The Minister has also directed the Chief of the Defence Staff, in partnership with other stakeholders, to review the tax exemption process for CAF personnel in order to propose a way ahead by the end of May 2017.

In total, 68 nations participate in the Global Coalition against Daesh. Many have committed troops to direct military operations; however, pay, compensation and benefits packages of each nation vary considerably.

FOREIGN AFFAIRS

CANADA-U.S. RELATIONS—ROLE OF CANADA IN SYRIA

(Response to question raised by the Honourable Joseph A. Day on February 28, 2017)

The United States is Canada's closest friend, partner and ally. We share a unique, multi-faceted and long-lasting defence partnership. In February, President Trump and Prime Minister Trudeau held their first official meeting in which they covered various areas of mutual interest, including Canada's military contribution to the Global Coalition Against Daesh.

Furthermore, during the Minister of National Defence's introductory meeting with his United States counterpart, Secretary Mattis, they discussed topics related to ongoing defence cooperation and the mission in Iraq. The United States is well aware of the important contribution being made by Canada under Operation IMPACT: the Canadian Armed Forces conduct air-to-air refueling and aerial intelligence, surveillance, and reconnaissance missions in Iraq and Syria, they provide training and assistance to the Iraqi security forces, capacity building to regional forces, medical services to Coalition forces, and support the Coalition with highly-skilled personnel.

In March, the Minister of National Defence announced that the Government is extending Canada's military contribution to the fight against Daesh until June 30, 2017. Canadian Armed Forces members are well established in their role training Peshmerga partners and remain focused on working in Iraq with Iraqi Security Forces. Canada remains in close communication with the United States and its partners to ensure that multilateral efforts in the region continue to be well coordinated.

JUSTICE

PRELIMINARY HEARINGS

(Response to question raised by the Honourable Claude Carignan on February 28, 2017)

The Minister was pleased to co-host along with the Quebec Minister of Justice, Stéphanie Vallée, the provincial and territorial Ministers responsible for justice last April 28th to discuss actions taken and ways to strategically address delays in the criminal justice system as well as the effect of the Supreme Court of Canada

decision in *R v. Jordan*. There is no one solution to the issue of delays—it requires a multifaceted response from all governments and system participants. The Ministers identified at their meeting four specific policy areas as priorities for legislative reform, including preliminary inquiry reform, which the Ministers will to continue to investigate in the months to come. Preliminary inquiry reform is an issue on which points of view differ significantly and which has significant implications for all criminal justice system stakeholders. The Minister welcomes these initiatives to reduce delays and remains committed to ensuring our criminal justice system works efficiently and effectively.

As such, the respective Governments will develop concrete recommendations on these reform options and report back to the Federal, Provincial and Territorial Ministers for decision at their next in-person meeting, which will be held in September rather than in October to ensure that momentum is maintained.

JUDICIAL APPOINTMENT PROCESS

(Response to question raised by the Honourable Claude Carignan on February 28, 2017)

On April 28, 2017, Federal, provincial and territorial Ministers responsible for justice met to discuss actions taken and ways to strategically address delays in the criminal justice system.

Ensuring the efficiency and effectiveness of the criminal justice system is a shared responsibility of the Government of Canada and provincial and territorial governments.

Discussions included identifying innovative practices as well as legislative reforms to resolve criminal cases in a just and timely manner.

Ministers agreed on the need for targeted criminal law reform and the federal Minister committed to further legislative action. Ministers identified mandatory minimum penalties, bail, and administration of justice offences, preliminary inquiries, and reclassification of offences as priorities for legislative reform.

To demonstrate the importance of transformational change in the criminal justice system, ministers agreed to discuss progress mid-summer and to hold the next in-person meeting in September rather than October to ensure that momentum is maintained.

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEE CLAIMS

(Response to question raised by the Honourable Tobias C. Enverga, Jr. on February 28, 2017)

The Government costed the impact of the Mexico visa lift at $433.5M using an economic lens. Considered in the analysis were costs for transition, asylum processing, immigration enforcement and program integrity. These were offset by tourism benefits and visa processing savings, resulting in a net value of $261.9M. Indirect benefits, which could not be monetized, include cultural exchanges, which will help strengthen the North American relationship. Since the lift, Canada has seen benefits materialize, for example, arrivals from Mexico almost doubled in December 2016 from December 2015 volumes, generating revenue for tourism industries. Funding was approved for certain activities related to the visa lift, and departments will absorb costs for others.

The Immigration and Refugee Board (IRB) is an independent tribunal, separate from Immigration, Refugees and Citizenship Canada (IRCC). While the intake of claims and determination of eligibility for referral to the IRB is the responsibility of the Canada Border Services Agency and IRCC, the IRB adjudicates the claims. All temporary and permanent resident lines of business will continue to be processed regardless of the number of claims adjudicated by the IRB.

FINANCE

INFRASTRUCTURE PROJECTS

(Response to question raised by the Honourable Elizabeth Marshall on March 2, 2017)

During 2016, INFC quickly rolled out Phase 1 funding of the Investing in Canada Plan, by signing bilateral agreements with the provinces and territories. Nearly 1,700 projects have been approved and funds committed to those projects. INFC will continue to work with its partners to finalize the government's long term infrastructure plan.

As the Economic and Fiscal Outlook states, Budget 2017 presented an update of the implementation status of Budget 2016 measures. New proposals announced in Budget 2016 were expected to boost real economic activity by 0.5 per cent in 2016-17 (of which 0.2 percentage points were stemming from infrastructure investment), reflecting increased government expenditure on infrastructure, new programs, as well as increased transfers to households. Overall, the anticipated boost to real economic activity in the first year of Budget 2016 implementation remains broadly in line with expectations at the time of the budget, with the revised impact on real GDP now estimated at 0.4 per cent.

With Canadian economic indicators released this year showing continued gains in output and employment, strength observed in the Canadian economy in the second half of 2016 has carried over into the first quarter of 2017.

In recognition of the challenges in tracking and reporting on infrastructure investments across all of government, the Prime Minister asked the Minister of Infrastructure and Communities to ensure there is a whole-of-government approach to reporting on progress made under the Investing in Canada plan.

FOREIGN AFFAIRS

EARLY ENFORCED MARRIAGE

(Response to question raised by the Honourable Pierre-Hugues Boisvenu on March 8, 2017)

Ending child, early and forced marriage remains a priority for Canada. The Government of Canada works to support local efforts to end child, early and forced marriage through policy, programming and advocacy initiatives, including through our network of missions. Canada engages with civil society partners like Girls Not Brides and works with the Global Programme to Accelerate Action to End Child Marriage, which aims to scale up interventions to end child marriage in 12 countries in Asia and the Middle East.

Together with Zambia, Canada co-leads the related biennial UN General Assembly resolution and is a key contributor to the Human Rights Council biennial resolution. This year's UN General Assembly resolution was adopted by consensus, with broad cross-regional support. Canada and Benin also co-led the first resolution on the issue at the 2016 Francophonie Summit.

As part of Canada's commitment to supporting the sexual and reproductive health and rights, Canada recently announced an investment of $650 million which will support initiatives to help prevent and respond to sexual and gender-based violence, including child, early and forced marriage.

PUBLIC SAFETY

SEXUAL ASSAULTS ON UNIVERSITY CAMPUSES

(Response to question raised by the Honourable Yonah Martin on March 8, 2017)

The Government is unwavering in its commitment to ensuring that victims of sexual assault and gender-based violence are treated with the utmost respect and dignity.

In fall 2016, $12 million was made available under the Victims Fund for projects designed to improve the criminal justice system's responses to sexual assault against adults. This funding includes, $162,543 of funding to the Antigonish Women's Resource Centre and Sexual Assault Services Association to develop a bystander intervention curriculum specific to Nova Scotia that will be piloted at St. Francis Xavier University.

In Budget 2017 the government is proposing funding to the Canadian Judicial Council to support judicial education and training. This funding will ensure that more judges have access to professional development with a greater focus on gender and diversity training.

In April 2017, the government announced funding to the National Judicial Institute to develop training for both federally and provincially appointed judges that will focus on gender-based violence including sexual assault cases and issues of domestic violence.

Furthermore, the government is reviewing the criminal justice system, including *Criminal Code* provisions related to sexual assault and consent.

STATUS OF WOMEN

IT STARTS WITH ONE—BE HER CHAMPION CAMPAIGN

(Response to question raised by the Honourable Nancy Greene Raine on March 8, 2017)

The federal government continues to promote mentoring, championing, and sponsoring as valuable tools to advance gender equality. Having the support of a mentor can help a woman move her career to the next level. In turn, mentors are rewarded by sharing their knowledge and experience with another person and watching them succeed. We encourage Canadians to seek out these mutually beneficial relationships. This includes the Status of Women Canada website (women.gc.ca) where Canadians can find information about the benefits of championing, as well as examples of championing and mentoring programs.

We are working on multiple fronts to advance gender equality. For example, the Canadian government is an ardent supporter of the UN Women's HeforShe campaign for which the Prime Minister is the youth ambassador. We launched a call for proposals for projects to promote women's leadership that will engage 150 women leaders from across the country in projects to mark the 150th anniversary of Confederation. This International Women's Day, we partnered with Equal Voice and welcomed the Daughters of the Vote to "take their seats" in Parliament. Furthermore, the Government is providing $11.8M in funding to strengthen women's participation and leadership in the democratic and public life of our country.

IMMIGRATION, REFUGEES AND CITIZENSHIP

ASYLUM SEEKERS

(Response to question raised by the Honourable Pamela Wallin on March 8, 2017)

The Safe Third Country Agreement (the Agreement) is premised on the principle, accepted by the United Nations Refugee Agency that individuals should seek asylum in the first safe country in which they arrive.

Immigration, Refugees and Citizenship Canada has closely monitored developments in the U.S, and has determined that the U.S. continues to meet the

requirements for safe third country designation. We continue to expect that asylum-seekers who arrive in the U.S. first seek protection in that country.

The Agreement is an important tool for Canada and the U.S. to work together on the orderly handling of refugee claims made in our countries. The Agreement applies only at the land border ports of entry, where the first country in which a claimant arrived can be readily established. Any changes to the Agreement would require negotiation with the U.S.

Canadian domestic law and international obligations require that anyone on Canadian soil be allowed to make an asylum claim. Asylum claimants undergo robust screening, including interviews, biometric capture, security screening, and checks against Canadian and U.S. databases. Eligible claims are referred to the Immigration and Refugee Board to determine whether the claimant requires protection.

PUBLIC SAFETY

LEGISLATIVE REVIEW—HUMAN RIGHTS

(Response to question raised by the Honourable Mobina S. B. Jaffer on March 28, 2017)

The Government remains committed to repealing the problematic elements of Bill C-51, the *Anti-Terrorism Act, 2015* as part of achieving the Government's dual objective of keeping Canadians safe while safeguarding rights and freedoms.

Already, the Government has introduced Bill C-22 to establish a committee of parliamentarians that will scrutinize the work of Canada's national security and intelligence agencies; created the Passenger Protect Inquiries Office as part of continuing efforts to improve the redress system for the no-fly list; and committed $35 million over five years, with $10 million per year ongoing, to establish an Office of Community Outreach and Counter-Radicalization.

The Government will also be making a number of additional improvements, including better defining rules regarding terrorist propaganda, ensuring that the right to advocate and protest is properly protected, and mandating statutory review of national security legislation.

Moreover, the Government has engaged in unprecedented consultations with key stakeholders, academics, experts and Canadians about national security issues. Consultation topics went beyond the *Anti-Terrorism Act, 2015,* and included lawful access as well as stakeholder engagement on concerns surrounding the former Bill C-13. As part of the Government's commitment to openness and transparency, the submissions received are available online at open.canada.ca. The Government is currently analyzing the submissions and advancing policy development in response.

The Government will be releasing a report on the results of the consultations and intends to propose legislative changes in the coming months.

INTERNATIONAL DEVELOPMENT

FUNDING FOR UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES

(Response to question raised by the Honourable Thanh Hai Ngo on March 28, 2017)

Neutrality is central to UNRWA's operations and a condition for many donors, including Canada, to provide funding. UNRWA has assured Global Affairs Canada that it takes the recent allegations against two of its staff members in Gaza very seriously and an independent investigation is underway.

On March 2, 2017, Global Affairs Canada received a letter from the Israeli Ambassador to the United Nations in New York regarding the allegations against these two UNRWA staff members. Canadian officials are closely engaged with both the Government of Israel and UNRWA on this matter. UNRWA officials have communicated to Canadian officials that UNRWA takes any allegations of violations of United Nations neutrality seriously and will act on them as appropriate. Both of the staff members in question are no longer with UNRWA.

With regards to Canada's contribution to UNRWA, Canada exercises enhanced due diligence for all international assistance funding for Palestinians, including funding for UNRWA. This includes ongoing oversight, regular site visits, a systematic screening process, and strong anti-terrorism provisions in funding agreements.

FINANCE

BUDGET 2017—ROYAL CANADIAN NAVY—SHIPBUILDING

(Response to question raised by the Honourable Daniel Lang on March 29, 2017)

The Joint Support Ship project seeks to acquire two ships and explore an option for a third vessel should the financial resources permit it. The final cost estimates required to determine the affordability of the third vessel will not be available until the design is ready for production in 2018. The Government of Canada will ensure both value for taxpayers' dollars and opportunities for Canadian communities and the Canadian marine industry. The Government is committed to getting the right equipment for the Canadian Armed Forces, at the right price for Canadian taxpayers, with the right benefits for Canadian industry.

NATIONAL DEFENCE

CANADIAN ARMED FORCES—OFFICE OF THE OMBUDSMAN

(Response to question raised by the Honourable Pamela Wallin on March 30, 2017)

The Minister of National Defence values the important role played by the National Defence and Canadian Forces Ombudsman in investigating complaints on matters related to the Defence community. As is the case with all the Ombudsman's work, the Minister of National Defence has carefully reviewed his report on governance and its findings.

The Minister of National Defence is committed to maintaining a positive and productive working relationship with the Ombudsman and has encouraged him to come forward when faced with issues in carrying out his mandate.

In 2015, the Auditor General found issues in the way financial and human resources authorities had been exercised under the previous Ombudsman, and recognized a need for better oversight by the Department. The provision of administrative services and the delegated authorities that accompany them support the requirements of the Ombudsman's office. Furthermore, the model mirrors almost all other similar offices across Government and meets the test of proper stewardship of resources.

This administrative arrangement does not affect the Ombudsman's ability to conduct independent investigations. The Government values the work being done by the Ombudsman and looks forward to his continued support in making improvements that benefit the military, departmental civilians, and all those who form part of the defence team.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—FOOD IMPORTS

(Response to question raised by the Honourable Claude Carignan on April 5, 2017)

The Government of Canada treats food safety issues very seriously. Canada has one of the best food safety systems in the world.

The Canadian Food Inspection Agency (CFIA) works to protect consumers from food fraud such as adulteration, substitution and product misrepresentation by conducting inspections at different levels of food trade, including domestic processors, importers and retailers. It analyzes food samples and verifies that food labels and advertising materials comply with regulations.

Random inspections are conducted for monitoring purposes, while targeted inspections focus on areas where non-compliance is suspected. The CFIA uses a risk-based approach to plan and deliver its inspection activities. When non-compliant products are identified, the CFIA takes appropriate enforcement action. This can range from verbal and/or written notifications to warning, detention of product, product recall and/or prosecution.

In addition to inspection, testing and verification, the CFIA provides tools such as the Online Industry Labelling Tool http://www.inspection.gc.ca/food/labelling/food-labelling-for-industry/eng/1383607266489/1383607344939 and AskCFIA http://www.inspection.gc.ca/industry-guidance/ask-cfia/ask-cfia/eng/1467162148728/1467162367453 to help industry understand and comply with regulatory requirements. It is the responsibility of the company selling food to be in compliance with Canadian food laws.

Consumers also play an important role in the food system by checking labelling, asking questions, and raising potential concerns to the responsible companies or to the CFIA.

NATIONAL REVENUE

SMALL SEASONAL CAMPGROUNDS—SMALL BUSINESS TAX RATE

(Response to question raised by the Honourable Frances Lankin on April 6, 2017)

The Income Tax Act contains long-standing rules on the small business deduction. A corporation must meet certain requirements to be eligible for the small business deduction.

