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CANADA

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(HANSARD)

Thursday, March 2, 2017

The Honourable GEORGE J. FUREY
Speaker

**CONTENTS**

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

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# THE SENATE

**Thursday, March 2, 2017**

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

Prayers.

## SENATORS' STATEMENTS

### THE LATE RUTH LYNETTE STANLEY, O.N.B.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable senators, it is with a heavy heart that I rise today to pay tribute to an incredible woman who had accomplished so much in her long life.

Ms. Ruth Lynette Stanley, born June 28, 1922, in Montreal, Quebec, passed away on February 15, 2017.

She was the widow of the late Lt.-Col. the Honourable George Stanley, the man who designed our country's maple leaf flag and served as Lieutenant-Governor of New Brunswick from 1982 to 1987.

Like him, she too accomplished much in her rich and adventurous life. She graduated in 1942 from McGill University with a BA in Sociology, and then enrolled in law school at McGill. Upon graduating, she was admitted to the bar and accepted a position at a law firm in Montreal.

Ms. Stanley was a generous and kind woman who gave so much to her communities, most recently in Sackville, New Brunswick. She became the first woman to head a hospital board in New Brunswick, serving as chair of the Sackville Memorial Hospital Board, where she helped ensure the building of a new hospital and medical centre in Sackville.

In 2010, she was recognized for her community contributions, being awarded the Order of New Brunswick and the Centennial Medal, along with honorary degrees from Mount Allison University and St. Thomas University.

I would be remiss not to mention Ms. Stanley's contributions as a true trailblazer for women and women's rights.

She regularly remarked about how the roles of men and women are actively changing, both at home and in the workplace. She wholeheartedly encouraged all women to pursue whatever vision they may have for themselves, be it in a professional or a personal capacity. Her empowering message was evidently well-received by both of her daughters, who have each obtained PhDs in their respective fields of study.

Honourable colleagues, please join me in offering our sincere condolences to Ms. Stanley's family and friends. She will be dearly missed.

### THE LATE HONOURABLE JAMES ALOYSIUS MCGRATH, P.C.

**Hon. Norman E. Doyle:** Honourable senators, I wish to make you aware of the passing of the Honourable James Aloysius McGrath, a former federal MP, cabinet minister, former Lieutenant-Governor of Newfoundland and Labrador, and a personal friend.

Jim McGrath was born in the mining town of Buchans, in central Newfoundland. As a young man he was a member of the Responsible Government League, an organization opposed to Newfoundland joining confederation with Canada.

When Newfoundland voted in a referendum to join Canada in 1949, Jim accepted the result and enlisted in the Royal Canadian Air Force. When he returned to Newfoundland in 1953, he became the sales manager with CJON Radio.

He subsequently joined the provincial PC party and ran for a seat in the House of Assembly in 1956. He didn't win, so the next year he made a run at federal politics, and on June 10, 1957, he became the PC Member of Parliament for the federal riding of St. John's East.

In 1962, McGrath was appointed parliamentary secretary to the Minister of Mines and Technical Surveys. However, it was short-lived when he and the Diefenbaker government went down to defeat in the 1963 federal election.

Never a quitter, of course, Jim ran again for the federal PCs in 1968, regained his seat in St. John's East and held it for the next five elections.

When the PCs under Joe Clark formed the government in 1979, McGrath was appointed federal Minister of Fisheries and Oceans. A fellow Newfoundlander, John Crosbie, was appointed Minister of Finance at the same time, and together they became known in the media as the "ministers of fish and chips." However, it was a moniker that was short-lived as both McGrath and Crosby were returned to the opposition benches after the Clark government went down to defeat in the 1980 election.

When the PCs again came to power under Brian Mulroney in 1984, McGrath was appointed chair of a special committee on Parliamentary reform, and the committee report led to a number of procedural changes in the House of Commons, including a secret ballot election of the Speaker, and the formation of the Canadian Association of Former Parliamentarians.

In August of 1986, McGrath left electoral politics to become Lieutenant-Governor of Newfoundland and Labrador, a post he held until 1991.

