



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 63

OFFICIAL REPORT
(HANSARD)

Wednesday, October 19, 2016

The Honourable GEORGE J. FUREY
Speaker

CONTENTS

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

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Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, October 19, 2016

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

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE JIM PRENTICE, P.C.

Hon. Douglas Black: Honourable senators, I rise today to add my voice to the tributes being paid to my dear friend Jim Prentice.

Crowsnest Pass, Alberta, is nestled in the beautiful, remote and rugged southwest corner of our province. Its location far from cities and commercialization has bred proud, independent and resilient folks: the bedrock of Canada — people who know who they are and don't need to tell you.

The core of light in the Crowsnest is family: deep, loyal and honest connections to those you love and those who love you. Jim Prentice was a son of the Crowsnest.

We know and have heard so much about Jim's political life. I hope to share with honourable senators what I have experienced about Jim's family life and its impact on him.

My family and the Prentice family have been close for 20 years. Like so many families, we became friends through our kids at school. We don't think of Jim; we think of Jim and Karen. Together they raised three outstanding daughters and built a meaningful life of contribution to church and community in Calgary.

As we all know in this chamber, nothing in politics can be achieved alone. Family love, support and advice are essential. Karen was Jim's most ardent and loyal supporter. She was at his side through all his political endeavours, beside him in good days and rough days. She believes, like Jim did, that public service is important and that those of us who have benefited so tremendously from our communities have a responsibility to give back.

It is through Jim and Karen's daughters, Christina, Cassia and Kate, and their two sons-in-law and two grandchildren that the real strength of family shines through. It's fair to say that Jim's girls moulded him as much as he moulded them. The girls have a deep social awareness and a view of what is best for Canadian communities. They rarely hesitated in sharing their thoughts with their dad, always to Jim's benefit.

In this regard, I think of the contribution that Jim made to the arts in Canada, something that very few people know of. Jim and Karen's daughter Kate is a gifted visual artist with a strong view of the role and the importance of arts and arts education in building rich, generous and inclusive communities.

I know that because of this strong influence, Jim and Karen have become influential supporters and advocates for the arts. Jim's strong push to establish a national portrait gallery of Canada and his key support for the Government of Canada's fundamental donation of \$25 million to the Banff Centre stand as a testament to this family's influence.

As well, Jim's early support for same-sex marriage and the appointment of many highly qualified women to fill government boards further outlines this connection.

It was Jim's family who motivated him, supported him and kept his feet firmly on the ground.

My memory of Jim will be bookended by personal images. In 2003, Jim at Cassia and our son's high school graduation — as our designated photographer — catching lasting images of proud parents and our kids as they set out on bold adventures.

And just three months ago at Jim's sixtieth birthday celebration, Karen and the girls regaling us with stories filled with love, humour and gentle pokes.

We were all so happy for Jim and Karen, excited to be part of the next great chapter. We all enthusiastically urged Jim to stand and respond, to share some stories. He stood up, dried a tear and told his family and his friends how much he loved them, and he quietly sat down.

THE LATE HONOURABLE JIM PRENTICE, P.C. THE LATE JIM KRUK THE LATE SHELDON REID THE LATE KEN GELLATLY

Hon. Elaine McCoy: I am adding my voice to that of Senator Black's and, I believe, Senator Unger's, who is also thinking to speak.

On behalf of all Alberta senators, we are devastated by the tragedy that occurred last week when the small plane crashed on its way home to Calgary with not only our good friend — I have also known Jim Prentice, former Premier of Alberta, for many years — but three others.

We want also to pay tribute to the pilot, whose name was Jim Kruk, a retired RCMP officer who had flown for 40 years and was well-known for his dedication and almost obsession with the safety of flying. It was also his passion. He also was killed and left a young family: two young boys, who are following in his footsteps as pilots, and a wife. We honour him today as well.

Another man who was with him was Sheldon Reid. Although none of us personally knew him, his friends have spoken highly of him. He came from the oil patch and the tech sector in Calgary. He then branched into international business. He also leaves a young son behind. We honour him today as well.

The other person I did know. I knew him probably as long as or longer than I knew Jim. That's Ken Gellatly. I want to speak personally about Ken.

Ken was a man who also was devoted to his family — a son and daughter and his wife — to his profession and to his community. He was very much involved in his community. I first got to know him because he was a supporter when I was running for the nomination in Calgary West. He then supported me faithfully ever after when I was in politics.

He also pursued his passion as a professional. He was an optometrist. He studied for six years to become an optometrist. At that time in Alberta, our rules and regulations stipulated that optometrists had a limited practice area, notwithstanding they studied the eye for longer than any other health professional did. The ophthalmologists had a lock on the professional practice area. Unflinchingly, Ken worked for 10 years to bring about a change of regulation so that the optometrists and the ophthalmologists became partners and collaborators.

• (1410)

He worked with MLAs; he worked with ophthalmologists; he worked with others in the health professions, until such time as they actually pioneered, for all of Alberta, a system where the diagnosis could be done in an optometrist's office, and within minutes over the computer that information would be received by an ophthalmologist, and so there was no delay between surgical intervention and other interventions on the eye.

Although he wasn't in the public eye so much as others, Ken Gellatly stands as a giant among men as well. The true measure of a person always is whether he gave more than he took away, and certainly we can say that Ken Gellatly left a legacy for Alberta, and we thank him for all he did for us.

THE LATE HONOURABLE JIM PRENTICE, P.C.

Hon. Betty Unger: Honourable senators, like so many Albertans, I was shocked and deeply saddened to learn of the tragic death last week of the Honourable Jim Prentice. I didn't know Jim well, but his reputation as being highly respected, hardworking and accomplished was well known to me.

Jim was born in Ontario and became an Albertan in 1969 when his family moved west. In 2002, he entered federal politics as the nominee for the Progressive Conservative Party in Calgary Southwest. But when Stephen Harper won the leadership of the Canadian Alliance, Jim graciously stepped aside to make room for the future prime minister to return to Parliament. Stephen Harper later said:

This was a reflection of his dedication to the conservative cause and to conservative unity, of which he would become a champion at both levels of government.

Indeed, Jim would go on to work tirelessly for the unity and success of the Canadian Conservative family. In 2004, he was

elected as the Member of Parliament for Calgary Centre-North and was reelected in both 2006 and 2008.

During his tenure as a member of Parliament, Jim served many key roles, including Minister of Indian Affairs and Northern Development, Minister of Industry, Minister of Western Economic Diversification and Minister of the Environment. After announcing his retirement from federal politics in 2010, he held a senior position with CIBC for four years.

In 2014, after seeing the critical need for unity amongst provincial Conservatives in Alberta, Jim made a successful bid for the leadership of the PC Party and became the sixteenth Premier of Alberta.

Albertans remember this time well. Many believed in Jim Prentice and in his leadership abilities to reunite Alberta's fractured Conservative voters. But despite his tireless efforts, it was not to be. Following an election loss, Jim resigned from the Alberta legislature.

But his work for Alberta and Canada did not cease. While a Visiting Global Fellow at the Wilson Center's Canada Institute in Washington, he coauthored a book entitled *Triple Crown*. In the book he made a powerful case for taking back control of our energy resources and the need for pipeline construction.

Jim will not be forgotten. Although his life was cut short by tragedy, his voice has not been silenced. He will be remembered as a strong voice for all Canadians, who, along with his beloved family, sadly mourn his untimely passing.

Hon. Donald Neil Plett: Honourable senators, I would like to add my voice to offer condolences. I am not from Alberta, but I certainly was a very good friend of Jim Prentice, and I want to offer my condolences to Karen, Cassia, Christina and Kate, and to Jim and Karen's two grandchildren.

I met Jim Prentice at the last federal PC convention. I was there as the President of the Alliance Party of Canada, as an observer. There I was at the PC convention, and I found myself campaigning for Jim Prentice on the floor of the convention for him to win the leadership. That leadership was ultimately won by Peter MacKay, and Jim continued his work in unifying our party. He ran as a unity candidate when he ran for that election.