Generally, the business of a campground involves the renting of property and providing basic services typical to that type of rental operation. In that case, the principal purpose of that business is to earn rental income from real property. Under the rules, the corporation is not eligible for the small business deduction unless it employs more than five full-time employees throughout the year or provides significant additional services integral to its operations. The facts of each case must be reviewed to determine whether a corporation's income is eligible for the small business deduction.

Following consultations in 2015 and 2016, the government announced in Budget 2016 that no change would be made to these rules.

To clarify the eligibility requirements for campgrounds, a statement was posted on the Canada Revenue Agency's (CRA) website in August 2016.

The CRA's interpretation of eligibility for the small business deduction has not changed. The policy behind the small business deduction is to allow small businesses to

retain and reinvest more of their corporate profits, thereby expanding their active businesses and contributing to economic growth.

NATURAL RESOURCES

SPRUCE BUDWORM CONTROL INITIATIVES

(Response to question raised by the Honourable Ghislain Maltais on April 6, 2017)

The Government of Canada, through Natural Resources Canada's Canadian Forest Service, is the science lead in the Healthy Forest Partnership, an $18 million four-year research initiative that started in 2014 to address the outbreak of spruce budworm in Quebec and New Brunswick. Of this amount, 70% comes from the federal government — Atlantic Canada Opportunities Agency's Atlantic Innovation Fund and Natural Resources Canada; 20% from the provinces; 10% from industry. The scientific research is being done to better understand Spruce Budworm ecology and management options, including an 'Early Intervention Strategy' in New Brunswick. Early intervention may protect eastern Canada from the severe defoliation that would be caused by a major outbreak. Results indicate that the Early Intervention Strategy may be a viable option for managing the outbreak. Natural Resources Canada researchers will continue to work closely with the provinces and stakeholders with the common goal of finding science-based solutions to keep spruce budworm populations low and minimize damage. Moving forward, Natural Resources Canada's research program assessing novel intervention approaches against spruce budworm will remain a priority.

HEALTH

SOCIAL ISOLATION AMONG SENIORS—NEW HORIZONS FOR SENIORS PROGRAM

(Response to question raised by the Honourable Yonah Martin on April 6, 2017)

We recognize the profound impact of social isolation on the health and well-being of seniors. That is why, in February 2017, the Government approved almost $35 million in funding for close to 1,850 projects across Canada as part of the New Horizons for Seniors Program. This funding will help enhance the full participation of seniors in all aspects of Canadian society.

In March 2017, the Government of Canada released a literature review prepared by the National Seniors Council on the social isolation of specific groups of seniors. The Council will continue to examine issues affecting the health, well-being and quality of life of seniors.

Our government is working with provinces across Canada to help communities become more "age-friendly", in order that seniors can live safely, enjoy good health and be included in all areas of community life.

Combined, these efforts will help to address social isolation and contribute to well-being among seniors.

FINANCE

CHARITABLE ORGANIZATIONS

(Response to question raised by the Honourable Patricia Bovey on April 12, 2017)

Tax incentives for charitable donations in Canada have been described as the most generous in the world, with federal tax assistance for donations to the charitable sector projected to be approximately $3.4 billion in 2016.

Donations of publicly-listed securities are exempt from capital gains tax. Although originally introduced as a temporary measure, the capital gains exemption for donations of publicly-listed securities was made permanent in 2006.

With respect to donations of private company shares and real estate, the Government confirmed in Budget 2016 that it would not be proceeding with a proposal to extend the capital gains tax exemption to such donations. While not eligible for the capital gains tax exemption, these donations will generally continue to be eligible for the charitable donations tax credit (for individuals) or deduction (for businesses). As only one-half of any capital gains arising from the disposition of such shares is required to be included in a taxpayer's income, in most cases the tax credit or deduction will more than offset the tax payable on these donations.

• (1440)

ORDERS OF THE DAY

BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:

That the Senate concur in the amendments made by the House of Commons to its amendments 1, 4(b), 4(c) and 4(d) to Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures;

That the Senate do not insist on its amendments 2, 3, 4(a), 4(e), 5, 6, 7, 8, 9 and 10 to which the House of Commons has disagreed; and

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

Hon. Vernon White: Honourable senators, I stand today to speak to Bill C-7, An Act to Amend the Public Service Labour Relations Act, Public Service Labour Relations and Employment Board Act, and other Acts and to provide for certain other measures, which has been returned from the other place after having been amended here and accepted in part by the House of Commons.

I spoke previously to the importance of the legislation as it pertains to allowing and respecting the rights of the dedicated women and men serving in the RCMP by providing a new labour relations framework for the force.

This legislation came to us as a result of a Supreme Court of Canada decision brought forward by those representing a group of RCMP officers. In essence, the Supreme Court of Canada identified that the regime that had been present in the force, a staff relations representative program, did not meet the test, stating:

> The relevant inquiry is directed at whether RCMP members can genuinely advance their own interests through the SRRP, without interference by RCMP management. On the record here, they cannot. Simply put, the SRRP is not an association in any meaningful sense, nor a form of exercise of the right to freedom of association. It is simply an internal human relations scheme imposed on RCMP members by management. The element of employee choice is almost entirely missing and the structure has no independence from management.

So this bill was designed to move the RCMP forward into a regime where its sworn and civilian members can exercise their rights of association and guarantee labour rights they deserve, which was and is found in every police organization in Canada.

Some may suggest that this is a unionization bill, but instead it is about allowing members of the RCMP to decide whether or not the members within the force have the right to choose to associate through a regime of member representation for members and reservists of the RCMP, and in the manner that the members of the police force choose.

It will allow the members to select a representative and engage in meaningful negotiation with their employer, should they choose to. The bill is a significant step forward in the history of the RCMP and its labour rights. It will enable RCMP members and reservists to engage in meaningful collective bargaining, something that they have not done.

Despite its long contribution to the history of Canada, RCMP members did not have the full freedom of association with respect to collective bargaining. With this bill, as amended, this will change. The Supreme Court of Canada has removed the barriers RCMP members faced in exercising this right as guaranteed to all Canadians by the Canadian Charter of Rights and Freedoms.

Bill C-7, as amended, addresses the issues identified by the Supreme Court and will provide members and reservists of the RCMP with the necessary choice and independence from management, while recognizing the reality of police work in Canadian society.

Bill C-7, as amended, provides a right to members of the RCMP that has long been exercised by all other police officers in Canada: the right to bargain in good faith. And with this bill, collective bargaining will be entrenched in law. This bill will lay out the rules of good faith bargaining and give members of the RCMP the rights they have been long refused.

We have RCMP officers serving in over 800 communities across this great nation and serving in more countries than I could begin to explain. As they run toward danger, standing up for many who cannot stand for themselves, this is an opportunity for us to stand up for them.

Honourable senators, I would ask you to consider what we ask of our RCMP members, moving across this country with families from sea to sea, serving in every province and territory.

I congratulate the government on accepting most of the amendments in the bill. I would like especially like to thank the sponsor and the critic of this bill, Senator Campbell and Senator Carignan, for their outstanding support to the RCMP membership.

Although I was supportive of a secret ballot, which has been removed from this legislation by the House of Commons when returned, I will support the bill, as amended, and ask you to do so as well so we can allow members of the RCMP to finally be able to determine their future in labour relations.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I am rising today to speak briefly to Bill C-7, which the House of Commons sent back to the Senate after accepting some of our proposed amendments.

First, I would like to thank the senators who participated in the discussions and the drafting of the amendments to the government bill. We found this bill to be particularly lacking in terms of the rules governing the unionizations of members of the Royal Canadian Mounted Police. Our work improved the bill and kept it from being unfair and unenforceable, as it was initially.

The document before us today shows how important it is to examine and amend, if necessary, the legislation passed by the other chamber. However, we need time to do that, which is something that the elected members of this country sometimes tend to forget, or even just knowingly ignore, in order to try to push us to pass all their bills without amendment.

Of course the bill that was sent back to us is far from perfect, but it demonstrates a certain degree of good faith and openness on the part of the government. Let us remember that the initial bill provided for union certification without any real bargaining power, as though it had been written by or for the Commissioner of the RCMP.

Municipal and provincial police officers in Canada have been unionized for over 40 years in some cases with rather positive results. Unionization has helped establish better and safer working conditions, along with better treatment in terms of retirement and ethics, which all help improve our police forces for the good of Canadians.

Passing Bill C-7 as it now stands will not solve all problems, particularly for francophone members of the RCMP, who do not feel they will get the respect they deserve in this union certification process. I understand their situation. I would tell them, from experience, that you never get everything you want in the first round of negotiations, but it is better to have access to the bargaining table than to be completely excluded from the decision-making process. Despite some personal reservations, I will support Bill C-7 for the good of all members of the RCMP and to eventually improve the operation of Canada's largest police force.

[*English*]

Hon. Daniel Lang: Honourable senators, I too would like to rise to address the government's response to the amendments made in Bill C-7. As chairman of the committee, I want to acknowledge the hard work of the members of the committee in defending the Charter rights of the members of the RCMP to a fair and meaningful collective bargaining process.

I want to remind all senators that when the minister appeared before your committee, not once but twice he insisted that the bill could not and should not be amended. He even went so far as to write to members of the committee, stressing the need to not amend the bill.

I bring this to your attention not just because of what we experienced with this particular bill that was sent to our committee for deliberations but to bring to your attention the fact that ministers will appear before our committees and say just that. The reality of it is that we, as senators, have to see past those types of protestations to ensure that bills are given the proper due deliberation so if there are needs for change and r amendments, that we proceed.

• (1450)

Colleagues, during the course of our deliberations, as has already been outlined by Senator White and Senator Dagenais, we found significant weaknesses in the bill that was brought forward to us. In fact, virtually no bargaining rights were outlined in the bill for the rank and file of the RCMP. We quickly came to the conclusion that this bill was flawed and that we had a responsibility to bring forward a bill to the Senate that would rectify the weaknesses we had identified.

Colleagues, regarding the bill that we all approved in the Senate almost a year ago now, a good part of the amendments that we brought forward, as has been outlined by Senator White and Senator Dagenais, have been agreed to by the government.

I might add that they approved the amendments that we brought forward with good reason.

Honourable senators, this is proof positive that when government ministers insist that bills should not be amended, sometimes they protest too much. We have done a favour for the government in our deliberations of this bill to ensure that the rank and file of the RCMP receive the attention that they are due.

I want to acknowledge and thank each member of the committee who supported these amendments: Senator Beyak, Senator Carignan, Senator Campbell, Senator Dagenais, Senator Jaffer, Senator Kenny, Senator McCoy and Senator White.

I want to specifically speak about Senator Campbell's role in this. He, as the sponsor of the bill, came forward and was very open. With his background and experience, he contributed greatly to the debate that ensued within the committee, as did Senator White and Senator Dagenais. Their backgrounds were of great assistance to us in dealing with the nuts and bolts of the legislation.

I also would like to recognize and thank Dominique Valiquet, the analyst from the Library of Parliament; Kevin Pittman and Adam Thompson, our clerks; as well as our political staff. They worked hard on this bill. I think the proof was in the pudding with respect to what we brought forward and how it was received by the government.

However, I do have one disappointment in the bill that we dealt with. I was very disappointed that the government did not support the concept of the secret ballot. I think it's a cornerstone of our society and the cornerstone that lays the foundation for any organization, whether it is the general electorate in an election or in a situation where you have a union vote. I want to register my deep concern that that particular provision was rejected by the government, similar to Bill C-4, but that's a matter for another day.

From my perspective, and for the purposes of the members of the RCMP, this bill is a good bill. It will provide the blueprint for the rank and file of the RCMP and start the first step toward the rejuvenation of the RCMP.

Having been a member of this committee for almost seven years, there has been a deeply rooted concern about the day-to-day commitments that we are making to the RCMP and the job that we, as parliamentarians, have asked them to do. I feel strongly that the RCMP, as we know it today, has been starved to death with respect to having the resources to do the job that we've

asked them to do. I think it's time that we start having a public conversation and a public debate about it. This particular bill should be the start of that debate.

Although this bill was delayed for a year and some decisions were made by the government about the pay packet for the RCMP, it still puts the members of the RCMP in a position where I believe their ranks still number 52 compared to other police organizations.

Honourable senators, I say to you that we have a responsibility to pay our law enforcement agencies, especially the Royal Canadian Mounted Police, a fair wage — more than a fair wage — to do the job that we're asking them to do. I maintain that we're not doing that today, even with the increases that were announced a number of weeks ago by the government.

Furthermore, from a public security point of view, I believe that we are being short-changed by trying to once again reorganize the RCMP in a manner such that we're asking members of the RCMP to move from their responsibilities with respect to international and local drug problems to the question of public security and fighting terrorism in Canada.

Honourable senators, we are not replacing these individuals. We're moving them from one part of the organization to another. In other words, we are leaving those areas with no one to ensure that type of criminal activity is being adequately screened and brought forward, when the case requires it, to the judicial system.

This is very serious, honourable senators. We all have a responsibility here, in the Senate, to ensure that the RCMP gets the personnel and the resources that are required to do the job that we're asking them to do.

Honourable senators, I conclude by saying that I will be supporting this bill with some reservations, but at the same time I think it's a step forward for the rank and file of the RCMP.

Hon. Percy E. Downe: Thank you, Your Honour and colleagues. I think the bill before us today has been greatly improved and improved in a number of areas.

This was a very important issue for the Mounties. I found this out first-hand when, unfortunately, I got caught speeding on the way from Halifax to Charlottetown one night. I couldn't land in Charlottetown; I had to land in Halifax, so I rented a car. But I got pulled over outside of Amherst. After the Mountie wrote the ticket, we began chatting. He asked, "Where do you live? What do you do?" So I told him. He immediately started to talk to me about the bill, so I started to chat with him. This was a corporal outside Amherst, Nova Scotia. He told me that he had read Senator White's comments and Senator Campbell's comments. He had followed the debates in the Senate. The organization had sent him a note about it. I found that to be quite amazing. Sometimes you think you are talking to yourself here, yet here was somebody directly impacted by what we were doing.

I think the Senate did an outstanding job in improving the bill and I hope that corporal, whoever he is, will be pleased with the results.

Like some others, I have some concerns about the bill, but I'm going to defer to those who actually wore the uniform, got up every day and went out to work: Senator Dagenais, Senator White and Senator Campbell. There may be others in the chamber. Greg Peters, our Usher of the Black Rod, was a Mountie as well. These people got up every day. Their job was to go out and protect the rest of us. None of us went to work, in whatever jobs we had, worried if we were going to be coming home to our family every night. They did that for us, and their expertise in this bill was outstanding. I thank them for that and for their guidance.

Hon. Yonah Martin (Deputy Leader of the Opposition): I would like to move adjournment of this debate in the name of Senator Carignan, who will be asking leave to speak later. I want to assure all honourable senators that we will be looking at this very important concurrence motion after Senator Carignan speaks.

(On motion of Senator Martin, for Senator Carignan, debate adjourned.)

• (1500)

CANADIAN HUMAN RIGHTS ACT
CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Gagné, for the third reading of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

Hon. Wanda Thomas Bernard: Honourable senators, I stand today in support of Bill C-16 as an ally for the trans community.

I want to first acknowledge our presence on unceded traditional territories of the Algonquin people.

I thank and applaud my colleagues who have spoken so passionately in support of this bill. As a social worker and a social work educator, I have advocated for human rights of all people throughout my career. Trans rights are human rights, and today I am standing up to fight transphobia and violence against this community. Trans people are faced with higher rates of violence and harassment; it is time we stand to protect the rights of trans Canadians.

The discrimination faced by the trans community is not limited to verbal harassment and physical assault, but also systemic discrimination, such as barriers in accessing resources and services. Many trans people have been denied adequate health care, or feel uncomfortable with health care providers who do not have training or awareness of trans issues. Many trans people face difficulty accessing safe and adequate housing, and trans women are often denied access to gendered shelters and spaces. Many trans people avoid public restrooms for fear of their own safety. Trans people are typically underemployed and are more likely to live in poverty. These are just some of the issues faced by the trans community, which have serious impacts on mental health and the well-being of trans individuals.