Jim McGrath passed away a couple of days ago, at the age of 85. I shall miss him personally, and no doubt a great many of my fellow Newfoundlanders, including yourself, Mr. Speaker, will reflect fondly on his lifetime of service to our province and our country.

**Hon. Senators:** Hear, hear!

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mark Critch, star of the CBC show "This Hour Has 22 Minutes." He is accompanied by Peter Sutherland, videographer of the show, and Cory Gibson, producer of the show.

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

**Hon. Senators:** Hear, hear!

[*Translation*]

## THE HONOURABLE VIOLA LÉGER, O.C., O.N.B.

**Hon. René Cormier:** Honourable senators, on February 23, a grande dame of Acadian theatre and former senator, Viola Léger, announced that she is leaving public life. Having suffered a stroke that affected her memory and her vision, this admirable Canadian actress is ending her artistic career of more than 40 years.

[*English*]

Born in Fitchburg, Massachusetts, Viola Léger started out her career as a literature and theatre teacher. She holds a Master of Arts in Teaching degree from Boston University and she later trained at the world-renowned École Internationale de Théâtre Jacques Lecoq in Paris.

In 1971, she met the character that would change her life: La Sagouine. Antonine Maillet is the playwright behind La Sagouine and the only Canadian author who has ever been awarded the prestigious Prix Goncourt.

[*Translation*]

With her husky voice, her sensibility, her body language and her accent, Viola Léger, a national treasure, would play the role of this character nearly 3,000 times over the course of her career. As the writer Rino Morin Rossignol so deftly wrote, and I quote:

> Viola played this role with such grace, humanity, and dramatic flair that these two women, the actress and the character . . . will be intertwined for eternity.

Thanks to this unique union between Viola Léger and the writing of Antonine Maillet, La Sagouine became the voice of an entire people by showcasing Acadia to itself and to the entire country. This character, with her rich and savoury language, casts a long hard look at humanity and brings us back to a fundamental value: human dignity.

• (1340)

[*English*]

This play has been performed in both French and English in Canada and Europe, breaking down cultural barriers and paving the way for Viola Léger's prolific artistic career.

In addition to managing her own company, bringing to the stage the work of several playwrights and working in numerous theatrical institutions in Canada, Ms. Léger set up a foundation in her name to support Acadian creators.

[*Translation*]

Viola Léger has received many awards and was a mentor and a model of artistic discipline and engagement to others in the theatrical world. Her unique on-stage presence is informed by deep, authentic, extensive soul-searching.

Her respect for the audience and the characters she played made her one of Canada's most inspiring artists.

[*English*]

This wonderful artist sat in the upper chamber from 2001 to 2005 and delivered strong pleas for arts and culture. Since she had the habit of doing it in her statements, I thought I would also end this tribute, honourable senators, by first wishing her a speedy recovery and by reciting a few lines from *La Sagouine*, the character that marked her life and that of many Canadians.

[*Translation*]

In a monologue entitled *The Good New Year*, la Sagouine says to her audience:

> Yeah, well, it's been a pretty good year. . . No big dump of snow, no sudden death, no one crippled, no one got pneumonia, no water in nobody's basement . . . [. . .] no blueberries, neither, that's true . . . but lots of hawthorn berries and enough beechnuts to choke a horse. Clams were nice and fat [. . .]. And then there was a few weddings, and the picnic up to Sainte-Marie, and the elections. Because the government has more money than normally these days.

Have a happy retirement, dear Viola. Thank you.

**Hon. Senators:** Hear, hear!

[*English*]

## THE HONOURABLE PAUL MCINTYRE

### CONGRATULATIONS ON 2016 CHARLO CITIZEN OF THE YEAR AWARD

**Hon. Daniel Lang:** Colleagues, I rise today to salute one of our own, Senator Paul McIntyre, who was named Citizen of the Year for 2016 by his community of Charlo, New Brunswick.

**Hon. Senators:** Hear, hear!

**Senator Lang:** Like all honourable senators, Senator McIntyre has found ways to give back to his community. He is a man who is known for literally walking the walk and running the country mile.