As has already been said by Senator Unger, Jim Prentice then won the nomination as a PC candidate in Calgary Southwest and stepped aside for our future Prime Minister showing the unity that he had.

Jim and I were very close friends in the years of my presidency in the Conservative Party of Canada. We didn't always agree with each other. Senator Black mentioned the same-sex marriage that Jim was passionate about. Jim and I had words on that issue, and yet we found that when the vote was done, we continued to work together because we had an ultimate goal and an ultimate purpose.

As has been said in a campaign south of the border, you cannot fake good children, and I believe that to be the case with Jim Prentice as well. What a great tribute Jim has in his three girls and

two grandchildren. Cassia, of course, has a double loss in losing both her father and her father-in-law.

But Jim's legacy will continue.

I want to echo what Senator McCoy said. There was not one life lost here; there were four lives lost. We need to pay tribute. When we read the papers, we read about the devastating tragedy of Jim Prentice losing his life. Four other lives were lost.

I was travelling with Senator Harder in Ukraine when I received an email while I was in a car. I received the email from my office that the tragedy had happened.

I think we can collectively, on all sides of this chamber, say that four souls went to heaven that day, and four families are grieving today. I simply want to offer my very best wishes to Karen and her family. I want to offer my best wishes to Albertans who have lost a great leader and to Canadians who have lost a great leader. On behalf of my wife and me, God bless.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Neil Reeder, former Ambassador of Canada to the Republic of the Philippines, and his wife Irene. They are the guests of the Honourable Senator Enverga.

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

Hon. Senators: Hear, hear!

THE HONOURABLE DENNIS GLEN PATTERSON

COMMENTS OF SENATOR

Hon. Lillian Eva Dyck: Honourable senators, three weeks ago, Rebecca Kudloo, President of Pauktuutit, and Elisapee Sheutiapik, President of Qullit Nunavut Status of Women Council, called for Senator Dennis Patterson to apologize for accusing them of racism. In the National Observer on September 21, Senator Patterson equated his experiences as a non-Inuk senator to that of Qajaq Robinson, a non-Inuk commissioner on the national inquiry panel into missing and murdered indigenous women and girls. He opined that his political experience and expertise in Nunavut, as well as his personal experience living and hunting with Inuit, are considered by some as irrelevant to his qualifications as Nunavut's senator. He wrote: "They cannot look past the colour of my skin."

Senator Patterson also wrote:

... I am very wary of using the term 'racism' to criticize any actions or beliefs.

But I believe that unfortunately racism is exactly what is motivating Pauktuutit, Canada's national Inuit women's association, and the Qullit Nunavut Status of Women

Council to condemn the recently announced appointment of Qajaq Robinson as a commissioner to the National Inquiry into Missing and Murdered Indigenous Women and Girls.

• (1420)

He also wrote:

It is sad to see organizations representing Inuit women condemn Qajaq Robinson solely based on her race, minimizing her stellar qualifications and achievements.

Furthermore, Senator Patterson wrote:

To overlook her intimate knowledge of Inuit, her experience with the justice system and her knowledge of the law is to say that race — bloodline — is the primary requirement for a competent commissioner. That is racist and deplorable.

Honourable senators, these women leaders had not condemned Ms. Robinson, nor made any derogatory comments about her race. They did not question her credentials, but they did ask for an Inuk woman to be added to the panel in addition to Qajaq Robinson and the other non-Inuit commissioners. Ms. Kudloo stated:

This is not in any way personal. For this inquiry to be meaningful to Inuit it must be led by Indigenous women, including us Inuit women. This is to me a fundamental matter of principle, equality and trust.

Ms. Sheutiapik stated:

Shame on him as a senator to make this a race issue — it's not.

Honourable senators, the request by the Inuk women leaders for an Inuk woman commissioner is not racist, just as it is not sexist for them to ask for a woman commissioner. The commission's mandate is to look at the missing and murdered Inuit women of Canada, and it is natural for Inuit women to have one of their own to represent their views and experiences on the commission.

Honourable senators, for Senator Patterson to call Ms. Kudloo and Ms. Sheutiapik racist is unfair and unjustified. The Aboriginal senators — myself, Senators Brazeau, Lovelace Nicholas, Sibbeston, Sinclair and Watt — call upon Senator Patterson to reconsider his remarks and to apologize personally and publicly to Rebecca Kudloo, President of Pauktuttit Inuit Women of Canada, and Elisapee Sheutiapik, President of Qullit Nunavut Status of Women Council.

THE LATE MICHAEL S. SCHURMAN

Hon. Elizabeth Hubley: Honourable senators, I would like to pay tribute to the late Michael S. Schurman, who passed away over the weekend at the age of 79 years.

As a young man just out of university, Mike joined the family-owned business, M.F. Schurman Company Limited, at the time a construction, building supplies and concrete business, and one of the Island's oldest companies. He became president and general manager, and under his formidable leadership, the business expanded to include a dozen companies.

Not just a success in business, Mike served on the boards of a number of organizations, including the Atlantic Provinces Economic Council and the Canadian Construction Association. He was instrumental in the creation of the Lefurgey Cultural Center in Summerside and served for many years as a board member of the Fathers of Confederation Buildings Trust.

The Michael S. Schurman Family Foundation has also generously donated to a number of worthy causes, including the Confederation Centre of the Arts and the Heart and Stroke Foundation of Prince Edward Island.

Mike was also a great friend and a supporter of the University of Prince Edward Island, serving as past Vice-President of the Board of Governors, Chair of the Building a Legacy Campaign, and a member of the Advisory Council for the UPEI School of Sustainable Design Engineering.

Despite an aversion to self-promotion, his contributions and accomplishments were recognized in many ways over the years, including induction into the Junior Achievement of PEI Business Hall of Fame; the Lieutenant Governor's Award for Patron of the Arts; and an honorary doctor of laws degree from UPEI.

Honourable senators, Mike's contributions to his community and his province, both in business and in life were enormous, and I have no doubt that he will be sorely missed by many. But I am also sure that his legacy will live on in his good works and in his daughters and grandchildren for years to come. Please join me in extending sincere condolences to his wife, Pat, his daughters, Margo, Kim, Pam and Jody, and their families, and to all his loved ones and many friends.

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 25, 2016

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

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 25, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

FOOD AND DRUGS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-13, An Act to amend the Food and Drugs Act, the Hazardous Products Act, the Radiation Emitting Devices Act, the Canadian Environmental Protection Act, 1999, the Pest Control Products Act and the Canada Consumer Product Safety Act and to make related amendments to another Act.

(Bill read first time.)

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

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

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT SEMINAR OF THE MEDITERRANEAN AND MIDDLE EAST SPECIAL GROUP AND SUB-COMMITTEE ON TRANSATLANTIC ECONOMIC RELATIONS, NOVEMBER 26-28, 2015—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Joint Seminar of the Mediterranean and Middle East Special Group and Sub-Committee on Transatlantic Economic Relations, held in Florence, Italy, from November 26 to 28, 2015.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF STEPS BEING TAKEN TO FACILITATE THE INTEGRATION OF NEWLY-ARRIVED SYRIAN REFUGEES AND TO ADDRESS THE CHALLENGES THEY ARE FACING

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

That, notwithstanding the order of the Senate adopted on Thursday, April 14, 2016, the date for the final report of the Standing Senate Committee on Human Rights in relation to

its study on steps being taken to facilitate the integration of newly-arrived Syrian refugees and to address the challenges they are facing, including by the various levels of government, private sponsors and non-governmental organizations be extended from October 31, 2016 to December 31, 2016.

[Translation]

Senator Carignan: As you indicated, the Canadian government administers health care services for military personnel and indigenous peoples and is responsible for those services and their attendant challenges.

[Translation]

QUESTION PERIOD

HEALTH

HEALTH CARE DELIVERY

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Over the past few weeks, the Minister of Health and the Prime Minister have expressed the will of the Trudeau government to impose its views on the provinces when it comes to health and to interfere in how the provincial health care system is managed.

Yesterday, I listened to Minister Foote talk about the problems encountered by the government during the implementation of the Phoenix pay system, in other words, the government's inability to issue paycheques correctly.