Trans people have higher rates of mental health concerns, such as anxiety and depression. According to the 2015 Trans PULSE Project, 77 per cent of trans people living in Ontario have considered suicide. This number is alarming. The accumulative impact of discrimination on a trans person's mental health and well-being is detrimental and is costing lives. It is time to step up to show that all types of transphobia are unacceptable.

Honourable senators, I would like to bring to your attention an aspect of trans issues which has not had as much discussion, and that is the intersection of transphobia and racism. I have described many ways in which trans people face discrimination. However, racialized trans people, especially trans women of colour, are in double jeopardy, as they experience heightened discrimination due to the intersection of racism and transphobia.

According to the Trans PULSE Project, three quarters of trans people and 62 per cent of Aboriginal trans people have experienced racism. The number of racialized trans people who have experienced discrimination when seeking employment, health care or experiencing harassment is due to transphobia amplified by their everyday experiences of racism.

I would like to take a moment to recognize that many of these statistics do not include those many people who do not feel safe enough to be out as transgender, or safe enough to report incidents of violence to the police. This impacts their well-being by unjustly denying them opportunities and creating even more substantial barriers in going about their daily lives.

Honourable senators, I'm speaking up as an ally, as I value trans people and trans lives. I am also advocating for the Black trans community, whose voices are so often erased and whose lives are devalued. It is time we prevent the perpetuation of violence against this disenfranchised and marginalized community. There is a long way to go in achieving equality for the trans community, and passing Bill C-16 is a step in the right direction to show this community they are valued and that we will not stand for transphobia.

As Senator Mitchell stated last week, passing this bill will send a significant message to the community and to the country. I will support this bill and I want to assure all Canadians that trans lives matter.

Some Hon. Senators: Hear, hear!

Hon. Jane Cordy: Senator Bernard, would you be willing to take a question?

Senator Bernard: Yes.

Senator Cordy: Thank you very much. I agree wholeheartedly that this is a human rights issue, but it's nice to have a social worker stand in this place, with the experience you have both in your work as a social worker and in teaching social workers to go into the community to help those less fortunate.

You spoke about members of the trans community losing their jobs, and there's evidence of that; there's evidence of high suicide rates. I agree wholeheartedly that this is a human rights issue, and let's hope this bill passes quickly before we adjourn for the summer.

Those who are against Bill C-16 often say that girls who go into a women's washroom are in danger of getting assaulted if there happens to be a trans woman in the washroom. I was on the Human Rights Committee and did research into another private member's bill that was very similar to this, and I could find no evidence of that. I found that those who are most likely to be assaulted or attacked would be members of the trans community, no matter where they are in society.

Have you done research or found that in your work as a social worker or a senator?

Senator Bernard: Thank you for the question, Senator Cordy. One of the things that I have found as a social worker and a social work educator in the work that I've done and that some of my students have done into the issues of restrooms, trans individuals have more experiences with assaults in washrooms, but a lot of those experiences are not documented because people are afraid to come out. They're afraid to lay charges.

Certainly, many institutions and universities are creating safe single-space washrooms to address this very problem. We don't have the research to support the arguments that have been made. We certainly have the anecdotal evidence that trans individuals have a horrific experience on most days with something as basic as finding a washroom that's safe for them to use.

Hon. Yonah Martin (Deputy Leader of the Opposition): Thank you for your impassioned speech. I have a statement regarding what you said about those who do not support the bill are not supporting the trans community or may be against human rights. I am aware that those who may be concerned about this bill are looking at whether or not this bill has in place the protection of rights for all individuals, including the trans community, those who may be affected, whether by free speech or the beliefs that they may hold. But it's not a vote against trans, but a vote at this time that maybe this is not the right time for our country.

I was talking with the chair of the Canadian Human Rights Tribunal just to see what cases have come before the tribunal, and I was surprised to hear that there were very few cases before them.

Is it that at this time we are hearing about the various cases, and we've been dealing with it in our chamber for a number of years, but have you looked at the fact that, at the Canadian level, there are so few cases? And although we feel compelled in this chamber to look at it now, I'm wondering if that is the case across the country in terms of the numbers because there are so few cases at that level.

• (1510)

Senator Bernard: Thank you, senator, for your question. I haven't personally done research looking at what cases have come through the human rights tribunals. What I do know about human rights and the process of going through a human rights complaint is that it's incredibly difficult for anyone. If there's anyone in this room who has actually ever laid a complaint with a

Human Rights Commission, they would know how difficult it is. I personally know how much energy, time and commitment it takes to go through a human rights complaint.

One of the things we know that trans individuals face is they're encumbered by fear — fear of being out. So going through a human rights tribunal means that you have to overcome incredible fear even to get to a place to lay your complaint, especially if you don't feel you have that support.

Senator Martin: I'm paraphrasing, but I know one of the reasons that the chair gave as to why there may be fewer cases than expected is that the courts are already looking at the protections of people and the word "sex" in the Criminal Code, rather than having "gender expression" or "gender identity." Regardless of that not being in the code, the word "protection" under "sex" is being interpreted quite broadly so that the protections are there. It was a discussion we had at one point because I was curious as to how many cases went to the Canadian courts.

Another question I wanted to ask you is whether you have looked at some of the things that are happening across the country. In two years' time of seeing this bill as a private member's bill and now as a government bill, I have seen incredible changes within my own province in the schools. The schools have washrooms designated for those who don't want to go into either a female or male-marked washroom, so that schools at that level are already educating and raising awareness. My husband works with at-risk youth and in his school the things they are doing are quite revolutionary and inclusive.

I know we're looking at this law at the federal level and it's very symbolic. I understand the debate that has happened and I appreciate what every person has brought to the debate, but the provinces are already putting recognition into place. At the ground level it seems that government should support programs at the provincial level and the change is already happening in the schools. If there are people concerned about the protections of people in general, whether by inserting language —

The Hon. the Speaker: Excuse me; Senator Bernard's time is about to expire. If you have a question, can you please ask it?

Senator Martin: My question is this: Have you seen changes happening at the community level, in the schools, where that change should be where the focus is and that perhaps federal legislation is something we could look at when we are ready for such a change in our overall criminal system?

Senator Bernard: Yes, I would agree with you that changes are happening on the ground in schools and other institutions, but it has been a very slow process. I believe that passing this federal legislation now will help us even more in all of those spaces. It will help us move forward in a way that will prevent a lot of the health issues that we're seeing, including the very distressing number of suicides. I believe that having this legislation passed at this time is critical.

Hon. Ratna Omidvar: Would the honourable senator take another question?

The Hon. the Speaker: Senator Bernard, you will have to ask for more time in order to do that. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Omidvar: My question is quite simple and goes to your professional expertise as a social worker. What long-term effects, both mental and physical, have you observed on the effects of discrimination on transgender people?

Senator Bernard: Thank you, senator, for that question. The long-term impacts that I've seen are really quite devastating. I can best illustrate that by a story, and that's a story of one of my students with whom I was working in the past year, a graduate student who works in health. As this student was doing work on the need for better health services for trans individuals, this student was also preparing to attend a funeral for yet another one of their friends, their colleagues, their peers, their co-workers who had committed suicide. As we talked and debriefed the experience, that student went on to tell me many more stories about many people with whom they had worked who had committed suicide because of the detrimental experiences they had had.

It's not the one or two instances of discrimination, but it's the cumulative impact. In access to health care, we're seeing the cumulative impact of the discrimination and the impact that has on health and well-being for trans individuals, and especially trans individuals who are racialized. They're experiencing that double marginalization with few supports and not really having a place where it's safe for them to be truly who they are.

Hon. Mobina S. B. Jaffer: Honourable senators, I too rise to speak in favour of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

The bill amends the Canadian Human Rights Act to add the terms "gender identity" and "gender expression" to the list of prohibited grounds of discrimination. The enactment also amends the Criminal Code to extend the protection against hate propaganda set out in that act to any section of the public that is distinguished by gender identity or expression and to clearly set out the evidence that an offence was motivated by bias, prejudice or hate based on gender identity or expression constitutes an aggravating circumstance that a court must take into consideration when it imposes a sentence.

Honourable senators, I don't need to remind this chamber about the suffering trans people in this country have endured in the past years. You have heard from the sponsor of the bill, Senator Mitchell, and many other senators. They have all spoken eloquently and I will try not to repeat what they have related to you.

Now I want to speak to you as a grandmother. To me, my two precious grandchildren are the real reason I keep fighting for this bill. I want to be part of creating a society that will be inclusive of all. Let me start with sharing with you what I observed during the hearings of Bill C-16 at the Standing Senate Committee on Legal and Constitutional Affairs.

In all my years as a senator, I have never seen any committee hearing having so many young children in the room at the time of its hearings. When I looked around the room, I saw young boys smartly dressed and they took in all that was being said about them. Then I saw young girls dressed in beautiful pink dresses with ribbons and full of innocence, yet very much impacted by what we were saying. All I could do at most hearings is stare at the young girls and boys and feel pain. Honourable senators, there were many times when I had to leave the room and not continue hearing. I could not keep seeing these young children.

I kept feeling that for too long we have disappointed these young children and that every day we wait to support these young children their pain continues. I could feel their pain and also felt embarrassed that these young children had yet again come to our committee.

For many years, we have seen young children come to our committee. I could feel their pain, as I know what it is like to be different.

• (1520)

Honourable senators, at my age, I discussed with my staff whether I really need to repeat what I'm just going to say. Isn't it now time for me just to retire and leave it for a younger senator in this place to share some of the things that I have said? But that time is yet to come, so I'm taking a risk today and saying to you what it is like to be different.

All my life I have been different, whether it's been in Uganda or in Canada. Now, as an adult, I have better coping skills.

When I was young, I first wanted to be white and not brown. I was sure that if I was white, I would fit in and not be bullied. I was convinced that if I became white and removed my brownness, all of my problems would be solved.

One day, my mother caught me trying to bleach my face. To this day, I remember the tears running down my mother's face. My mother hardly ever cried in her life, but I can still feel the warmth of her hug and how she was trying to protect me from what was happening around me. She always used to instill in me to be proud of my brownness and wanted me to be proud of who I was, but I would look into my mother's eyes and say, "But you don't go into that classroom; you don't know what it is like to be different." I desperately wanted to be friends with my friends who were white. I did not want to be different.

Honourable senators, these trans children also want to be treated equally. They also wish to be respected and accepted for who they are. They come to us and ask that we give them the tools. It's not that tomorrow, when the bill passes, everything will be rosy for them, but we give them the tools with which they can fight for their rights.

Why am I sharing this very personal thing about myself? It is because I have seen, over the years, that my grandchildren are no longer different in Vancouver. My grandchildren are integrated in the schools in Vancouver. They are no longer different, because others fought that fight. That is why I say to you that this is a very important step. It won't finish everything for these children, but it is an important step.

I have decided to go the legal route because I would like to remind the chamber how many times these children have come to us. In July 2012, Bill C-304 amended the Canadian Human Rights Act by entirely repealing section 13 of the act, commonly referred to as the hate speech provision. That section stated that the person or group who engages in repeated communications through telecommunication facilities that would likely expose a person to hatred or contempt based on a prohibited ground of discrimination is engaging in discriminatory practices.

According to Shelina Ali, a lawyer and columnist, the government felt at the time that this provision limited freedom of expression, despite a clear decision by the Supreme Court of Canada in *Canada v. Taylor* that the section supported the aim of restricting activities antithetical to the promotion of equality and tolerance in society, which meant these limits on freedom of expression were constitutional.

Further, in November 2013, the previous government passed Bill C-13, amending the Criminal Code to criminalize the inciting of violence against an identifiable group based on sex, age and mental and physical disability. Unfortunately, transgender individuals were not included as part of the legislation as a protected group.

[*Translation*]

Then, in 2015, the House of Commons passed Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code.

The purpose of the bill was to protect the rights, physical integrity, and psychological well-being of transgender individuals and to affirm and recognize the importance of the discrimination they are subjected to in our society. Unfortunately, as you know, the bill died on the Order Paper.

These bills all have one thing in common. They failed to protect the fundamental rights of transgender people. That is why it is high time we remedied the situation and passed the bill before us now.

Bill C-16 was introduced in the House of Commons by the Minister of Justice last year. As it is now at third reading in the Senate, I would like to take this opportunity to respond to the concerns that some of my colleagues have raised.

[*English*]

The first concern raised is that the rights of trans people are already protected by the Canadian Human Rights Commission as they qualify as an identifiable group under gender identity. To answer this concern, let me quote the Minister of Justice:

> The Canadian Human Rights Act already provides some protections for trans persons. . . . However, it is not enough to leave the law as it is.

> All Canadians should be able to turn to our fundamental laws, like the Canadian Human Rights Act and the Criminal Code, and see their rights and obligations spelled out clearly and explicitly. Trans and gender-diverse people who feel they have been discriminated against should not have to become experts in legal interpretation and human rights jurisprudence in order to advocate for their basic rights.

[*Translation*]

I would like to add that the Canadian Human Rights Commission and Canadian courts have come up with a temporary solution to protect the rights of transgender individuals because those rights were not explicitly protected by the law. The fact that the commission and the courts decided to include transgender individuals under the gender-identity umbrella proves that the transgender community is not protected under our existing laws.

It is up to legislators to protect them, and it is up to all of us, honourable senators, to ensure that their rights are not only protected, but explicitly set out in our laws.

[*English*]

The second concern brought before us is the limitation of freedom of speech. First, it is essential to distinguish between the amendments to the hate propaganda provisions in the Criminal Code and the amendments to the Canadian Human Rights Act. As the Minister of Justice said before our committee:

> The Criminal Code's hate propaganda provisions target extreme and dangerous speech that advocates genocide against an identifiable group, willfully promotes hatred against an identifiable group or incites hatred against an identifiable group in a public place likely to cause a breach of peace.

The Supreme Court of Canada ruled in the 1990 case of *R. v. Keegstra* that the offence of willfully promoting hatred against an identifiable group in subsection 319(2) of the Criminal Code was a demonstrably justifiable limit on the freedom of expression. The court ruled that hatred meant only the most intense form of dislike.

Regarding the Canadian Human Rights Act, the minister added that it:

> . . . is concerned with protecting . . . equal access to goods, services and employment in the federally regulated sector.

It is not concerned with regulating the expression of one's belief generally. The Canadian Human Rights Act does not legislate particular modes of speech.

To be clear, these amendments will not create any specific rules about the use of gendered pronouns. The minister added that what the Canadian Human Rights Act does is to prohibit discriminatory practices, including harassment of employees and customers within the context of employment and other businesses within the federal jurisdiction.

• (1530)

Harassment involves speech or conduct that is persistent and serious enough to create a hostile or poisonous environment. If a reasonable person in the same circumstances would perceive the speech to be injurious, humiliating or an insult to their dignity, then this could be considered harassment.

When asked in committee if this bill would specifically limit freedom of expression, the Deputy Minister of Justice answered:

> To the extent that the intention of the speaker is that the violence or hatred should be subjected to people because they dress differently, wear earrings or other forms of what would be seen by some to be non-traditional gender expression, and the expression is so violent and extreme that it might fall within the prohibition, we would expect the court to treat that seriously. . . .
>
> . . . I would note there are a variety of religious expressions. People choose to live their religion and express it publicly in very different ways, yet we have recognized that expressions of hatred against particular religious groups, notwithstanding diversity of ways people live with their religion, has been found to be constitutional. I would think the same thing would happen here. . . .

Finally, senators, on a constitutional level, many feel that this bill would not pass the Charter test. To answer these concerns, the Minister of Justice tabled a statement of potential Charter impacts before our committee. In her statement, I quote:

> The Supreme Court of Canada has upheld the prohibition against willful promotion of hatred as a justifiable limitation of freedom of expression in *R v. Keegstra.*

May I have five minutes, please?

Hon. Claudette Tardif (The Hon. the Acting Speaker): Is leave granted for additional time, honourable senators?

Hon. Senators: Agreed.

Senator Jaffer: I will continue:

> The government's position that the addition of gender identity or expression to the grounds on which hate propaganda is prohibited would be justifiable limitation of section 2 (b). Transgender and other gender diverse persons are vulnerable to discrimination, harassment and violence and deserve society's protection against expression that is particularly extreme and harmful.
>
> The limitation would be justified considering the narrow breadth of expression that would be criminalized, the distance of such expression from the core values for which expression of freedom is constitutionally guaranteed and the vulnerability of persons who would be protected by the amendment.