Colleagues, Senator McIntyre has been a fundraiser for various charitable organizations, such as the Salvation Army; a former chairperson of the Charlo Fall Fair and Winter Carnival; assistant coordinator of the Children's Wish Foundation; a chief organizer of the Donat McIntyre Gentlemen Hockey Tournament, which was named after his father, which was an event that raises funds to maintain the Charlo Community Centre; and he was the first president of the Charlo Lion's Club.

In caring for the natural environment, Senator McIntyre is also the former owner and creator of the Alfred-Victoria Desrosiers Nature Park, more than 125 acres of land, and in 2014 generously transferred the park as a gift to the Village of Balmoral.

Colleagues, two years ago, after reading about the needs of the local food bank, Senator McIntyre made a significant donation of $25,000 to the Restigouche County Volunteer Action Association and $5,000 to the association in Saint-Albert, situated in Campbellton, to support their programs for the less fortunate.

In addition, colleagues, Senator McIntyre is well known within his region as an organizer of numerous athletic events. He himself is also permanently committed to fitness, having participated in more than 200 road races and 55 marathons, including the prestigious Boston Marathon.

In addition to being recognized as Citizen of the Year for 2016 by his community, Charlo, Senator Paul McIntyre was also recognized by the Honourable Donald Arseneault, a minister in the Government of New Brunswick, and Mr. René Arseneault, his member of Parliament.

In his acceptance speech, our colleague noted that like so many rural communities in Canada, the Village of Charlo stands for honesty, integrity, dignity and respect.

He went on to state, "my village, dating back to my birth, is well anchored in my memory," and added that "just like a baby returning to its cradle, we always return to the place where we were born to rekindle old friendships, souvenirs and memories."

Colleagues, I am pleased to salute Senator Paul McIntyre, Charlo, New Brunswick's Citizen of the Year for 2016. Our friend and fellow parliamentarian has made the Senate of Canada a more respected institution.

**Hon. Senators:** Hear, hear!

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a group of participants of the Laskin Moot Competition from the Schulich School of Law at Dalhousie University in Nova Scotia: Sophie DeViller, George Franklin, Teagan Markin, Vinidhra Vaitheeswaran and their coach, Jodi Lazare. They are the guests of the Honourable Senator Pate.

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

**Hon. Senators:** Hear, hear!

## SENATE SOCIAL

**Hon. Mobina S. B. Jaffer:** Honourable senators, yesterday evening I had the pleasure of joining several of my esteemed colleagues at the first-ever Senate Social.

The Senate Social, which represented a partnership between the Senate of Canada and Twitter Canada, was a fun-filled event that featured Twitter mirrors — people still keep e-mailing how they can wave back at me —SenCA bingo, the unveiling of the new Senate website and a virtual tour of the Senate developed by Dr. Stephen Fai and his team from Carleton University's Immersive Media Studio.

The Senate Social also included a panel entitled "Politics via Social Media," which featured several journalists who offered tips and tricks on how to navigate social media.

I was especially proud of my honourable colleagues, Speaker Fury, Senator Housakos, Senator Cordy and Senator Petitclerc for doing such a great job representing this chamber. They made us all look very hip and social media savvy, which is no small feat.

I would also like to take this opportunity to congratulate Mélisa Leclerc and her team at Senate Communications for organizing such a successful and innovative event. Their hard work does not go unnoticed and we are all grateful for their support and patience.

Honourable senators, the Senate of Canada is 150 years old, but we would not have known it last night. We are modernizing the way we communicate and embracing new technology. I am sure you will agree that we do much meaningful work on behalf of

all Canadians in this chamber. I truly believe we can utilize social media platforms to expand our outreach and engage the Canadians we so proudly represent.

Senators, I would be remiss if I did not again thank Senator Housakos and Senator Cordy, their staff, Jacqui Delaney, Matthew Ryan, Mélisa Leclerc and her team for the superb job they continue to do. They stand up for us, they fight for us, and they make sure that Canadians know the many different issues senators work on.

Honourable senators, Senator Housakos and Senator Cordy, help us to explain the work we do for Canadians. We thank you for your efforts.

**Hon. Senators:** Hear, hear!

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of Ms. Helen Forsey, author and daughter of the late Eugene Forsey, former senator. She is accompanied by her grandchildren, Ms. Nina Contreras-Wolfe; Mr. Lucas Contreras-Wolfe. They are the guests of the Honourable Senator Manning.