What made the government think it could dispense management advice to the provinces? What does the Trudeau government have to teach the provinces about health care systems?

• (1430)

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his interest in the effective delivery of health services. As he is well aware, the Government of Canada is in fact a health provider, larger than a number of provinces, so there is some experience, with some success and some challenges, because health delivery is not without challenges, either at the federal or at the provincial level.

But I think his deeper question is with respect to the state of the discussions taking place federally and provincially with regard to health funding. Those negotiations and discussions are ongoing. The Minister of Health has made clear, as has the Prime Minister, that the growth of health transfers has exceeded the growth of health costs for the last number of years and that in looking at the next round of health transfers, the Government of Canada wishes to bring certain perspectives of health care delivery, priorities and efficiencies so that Canadians can continue to be proud of health care as provided in this country compared to other jurisdictions globally.

[Senator Munson]

Can the government explain its performance? In what way does the government's performance in administering health care for indigenous communities and military personnel allow it to advise the provinces on providing health care services?

[English]

Senator Harder: Well, I don't think the Government of Canada is seeking to direct provinces with respect to their responsibilities. What it is seeking to do is ensure that the health care priorities of all Canadians are expressed in the context of health transfers to the provinces. These negotiations are under way. They're in a process. Of course, there is always give and take in those negotiations, and that's the process that is under way.

But in the meantime, the Government of Canada has made commitments, both in the health care sector — I referenced several times already the \$3 billion for home care. And in respect of delivery of health care in the area that the federal government is responsible for, the Government of Canada has in the course of the last year made a number of commitments with respect to the health care and well-being of the jurisdictions for which it has responsibility and will continue to do so. This is a challenge that is ongoing for any government, including this one.

PUBLIC SERVICES AND PROCUREMENT

DEFENCE PROCUREMENT STRATEGY

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, my question is for the Leader of the Government in the Senate, and in fact, it is a question that I had for Minister Foote yesterday but the time ran out before I was able to ask it, so I'm taking this opportunity to ask the question of you. It relates to defence procurement.

The Defence Procurement Secretariat is housed in Minister Foote's ministry and coordinates the procurement activities of her department with the Department of National Defence and with the Department of Innovation, Science and Economic Development Canada, formerly known as Industry Canada.

Two years ago, the previous government announced a new Defence Procurement Strategy. Can you give us an update on the progress and report on how this new strategy is unfolding? In particular, I note on the minister's department website that the Defence Procurement Strategy "has three key objectives: delivering the right equipment to the Canadian Armed Forces and the Canadian Coast Guard in a timely manner; leveraging our purchases of defence equipment to create jobs and economic growth in Canada; and streamlining defence procurement processes."

Are these objectives being met? Can you advise this chamber whether the current government plans to continue with this particular strategy?

Hon. Peter Harder (Government Representative in the Senate): I am tempted to thank the honourable senator for the home delivery part of his question, but that would be confusing the questions on Canada Post with the questions on defence procurement. I guess that fell flat.

As the minister made clear in her comments yesterday, defence procurement is, as the senator references, a combination of three ministries working together, and they do so in a coordinated fashion with a special committee of cabinet to ensure timeliness, responsiveness and appropriate decision-making so that one piece of the responsibility doesn't inappropriately delay the overall objective of the Government of Canada.

My information is that that process is working well. Ministers are actively engaged in the procurement process, but as the minister indicated yesterday, the defence policy review is a key input to the particular procurement of equipment, and that is proceeding well but has not yet concluded. The government looks forward to having that early report and input in the process, but I can assure the honourable senator that the three ministers with their appropriate responsibilities are working in tandem on this objective.

Senator Day: Thank you. I have a supplementary question. One of the dangers of sitting too close to the leader is that he sees my notes and my next question is with respect to the defence policy review.

Just to have that confirmed on the record, does the defence policy review include a review of the procurement strategy and whether it should or should not continue?

Senator Harder: My information is that the defence policy review is with respect to the particular procurement requirements of the ministry and that that policy review will fit into the coordination between and amongst the relevant departments to ensure timely procurement of the best equipment available at the best price available for the needs of our Canadian Armed Forces.

[Translation]

NATURAL RESOURCES

SOFTWOOD LUMBER NEGOTIATIONS

Hon. Ghislain Maltais: Since coming to power, the current government has created 84 consultation committees. In Eastern Canada, more than 150,000 jobs could be lost if the Canadian government does not reach an agreement with its U.S. counterparts.

Can the Leader of the Government tell us how many consultation committees the government has created to study the Canadian softwood lumber file?

[English]

Hon. Peter Harder (Government Representative in the Senate): I don't have the precise number of consultative processes under way, and I'm happy to get the answer for the honourable senator.

I want to underscore, though, in respect of the issue that you raise, it is a complex issue in which the broadest stakeholder consultations are absolutely important so that Canada's interests are well coordinated and advanced in these delicate discussions with our friends and partners to the south.

[Translation]

Senator Maltais: Everyone knows it is a complex issue. That is not news to anyone. Can the Leader of the Government confirm that Government of Canada negotiators are resolving part of the Canadian softwood lumber issue to the detriment of eight out of ten provinces in order to benefit the other two?

[English]

Senator Harder: Again, I'm not in a position to make any announcements with respect to this issue, but as the minister herself has indicated, despite the fact that October 12 has passed, she is in ongoing negotiations and discussions with our American colleagues, at the same time ensuring there is appropriate, high-level consultation with all stakeholders, including provinces.

• (1440)

[Translation]

Senator Maltais: Quebec decided to help the federal government by appointing the nephew of former Prime Minister Chrétien to the negotiating team. Can this negotiator help the federal negotiators in any way? In his acceptance of his mandate, he says that negotiating the softwood lumber agreement with the Americans is very difficult and that every little gain is hard won. Can the leader confirm that the arrival of Raymond Chrétien as a negotiator for Quebec can help us reach an agreement on this matter as quickly as possible?

[English]

Senator Harder: I have had the pleasure of working with Ambassador Chrétien in various roles that he has had and can attest to his effectiveness as a negotiator and as a diplomat. I'm sure that his work on behalf of the province of Quebec will be constructive and helpful to the resolution of this issue between the Government of Canada and the United States.

[Translation]

Hon. Jean-Guy Dagenais: Government Representative in the Senate, I would like to come back to the softwood lumber issue. Since 2006, Canada has lost thousands of jobs in the softwood lumber industry because of the quotas imposed by the Americans. The situation is so serious that last June Prime Minister Trudeau and U.S. President Obama gave themselves 100 days, until October 13, to reach a deal.

Why has a deal not been struck yet? Need I tell you that October 13 was last week? As pointed out by Senator Maltais, Quebec hired a special envoy, Raymond Chrétien, to try to salvage the deal. Can the Government Representative explain why this matter has not yet been resolved? Does the Prime Minister still hope to open the U.S. market to our softwood lumber or was he just captivated by the photo op with the U.S. President, who will be gone in a few weeks anyway?

[English]

Senator Harder: The lack of an agreement is very clearly based on the reality that at this point the two parties have not secured an agreement that Canada believes will be in Canada's interest. And until and unless an agreement in Canada's interest is achieved, the negotiations will continue and the Government of Canada will exercise its appropriate responsibilities to ensure the well-being of this important sector, both in the standstill period and with respect to any eventuality that might or might not arise. In the meantime, all stakeholders are working effectively to advance this file in a very difficult political circumstance south of the border.

INTERNATIONAL COOPERATION

INTERNATIONAL CIVIL AVIATION ORGANIZATION— TAIWAN

Hon. Thanh Hai Ngo: This question is for the Leader of the Government. The International Civil Aviation Organization recently held its thirty-ninth assembly in Montreal. The assembly provides opportunities for delegations from around the world to approve a budget, improve aviation standards and share information.

A total of 191 state members of ICAO and a dozen United Nations agencies, NGOs and international institutions are invited to attend. However, one important member of the international community was excluded this year, which is Taiwan. Taiwan attended the previous assembly in 2013. However, this year they were not invited to observe due to Chinese pressure. Several countries support giving Taiwan a voice. For example, the United States has called for Taiwan's meaningful participation in ICAO and other international organizations.