Honourable senators, I began by speaking about the children, and I would like to end with all of you considering this bill to be about our children. I would like you to consider what effect this bill will have on our children.

Our children, as we saw in the committee hearings, are hurting. Their parents related to us their pain. So, colleagues who have brought up issues such as the use of bathrooms, use of pronouns, issues of religion, I humbly urge you to vote for this bill. The time is now.

I purposely set out a legal argument because all of the other arguments have been done, for you to reflect on what is being said.

I want you to genuinely — and I humbly ask you to — take the time today to hear the pain of the children, to hear the voices of the children, to hear the plea of the children. The time is now. Please vote for this bill today.

(On motion of Senator Martin, debate adjourned.)

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

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Baker, P.C., for the third reading of Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act.

Hon. Diane Griffin: Honourable senators, in 2015, I visited the Rouge National Urban Park site. The Rouge is a long distance from my home in Prince Edward Island, but this park is as important to me and to all other Canadians, even though we will not benefit directly from it in the way that Torontonians and other Southern Ontario residents will.

My entire professional career has been devoted to land conservation and protection of wildlife habitat. My jobs have included resource planner for the P.E.I. Department of Tourism, Parks and Conservation; natural areas coordinator for the Province of Alberta; executive director of the Prince Edward Island Nature Trust; deputy minister for the P.E.I. Department of Environment; and, lastly, P.E.I. program manager for the Nature Conservancy of Canada. So I am thrilled to be able to speak in this chamber today on the importance of Bill C-18 and to indicate that I strongly support this bill.

There has been a lot of work, negotiation and partnership agreements that have gone into Bill C-18. It was a privilege to hear the witnesses who appeared at the Energy, Environment and Natural Resources Committee and who spoke with such knowledge and passion.

All three elements of the bill are important, but I will confine my remarks to the first clause, which deals with the Rouge National Park expansion.

With the existing park initially consisting of 19.1 square kilometres, one could say that this is an impressive park for an urban area, and it is indeed. However, the proposed increase is hugely significant as it will nearly double the size of the park. In the interests of wildlife conservation, larger areas provide greater protection for important wildlife habitat.

Here we have a rich diversity of natural, cultural and agricultural landscapes. There are at least 17,000 species of living things in the Rouge area, with 23 of them recognized as endangered.

In Southern Canada, with its relatively dense population and with much of the landscape intensely developed, it is difficult to get large conservation areas.

Another reason for having a larger park is that this site is adjacent to 6.4 million people in the Greater Toronto Area and a larger population in Southern Ontario.

In addition, the park will attract large numbers of visitors from elsewhere. The Rouge will join other heavily visited national parks, such as Banff, Point Pelee and Prince Edward Island parks. Such heavy visitation presents a "people management" challenge.

A big risk for urban parks is that they can get "loved to death," literally overrun by people seeking the restorative capacity of a natural site. It is essential to have strong legislation and good land and people management, as well as an area large enough to maintain ecological integrity.

I have confidence in the Parks Canada Agency to continue to communicate with all of the stakeholders and to manage this valuable urban jewel to maintain and even enhance the ecological value of the land. It does not have the pristine condition that the large parks in Northern and Western Canada have, but it is a fine example of conservation in Southern Canada.

I have visited parks and other natural areas in all provinces and territories and elsewhere in the world. I was directly involved in setting aside and managing spectacular areas in Alberta and Prince Edward Island, so when I say it gives me pleasure today to speak in support of Bill C-18, I really mean it.

This bill deserves support from all of us for the benefit of current and future generations. It is amazing to have an opportunity of this magnitude in an urban area in Southern Canada. Let's get it finished.

(On motion of Senator Martin, for Senator Oh, debate adjourned.)

• (1540)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:
>
> That the following Address be presented to His Excellency the Governor General of Canada:
>
> To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Daniel Christmas: *Nitaptut. Pe'l maw-meltam, mui'walkik Algonquinaq ta'n wejkwa'taqnek nujo'tmi'tij ula tepaw maqmikew.*

My dear friends, first, I would like to use this time to honour the Algonquin, who since time immemorial have been stewards of this land. I am also honoured to rise today to make this, my maiden address, in this historic chamber.

One hundred and fifty years ago, four colonial governments were united by Confederation to form a new nation. Three of these colonial governments were on Mi'kmaw lands. Our land, in the Gaspé region of Lower Canada, in northern New Brunswick and in Nova Scotia, became a big piece of what formed the Dominion of Canada.

So the Mi'kmaw Nation played a large part in the birth of Canada. It's ironic for our nation that this is the case, as we were never involved, never consulted and never invited to the coming together of this new nation of Canada. It's ironic, because the Royal Proclamation of 1763, a legal declaration on behalf of the British sovereign, made a covenant that our lands would not be taken without our consent.

For the record, and despite its somewhat ancient wording, let's refresh our memories as to the nature and extent of the Crown's very clear commitment in this regard:

> And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

And now, 150 years since Confederation, the circle is complete: Canada has welcomed its first Mi'kmaw senator into the upper chamber of its Parliament. It is good to be here. It is good to complete the circle. It is right to finally welcome representatives of the Mi'kmaw Nation into Confederation. *Wela'lioq*. Thank you.

For the Mi'kmaw Nation in the days before Confederation and in the spirit of the Royal Proclamation, our Peace and Friendship Treaties reflected a foundation of equal partnership and mutual respect. But this all sadly changed in 1876 when Parliament enacted the Indian Act in direct contradiction to the spirit of our Peace and Friendship Treaties. Partnership and respect succumbed to a regimen of dispossession of our lands, cultural genocide, subservience and ultimately a culture of dependency upon the federal government for survival.

Prime Minister John A. Macdonald's manifesto in this regard was crystal clear when, in 1887, he stated that:

> The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change.

Chief Joseph, the great indigenous leader from Oregon, once said, "It does not require many words to speak the truth."

Honourable senators, if we are to properly reconcile — and my remarks today are grounded in a sincere and humble desire for real reconciliation — we must take account the truth and acknowledge its often painful lessons. Sometimes the uncomfortable tension of the truth can become the coiled spring that can catapult us into a better future.

A better future is exactly what we have built in my home community of Membertou. A great example of what can be done to overcome the Indian Act and build a sustainable hope for people and an economy that supports its community awaits you in Membertou. Above all, we invite you to come to Membertou — and some of you have — and share the positive experience we have forged as a community over the past 20 years.

From 1976 to 1981, I served as a band manager for Membertou, one of a handful of staff, all of it under the auspices of Indian agents who oversaw on Indian Affairs' behalf, literally and absolutely, every single aspect of our operations. We had no choice whatsoever but to constantly seek permission to build our own houses and we had to beg — and without success, I might add — to get some sort of self-determined control over education funding. Pretty much our only service was the provision of social assistance: the writing out of welfare cheques every two weeks.

There was no economic development and no employment prospects of any kind. No hope, no future. The Indian Act system was a model of nearly absolute and complete dependency, where 100 percent of your existence was based on INAC payments. The

accompanying administration and reporting system was onerous and burdensome, whereby you spent nearly all your office administration time reporting on these oppressive measures.

In the early 1980s, we tried to work with the federal government on business programs for First Nations, which were newly introduced at the time. The government's feasibility study determined that our best shot at economic success was to get into the pipe manufacturing business, manufacturing irrigation pipe systems for farms fields.

A million dollars in cost and zero results in sales brought us to the brink of bankruptcy. We had trouble even making welfare payments.

By 1994, Membertou was broke and deeply in debt. We were done; stick a fork in us. It was clear beyond the shadow of any doubt that the Indian Act had pushed Membertou into financial disaster. Maintaining the status quo was an impossibility, not to mention sheer folly.

Our chief, Terrence Paul, decided then and there that he had to act, and act he did. Enter my friend and colleague Bernd Christmas, the first Mi'kmaw lawyer called to the bar in Canada, who was raised in our community and then became a young man with a bustling law practice on Bay Street in Toronto at the heart of Canada's legal profession.

Chief Terry somehow convinced this well-to-do lawyer to abandon his thriving practice and all the remuneration and acclaim that came with it to come back to Membertou and get us on our financial feet in his role as our newly created director of operations.

Over the next five years, Bernd worked tirelessly to get us out of debt and control spending, while slowly but surely building a talent pool of others being called back to Membertou. I was among the first to be hired, and I returned to my community as a senior adviser.

The point I'm making is a very stark one: Life under the Indian Act is a horrible and unproductive existence whose ultimate destiny is insolvency and ruin, both economically and emotionally. A lot of First Nations are in the same boat now that Membertou was in the mid-1990s. I recall the awful feeling of seeing people in my community walking with their heads down. Their community was poor and without any prospects, any hope for improvement, for us or for our children.

• (1550)

It is a heartbreak of epic proportions, with often fatal results in many communities.

Honourable senators, hopelessness is the parent of suicide. Yet, hope can also breed healing. Today, if you want to see the face of hope, come to Membertou. As you can see, we in Membertou made a determined decision to step away from the Indian Act. This colonial, prescriptive, paternal, destructive, racist and discriminatory act turned its back on the Mi'kmaw Nation. We determined that in order for us to survive, to build an economy and to restore our nation and our community, we had to turn our back on the Indian Act.

We took control of our own sovereignty. We weren't about to ask anyone's permission about matters of our own future ever again. The days of poorhouse begging for scraps were over.

We decided to create our own businesses, make our own money and be our own bosses. After getting out of debt, we began in gaming enterprises and expanded into the commercial fishery, and once we had a cash flow, we set about to build our credibility in the marketplace.

In 2001, we became the first indigenous community in the world to be ISO 9001 certified. ISO 9001 is a set of international standards for management and verification of good, quality management practices. Through this certification, we built trust in the Membertou brand and kept moving forward.

This three-step strategy was the catalyst to success for us. We now had leadership, a trusted brand, a degree of financial resources and an uncommon drive to succeed in enterprises, initially run by and for the community, with a sense of pride and zeal.

All of this occurred much to the obvious chagrin of Indian Affairs who kept writing, telling us, visiting us and delivering us a singular message: Don't do this. We resolutely ignored them at every turn.

None of our plans were or have been since "pie in the sky" large-scale endeavours. Instead, we have successfully undertaken small- to medium-sized enterprises.

And ironically, our businesses flourished at a time when the local economy in Cape Breton literally nosedived with the closure of the Sydney Steel Plant and the shutdown of coal mining in Cape Breton in the early years of the last decade.

Membertou is now the third largest employer in the Cape Breton Regional Municipality with staff of about 500 people, half of them from Membertou, and the other half from the CBRM. We are the only place in the CBRM experiencing economic growth. Membertou has been transformed from a place without hope, without an economy and whose people had been robbed of self-respect, to a place that's an engine of economic growth and a source of pride for the Mi'kmaw Nation.

We have not only survived; we have flourished.

Through this experience comes my vision for a nation-to-nation relationship between Canada and indigenous peoples. The relationship must change. It must be founded in the concept of indigenous self-reliance, committed to the notion of economic independence and dedicated to the sustainable generation of own-source revenues.

The United Nations Declaration on the Rights of Indigenous Peoples affirms and promotes self-determination. It allows for the determination of our own futures and it promotes economic prosperity among indigenous communities — all the things upon

which the Indian Act is entirely silent, all the things that INAC was so clearly threatened by in the early days of Membertou's success.

And so my vision calls for a new and fresh approach, one that in no way remains preoccupied with the provision of government-sponsored programs and services; one that is in no way, shape or form rooted in any aspect or provision of the Indian Act; and one that seeks to deliver a new future where indigenous peoples rise and become generators and economic drivers of Canada's economy.

It has been 20 years now since the release of the final report of the Royal Commission on Aboriginal Peoples, or RCAP. One of its recommendations was the replacement of the federal Department of Indian Affairs into two departments. One was to implement the new relationship with Aboriginal nations and one was to provide services for non-self-governing communities. Twenty years on, this still hasn't happened, and yet it must.

A 2016 study by Nanos Research found that Canadians' confidence in the ability of government to deal with indigenous issues charted well below that of other issues in the public environment. And yet, our story in Membertou clearly shows how First Nations communities can achieve prosperity free of the Indian Act in a relatively short period of time.

The steps to getting there instill hope for the future: a future where indigenous communities can reclaim their rightful place in the Canadian federation and where their economic undertakings can contribute to our country's GDP; where local markets can benefit from a plentiful and skilled workforce populated by indigenous young people, the fastest growing demographic segment in Canadian society; a future in which indigenous communities can develop and manage their own wealth and build their own programs designed to meet their own needs and aspirations; and one in which communities generate own-source revenues streams governed by their own accountability structures.

If there is one message I want to leave with you, it is this: Prosperity for this generation, achieved in this generation, is attainable.

Honourable senators, if you want proof, come to Membertou. See the face of indigenous business. Enjoy the taste of Mi'kmaw hospitality. Look upon the faces of our community members, with heads held high, proudly focused on the future we have built. We are growing and we are sharing with the greater Nova Scotian economy.

And yet, as I invite you and entice you to come to Membertou, I would be remiss if I didn't thank so many of you for the welcome and kindness you have shown me as I came from Membertou to Ottawa and to this noble place.

So as I close, I would like to thank you, dear colleagues, for all your assistance and friendship to me in my early days here. There are simply too many senators to mention here this afternoon, but I wish to thank each and every one of you for the way you have accepted and welcomed me with such kindness and graciousness. For that, I am so grateful and I look forward to returning the favour when any one of my honourable colleagues takes me up on my invitation and comes to Membertou.

One of my previous tasks was to provide community tours and tell the Membertou story to many groups and dignitaries. I would be so honoured to do it for you.

Wela'lioq. Thank you. (On motion of Senator Bellemare, debate adjourned.)

• (1600)

NATIONAL STRATEGY FOR ALZHEIMER'S DISEASE AND OTHER DEMENTIAS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Carolyn Stewart Olsen moved third reading of Bill C-233, An Act respecting a national strategy for Alzheimer's disease and other dementias.

She said: Honourable senators, I rise today at third reading of Bill C-233, An Act respecting a national strategy for Alzheimer's disease and other dementias.

As the sponsor of this bill in the Senate, I am pleased to see Bill C-233 pass through the Social Affairs Committee and back into this chamber without amendment.

Bill C-233 is a rare example of Parliament working as Canadians expect it to work. I wish to congratulate this place and our colleagues in the House of Commons for coming together in a non-partisan spirit to ensure the passage of this bill. The bill before us is a compassionate response to help deal with a disease that devastates so many lives.

Alzheimer's and other dementias are diseases that affect all Canadians, either directly in later life as patient or indirectly, through the massive resources required to support the people who live with this disease.

Canadians are confronted with them every day, either as medical professionals, home care workers or as the family and friends of those who suffer with dementia and who often act as primary caregivers.

We are on the cusp of an unfolding dementia crisis in this country. Our medical system is being overwhelmed, especially in under-resourced rural communities like mine in New Brunswick. As our population ages, and with it the incidence of dementia in the general population, it will become more and more apparent how unprepared we are.

Various governments have not been quiet on the issue. In 2014, the government launched a national dementia research and prevention plan with an attached investment of $183 million. While efforts like this should be applauded, it is very clear that we need to do more.

As many of you know, our Social Affairs Committee, of which I am a member, did a highly praised study on the impacts of dementia and the ways forward to effectively manage it in the years to come.

Bill C-233 reflects our committee's call for a national strategy for dementia that would allow the federal government to coordinate knowledge and best practices gleaned from experiences that are currently sitting in jurisdictional silos across this country.

The provincial governments need all the help they can get. The burden that dementia places on our provincial health care systems is enormous. There were 750,000 people living with dementia in 2011; by 2031, this number will rise to 1.4 million.

As shocking as these numbers are, they should be taken as very conventional estimates based on things remaining just as they are. The population of seniors is projected to increase substantially in the years to come. With the new growth of medical technologies, the likes of which we are currently studying in the Social Affairs Committee, we can expect people to live longer still.

The financial impact of all this cannot be overstated: $33 billion are spent every year on dementia care, and that number will expand, exponentially, to $293 billion by 2040. The direct cost to taxpayers is expected to more than double between now and 2031. It is clear we must confront the problem now or pay later for our lack of preparation.

As I noted previously, the division of our health care into competing provincial jurisdictions makes it difficult to construct national approaches to significant health care issues.