Why isn't Canada supporting Taiwan's membership in the ICAO?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question.

I will examine the facts in the situation that you present, but the government of Canada has, in a number of fora, as you well know, found ways of both respecting our policy with respect to China and ensuring that Taiwan is appropriately represented, where it is able to be, in various international organizations. I will get back to you.

Senator Ngo: The silence of the Canadian government on Taiwan is not acceptable, but that is only part of the story.

Due to the pressure of the Chinese government, not only did Canada fail to object to Taiwan's exclusion from the International Civil Aviation Organization's meeting in Montreal, it also permitted the exclusion of Taiwanese journalists from covering the proceedings, including one Canadian reporter. Miss Yuli Hu was prevented from attending the ICAO assembly because her credentials were issued by a Taiwanese agency. This is extremely worrisome since Chinese lobbies pressured Canada to exclude Taiwanese organizations. This is a threat to the freedom of expression in Canada and should not be tolerated.

If a Canadian is a Canadian is a Canadian, why did the Canadian government do nothing to help a Canadian citizen who was a target of bullying by China?

Senator Harder: Again, while I will examine the specifics of the question that the honourable senator asks, I simply want to remind the Senate that Canada benefits significantly from having the headquarters in Montreal, and the decisions with respect to attendance and representation are not subject to the Canadian government's approval, but to the organization's. I will examine the specifics of the case that you raise and report back.

Hon. A. Raynell Andreychuk: Perhaps we can get in a written form Canada's position not particularly on Taiwan but on every issue where our safety, security or health is in jeopardy, and that we would do everything to include Taiwan as an observer or otherwise. That was the policy of the previous government, and the government before it.

It would worry me if we are going to take other factors into consideration, and not safety, security and health, which have been the guiding reasons to have an inclusive international meeting. International transportation security is everyone's issue, as health is through WHO, and Canada has been consistent in that. I would appreciate getting a response if there has been any change of direction by this government.

Senator Harder: I will so do.

JUSTICE

CRIMINAL COURT DELAYS—JUDICIAL APPOINTMENTS

Hon. Denise Batters: Senator Harder, the Standing Senate Legal and Constitutional Affairs Committee released a unanimous report to address the crisis in criminal court delays. We recommended that the federal justice minister immediately fill judicial vacancies. At the time, there were 45 vacancies. Now that number has ballooned to 61. The Trudeau government's inaction on this file is drastically impacting Canada's criminal justice system.

We have reached a crisis point. Senator Harder, the worst-case scenario has now happened: A first-degree murder case was dismissed in Alberta due to prolonged court delays.

The justice minister has been saying for months that she will make judicial appointments, "very soon," "shortly," and "in the near future."

This Liberal government is all talk and no action. Senator Harder, as our Legal Committee pointed out, filling judicial vacancies is one way the Trudeau government can act right now to decrease court delays. You don't need to study it. You don't need to consult. When will this government just act?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question, and I can assure the honourable senator that the Government of Canada welcomes the report of the Standing Senate Committee on Legal and Constitutional Affairs in respect to this subject.

The government has proposed and is undertaking a review of judicial appointments processes to ensure they reflect the principles of transparency, accountability and diversity and is working with provincial and territorial counterparts to improve the efficiency of the courts, as well as the appropriate appointment of vacancies.

• (1450)

To put it in context, the vacancy percentage is about 5 per cent of the overall federal judicial positions. I'm not for a moment saying that that is not an issue that needs addressing. I think it's important to remind Canadians that the system of judicial administration continues to proceed well in Canada and that the appointments process is one that the Government of Canada is addressing vigorously, and I would expect appointments in the coming weeks.

Senator Batters: Senator Harder, immediately before Prime Minister Trudeau appointed you Leader of the Government in the Senate, you were the head of the Liberal government transition team. Appointments are one of the most critical duties of a transition team. Judicial appointments are some of the most important appointments a government makes. After one year of governing, this government has named only 15 judges. Sixty-one vacancies remain.

The justice minister has not set up the machinery to make judicial appointments. She hasn't filled the judicial advisory committees across Canada, the very panels that recommend nominees to fill court vacancies. I am astounded it took the justice minister 10 months to hire a judicial affairs adviser in her office, a critical position for appointing judges.

The Chief Justice of the Supreme Court of Canada has called this situation a crisis. By dragging its feet on these appointments, this Trudeau government is putting our criminal justice system in peril.

As transition team head, what advice did you give the government on filling these vacancies expeditiously? Did the Trudeau government ignore your advice, or did you fail to give it?

Senator Harder: I want to thank the honourable senator for her question. Of course it would be completely inappropriate for me to comment on advice I gave in a different role.

[Translation]

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Recently, we learned that a region of Belgium, Wallonia, vetoed the free trade agreement that was reached and that now needs to be ratified by Europe and Canada.

The deadline for ratifying this agreement is approaching. Can the Leader of the Government tell us what specific steps the Government of Canada is taking with Wallonia and Belgium in

order to ensure that they will agree to ratify this important free trade agreement?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. This is an important issue for all Canadians, and I take the spirit of the question as being broadly supportive of seeking an agreement on the CETA.

The Government of Canada is actively working with our European Union colleagues to try to overcome the challenge, the bump on the road that this represents, and I, along with all senators, hope that this can be resolved in the coming days. I'm not party to the particular gives and takes of the discussions today and in the next few days, but I am hopeful and I know that the Government of Canada will do everything possible to ensure the resolution of this important agreement.

[Translation]

Senator Carignan: Canadian representatives must be doing something. Will the Leader of the Government commit to provide us with a written answer on what specific steps the Canadian government is taking on this file?

[English]

Senator Harder: I will undertake to seek a written response. I do want to caution that it is probably wise to let the negotiations unfold in a hopefully positive and discrete fashion so that all sides can reach an accommodation that allows us to move forward.

ENVIRONMENT

PARKS CANADA—JOB OPPORTUNITIES FOR YOUTH

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for the leader. Leader, this question is about another broken promise of the Liberal government committed to by the Prime Minister during the election.

In my hometown of Burnaby, B.C., on the campaign trail the Prime Minister promised that he would create 5,000 guide and interpreter positions at Parks Canada for Canadian youth, and he said:

Our future is the future of our young people. It means giving them the right tools to succeed and to contribute to our economy.

Despite providing millions under the federal Youth Employment Strategy in Budget 2016, it appears that these were not the right tools. Figures provided from Parks Canada show the agency was tremendously ineffective, only employing 1,636 students this past summer, one third of the total promised by the Prime Minister.

A little over a year ago, on September 11, the Prime Minister claimed, "When it comes to helping young people . . . enter the workforce, we can . . . do better." But the statistics prove otherwise.

What is this government going to do to mitigate its inability to create the job opportunities for youth that it promised?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I guess it's the season on an anniversary date to do a commitments made, commitments kept. Let me simply assure the honourable senator that the government takes its commitments made seriously and in the course of its mandate will be judged by Canadians as to which of its commitments it lived up to and which it fell short on, and what new circumstances arose that caused the government to act in a particular way.

With respect to the commitment made in your constituency regarding Parks Canada and the figures that you quote, I will have to examine that, as I don't have those figures with me, but I want to assure honourable senators that the Government of Canada takes youth employment very seriously, and for that reason recalibrated the youth program for the summer. I would be happy to report on how that worked for all senators.

Senator Martin: Thank you, leader. As a former educator and as a mother of a 21-year-old, I do understand the importance of ensuring that our youth do have the right opportunities and that the right tools are necessary. I would be interested in seeing the analysis of that program, why it failed, and what will be done differently next year.

Senator Harder: Without accepting the premise of the question, I would be happy to provide the information.

[Translation]

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

SUPPORT FOR FIRST HOME BUYERS

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Getting a job is important to young people, but so is buying a home. Over the past few days, we have learned that the rules for buying a home have changed for people who are making a down payment of less than 20 per cent.

A new stress test has been established under which the interest rate must be 4.64 per cent. This morning, we learned that this stress test will also be applied to people who are making a down payment of over 20 per cent. I understand that these measures are necessary to cool the housing market, which is currently overheated, particularly in Vancouver and Toronto. However, in other regions of Canada, such as Quebec, the market is far from overheated and real estate prices are almost dropping. Regardless, the government is preventing young people from buying their first home or at least making it very difficult for them.

What compensation measures does the government intend to implement to help young people buy their first home and what will the government do to ensure that the measures taken to address the overheated housing market in Vancouver and Toronto do not in turn deflate the housing market in Quebec?

[Senator Martin]

[English]

Hon. Peter Harder (Government Representative in the Senate): The honourable senator is quite correct in pointing to the desire of the Government of Canada to respond to the particular surge in market prices on the basis of expert advice from CMHC and other financial actors.

The stress test has made recommendations with respect to how the government can moderate pressures that are being experienced.

• (1500)

With regard to the consequence of this in other jurisdictions, I would be happy to —

The Hon. the Speaker *pro tempore*: Senator Harder, you're relieved of your answer. Question Period is over.

Senator Carignan: But he could answer.

Senator Harder: Notwithstanding that, I will provide the information.

BUSINESS OF THE SENATE

Hon. Peter Harder (Government Representative in the Senate): Yesterday, at the end of Question Period, the Honourable Leader of the Opposition rose on a point of order with respect to documents I had tabled yesterday in written answer. I want to assure him and all senators that the documents I tabled were indeed in both official languages. If the honourable senator was provided with a copy in only one language, it was through the distribution system of the Senate, for which I apologize but have no responsibility. In acknowledging this, I want to assure the honourable senator — because I'm sure that's the basis of his question — that my office and I personally remain committed to doing just that.

ORDERS OF THE DAY

STRENGTHENING MOTOR VEHICLE SAFETY FOR CANADIANS BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the second reading of Bill S-2, An Act to amend the Motor Vehicle Safety Act and to make a consequential amendment to another Act.

Hon. Vernon White: Honourable senators, I rise today to speak on Bill S-2, which was introduced in the Senate by Senator Harder, the government leader, and read for the first time on May 11, 2016. It amends the Motor Vehicle Safety Act to give the Minister of Transport new vehicle recall powers.

Bill S-2, you may realize, is similar to Bill C-62, which was introduced by the previous Minister of Transport, the Honourable Lisa Raitt, during the Second Session of the Forty-first Parliament and attained first reading before Parliament was dissolved.

The proposed legislation includes amendments that would give the Minister of Transport the power to order companies to issue a recall notice and make manufacturers and importers repair a recalled vehicle at no cost to the consumer; give the Minister of Transport the power to order manufacturers and importers to repair new vehicles before they are sold; allow the department to use monetary penalties or fines to increase safety compliance and leverage the monetary penalties to require manufacturers to take additional safety action; provide the department with flexibility to address ever-evolving vehicle safety technology; require companies to provide additional safety data and conduct additional testing to address safety concerns; and increase our vehicle inspection capability.

The importation of motor vehicles and motor vehicle equipment into Canada is governed by the safety standards established by the Motor Vehicle Safety Act. Before vehicles and equipment manufactured in Canada can be shipped to another province for sale, they must have a national safety mark confirming that they have been manufactured according to the act and the safety standards found within.

Under the Motor Vehicle Safety Act, only manufacturers can order vehicles recalled in Canada. The Minister of Transport can only order a manufacturer to notify Canadians that their vehicle is the subject of a recall. Unlike the new proposed legislation, the current act does not allow Transport Canada to issue monetary penalties to manufacturers. The only way to ensure compliance with the act is through time-consuming and costly criminal prosecution.

Recent motor vehicle recalls have highlighted significant enforcement gaps between Canada and the United States. This bill will more closely align Canada's recall process with the U.S. The minister's vehicle recall powers were strengthened in 2014 with provisions that brought the Motor Vehicle Safety Act in line with American legislation by, for example, differentiating between a "defect" and "non-compliance," giving the minister the power to order a company to inform consumers of safety defects, increasing the maximum fines for an offence and exempting Transport Canada inspectors from having to testify in a civil suit. The proposed amendments of Bill S-2 will strengthen motor vehicle safety for Canadians.

Vehicles are complex and the need to identify defects as quickly as possible and manage vehicle recalls is extremely important to safety. Vehicle technologies are evolving and becoming more highly integrated. In order to facilitate industry competitiveness, Canada's regulatory regime needs to be more responsive to new and emerging technologies, fuels and safety advances. This bill will allow the department to require manufacturers to provide more safety information and do testing when needed, as well as increase their flexibility to address ever-changing safety technology.

Bill S-2 has provisions that did not appear in Bill C-62, introduced by the previous government in June of 2015. It differs by adding consent agreements relating to safety improvements and non-compliant companies. It also includes initiatives to provide some early flexibility to address the challenges of rapidly changing vehicle technologies. I look forward to these being carefully studied in committee.

This new proposed legislation will strengthen oversight of the recall process. It will be a big win for consumers and overall for the safety of Canadians.

Honourable senators, the purpose of Bill S-2 is to increase consumer protection and motor vehicle safety in Canada. This is why the previous government brought this bill forward in 2015, why it is before us today and why I will support this bill.

(On motion of Senator Hubley, debate adjourned.)

CANADA BORDER SERVICES AGENCY ACT

BILL TO AMEND—SIXTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Defence (Bill S-205, An Act to amend the Canada Border Services Agency Act (Inspector General of the Canada Border Services Agency) and to make consequential amendments National Security and to other Acts, with amendments), presented in the Senate on June 22, 2016.

Hon. Daniel Lang moved the adoption of the report.

He said: Colleagues, I'm pleased to speak briefly at the report stage to explain the amendments made at the Standing Senate Committee on National Security and Defence on Bill S-205. As it has been a few months since the report was submitted, allow me to refresh our memories about the bill.

Bill S-205 is a private member's bill introduced in the Senate by our colleague Senator Moore. This legislation brings much-needed oversight and accountability to the Canada Border Services Agency, and was welcomed by a majority of witnesses that appeared before the committee and all members of our committee.

The principles in this bill are also in line with the report from our Senate committee, entitled *Vigilance, Accountability and Security at Canada's Borders*, which was unanimously adopted by the Senate last June.

The key aspect to this bill is for the establishment of an office of an inspector general with powers to investigate complaints from Canadians and non-Canadians about the conduct of this agency, for the inspector general to propose remedies and for the inspector general to report to the minister and Parliament.

To put it in context, the Canada Border Services Agency is responsible for screening approximately 24 million airline passengers per year, as well as millions of others who enter Canada at our land borders. This agency has 13,000 employees, which includes 7,200 uniformed officers, and is the only government agency with significantly more powers than that of the police. Yet there is no accountability and no oversight.

• (1510)

These powers are called into question when Canadians feel their rights under the Charter are not being respected, and it also has been of significant concern for non-Canadians, as those who are feeling aggrieved by the Canada Border Services Agency have no opportunity to seek redress.

Senator Moore's bill remedies this situation by establishing an open, transparent and accountable process through the office of an inspector general.

Colleagues, I will now speak to the specific and significant amendments that were made at the committee stage of the study of the bill.

Amendment 1:

1. Clause 2, pages 1 to 11:

(a) On page 3, replace lines 22 to 44 with the following:

"15.5 The mandate of the Inspector General is to consider any complaint made under subsection 15.6(1).";

(b) on page 4,

(i) delete lines 1 to 10 and

(ii) replace lines 11 to 13 with the following:

"15.6 (1) Any person who claims to be aggrieved by any act or thing done by the Agency may make a complaint to the Inspector General and, subject to this";

The rationale for this change is that the amendment modifies section 15.5 to ensure the mandate for the inspector general is clear, and, to be more precise, the inspector general's mandate would be limited to investigating complaints, proposing remedies and reporting to Parliament. The goal is to ensure that the inspector general has the authority to consider the complaints and offer remedies. The key omission was identified by the mover of this bill.