I do believe this bill bridges the divide by ensuring there is a mechanism in place to help assist each province individually, and all provinces collectively, without interfering with their constitutional right to manage their own health care system.

Senators, we need to deal with dementia. The most important step we can take towards that goal is the reduction of the silos present across this country. Bill C-233 will go a long way towards this objective. I urge you to pass this bill, which has been supported by all parties in the House of Commons, and give Canadians the strategy they have been asking for.

(On motion of Senator Mégie, debate adjourned.)

JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk moved second reading of Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault).

She said: Honourable senators, I'm honoured to rise today to speak at second reading of Bill C-337, the judicial accountability through sexual assault law training act.

Bill C-337 was introduced in the House of Commons by the Honourable Rona Ambrose, Member of Parliament for Sturgeon River—Parkland, earlier this year. The bill was sent to the Standing Committee on the Status of Women, where efforts were made by all parties to improve and advance the bill in an expeditious manner. Upon its return to the House of Commons, the bill once again received unanimous all-party support.

I wish to thank the Honourable Rona Ambrose, whose resolve has brought to light the critical need for this legislation in Canada. Her dedication to advancing the rights of women is reflected in the pages of this legislation.

Bill C-337 is a concrete legislative response to a serious and concerning problem affecting the credibility of our justice system; that is, the treatment of victims of sexual assault before our courts of justice.

For those of us sitting in this chamber today, it is certainly disheartening to hear that, in 2017, there are still some judges who are presiding over sexual assault cases with a total misunderstanding of what constitutes sexual assault and the burden it puts on the lives of victims. This lack of understanding signals to victims of sexual assault that they should keep their suffering secret instead of denouncing their aggressor.

This is the wrong signal to send to victims — victims who often happen to be witnesses. In fact, over the past few years, several troubling cases have surfaced in the media or directly from the courts by those who scrutinize and work with victims from the courts.

For the sake of brevity, I will only recall one case, and that is the controversial case of former Justice Robin Camp, who became the subject of a removal hearing before the Canadian Judicial Council. Let me quote some of the findings of the Canadian Judicial Council regarding the conduct of this judge.

At paragraph 17, the Council notes:

> That conduct included asking the complainant, a vulnerable 19-year-old woman,"why didn't [she] just sink [her] bottom down into the basin so he couldn't penetrate [her] and "why couldn't [she] just keep [her] knees together," that "sex and pain sometimes go together [. . .] — that's not necessarily a bad thing" and suggesting to Crown counsel "if she [the complainant] skews her pelvis slightly she can avoid him."

• (1610)

The committee found that the judge made comments or asked questions evidencing an antipathy towards laws designed to protect vulnerable witnesses, promote equality and bring integrity to sexual assault trials. It also found that the judge relied on discredited myths and stereotypes about women and victim-blaming during the trial and in his reasons for judgment.

These findings shed light on a terrible reality: the lack of training and understanding in cases of sexual assault.

Bill C-337 would create an eligibility criterion applicable for the appointment of judges of a Superior Court in any province. A barrister or advocate applying for a judge position would need, to the satisfaction of the Commissioner for Federal Judicial Affairs, to have a completed, recent and comprehensive education in sexual assault law.

Bill C-337 is premised on the fact that education is the key to instilling the appropriate conduct by judges hearing sexual assault cases.

In fact, most judges, and lawyers for that matter, welcome training. As societies change, as laws change and become more complex, continuing education is the responsibility of all.

The federal statute, the Judges Act, as well as the Constitution Act, provide the basis for the appointment, removal, retirement and remuneration, including matters such as pension, of federally appointed judges.

The Judges Act establishes the Canadian Judicial Council, the group of senior judges who govern the collectivity of federally appointed judges. The act states that the members of the Canadian Judicial Council consist of the Chief Justice of Canada, as well as the Chief Justices and Associate Chief Justices of each Superior Court or branch or division of each province or senior judges of the territories.

Section 60(1) of the Judges Act states that the objective of the Canadian Judicial Council is to ". . . promote efficiency and uniformity, and to improve the quality of judicial service, in superior courts."

Currently, the Canadian Judicial Council contracts out funding to the National Judicial Institute to provide training to judges.

Currently, ongoing training is optional. There is no mandatory requirement for a judge to take training before hearing a sexual assault trial. However, as a result of the pressure originally from Bill C-337, judges are now required to attend "new judges" school, two one-week-long trainings that provide an overview of a variety of areas of law.

Judicial training is essential because lawyers who apply to become judges are not necessarily assigned to courts within their area of expertise. As a result, it is common for a judge with little to no experience in criminal law to preside over a criminal trial despite having no expertise in the subject matter.

While no judge can possibly master every aspect of every area of law, there are certain trials that require a highly specialized judge. Sexual assault cases are one such type of trial, I submit. The stakes for the complainant and accused in such a trial demand that only highly skilled judges should hear these trials.

With overwhelmingly low rates of reporting, every effort must be made to ensure that if an individual comes forward that the presiding judge knows how to properly handle the technical and highly personal nature of the circumstances of sexual assault law. In addition, the risk of the judge to make an error should be kept to a minimum, to avoid the need for appeals or, even more damaging, a retrial. A complainant often finds testifying to be traumatic. Every effort should be made so they do not have to undergo this process more than necessary.

The justice system already provides for specialized courts in certain instances. Some provinces have designated family courts, small claims courts, youth courts and others. Unfortunately, lawyers without experience in these areas of law are sometimes appointed to preside over these courts. This creates a self-defeating structure.

Indeed, this act contemplates the commissioner's role to determine the comprehensive education, taking into account sexual assault law awareness training. The modality and operation of this training remains to be developed by the judiciary.

That training could include instruction in evidentiary prohibitions, principles of consent and the conduct of sexual assault proceedings, as well as education regarding myths and stereotypes associated with sexual assault complaints.

The proposed legislation would also obligate the Canadian judiciary to produce an annual report that details how many judges have completed sexual assault training, how many cases were heard by judges who have never completed the training, as well as a description of the content of each seminar, its duration and the dates on which it was offered. Transparency and accountability will build respect and confidence that the system is responding to this need.

Bill C-337 would also ensure a greater number of decisions from judges presiding over sexual assault trials, ensuring that the cases receive adequate consideration. It is important to underline that, in his report on Justice Camp, the council recognized that Canadians expect their judges to know the law and possess empathy.

Bill C-337 would position legal education as the central tool ensuring our judges have the knowledge of social issues and awareness of changes in social values and a compassionate yet objective understanding of the facts, including the realities of victims and witnesses.

Those are the very qualities that sustain public confidence in the judiciary.

Bill C-337 is a preventative tool. It can provide the means to avoid similar situations that have happened in the past. Bill C-337 can be an instrument to ascertain and build confidence in the important pillar of our democracy, the judiciary.

Our legal system should protect victims of crime and reassure them that justice exists, that justice can and will be delivered. However, the statistics demonstrate that this has not been the reality.

In 2014, *A Survey of Survivors of Sexual Violence in Three Canadian Cities* published by the Department of Justice said that two out of three surveyed participants stated they had little confidence in the court process.

Further, only half of the respondents said they reported their sexual abuse or assault to police or through another individual.

Let us remember that when justice is denied, it constitutes another assault on each victim.

According to Dalhousie University law professor Elaine Craig, who is recognized as an expert in sexual assault law:

> . . . we are at a crisis point in terms of the public's confidence in the criminal justice system's ability to respond appropriately to allegations of sexual assault.

Professor Craig is among those who support Bill C-337.

A 2012 study from the University of Ottawa suggested that just 0.3 per cent of perpetrators of sexual assault in Canada are held accountable for their actions.

To use the words of a pioneer of women's rights at the Supreme Court of Canada, the Honourable Justice Claire L'Heureux-Dubé said:

> Women victims and survivors 'should be able to rely on a [justice] system free from myths and stereotypes, and on a judiciary whose impartiality is not compromised by these biased assumptions'.

• (1620)

Bill C-337 seeks to preserve and defend the integrity of the judicial system in the wake of a growing number of troubling cases. It can be a step forward, a clear message in favour of those who cannot speak. The overall objective of Bill C-337 is to improve the treatment of victims of crime in the criminal justice system by ensuring a fair and objective trial.

To use the words of Justice Zuker's decision in the *Mandi Gray* sexual assault case:

> . . . judges should have a good knowledge of the law. This knowledge extends not only to substantive and procedural law, but to the real life impact of law. As one scholar put it, law is not just what it says; law is what it does.

That is at paragraph 499 in that case.

According to the Native Women's Association of Canada, another organization that supports Bill C-337:

> . . . the reported rate of one in three women living in Canada experiencing sexual assault in their lifetimes is a low estimate. For Aboriginal women, the rate is at least three times higher.

While the issue for victims of sexual assault is a deeper and broader concern in our society than those issues addressed in Bill C-337, such as issues in the workplace, in society, in policing and so on, nevertheless, it is a key step to maintain the confidence of the public in our judiciary, where in fact all should have a fair chance at a fair trial.

Hon. Mobina S. B. Jaffer: Senator Andreychuk, first, I want to thank you for your second reading speech. You wear two hats. You were a judge and now are a senator, so a policy-maker. When you were a judge, you and I travelled across the country to train judges on these issues, and we know the challenges we faced when we were training judges. As you said in your speech, the training was not mandatory.

I have a number of questions for you because I believe it is you who are the most expert in this place. I'm supportive of the bill, but one of the things that concerns me is that the bill calls for training of the judges before they're appointed. A concern that I've heard through the profession is that you do the training, everybody knows you did the training and then you may not be appointed. What are your views on that?

Senator Andreychuk: Thank you for the question, because it's one of the questions I posed to the originator of the bill.

I think we should start with the legal education in our universities first. We then should be training lawyers. We are highly specialized now, but I think it's important that lawyers have some generic basis to the foundation and philosophy of law. What I would envision and what this intends is some conversation between the judges and the continuing education in law societies to develop these courses and to make them available to people.

I hope that it is not seen as a stigma to take a course on sexual assault cases. It should be a duty; it should be an important information piece for all of our lawyers. They then would be equipped to be able to say, "I want to enter the field of the judiciary, and I'm coming equipped with the understanding of what's going on around me." I believe that's what it is.

The bill is crafted in such a way that it shows a direction of what we want in a policy, having heard from victims and from the community and from judges themselves. This is not coming out of the air.

I would hope that we've left the maximum discretion for the judiciary and for the lawyers to determine how best to do the education. As I said, the bill puts the emphasis on education as a preventative tool, so that we do not have the kinds of cases that seem to be popping up.

In the one case where a judge makes a finding and says, "I will give reasons," doesn't give them orally or written, and has to be found — alleged misconduct — one year later for not giving it, is this justice? I think some of the judges who have been caught up in these cases weren't out to make statements against victims. They weren't equipped, so the sooner we can equip them. That's why I have agreed with this bill, that it doesn't handcuff the judiciary to developing its own methodology, its own style, for the education. That's where it's well placed. But it is time that it be done in a more systematic way.

Senator Jaffer: Thank you. Senator Andreychuk, you've studied this bill a lot more than I have. My reading is that

before you are appointed, you have to have done the training. I'm sure there will be another opportunity to visit that.

I've heard a lot from the profession that everybody has to do this training, whether they're going to tax court, Federal Court or immigration court. Every person who applies to become a judge has to do the sexual assault training. There are two points there. One is that if you're going to tax court, you still have to do this training before you're appointed. The second is, why just stop at sexual assault training? For example, why not racism training? Why not trans people's training? Where does it stop? I have these two questions for you.

Senator Andreychuk: My short answer to you is that continuing education never stops. One of the difficulties, and I know this from family law, is that we set up a specialized court, but any number of lawyers have applied to be in that court and any number of judges move from one court to another. I think we're saying that it's a critical issue now and we believe that if you wish to be a judge you should take the training. It will be helpful to you in tax court also.

[*Translation*]

Hon. Renée Dupuis: Senator Andreychuk, I would like to ask you a question about this bill.

Is it appropriate to expect society to bear the cost of training someone after they have been appointed to the bench, when that person should have been given this training at the beginning of their law studies? We are talking about sexual assaults where the victims were always women. The newspapers are still talking about this.

How can we justify asking Canadians to pay for training on something as fundamental as a woman's right not to be discriminated against, especially women who are the victims of sexual assault? Why should Canadian society have to pay for this additional training, when it should be offered much sooner?

[*English*]

Senator Andreychuk: I'm not quite sure how to answer your question fully, senator. I believe that in all professions there is an element of training that should come with the profession. We have training courses here in the Senate. We're looking at more courses. I believe the public expects us to be well versed in our topics, whether we are judges, public servants, et cetera. There are professional training and continuing education courses, which the public bears throughout our society, and I don't see where the judiciary would be any different. This is why I say there should be some discussion about when continuing education starts.

I do know that in the profession lawyers are now obliged to take a number of courses, and, of course, they have to fund them. But when you get into what I think is one of the fundamental institutions of democracy, I think it is not unusual, nor is it a burden on the taxpayer, to ensure that we have well-qualified people who keep up to date because society changes so much. Criminal law, I've found, is different today than it was when I started, and I won't tell you what year that was.

• (1630)

It's a necessity as you get into the profession and it's a necessity when you're in the profession, so I can only say I think it is money well spent and routine in upgrading professions.

(On motion of Senator Pate, debate adjourned.)

SENATE MODERNIZATION

TENTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Cordy for the adoption of the tenth report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Nature)*, presented in the Senate on October 26, 2016.

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment in my name.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

STUDY ON THE STEPS BEING TAKEN TO FACILITATE THE INTEGRATION OF NEWLY-ARRIVED SYRIAN REFUGEES AND TO ADDRESS THE CHALLENGES THEY ARE FACING

FIFTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Cordy:
>
> That the fifth report, *Finding Refuge in Canada: A Syrian Resettlement Story*, of the Standing Senate Committee on Human Rights, deposited with the Clerk of the Senate on Tuesday, December 6, 2016, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Immigration, Refugees and Citizenship being identified as minister responsible for responding to the report, in consultation with the Minister of National Revenue.

Hon. A. Raynell Andreychuk: Honourable senators, first, I am going to apologize for speaking twice today. I think I have more voice today than I will have tomorrow. I also promised the chair and the deputy chair that I will move forthwith on this report.

I rise to make a few remarks regarding the fifth report of the Standing Senate Committee on Human Rights, *Finding Refuge in Canada: A Syrian Resettlement Story*.

Our committee chair, Senator Munson, and deputy chair, Senator Ataullahjan, expertly outlined the report's key findings earlier. They drew the Senate's attention to the fact that the report was a snapshot of some Syrian refugee experiences and their progress in establishing themselves here in Canada. The report also focused on the effectiveness of Canadian resources federally, provincially and locally in responding to the needs of incoming Syrian refugees.

Today, I wish to contribute some additional comments to our evolving discussion of Syrian refugee settlement in Canada. I would like to begin by acknowledging the work and dedication of all committee members who had their own expertise and their own experiences and engaged thoughtfully throughout this study.

As urban centres welcomed the largest number of Syrian refugees, our study targeted refugee experiences in Ottawa, Montreal and Toronto. Our study was completed by a fact-finding mission, which I believe drew attention to issues facing Syrian refugees in those cities, such as the high cost of housing, lack of employment opportunities and delays in accessing language training.

According to Immigration, Refugees and Citizenship Canada, there are over 350 Syrian refugee "welcoming communities" across the country, and this should be commended. The breadth of experiences and unique challenges faced by each of these communities fell far beyond the scope of our study. I would like to focus and bring the attention of senators to some additional issues facing Syrian refugees in other parts of Canada.

In August 2016, a study undertaken by the Rural Development Institute at Brandon University researched the experiences of Syrian refugees in five rural communities across Manitoba: Altona-Winkler-Morden-Carman, Steinbach, Dauphin, Portage la Prairie and Killarney. Respondents reported similar challenges to integration as those outlined in our committee report, including limited employment opportunities and affordable housing.

However, they also highlighted several unique challenges particular to their experience in rural communities. These included lack of public transportation, volunteer fatigue, feelings of isolation due to geographic location, and lack of religious and ethno-cultural diversity.

The experiences of Syrian refugees settling in rural areas may merit further study.