Amendment 2 addresses the issue related to the disclosure of information:

(c) on page 7, replace line 39 with the following:

"(2) Subject to subsection (3), the";

(d) on page 8, delete lines 32 to 37;

(e) on page 9,

(i) delete lines 1 to 15 . . .

This amendment modifies section 15.17 on disclosure of information. We noted that section 3 allows the inspector general to disclose information if the information has been already disclosed under Access to Information or with the consent of the relevant individual or an authorized person in the organization that has primary interest. This amendment does limit the information the inspector general can disclose for public interest. However, it was done to keep in mind the right of privacy for individuals and the right to protect sensitive information.

Amendment 3, also on page 9:

(ii) add the following after line 39:

"15.191 The Inspector General's decision in respect of a complaint or an investigation under this Act, and the findings and recommendations contained in the Inspector General's report referred to in subsection 15.11(1), are final and not subject to appeal or to review by any court.";

(f) on page 10,

(i) replace line 4 with the following:

"\$5,000.", and

(ii) delete lines 5 to 42;

(g) on page 11, delete lines 1 to 43; . . .

The rationale for this is to ensure that the decisions of the inspector general are final.

With regard to increasing the fine for obstruction of the work of the inspector general, the committee feels it is important that the fine be more serious and consequential. That's why it was unanimously agreed to increase the fine from \$1,000 to \$5,000.

The final amendment, colleagues, is:

(h) make any necessary changes to the numbering of the proposed sections contained in clause 2 and to all cross-references thereto.

This housekeeping amendment is for the Law Clerk and Parliamentary Counsel to be authorized to make any necessary changes to the numbering of the proposed sections contained in clause 2 and to all cross-references thereto.

Colleagues, these are the amendments to Bill S-205, as approved by the committee. Before I can conclude and before we move adoption of the report, I understand that Senator Moore, the sponsor of the bill, wishes to move a minor technical amendment to this report prior to reporting it from this stage.

MOTION IN AMENDMENT

Hon. Wilfred P. Moore: Honourable senators, I move, seconded by Senator Cordy:

That the Sixth Report of the Standing Senate Committee on National Security and Defence be not now adopted, but that it be amended in amendment No. 1:

(a) by deleting “and” at the end of subparagraph 1(e)(i); and

(b) by adding the following after subparagraph 1(e)(i):

“(i.1) replace lines 24 to 27 with the following:

“than a prosecution for an offence under this”, and”.

These are the amendments in both official languages. Senators, briefly, this amendment is of technical nature. It's needed to remove paragraph 15 —

The Hon. the Speaker pro tempore: Excuse me, senator.

It has been moved by the Honourable Senator Moore, seconded by the Honourable Senator Cordy, that the sixth report of Standing Committee on National Security and Defence be not now adopted but that it be amended in Amendment No. 1 —

An Hon. Senator: Dispense.

The Hon. the Speaker pro tempore: On debate.

Senator Moore: Colleagues, this amendment is of a technical nature. It is needed to remove paragraph 15.18(a) from the bill because it is now superfluous as it refers to a provision of the bill, section 15.22, the deletion of which was recommended in this sixth report of the Standing Senate Committee on National Security and Defence as was outlined by Senator Lang.

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

Hon. Pierrette Ringuette: I have a question. I'm kind of happy that I'm questioning the original mover of this bill. I guess I have one question, very important to many Canadians. It is the responsibility of this inspector general. Would it also include dealing with complaints from citizens and non-citizens in regard —

The Hon. the Speaker pro tempore: Asking a question of Senator Moore, are you doing so with leave?

Senator Ringuette: I'm not doing so with leave. He amended the bill, and I'm questioning his amendment to this bill.

The Hon. the Speaker pro tempore: Thank you.

Senator Ringuette: Very well. I continue. So would this position of inspector general include the handling of complaints with regard to the names on the no-fly list?

The Hon. the Speaker pro tempore: Senator Moore?

Senator Moore: The bill provides the inspector general with the authority to deal with all complaints, and I would expect that if somebody has a complaint of that nature, he or she could go to the inspector general and make his or her case.

The Hon. the Speaker pro tempore: Senator Ringuette?

Senator Ringuette: During the hearing, did you hear about the specific issue? Because at the end of the day the bill calls for the decision of the inspector general to be final. This issue of the no-fly list is not only a Canadian issue; it's a worldwide issue. So I would really like to understand this new position and the authority that the bill provides to the person occupying this position. If he or she receives a complaint with regard to the no-fly list, what kind of authority would they have really have?

Senator Moore: I would think that they would have full authority, as provided by the bill. In the matter of the no-fly list, and I hesitate to respond to a possibility, but some of those situations may be very sensitive. Some of them may involve individuals who are on that list for important security reasons. I think that the Inspector General would deal with those situations, but that the reporting on that may be to the minister, as is provided for, not a matter of public briefing on his or her decision, if the case was one of a sensitive nature that I'm thinking it might be. Otherwise, I would say the person holding that position has full authority to review those cases and reply in accordance with the powers in the bill.

• (1520)

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

Hon. Daniel Lang: I want to expand on what the mover of the legislation stated in respect to that question. It's very important to realize that the Inspector General's decision would be final. But you have to be an aggrieved party in order to lodge the complaint.

In other words, if you are on that particular list as an individual, this is where you would go, and he or she, as the Inspector General, can look and find remedies if they find the aggrieved party has been wronged.

There are other avenues that could be taken in respect to his or her authority, because it may apply to another department, and it may have to do with a decision that has to be made by the minister's office. There are various other aspects and authorities woven into other pieces of legislation that come together with this.

This is the avenue that you or I or anyone in the Canadian public, if they feel that they have been unfairly dealt with in a case of a fly list or going across a border and have been dealt with in a manner that is unacceptable, would have that option, as an aggrieved party, to lodge a complaint, have it looked at and responded to in one manner or another.

It's long overdue. The Canada Border Services Agency is probably looking forward to such a body, so the rank and file that work within that organization can have some protection to

understand there is accountability on all sides when we come to a situation where we have the authorities that are invested with them as officers, and we ask them to do certain things through the Parliament of Canada. At the same time, we expect those doing that job to do so in a proper manner. I would say that most members of that agency want their jobs done in a manner that is acceptable to the general public.

(On motion of Senator Ringuette, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

Hon. Paul E. McIntyre: Honourable senators, I am pleased to participate in the second reading of Bill S-215, an act to amend the Criminal Code, sentencing for violent offences against Aboriginal women.

[Translation]

I would like to begin by congratulating the Honourable Senator Dyck for introducing this important bill with such a worthy objective.

[English]

It goes without saying that any type of violence is unacceptable, especially when it targets certain groups of individuals like women and girls. It is utterly unacceptable when that group of individuals is vulnerable, like Aboriginal women and girls.

During the past years I have had the privilege and honour, as a senator, to analyze and vote alongside my colleagues for several bills to stand up for victims by preventing crime and helping the victims by putting the rights of victims over the rights of criminals.

As we heard from the sponsor of this bill, this legislation will require a court to consider the fact that when the victim of certain violent offences, such as assault or murder, is an Aboriginal woman, this constitutes an aggravating circumstance for the purposes of sentencing. In doing so, it adds new sections immediately after sections 239 and 273 of the code.

[Translation]

Specifically, Bill S-215 creates a new section in the Criminal Code, section 239.1, which would stipulate that the fact that the victim is an indigenous female person must be considered an aggravating circumstance that must be taken into account in cases involving the following offences: first- or second-degree murder, section 235, manslaughter, section 236, and attempted murder, section 239.

[Senator Lang]

It would create another new section, section 273.1, that would stipulate that the same aggravating circumstance must be taken into account in cases involving the following offences: First of all, in cases of threats to cause death or bodily harm to any person, paragraph 264.1(1)(a); Second, in cases of assault, assault with a weapon or causing bodily harm, aggravated assault, or unlawfully causing bodily harm, sections 265 to 269; Third, in cases of sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, and aggravated sexual assault, sections 271 to 273.

[English]

The intention of the bill is commendable. That said, there may be, however, some issues that could arise.

For example, according to section 718.2 of the code:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or offender. . .

When the offender is Aboriginal, section 718.2, as well as the Supreme Court of Canada in *Gladue*, have stated that judges should pay attention to the circumstances of Aboriginal offenders and take into consideration all available sanctions other than imprisonment that are reasonable in the circumstances.

On the one hand, Bill S-215 puts forward as an aggravating factor the fact that the victim is an Aboriginal woman, and on the other hand, the *Gladue* principle and section 718.2(e) states that when the offender is Aboriginal, it should be considered a mitigating factor.

Undoubtedly, one of the practical problems is the conciliation between the proposed amendments in Bill S-215 with section 718.2(e) and the *Gladue* principle.

For one thing is certain, it would be interesting to analyze whether or not this bill should prevail over the *Gladue* principle or whether or not it should be a justification for the abandonment of the *Gladue* principle.

None of us is insensitive to the atrocities that Aboriginal women and girls are continuously facing. Their tragic disappearances and murders are appalling to the entire society and should be condemned by all. This is a national problem, rooted deeply in our society and history. There is also a need for preventative measures rather than just remedial actions. As we all know, an independent national inquiry into missing and murdered indigenous women and girls has rightly been put in place with the full cooperation of all provinces and territories. Hopefully, the commission will be in a position to address the roots of the problem by shedding light on it so history won't repeat itself.

• (1530)

The issue that the bill aims at resolving is commendable and merits serious consideration. In the meantime, we should try to assess the impacts that those proposed amendments could have on the state of the law as we know it.

In speaking on second reading, Senator Dyck recommended that this chamber deal with this bill and send it to committee for

thorough study. I wholeheartedly agree with her recommendation.

Hon. Dennis Glen Patterson: I would like to associate myself with, and fully endorse, the thoughtful comments made by Senator McIntyre just now. I think this bill deserves thoughtful and careful examination at committee.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Dyck, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

SENATE MODERNIZATION

THIRD REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Day for the adoption of the third report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Committees)*, presented in the Senate on October 4, 2016.

Hon. Pamela Wallin: Honourable senators, I wanted to follow up on Senator Lankin's remarks. She was, of course, responding to what Senator Eggleton had discussed. It was a very generous proposal, I might say. I want to quote Senator Eggleton again:

... there is a situation that presently exists that I think requires attention. Twenty-seven per cent of the current membership of this chamber is independents — 27 per cent. They have only 17 per cent of the membership on committees. That is out of whack with the notion of proportionality that the Modernization Committee puts forward.... When [the vacancies] are filled, then the independents will be 40 per cent of the membership of this chamber, with only 17 per cent of the positions on the standing committees, or the Selection Committee for that matter, or other committees, the Internal Economy Committee or the Ethics and Conflict of Interest Committee. I strongly believe that needs attention sooner rather than later.

And I, too, believe that this situation needs attention sooner rather than later.

The vast bulk of the work of done by senators is in committee: the study of legislation; the interviewing and assessing of the testimony of expert witnesses; a committee's proposed recommendations and/or amendments. This is what we do. It's the core work of a senator and we want to be able to fully participate.

The Modernization Committee has made numerous constructive recommendations, and proportional committee representation is one of these.

As it stands, independent senators, without full membership, are able to sit in at committee meetings and question witnesses, as any senator in this chamber may do at any committee of their choosing. However, we cannot vote on proposed amendments or vote on clause-by-clause discussions, and we are not able to substitute for an independent committee member in the same fashion as members of a partisan caucus are able to substitute with full privileges.

This situation should be remedied sooner rather than later because in short order, the numbers of those sitting without affiliation and outside of partisan caucuses will become the largest single grouping of senators in the chamber.

As Senator Lankin reminded us when we debated the assisted dying legislation, everyone was able to put aside partisan interests and agreed to be part of a group that gathered to work through how to structure the debate based on sections of the bill or proposed amendments and content. The debate was orderly and polite, and each of us paid close attention to the others' views and were respectful of them. No one was prevented from speaking, questioning or voting because he or she belonged to a party or group that was not recognized.

We have seen during recent meetings of the Rules Committee that some have actually put forward the argument that they should show allegiance to the Prime Minister who recommended their appointments to the Governor General. This is troubling and undermines the argument of the independence of all senators, whether they be members of a partisan caucus or not, and reinforces the belief that senators are somehow beholden or that we are being directed on what to say or how to vote.

Whether a senator belongs to a political caucus, sits as an independent or chooses to leave a caucus and sit as an independent, his or her service is to the people of their region and to the people of Canada.

For the Selection Committee or for partisan caucuses to try to prevent proportionality on committees is essentially denying senators the right to do their jobs and denying Canadians the right to have their regions and interests related directly.

This is an issue of fairness. No one group or caucus is demanding any more than what makes sense: the right and ability to do their work.

Current independent senators and, very shortly, two dozen more should be equal to all other senators in this chamber. They should not be denied the right to fulfill their mandate and obligation — in other words, to contribute as full members of any standing or special committees in the Senate of Canada.

Proportionality on committees is but one of the required changes that needs to happen sooner rather than later. Doing the right thing, ensuring that senators new and old have equal rights and equal representation, is not a partisan issue. It's just the right thing to do.

So I want to echo what Senators Eggleton and Lankin have so eloquently stated and ask that the leadership of the parties and groups in this place take up the challenge of ensuring that proportionality becomes a reality sooner rather than later.

(On motion of Senator Plett, debate adjourned.)

• (1540)

THE SENATE

MOTION TO AMEND THE *RULES OF THE SENATE* TO ENSURE LEGISLATIVE REPORTS OF SENATE COMMITTEES FOLLOW A TRANSPARENT, COMPREHENSIBLE AND NON-PARTISAN METHODOLOGY—DEBATE CONTINUED

On the Order:

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

That, in order to ensure that legislative reports of Senate committees follow a transparent, comprehensible and non-partisan methodology, the *Rules of the Senate* be amended by replacing rule 12-23(1) by the following:

“Obligation to report bill

12-23. (1) The committee to which a bill has been referred shall report the bill to the Senate. The report shall set out any amendments that the committee is recommending. In addition, the report shall have appended to it the committee's observations on:

(a) whether the bill generally conforms with the Constitution of Canada, including:

(i) the Canadian Charter of Rights and Freedoms, and

(ii) the division of legislative powers between Parliament and the provincial and territorial legislatures;

(b) whether the bill conforms with treaties and international agreements that Canada has signed or ratified;

(c) whether the bill unduly impinges on any minority or economically disadvantaged groups;

(d) whether the bill has any impact on one or more provinces or territories;

(e) whether the appropriate consultation have been conducted;

(f) whether the bill contains any obvious drafting errors;

(g) all amendments moved but not adopted in the committee, including the text of these amendments; and

(h) any other matter that, in the committee's opinion, should be brought to the attention of the Senate.”

Hon. Nancy Ruth: Honourable senators, I rise to speak to Senator Bellemare's motion number 89. I support this motion, subject to the following amendment, which I have reviewed with Senator Bellemare.

MOTION IN AMENDMENT

Hon. Nancy Ruth: Therefore, honourable senators, I move:

That the motion be not now adopted, but that it be amended by:

1. adding the following new subsection after proposed subsection (c):

“(d) whether the bill has received substantive gender-based analysis;” and

2. by changing the designation for current proposed subsections (d) to (h) to (e) to (i).

Honourable senators, first let me speak to why I support Motion No. 89. The motion reflects the constitutional and policy environment in which the Senate works, so the Senate practices should evolve.

This principle has been recognized in Part 1 of the report on the Special Senate Committee on Senate Modernization. Recommendation 2 of that report supports amending the *Rules of the Senate* to “incorporate the multiple roles of the modern Senate.”

The doctrine of substantive equality, developed and adopted in Canada and increasingly adopted worldwide as the modern human rights standard, addresses historic and systemic discrimination.

This is discrimination experienced by groups, groups defined by factors named in our Constitution, in addition to region or minority status, language and education. These include the range of rights and named grounds in sections 15, 25 to 28, and section 35 of the Constitution Act, 1981. It has always been clear from the Constitution that the primary responsibility for constitutional rights falls on both houses of Parliament.