Small, rural communities are plagued by another challenge: low retention rates. In January 2017, the Atlantic Provinces Economic Council published a report which underscored low immigrant retention rates across the region. David Chaundy, author of the report stated:

> Although our immigration numbers are rising, we're still losing close to half of them over a five-year period.

To combat this growing trend, local governments must be equipped with the necessary tools and policies required to provide viable economic opportunities for newcomers.

Furthermore, as evidenced in our committee report, refugee experiences fluctuate dramatically across different settlement streams. Largely due to advanced language proficiency and higher levels of education, integration is reportedly less challenging for privately sponsored refugees.

As reported in a Canadian Press interview from March 2017, Dawn Edlund, Associate Assistant Deputy Minister of Operations at IRCC, stated that only 10 per cent of government-assisted refugees were employed. By contrast, she reported that over half of the privately-sponsored refugees had found employment. Our committee report reflects similar findings.

With the arrival of the so-called Month 13 and the conclusion of federal government support for refugees, a significant burden has been transferred to provincial and territorial governments. Provinces and territories home to larger numbers of government-assisted refugees may be disproportionately affected.

In Saskatchewan, for example, roughly 90 per cent of Syrian refugees admitted between November 4, 2015 and July 31, 2016 were part of the Government-Assisted Refugees Program. Within that same time frame, British Columbia welcomed approximately 72 per cent government-assisted refugees. By contrast, among those who arrived in Quebec, nearly 80 per cent were from the privately sponsored refugee program.

Based on statistics provided by Immigration, Refugees and Citizenship Canada, the *Globe and Mail* reported in January 2017 that the Quebec city of Trois-Rivières, as well as Moncton and Saint John, New Brunswick, welcomed the largest number of Syrian refugees on a per capita basis.

As Canada continues to move forward with an ambitious resettlement agenda, it remains critical to recognize these regional discrepancies and to account for these differences. We must account for these differences in the development of additional policy tools and strategies to assist local, provincial and territorial governments to overcome challenges and rectify barriers to integration across all regions.

I echo our committee's recommendation that the Government of Canada continue to provide appropriate resources to ensure the full integration of all Syrian refugees.

As of January 29, 2017, Canada had welcomed 40,081 Syrian refugees since the arrival of the first wave of refugees in November 2015. This marks a laudable response to the Syrian refugee crisis. However, international comparisons reveal that substantial work remains to be done to address the global refugee crisis.

The 2016 International Migration Outlook, published by the Organization for Economic Co-operation and Development, or OECD, ranked Canada 15 out of 30 countries in comparison of individual asylum requests. Based on data collected between May 2015 and April 2016, a per capita comparison revealed that Canada ranked 19 out of 30 countries. Our efforts were overshadowed by those of Germany, Italy, Austria, France and several Scandinavian countries.

In response to these and other findings, the 2016 OECD report called for an increase in resettlement efforts by all members of the international community.

OECD Secretary-General Angel Gurria proposed the following in a 2016 report launch:

• (1640)

> It is clear we need a bold, comprehensive global response to mass displacement.

As the global refugee crisis intensifies, Canada's commitment to refugee resettlement must remain unwavering. While our attention has focused on responding to the Syrian refugee crisis, there remains an urgent and apparent need to respond to the needs of all refugee groups.

Our committee heard compelling testimony from witnesses who expressed grave concern over the preferential treatment of Syrian refugees. While additional government resources were committed to expediting the resettlement of Syrian refugees, they reported that the needs of other refugee groups may have been marginalized.

Honourable senators, millions of men, women and children continue to languish in refugee camps across Africa and elsewhere, in desperate need of resettlement assistance.

In a written brief submitted to the committee, the Canadian Council for Refugees stated:

> Africa hosts fully a third of the refugees in need of resettlement, but they routinely wait as long as five years for Canada to process their application. Over 6,000 people in Africa are currently waiting for an answer from Canada.

According to Immigration, Refugees and Citizenship Canada, Canada received the largest number of refugee claims from Nigeria in 2016.

At a total of 1,492 claims, this marked an 88 per cent increase in Nigerian refugee claims from 2015 to 2016. Similarly, refugee claims from Eritrea increased by 172 per cent, rising from 288 to 782 individual claims in 2016.

The plight of all refugees must be met in Canada with a fair and balanced approach.

Once again, I want to underscore the valuable work of the Senate Human Rights Committee in drawing attention to the experiences of Syrian refugees in Canada.

This report builds on the committee's previous work, namely in 2015, which was entitled *Protecting a Generation: Are UNICEF and UNHCR Mandates Meeting the Needs of Syrian Children?*

With an estimated 65.3 million forcibly displaced persons worldwide, I trust that, on behalf of the Senate of Canada, the Human Rights Committee will continue to monitor these issues in an evolving global context and, I believe, do a service to the Canadian policy on refugees, to refugees and to the work of the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS ADOPTED

Leave having been given to revert to Government Business, Bills, Message from Commons, Order No. 2:

On the Order;

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate concur in the amendments made by the House of Commons to its amendments 1, 4(b), 4(c) and 4(d) to Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures;
>
> That the Senate do not insist on its amendments 2, 3, 4(a), 4(e), 5, 6, 7, 8, 9 and 10 to which the House of Commons has disagreed; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Claude Carignan: Honourable senators, I rise today to address the message from the Commons on Bill C-7. On June 20, 2016, during my presentation at second reading stage of Bill C-7, I concluded my speech with the following:

> Our late colleague, Senator Nolin, asked us to vote for better labour relations at the RCMP when Bill S-23 was being studied.

He said:

> . . . the members of the RCMP deserve that we should look into these serious problems that might, by the way, work against the primary objective of our national police force, which is to protect Canadians.

[*English*]

Bill C-7 deals with labour relations at the heart of one of the most important institutions in the lives of Canadians. The purpose of this bill, as amended, is to give RCMP officers the choice to negotiate such fundamental issues as occupational health and safety, equipment and elements of conduct, including harassment.

[*Translation*]

We therefore adopted a series of amendments in June 2016 regarding the basis for negotiations, or anything that could be part of the negotiations, the accreditation process, particularly secret ballot voting, and the interpretation provisions on arbitration. We also made a technical amendment to the bill.

[*English*]

The Senate gave this bill proper and due consideration, so much so that the government has set up a group of experts to study our recommendation.

[*Translation*]

As our colleague Senator Campbell said, Bill C-7 is a response to the decision rendered by the Supreme Court in 2015, which gave RCMP members and reservists the right to defend their interests though a collective agreement, if they so desired.

Overall, the amendments that we made to remove some of the exclusions to collective bargaining, such as evaluations, promotions, demotions, equipment, and harassment, were accepted by the other place, and I am pleased about that. Those are fundamental aspects of any collective bargaining process, and the government was right to listen to the Senate and its group of experts.

However, the government is refusing to include secret ballot voting in the certification process. By way of an explanation, the government is saying that secret ballot voting would go against the proposals set out in Bill C-4. The honourable Senator Campbell also told us the same thing on June 1. With all due respect for my colleague, I would like to humbly remind senators that the debate on Bill C-4 is not yet finished and that we cannot make any assumptions about the outcome of that debate.

In addition, I want to draw the chamber's attention to the fact that, just because we make a mistake on one bill — as we would be doing by rejecting the secret ballot voting in Bill C-4, if that happens — that does not mean we have to repeat that mistake *ad nauseam*.

I would remind honourable senators that I firmly believe that secret ballot is the best way in any labour organization to guarantee an informed vote, free of any and all interference, intimidation and pressure. I still do not understand why the government opposes this measure, one that really protects workers. One has to wonder whether large unions are their main advisors. As Einstein said, the definition of insanity is doing the same thing over and over again and expecting a different result.

I find it unfortunate that the government rejected that amendment.

[*English*]

With respect to the arbitration process, the government has decided to follow the recommendations of the Senate in part.

We recall the many witnesses who appeared before the National Security and Defence Committee. These witnesses strongly criticized the government's limitations on arbitral awards.

[*Translation*]

For instance, the government wanted to prevent arbitral awards from being issued, particularly in harassment cases. Yes, you heard me correctly, in harassment cases. In 2017, the government wanted to prevent negotiation and arbitration on something as important as harassment.

Honourable senators, I simply cannot understand how a minister could agree to include a provision that is so unfair and disrespectful towards the rights of RCMP officers.

One of the many witnesses who opposed this exclusion, the Mounted Police Professional Association of Canada, stated the following, and I quote:

> . . . this is without justification and forecloses the bargaining agent from facilitating a resolution to these current challenges facing the RCMP. Members need protection from workplace harassment, and an independent redress mechanism should be in place when situations of harassment occur.

The associations also oppose other restrictions imposed on arbitration, particularly regarding transfers, uniforms and equipment.

• (1650)

[*English*]

In short, the Senate has done a considerable amount of clearing to find in this very technical bill the most obvious legislative errors and the most ingenious technical camouflage attempts.

[*Translation*]

In a nutshell, the House of Commons sent us a bill that was a step backward, a bill that took away what the Supreme Court granted RCMP officers with respect to arbitration and collective bargaining. That is why I consider the House of Commons' concession to be a significant victory for the Senate and the product of outstanding teamwork on the part of Liberal, Conservative, and independent senators.

As for the interpretive provision we proposed, the government rejected it, even though it would have given future arbitrators in grievance proceedings more to draw on than just the collective agreement, which will be incomplete, at least initially. The purpose of the amendment was to provide as much protection as possible for the rights of police officers in their work environment. I am very disappointed that the government rejected this amendment despite its being a simple one that would have promoted healthy negotiation within the RCMP.

Lastly, honourable senators, we drafted a technical amendment to correct an error in the Public Service Labour Relations Act. Subsection 64(3) refers to paragraph 64(1)(*a*), which does not exist. Subsection 64(3) should refer to paragraph 64(1.1)(*a*). Obviously, the expert panel and the government did not understand our amendment. Here is the explanation we were given for its being rejected:

> The government has introduced legislation to repeal secret ballot provisions for other public servants in order to achieve balance in workplace relations, further proof of the government's intention to maintain a good-faith relationship with bargaining agents, including any future bargaining agents for RCMP members and reservists.

[*English*]

For example, honourable senators, it's like telling the Leader of the Government in the Senate, "Be careful! You have a flat tire," and the leader were to reply: "I don't care. My car is blue!"

[*Translation*]

I therefore invite the Senate to remind the House of Commons of this problem in the message it sends once the debate has concluded.

[*English*]

In closing, dear colleagues, I invite you to consider the gains made in improving Bill C-7, thanks to the good work of the Senate, and I invite you also to reflect on the government's stubbornness concerning problem areas in Bill C-7.

[*Translation*]

The bill we received in 2016 was very poorly drafted. We did everything we could to plug the holes in a bill that would have led to years of litigation. We did our best considering how flawed the bill was and how many amendments needed to be drafted. If we had a few more months, we could have corrected other inconsistencies in the bill, but time is short. I am pleased with the fair and balanced changes we made and I recommend that the government do a better job next time.

[*English*]

Finally, I would like to thank the Standing Senate Committee on National Security and Defence for its extraordinary work during the study of this bill. Its members can be proud of their work.

[*Translation*]

I also want to tip my hat to the RCMP, whose work to protect Canadians is extremely important. Their devotion and professionalism are only equal to their passion for serving and protecting.

[*English*]

Hon. Mobina S. B. Jaffer: Honourable senators, I too rise to speak on Bill C-7, which will provide the RCMP members with the union and the right to organize that they have been denied for over many years. Particularly, I rise to speak on the other place's response to the amendments presented here. I am particularly pleased that the other place has accepted our amendment to remove restrictions on what may be included in collective agreements and arbitral awards for the RCMP.

In my second reading speech, I spoke at length about the many areas that Bill C-7 prohibited as an area of discussion for RCMP bargaining agents. Each of these areas were central to the job, such as law enforcement techniques, transfers from one position to another, appointments appraisal, probation, discharges and demotions, conduct including harassment, the basic requirements for carrying out the duties of an RCMP officer or a reservist, the uniform, order of dress, equipment or medals of the RCMP.

During this case, the court ruled that the RCMP members deserved a meaningful process of collective bargaining — meaning that they could engage in discussions with their employer to talk about the parts of their job that mattered most to them. I truly believe this is the case now.

To explain why this is so important, I would like to focus on the issue of harassment, which can be an area of discussion now that our amendment has been accepted.

When we first examined Bill C-7, it was by far the one restriction that concerned me the most. In 2013, our Standing Senate Committee on National Security and Defence had already determined that sexual harassment was a huge problem within the RCMP. Between 2005 and 2011, 718 complaints were filed by employees, with well over half being from women that spoke of sexual harassment, bullying and abuse.

We also frequently hear horrifying stories in the news. There are women who receive unwanted sexual comments and contact, and are often unable to do anything about it because they risk losing their jobs if they speak out. In many cases, their superiors were

either involved or indifferent to the situation. There are women who are forced into sexual relationships, threatened that they have to accept if they wish to keep their jobs.

No one was safe, not even Catherine Galliford, who was one of the RCMP's highest profiled spokeswomen from my province of British Columbia. Ongoing harassment in the workplace forced her to accept medical discharge, as she struggled to deal with severe PTSD.

When we studied the issue of harassment from the RCMP, I became even further convinced that we had to address this issue.

We heard from three women who were involved in the class-action lawsuits against the RCMP: Janet Merlo, Linda Davidson and Sherry Benson-Podolchuk. Each of them had their own horror stories, and each of them was clear on one issue: The RCMP must not continue to handle this issue internally. Barring classic cultural change, this kind of harassment would continue if the RCMP does not have an external body to tackle this issue.

We were also told quite clearly that we must ensure that harassment be part of collective agreements. I would like to share Linda Davidson's answer when she was asked whether it was acceptable to exclude harass infringement Bill C-7, ensuring that these cases would only be handled internally. She said:

> No, absolutely not. . . . There needs to be an outside independent group of individuals who examine the wrong type of behaviour that's occurring.
>
> We cannot police ourselves, nor should we even try. . . . Bring in an independent body and definitely let them deal with it.

Now that this amendment has been accepted, I am pleased to say that the RCMP's collective bargaining agent may now act as another force to stand up against this horrifying issue. The members of the RCMP will have more support. This is an important first step toward creating the change needed to make the RCMP a harassment-free and safe workplace.

Honourable senators, I know of many young women who aspire to work with the RCMP. My own daughter-in-law works in the RCMP, and she always tells me what an honour it is for her and other women to work for the RCMP. It is our job to make sure that it is a safe place for all women to work in.

Honourable senators, many people are waiting for us to pass Bill C-7. The Supreme Court has given us the mandate to provide them with legislation that will allow the RCMP to unionize. Women members of the RCMP are waiting for a collective bargaining agent that will let them speak out against the issue of harassment.

• (1700)

The members of the RCMP who work hard every day, often risking life and limb to protect us Canadians from those who would harm us, are waiting on us to provide them with the means to improve their workplace, to make their workplace a safe environment.

Honourable senators, I ask you to join me in supporting this bill.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Harder, seconded by the Honourable Senator Bellemare, that the Senate concur in amendments — may I dispense?

Hon. Senators: Dispense:

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division.)

[*Translation*]

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

SEVENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Greene.
>
> That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Free Trade Agreements: A Tool for Economic Prosperity*, tabled with the Clerk of the Senate on Tuesday, February 7, 2017, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of International Trade being identified as minister responsible for responding to the report, in consultation with the Minister of Foreign Affairs.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I seek leave to again adjourn the debate. I have not quite completed my notes, but I will be ready shortly.

(On motion of Senator Bellemare, debate adjourned.)

[*English*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Hubley for the adoption of the fourth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Sessional Order*, presented in the Senate on March 7, 2017.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I move adjournment of the debate.

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

SCRUTINY OF REGULATIONS

SECOND REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Joint Committee for the Scrutiny of Regulations, entitled *Accessibility of Documents Incorporated by Reference in Federal Regulations*, presented in the Senate on March 30, 2017.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I move the adjournment of the debate.

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

Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

THIRD REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Joint Committee for the Scrutiny of Regulations, entitled *Marginal Notes of Federal Acts and Regulations*, presented in the Senate on March 30, 2017.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I move the adjournment of the debate.