Motion No. 89 affirms for Canadians that we are doing this job, that this work is part of our work, our job description and that we have a list of best practices.

Second, let me speak to why I recommend that we add gender-based analysis to the list of matters to be routinely considered by committees.

As of this fall, the federal government has made the completion of Gender-Based Analysis Plus mandatory for all new initiatives proposed to the cabinet and to the Treasury Board of Canada Secretariat.

GBA Plus is the formal title of the federal program. It includes the intersection of gender and other grounds, such as race, age and disability. I welcome this new commitment. I note, however, that it is an internal commitment. The government and the public service have not clearly committed to make this GBA Plus available to Parliament — available to us.

The Senate has a critical challenge function to play in gender-based analysis. The record of the past 10 years shows that we have not been consistent or effective in this challenge function, nor have the government of the day and the federal public service been transparent and accountable about GBA. This creates barriers for us and for the public.

A requirement that Senate committees report on the results of its GBA puts the government, the federal public service and other witnesses on notice that they must come prepared to speak to these matters. We are not interested in whether they can tick the check list that they did GBA. We want to know what they did, what they thought and that they did substantive GBA — full, meaningful and analytical GBA. Testing GBA is part of our job.

I support the speedy passage of Motion No. 89 as amended. In the interim, there is no need to wait. Senate committees have the power to ensure that our committee deliberations and reports follow this methodology. We can and should be doing our job, this work, now.

Some Hon. Senators: Hear, hear.

(On motion of Senator Bellemare, debate adjourned.)

MOTION TO ENCOURAGE THE GOVERNMENT
TO EVALUATE THE COST AND IMPACT OF
IMPLEMENTING A NATIONAL BASIC
INCOME PROGRAM—MOTION IN
AMENDMENT—DEBATE
CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson:

That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.

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

That the motion be amended to read as follows:

That the Senate encourage the federal government, after appropriate consultations, to provide support to initiatives by Provinces/Territories, including the Aboriginal Communities, aimed at evaluating the cost and impact of implementing measures, programs and pilot projects for the purpose of helping Canadians to escape poverty, by way of a basic income program (such as a negative income tax) and to report on their relative efficiency.

Hon. Art Eggleton: Honourable senators, this item is now at day 13. I do have some remarks that I wish to make soon on this measure, but I'm in final preparation of them, so I would like to move the adjournment in my name for the balance of my time.

(On motion of Senator Eggleton, debate adjourned.)

• (1550)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF BEST PRACTICES AND ON-GOING CHALLENGES RELATING TO HOUSING IN FIRST NATIONS AND INUIT COMMUNITIES IN NUNAVUT, NUNAVIK, NUNATSIAVUT AND THE NORTHWEST TERRITORIES

Hon. Lillian Eva Dyck, pursuant to notice of October 18, 2016, moved:

That, notwithstanding the order of the Senate adopted on Thursday, February 18, 2016, the date for the final report of the Standing Senate Committee on Aboriginal Peoples in relation to its study on best practices and on-going challenges relating to housing in First Nation and Inuit communities in Nunavut, Nunavik, Nunatsiavut and the Northwest Territories be extended from October 31, 2016 to December 31, 2016.

She said: Honourable senators, this motion is to extend the deadline for reporting on our report on housing in the North involving mainly the Inuit. Originally we were to report by the end of October but now we wish to extend it to the end of December. It has turned out that the issues are a little more complex than we had first anticipated and our analysts are working diligently and everyone in the committee has agreed that we must take our time. As our honourable deputy chair has said, we need to take the time to make sure this report is as good as it can possibly be. Therefore, we respectfully ask for an extension in time in order to complete the report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Thursday, October 20, 2016, at 1:30 p.m.)

CONTENTS

Wednesday, October 19, 2016

	PAGE		PAGE
SENATORS' STATEMENTS		Natural Resources	
The Late Honourable Jim Prentice, P.C.		Softwood Lumber Negotiations.	
Hon. Douglas Black	1500	Hon. Ghislain Maltais	1505
The Late Honourable Jim Prentice, P.C.		Hon. Peter Harder	1505
The Late Jim Kruk		Hon. Jean-Guy Dagenais	1505
The Late Sheldon Reid		International Cooperation	
The Late Ken Gellatly		International Civil Aviation Organization—Taiwan.	
Hon. Elaine McCoy	1500	Hon. Thanh Hai Ngo	1506
The Late Honourable Jim Prentice, P.C.		Hon. Peter Harder	1506
Hon. Betty Unger	1501	Hon. A. Raynell Andreychuk	1506
Hon. Donald Neil Plett	1501	Justice	
Visitors in the Gallery		Criminal Court Delays—Judicial Appointments.	
The Hon. the Speaker	1502	Hon. Denise Batters	1506
The Honourable Dennis Glen Patterson		Hon. Peter Harder	1506
Comments of Senator.		International Trade	
Hon. Lillian Eva Dyck	1502	Canada-European Union Comprehensive Economic and Trade Agreement.	
The Late Michael S. Schurman		Hon. Claude Carignan	1507
Hon. Elizabeth Hubley	1502	Hon. Peter Harder	1507
<hr/>		Environment	
ROUTINE PROCEEDINGS		Parks Canada—Job Opportunities for Youth.	
The Senate		Hon. Yonah Martin	1507
Notice of Motion to Affect Question Period on October 25, 2016.		Hon. Peter Harder	1508
Hon. Diane Bellemare	1503	Families, Children and Social Development	
Food and Drugs Act (C-13)		Support for First Home Buyers.	
Bill to Amend—First Reading	1503	Hon. Claude Carignan	1508
Canadian NATO Parliamentary Association		Hon. Peter Harder	1508
Joint Seminar of the Mediterranean and Middle East Special Group and Sub-Committee on Transatlantic Economic Relations, November 26-28, 2015—Report Tabled.		Business of the Senate	
Hon. A. Raynell Andreychuk	1503	Hon. Peter Harder	1508
Human Rights		<hr/>	
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Steps Being Taken to Facilitate the Integration of Newly-Arrived Syrian Refugees and to Address the Challenges They are Facing.		ORDERS OF THE DAY	
Hon. Jim Munson	1503	Strengthening Motor Vehicle Safety for Canadians Bill (Bill S-2)	
<hr/>		Bill to Amend—Second Reading—Debate Continued.	
QUESTION PERIOD		Hon. Vernon White	1508
Health		Canada Border Services Agency Act (Bill S-205)	
Health Care Delivery.		Bill to Amend—Sixth Report of National Security and Defence Committee—Debate Adjourned.	
Hon. Claude Carignan	1504	Hon. Daniel Lang	1509
Hon. Peter Harder	1504	Motion in Amendment.	
Public Services and Procurement		Hon. Wilfred P. Moore	1511
Defence Procurement Strategy.		Hon. Pierrette Ringuette	1511
Hon. Joseph A. Day	1504	Hon. Daniel Lang	1511
Hon. Peter Harder	1505	Criminal Code (Bill S-215)	
		Bill to Amend—Second Reading.	
		Hon. Paul E. McIntyre	1512
		Hon. Dennis Glen Patterson	1513
		Referred to Committee	1513
		Senate Modernization	
		Third Report of Special Committee—Debate Continued.	
		Hon. Pamela Wallin	1513
		The Senate	
		Motion to Amend the <i>Rules of the Senate</i> to Ensure Legislative Reports of Senate Committees Follow a Transparent, Comprehensible and Non-Partisan Methodology—Debate Continued.	
		Hon. Nancy Ruth	1514

	PAGE
Motion in Amendment.	
Hon. Nancy Ruth	1514
Motion to Encourage the Government to Evaluate the Cost and Impact of Implementing a National Basic Income Program— Motion in Amendment—Debate Continued.	
Hon. Art Eggleton	1515

	PAGE
Aboriginal Peoples	
Committee Authorized to Extend Date of Final Report on Study of Best Practices and On-going Challenges Relating to Housing in First Nations and Inuit Communities in Nunavut, Nunavik, Nunatsiavut and the Northwest Territories.	
Hon. Lillian Eva Dyck	1515

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