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

Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

[*Translation*]

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

FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Official Languages, entitled *Horizon 2018: Toward Stronger Support of French-language Learning in British Columbia*, tabled in the Senate on May 31, 2017.

Hon. Claudette Tardif moved:

> That the fourth report of the Standing Senate Committee on Official Languages, entitled *Horizon 2018: Toward Stronger Support of French-language Learning in British Columbia*, tabled in the Senate on May 31, 2017, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage being identified as minister responsible for responding to the report, in consultation with the Ministers of Public Services and Procurement, Families, Children and Social Development, Innovation, Science and Economic Development, and Immigration, Refugees and Citizenship.

She said: Honourable senators, I would first like to pay tribute to all the senators on the Standing Senate Committee on Official Languages who participated in this study, including the new senators who joined the committee at the time the draft report was being considered. I would like to highlight the participation of the Honourable Senators Raymonde Gagné, Mobina Jaffer, Ghislain Maltais and Paul McIntyre, who attended the public hearings in Vancouver and Victoria in October 2016. That site visit and the public hearings proved to be a touching experience for us all.

I would like to extend my very sincere thanks to our analyst, Marie-Ève Hudon, who is an invaluable resource for our committee, thanks to her expertise and her tremendous professionalism, and to our clerk, Kevin Pittman, for his constant support and good advice. They both work to ensure that our committee runs smoothly.

I would also like to thank our communications officer, Geneviève Sicard, who was fully committed to our study, from start to finish, and set up our very successful press conference in

Vancouver. In addition, I sincerely congratulate the communications team on the quality of the communication tools and of the report.

My heartfelt thanks go to our colleague, Senator Gagné, who was also present at the press conference, for her support and her commitment.

On behalf of the committee, I express our gratitude to the 55 witnesses who participated in the public hearings in British Columbia and Ottawa. Their contribution was invaluable to our study. We were delighted to meet over 150 people during our on-site visits.

Honourable senators, on April 20, 2016, the Senate authorized the Standing Senate Committee on Official Languages to study the challenges associated with access to French-language schools and French immersion programs in British Columbia. This was why the committee traveled to Vancouver and Victoria in October 2016 to obtain an accurate picture of the opportunities for French-language learning in that province, knowing that it faces major challenges relating to both French-language schools and French immersion programs. We observed first-hand the scope of the challenges that the people we met are facing.

Honourable senators, what the members of the committee also took from their experience in British Columbia is the bold choice that some parents are making to have their children educated in French. We were impressed, too, with the passion of the teachers and the francophone and francophile leaders, who are determined to transmit the love of French and the desire to see it flourish to the younger generation. Looking beyond the enormous problems of access and lack of resources, we see the community actors' strong resilience and determination to ensure that French is fully recognized. We encourage them to persevere and we offer them our heartfelt thanks.

Education in French as a first language and French as a second language is very popular, and demand continues to grow year after year in British Columbia. Attendance at francophone schools grew by more than 75 per cent between 1997 and 2014, while demand for French immersion programs rose by 65 per cent over the same period. Unfortunately, the supply does not meet the demand.

In British Columbia, the struggle for equality in education and access to French second language programs plays out against a backdrop marked by a shortage of available places, non-existent or obsolete infrastructure, overcrowded schools, and often inadequate school transportation. In addition, the education continuum, from early childhood through post-secondary, is by no means assured. There is also a shortage of qualified teachers, and the funding does not increase at the same rate as enrolments. There are glaring, unfilled needs.

Honourable senators, allow me to describe the unbelievable situation of the francophone schools in British Columbia. Some schools admit more students than their actual capacity to accommodate them. In Vancouver, the Rose-des-Vents school houses 350 students in facilities originally designed for 200 students. In addition, it is estimated that in this large school catchment area, approximately 1,200 students could have the right to receive an education in French and to enrol in this school. The Anne-Hébert school was built for 250 students, but houses more than 400. In Victoria, Victor-Brodeur school accommodates more than 700 students in facilities designed 10 years ago for 500 children.

• (1710)

In addition, some French-language schools have to lease space in English-language schools. For example, Passerelle school in Whistler and La Vallée school in Pemberton occupy part of the premises in neighbouring English-language schools. At La Vallée, the students are placed in portable classrooms attached to the English-language school or in a community centre that is a 20-minute walk away. Even more astounding is the fact that the principal of the school does not have space to meet with students' parents, and the meetings have to be held in a public coffee shop.

As you can see, honourable senators, the very mission of the school is in jeopardy, since the local environment does not foster the transmission of French language and culture to the children. That is why expanding the schools or building new schools is one of the most urgent demands made by the Conseil scolaire francophone de la Colombie-Britannique.

Honourable senators, starting in 2010, the francophones of British Columbia have brought numerous actions in the courts to compel the provincial government to acknowledge its constitutional duties in respect of French first language education, as is guaranteed by section 23 of the Canadian Charter of Rights and Freedoms.

The Rose-des-Vents school case remains unresolved, even after the Supreme Court of Canada, in 2015, upheld francophone parents' right to have their children receive French first-language education and obtain an educational experience equivalent to what is provided to their counterparts in the majority schools. The Court showed that the educational services offered at the Rose-des-Vents school were not equivalent in terms of school infrastructure and the services offered, as compared to English-language schools.

In its September 2016 ruling, the Supreme Court of British Columbia recognized systemic problems with the funding of French first-language education. Because school transportation has been underfunded for a decade, the Court ordered the province to pay $6 million in damages to the Conseil scolaire francophone. Some aspects of that decision have been appealed by both parties.

With regard to French immersion programs, the parents and their children face insurmountable challenges, such as waitlists and lottery systems, the lack of nearby schools, a shortage of qualified teachers, and the lack of programs and opportunities to learn French at the postsecondary level. The shortage of programs means that some children are deprived of the benefits of learning another language and leads young people to abandon French because they are not able to envision their future in that language.

Honourable senators, our report, entitled *Toward Stronger Support of French-language Learning in British Columbia*, contains 17 recommendations that relate to five ministries to enable the federal government to honour its official languages commitments. It further calls on the government of British Columbia, with the support of the federal government, to work with French education stakeholders in implementing certain recommendations. The recommendations that are based on the experience of British Columbia apply to all Canadians who are in similar situations.

The conclusions and recommendations in our report are addressed to three groups: francophone schools, French immersion programs and the francophonie of British Columbia as a whole, including francophones and francophiles. The first group represents rights holders under section 23 of the Canadian Charter of Rights and Freedoms. They are francophone parents who are entitled to first language education for their children. In the course of our study, we learned that the francophone schools of British Columbia are attended by only about 25 per cent to 30 per cent of eligible children.

The second group is composed of residents of British Columbia whose right to instruction in French is not guaranteed by the constitution, but who want their children to study French as a second language or even as a third or fourth language. Demand for this is very high.

Part VII of the Official Languages Act also provides for support for the development of official language minority communities in Canada through positive measures.

[*English*]

The Official Languages Act outlines the federal government's obligation to fostering the full recognition and use of both English and French in Canadian society. The Canadian government, in collaboration with its provincial-territorial counterparts, must commit to supporting the learning of both official languages.

Our report targets four areas where action is needed: improving access to francophone schools, increasing bilingualism among young people, reviewing the funding mechanism and improving accountability, and supporting the vitality of French-language-minority communities.

[*Translation*]

Seven of our recommendations aim to ensure better access to francophone schools. I would like to present a few of those recommendations.

To improve access to francophone schools, the committee recommends that the federal government assist the Conseil scolaire francophone in acquiring federal lands that are 50 per cent owned by the Canada Lands Company, to meet its glaring needs for school infrastructure. We urge the Minister of Public Services and Procurement to intervene with the Canada Lands Company to provide for the acquisition of these lands to build two schools that will meet the needs of Vancouver's francophone community.

The testimony showed that more has to be invested in new infrastructure and in renovating existing infrastructure. It is urgent that the Minister of Canadian Heritage, in negotiating the new Protocol for Agreements on Education and the next multi-year official languages plan, conclude a special agreement with British Columbia's Ministry of Education to respond to the pressing infrastructure needs of the francophone community and guarantee the recognition of its rights under section 23 of the Canadian Charter of Rights and Freedoms and Part VII of the Official Languages Act.

Support for the development of a francophone linguistic and cultural identity, as well as student retention in the French-language school system, are key priorities. The committee has issued a call to action, asking the federal government to reconsider its recommendations outlined in June 2005, recommendations that remain relevant in 2017.

The Hon. the Speaker: I'm sorry, senator, but your time has expired. Would you like five more minutes?

Senator Tardif: Yes, I would like five more minutes, please.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Tardif: The recommendations include establishing a real continuum of minority-language education, from early childhood to the post-secondary level.

• (1720)

The programs offered in French in the province's post-secondary institutions should be expanded so that young francophones and francophiles can continue their education in French beyond high school. The Department of Canadian Heritage needs to allocate more funding to meet that need.

In preparation for the 2021 Census of Population, it is urgent that Statistics Canada design and test new questions on school attendance so that the Conseil scolaire francophone, the French school board, has useful projections for determining the number of students who would be eligible for such schools. Right now, the actual number of right holders is based on incomplete information. We need to take action, because the situation is critical.

The committee is asking the Minister of Canadian Heritage to commit to allocating more funding to the Intergovernmental Cooperation on Minority Language Education by 2018 for school infrastructure and transportation for French schools and post-secondary institutions so that French teachers have access to basic and ongoing training.

[*English*]

With regard to French immersion programs in B.C., parents who want their children to receive French second language education face major barriers. Waiting lists and lottery systems, the lack of nearby schools, a shortage of qualified teachers and

the lack of post-secondary opportunities in French are some of the barriers facing those wishing to attend French immersion programs.

Our committee recommends that the Minister of Canadian Heritage, in collaboration with British Columbia's Ministry of Education, ensure access everywhere and for everyone to French immersion programs in British Columbia and commit to increased and sustained funding for these programs.

One of the challenges related to access to French-language learning opportunities in British Columbia concerns the school enrolment of an increasingly diverse francophone and francophile population. Many francophone immigrants have settled in the province and want to give their children the opportunity to learn one of Canada's two official languages. However, testimony showed that there are gaps in the promotion of available French language education programs. Often the reception and integration services offered to immigrants are not available in French. Therefore, the committee recommends that the Minister of Canadian Heritage and the Minister of Immigration, Refugees and Citizenship in collaboration with British Columbia's Minister of Education ensure that French-speaking immigrants are well-informed on the opportunities to access French-language education in the province.

The Protocol for Agreements for Minority-Language Education and Second-Language Instruction with the provinces and territories will expire in 2018. The committee believes that solutions must be found to ensure that the use of funds is consistent with federal government objectives and community expectations.

Therefore, the committee recommends that the Minister of Canadian Heritage, in negotiating the next protocol for agreements on education, undertake to include more stringent provisions on money invested in federal-provincial-territorial agreements, and undertake field validations to follow up on the activity and financial reports received from the Ministries of Education in the provinces and territories, as recommended by the Commissioner of Official Languages.

[*Translation*]

Honourable senators, those are just a few examples of the recommendations set out in our report, entitled *Toward Stronger Support of French-language Learning in British Columbia*. This report was very well received at the press conference that Senator Gagné and I participated in last Wednesday. I would like to share some of the comments that we received.

Bertrand Dupuis, the superintendent of the Conseil scolaire francophone de la Colombie-Britannique said that our report was a gift for the school board and for francophones.

[*English*]

Canadian Parents for French, B.C. and Yukon branch, stated with regard to our report:

"Your recommendations match Canadian parents for French values."

The Hon. the Speaker: I'm sorry. Your time has expired again. Do you need another five minutes?

Senator Tardif: Two minutes.

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

Hon. Senators: Agreed.

[*Translation*]

Senator Tardif: The superintendent of the Division scolaire franco-manitobaine, Alain Laberge, expressed his appreciation as follows:

> . . . this type of report is essential to the survival of francophone and French immersion programs in our provinces and territories. The recommendations made by the committee are a salve for old wounds. I can unequivocally say that many of my colleagues will appreciate the work that you have done.

Marie-France Lapierre, chair of the Conseil scolaire francophone de la Colombie-Britannique, said the following, and I quote:

> The recommendations set out in the committee's report will certainly guide the progress of this file in the province. The French school board is grateful to have had the opportunity to contribute to the committee's project and welcomes it with the hope of a positive outcome for right holders in British Columbia.

We received a number of press releases, including that of the Association canadienne-française de l'Alberta, which commended the committee for its recommendation to modernize the census so that right holders are counted. In its press release, the Fédération nationale des conseils scolaires francophones said that it was thrilled with the recommendations set out in the committee's report.

In closing, honourable colleagues, the members of the Standing Senate Committee on Official Languages sincerely hope that the federal government takes note of our recommendations and works with the provincial government to implement them.

[*English*]

This is an opportunity for the federal and provincial governments to prove they are serious about addressing the problems present in British Columbia.

This year, Canada is celebrating the one hundred and fiftieth anniversary of Confederation, and 2019 will mark the fiftieth anniversary of the adoption of the Official Languages Act. There could be no more appropriate time for the federal government to commit to promoting Canada's two official languages and strengthening learning opportunities in British Columbia.

(On motion of Senator Gagné, debate adjourned.)

"SOBER SECOND THINKING" PROPOSAL

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the proposal put forward by Senator Harder, titled "Sober Second Thinking", which reviews the Senate's performance since the appointment of independent senators, and recommends the creation of a Senate business committee.

Hon. Stephen Greene: Honourable senators, as I was saying to the Prime Minister at dinner . . .

Some Hon. Senators: Oh, oh!

Senator Greene: Actually, I did say something to him, to which those of you who were there can attest. I told the Prime Minister that he should embrace a key principle in his treatment of the modern Senate and modern senators; that is that he should treat all of us equally, no matter what caucus we sit in, no matter what party we come from, and no matter if we are independent or not, because this place can't function properly without the equality principle in full.

• (1730)

I rise to participate in Senator Wallin's inquiry, calling attention to the proposal put forward by Senator Harder, entitled *Second Sober Thinking*, which reviews the Senate's performance since the appointment of independent senators and recommends the creation of a Senate business committee.

This is a very well-timed and important inquiry, since it concerns the structure of debate in a modern independent Senate populated mostly by independent senators, and I thank Senator Wallin for launching it.

In many ways I consider this to be my maiden speech 2.0. I delivered my first maiden speech on February 10, 2009, about two weeks after my induction into this great institution.

Although my career as a modernizer essentially began in 2015, there were signs of it in that maiden speech of 2009. For example, I said:

> I believe first and foremost in ideas. I don't care where they come from or who gives them to me. Sometimes this gives the impression that I am more non-partisan than partisan, but that would be mistaken. Six years of experience in the chamber later, my thoughts on the nature of partisanship were more refined. As I said on May 12, 2015:
>
> Political parties play an essential role in our democracy. They help you organize your beliefs around an actionable ideology or plan. They aid in consistent thinking. They create governments. And it should be the right of every senator to belong to one.
>
> But partisanship, essential to election campaigns, forming governments and maintaining them in the House of Commons is a different matter when it comes to the Senate. Partisanship interferes with our role of sober second thought, the practice of which is why we have a Senate.

That's what I believed in 2015, and I believe it even more now.

What is the impact of partisanship in this chamber? This is very hard to pin down, although I believe it affects both the structure and outcome of debate. I believe that when normal political action becomes partisan, the Senate suffers.

And when there is alignment or attempted alignment by a Senate caucus to be a so-called team player with a political caucus in the other place, to serve a political view from the other place or to reflect a leader's wishes in the other place, the Senate suffers, and Canadians immediately question our relevance.

For when you sign up to be a senator, the Senate becomes your team and other senators become your teammates, and it is the Senate and the Monarch and, by extension, the people of Canada to whom you owe allegiance, not to someone or a caucus of people in the other place.

So today, in the context of a debate that we are having over the Westminster system, I wonder if it is a phony debate, an irrelevant debate and perhaps even a dangerous one.

There is no question that we have a Westminster system operating in Canada, but I say "a Westminster system," rather than "the Westminster system," because there are many variants of Westminster systems operating around the world.

Some, such as in Scotland and New Zealand, are unicameral, which means one house, not two, yet they are still Westminster systems. A comparative study of Westminster systems will show that, while lower houses are fairly consistent in design, this is not the case for upper houses like our Senate.

We must not worry or get all excited if a rule change that will make us better finds no reflection in the House of Commons.

So what I would like to see coming out of the Westminster debate that we're having is two things. First, we accept that our lower house must not control, impede or unduly influence the deliberations of our upper house, the Senate. And second, we accept that we are working in an era of change, in an almost revolutionary moment, where things were pretty much the same in this institution for about 148 years and very different in the last two. Thus, our current rules must not be considered to be cast in stone, just as the new rules we make must not be so considered. Let's let things evolve.

We must also not worry whether the rules of this chamber reflect the rules of the other place. That many don't and are unique to the Senate in many places in our operations already is a

good clue that we have the flexibility in this chamber to design our own rules to suit our job of sober second thought, which is a different job than they have in the House of Commons.

Similarly, we should not worry about whether we have a so-called official opposition, because we have already accepted that there is no government caucus. I note that in our rules there is no such thing as official opposition in the Senate, and there never has been. There must be no advantages or privileges given to any group or senator that other senators don't have. This is especially the case in the context of debate.

No government has ever liked the pace of Senate debate, so there is nothing unusual or shocking by what Senator Harder presented in his notorious paper. If ever a government liked the pace, I would question whether the Senate was doing its job.

It is my belief that the core of the debate surrounding a business committee should not be about efficiency alone. If we can't make debate better, more revealing, more productive, more persuasive and more accessible to Canadians, why change what we've got? The answer is that I believe we can make debate better, more revealing, more productive, more persuasive and more accessible to Canadians, and we can do so by extending the role of a very simple mechanism that is familiar to us all.

To outside observers, the Senate's calendar and daily routine of business may look like it is from another planet. For those who feel that the programming of debate would lead to efficiencies — and it certainly might — I would argue that if the programming is too tight, it could also diminish opportunities for sober second thought.

In examining various forms of scheduled debate, whether in the other place or elsewhere, it must be remembered that in each instance, models were constructed for each unique national situation. In our case, we do not always know when legislation will be introduced in our chamber. Much of our agenda is an afterthought or a response to the primary chamber, the House of Commons. So if we don't know when legislation will arrive in this place, pre-programming our debate before it arrives is difficult.

Second, governments, so it appears, often don't give Senate deliberation much of a thought in designing the house calendar beyond the expectation that their bill would pass the Senate somewhat immediately. Trying to cram a Senate timeline into one expected by the government would be highly self-defeating and would never work.

Third, and more important, an imposed timeline could, in my opinion, lead to a more partisan chamber. Rather than allow debate to proceed and grow with intelligent competing arguments, tightly scheduled debate could, and likely would, lead to so-called canned responses. We see this in the other place where a mover stands to make the case for a bill, and then immediately afterwards, the respondent for another caucus speaks but does not really respond to what was just said. In other words, there is no real debate, only aggressive point-making, because responses are written ahead of time whereas in the Senate, a respondent may take the adjournment and return later to give a fulsome response to the mover, rather than offer pre-generated talking points. This, in my view, is the true value of Senate debate, which must be not be sacrificed on the altar of efficiency.

Fourth, another consequence of tight pre-programming could be a weakening of Senate committees. Our committees are known as the heart and soul of our legislative work and our public policy and probative roles. If the Senate, either by way of a programming motion or decision of a business committee, were to set a timeline for all stages of a bill, this would presumably include committee stage. One of the features of our committees is that they are the masters of their own affairs. We would, in essence, be telling committees to cease work on a certain policy study in order to handle legislation before a certain date. And while legislation does take priority in committee, it is the committee that determines how best to manage its time and commitments.

Surely, if an important witness on a policy study is available only at a certain time and date, any committee should have the flexibility to adapt to that circumstance. The committee's access to expert testimony could conceivably be compromised if the committee was on the clock.

So rather than a business committee of the type envisioned by Senator Harder, I would like to propose, for lack of a better word, what I called a super scroll, which, in effect, is a kind of halfway house to a business committee.

As senators know, the various deputy leaders and scroll managers meet daily to map out the day's business, including statements, presentation of reports, notices of motion and, most important, what bills will be debated and by whom. It's hard to imagine the Senate proceeding with any level of efficiency on a daily basis without the Order Paper and the scroll of business that comes from both that and the daily scroll meetings.

But imagine if we could take the central idea of a scroll one step further and plan out future business over a longer period than a single day. I am imagining the creation of a weekly super scroll meeting, in addition to the daily scrolls, that would attempt to plan the work of the Senate over a rolling four- to six-week period. The objective would certainly not be to plan the entire progress of a bill, but rather to offer a guide to all senators, and perhaps even to the general public, of a bill's likely progress, one stage at a time.

I mention the general public because I would want the results of these super scroll meetings to be posted on the web so that viewers, when we adopt television in our new place, would be able to follow debate properly and could tune in to the debates that interest them. In this context, the super scroll's web presence would be updated weekly, following each super scroll meeting.

So how would the super scroll concept work in practice? When a bill is introduced, at the next super scroll meeting the various representatives from the caucus groups would meet to try and agree to complete the first stage of a bill by a certain date, likely the next extended break of a week or more. So if we receive a bill, say, at the end of January, there could be a general agreement to deal with the first stage of the bill before the February family break, a timeline of approximately three weeks. That would allow for time, I believe, for a mover to speak and for responses to be made by other senators.

If it turns out that more time is needed because of increased interest or discovery of a hidden issue, then agreement could be

made to deal with the legislation before the following recess, in this case, the March family break.

But in each instance, such a bookended timeline would only apply to one stage. There would be no attempt to program a bill beyond one stage at a time. But step by step, stage by stage, the progress of a bill would be scheduled. Scheduling should probably only apply to government legislation.

• (1740)

Of course, if a bill fails to meet its timeline, there may be accusations of stalling or unjustified obstruction. Obstruction in and of itself is not wrong; it's a tool available to all senators, not just to those who oppose the specific legislation. But, like any tool, it can be used without justification. If it happens, the Government Representative could rise at the end of the previously agreed time and move a motion of time allocation. If a majority of senators are supportive, presumably because the timeline was agreed to by their various representatives, then debate shall be brought to a close and a vote on that stage shall be held. Time allocation should not be looked upon as a guillotine but rather a tool to bring about decision, just as the filibuster can be justifiably used as a way to draw attention to a matter before the Senate for debate.

My proposal may or may not shorten debate, but the presentation of a schedule should encourage debate. It will focus the attention of senators. It will preserve the reality of the Senate as a complementary chamber with an organic debate structure while allowing for some structure without taking away the right of any senator to be heard. It actually strengthens that right because it gives senators better notice of impending debate.

Structure would enable senators to plan their own contribution better to the progress of a bill through speaking in the chamber, raising concerns in committee or working with like-minded senators on raising issues with proposed legislation. Structure would also make Senate debate more accessible to the general public.

I believe that we have to move quickly on modernization issues generally, of which this idea is one, because the clock is ticking on the Senate. Over the last 10 days, we've seen that the Constitution is once again up for public discussion. Whenever this has occurred, the Senate has always been dragged into it. It's impossible to foresee what will play out, except that we know we are on a less stable popular footing than any other legislature in Canada.

Beyond the Constitution, there are some groups, some provinces, some politicians and some Canadians who believe that we are irrelevant. There are certainly politicians who like to criticize us if there is political gain, even short-term gain. I would not be surprised if in 2019 there is more than one federal party that offers in its platform a referendum on Senate continuance.

How can we combat or prevent this? We can do nothing overt. All we can do is deliver to Canadians the most modern and most useful upper house in the world.

(On motion of Senator Bellemare, debate adjourned.)

PRINCE EDWARD ISLAND LITERACY

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Inquiries, Order No. 14:

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the current state of literacy and literacy programs on Prince Edward Island, including the need for federal support of the PEI Literacy Alliance.

Hon. Jane Cordy: Honourable senators, under Inquiries, Order No. 14 is adjourned in the name of Senator Housakos. I've spoken to Senator Housakos, and he doesn't intend to speak for the balance of his time, so I would like to move the adjournment of the debate.

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

Hon. Senators: Agreed.

(On motion of Senator Cordy, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

CONTENTS

Tuesday, June 6, 2017

PAGE

SENATORS' STATEMENTS

Cubes in Space
Hon. Pamela Wallin 3240

Visitors in the Gallery
The Hon. the Speaker 3240

Stroke Month
Hon. Terry M. Mercer 3240

The Honourable Jack Austin, P.C., C.M., O.B.C.
Congratulations on Honorary Degree from Simon Fraser University.
Hon. Yuen Pau Woo 3241

Visitors in the Gallery
The Hon. the Speaker 3241

The Late Greg MacLeod
Hon. Daniel Christmas 3241

Visitors in the Gallery
The Hon. the Speaker 3242

The Senate
Tributes to Departing Pages.
The Hon. the Speaker 3242

ROUTINE PROCEEDINGS

Budget Implementation Bill, 2017, No. 1 (Bill C-44)
Fourteenth Report of Social Affairs, Science and Technology Committee on Subject Matter Tabled.
Hon. Kelvin Kenneth Ogilvie 3242
Sixteenth Report of Legal and Constitutional Affairs Committee on Subject Matter Tabled.
Hon. George Baker 3243
Twelfth Report of National Security and Defence Committee on Subject Matter Tabled.
Hon. Daniel Lang 3243

Canada-Japan Inter-Parliamentary Group
Bilateral meeting, January 23-29, 2017—Report Tabled.
Hon. Paul J. Massicotte 3243

National Security and Defence
Notice of Motion to Authorize Committee to Meet during Sitting of the Senate.
Hon. Daniel Lang 3243

QUESTION PERIOD

Official Languages
Madeleine Meilleur—Language Proficiency.
Hon. Larry W. Smith 3243
Hon. Peter Harder 3244

Justice
Legalization of Marijuana.
Hon. Pierre-Hugues Boisvenu 3244
Hon. Peter Harder 3244

PAGE

Official Languages
Candidate Review Process for Commissioner of Official Languages.
Hon. Thanh Hai Ngo 3244
Hon. Peter Harder 3244

International Trade
Softwood Lumber.
Hon. Ghislain Maltais 3245
Hon. Peter Harder 3245

Official Languages
Bilingual Status for Canadian Cities.
Hon. Rose-May Poirier 3246
Hon. Peter Harder 3246

Delayed Answers to Oral Questions
Hon. Peter Harder 3246

Justice
Recovery of Sponsorship Funds.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer) 3246

Public Safety
Protection of Journalists.
Question by Senator Pratte.
Hon. Peter Harder (Delayed Answer) 3247

National Defence
Taxable Measures for Armed Forces Members in Kuwait.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer) 3247

Foreign Affairs
Canada-U.S. Relations—Role of Canada in Syria.
Question by Senator Day.
Hon. Peter Harder (Delayed Answer) 3247

Justice
Preliminary Hearings.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer) 3247
Judicial Appointment Process.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer) 3248

Immigration, Refugees and Citizenship
Refugee Claims.
Question by Senator Enverga.
Hon. Peter Harder (Delayed Answer) 3248

Finance
Infrastructure Projects.
Question by Senator Marshall.
Hon. Peter Harder (Delayed Answer) 3248

Foreign Affairs
Early Enforced Marriage.
Question by Senator Boisvenu.
Hon. Peter Harder (Delayed Answer) 3249

Public Safety
Sexual Assaults on University Campuses.
Question by Senator Martin.
Hon. Peter Harder (Delayed Answer) 3249

Status of Women
It Starts with One—Be Her Champion Campaign.
Question by Senator Raine.
Hon. Peter Harder (Delayed Answer) 3249

PAGE

Immigration, Refugees and Citizenship
Asylum Seekers.
Question by Senator Wallin.
Hon. Peter Harder (Delayed Answer). 3249

Public Safety
Legislative Review—Human Rights.
Question by Senator Jaffer.
Hon. Peter Harder (Delayed Answer). 3250

International Development
Funding for United Nations Relief and Works Agency for Palestinian Refugees.
Question by Senator Ngo.
Hon. Peter Harder (Delayed Answer). 3250

Finance
Budget 2017—Royal Canadian Navy—Shipbuilding.
Question by Senator Lang.
Hon. Peter Harder (Delayed Answer). 3250

National Defence
Canadian Armed Forces—Office of the Ombudsman.
Question by Senator Wallin.
Hon. Peter Harder (Delayed Answer). 3251

Agriculture and Agri-Food
Canadian Food Inspection Agency—Food Imports.
Question by Senator Carignan.
Hon. Peter Harder (Delayed Answer). 3251

National Revenue
Small Seasonal Campgrounds—Small Business Tax Rate.
Question by Senator Lankin.
Hon. Peter Harder (Delayed Answer). 3251

Natural Resources
Spruce Budworm Control Initiatives.
Question by Senator Maltais.
Hon. Peter Harder (Delayed Answer). 3252

Health
Social Isolation Among Seniors—New Horizons for Seniors Program.
Question by Senator Martin.
Hon. Peter Harder (Delayed Answer). 3252

Finance
Charitable Organizations.
Question by Senator Bovey.
Hon. Peter Harder (Delayed Answer). 3252

ORDERS OF THE DAY

Bill to Amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and Other Acts and to Provide for Certain Other Measures (Bill C-7)
Message from Commons—Motion for Concurrence in Commons Amendments and Non-Insistence Upon Senate Amendments—Debate Continued.
Hon. Vernon White 3253
Hon. Jean-Guy Dagenais 3253
Hon. Daniel Lang 3254
Hon. Percy E. Downe. 3255
Hon. Yonah Martin 3255

PAGE

Canadian Human Rights Act
Criminal Code (Bill C-16)
Bill to Amend—Third Reading—Debate Continued.
Hon. Wanda Thomas Bernard. 3255
Hon. Jane Cordy 3256
Hon. Yonah Martin 3256
Hon. Ratna Omidvar 3257
Hon. Mobina S. B. Jaffer 3257
Hon. Claudette Tardif (The Hon. the Acting Speaker). 3259

Rouge National Urban Park Act
Parks Canada Agency Act
Canada National Parks Act (Bill C-18)
Bill to Amend—Third Reading—Debate Continued.
Hon. Diane Griffin. 3260

Speech from the Throne
Motion for Address in Reply—Debate Continued.
Hon. Daniel Christmas 3263

National Strategy for Alzheimer's Disease and Other Dementias Bill (Bill C-233)
Third Reading—Debate Adjourned.
Hon. Carolyn Stewart Olsen 3263

Judicial Accountability through Sexual Assault Law Training Bill (Bill C-337)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. A. Raynell Andreychuk 3264
Hon. Mobina S. B. Jaffer 3266
Hon. Renée Dupuis 3267

Senate Modernization
Tenth Report of Special Committee—Debate Continued.
Hon. Yonah Martin 3267

Study on the Steps Being Taken to Facilitate the Integration of Newly-Arrived Syrian Refugees and to Address the Challenges They are Facing
Fifth Report of Human Rights Committee and Request for Government Response Adopted.
Hon. A. Raynell Andreychuk 3268

Bill to Amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and Other Acts and to Provide for Certain Other Measures (Bill C-7)
Message from Commons—Motion for Concurrence in Commons Amendments and Non-Insistence Upon Senate Amendments Adopted.
Hon. Claude Carignan 3269
Hon. Mobina S. B. Jaffer 3271

Study on Issues Relating to Foreign Relations and International Trade Generally
Seventh Report of Foreign Affairs and International Trade Committee and Request for Government Response—Debate Continued.
Hon. Diane Bellemare. 3272

Rules, Procedures and the Rights of Parliament
Fourth Report of Committee—Debate Continued.
Hon. Yonah Martin 3273

Scrutiny of Regulations
Second Report of Committee—Debate Adjourned.
Hon. Joseph A. Day. 3273
Third Report of Committee—Debate Adjourned.
Hon. Joseph A. Day. 3273

PAGE

Study on the Challenges Associated with Access to French-Language Schools and French Immersion Programs in British Columbia

Fourth Report of Official Languages Committee and Request for Government Response—Debate Adjourned.

Hon. Claudette Tardif 3273

PAGE

"Sober Second Thinking" Proposal

Inquiry—Debate Continued.

Hon. Stephen Greene 3277

Prince Edward Island Literacy

Inquiry—Debate Continued.

Hon. Jane Cordy 3279

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