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

**Hon. Senators:** Hear, hear!

## ANASTASIA YETMAN

### CONGRATULATIONS ON ONE HUNDRED AND THIRD BIRTHDAY

**Hon. Fabian Manning:** Honourable senators, today I am pleased to present Chapter 13 of "Telling Our Story."

Anastasia Critch was born in the small Newfoundland community of Gaskiers, St. Mary's Bay, on March 4, 1914, just a few days before the commencement of World War 1. At that time, Newfoundland was an independent dominion and no doubt was very much a different place from what it is today.

Isolation and the outbreak of the Great War brought its challenges to rural Newfoundland and made for some very difficult times. I'm sure it was no different for Anastasia's family, but growing up in a caring, loving and faith-filled home created a solid foundation for Anastasia to enjoy a long and happy life.

Anastasia married Gus Yetman from the nearby community of St. Mary's and together began a new chapter in her life's journey.

• (1350)

They brought 11 children into the world and things were going fairly well until 1967, when Gus suddenly passed away. Anastasia was left to raise those 11 children on her own. With an incredible commitment to her family and certainly not one to shy away from a hard day's work, she did an exemplary job as a parent. All of her children became great contributors to our province and our country.

Somewhere during the passage of time, folks began referring to Anastasia as "Aunt Stash," and the name remains today.

During my first election campaign in 1993, I received the welcome of the world when I knocked on her door. During numerous visits to follow, I was — and I'm sure many others can say the same thing — greeted with a welcome hug and, within a few minutes, a hot cup of tea and a tea bun. She became a great supporter of mine, but, more importantly, she became a wonderful and loyal friend.

In the lead-up to the 2008 federal election campaign, then-Prime Minister Harper visited my riding, and we held a community function in the town of Holyrood. Aunt Stash, who was 95 years old at the time, was sitting in the front row and wanted to meet the Prime Minister. Immediately following the speech, I took Aunt Stash by the hand and introduced her to him. I said to Prime Minister Harper, this is Ms. Anastasia Yetman, who is 95 years of age and a long-time supporter of mine. Before he could respond, Aunt Stash said, "Don't mind him, Mr. Harper; I'm his girlfriend." I am sure her sense of humour has helped her live a long and healthy life.

Aunt Stash presently resides at Lewis's Personal Care Home in Riverhead, St. Mary's Bay. That is where family and friends, including yours truly, will gather this Saturday, March 4, 2017, to celebrate her one hundred and third birthday.

Ms. Anastasia Yetman is an extraordinary and incredible woman, who, for 103 years, has lived a most remarkable life. It will truly be a memorable celebration.

I ask all senators to join with me in wishing Aunt Stash continued good health, good luck and much happiness on her special day. God bless her!

**Hon. Senators:** Hear, hear!

# ROUTINE PROCEEDINGS

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES

**Hon. Mobina S. B. Jaffer:** 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 be authorized to examine and report on issues relating to creating a defined, professional and

consistent system for veterans as they leave the Canadian Armed Forces; and

That the committee table its report no later than June 30, 2017, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF OPPORTUNITIES FOR STRENGTHENING COOPERATION WITH MEXICO SINCE THE TABLING OF THE COMMITTEE REPORT ENTITLED *NORTH AMERICAN NEIGHBOURS: MAXIMIZING OPPORTUNITIES AND STRENGTHENING COOPERATION FOR A MORE PROSPEROUS FUTURE*

**Hon. A. Raynell Andreychuk:** 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 Tuesday, March 22, 2016, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on opportunities for strengthening cooperation with Mexico be extended from March 31, 2017 to October 31, 2017.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF RECENT POLITICAL AND ECONOMIC DEVELOPMENTS IN ARGENTINA IN THE CONTEXT OF THEIR POTENTIAL IMPACT ON REGIONAL AND GLOBAL DYNAMICS

**Hon. A. Raynell Andreychuk:** 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 Tuesday, March 22, 2016, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on recent political and economic developments in Argentina be extended from May 31, 2017 to October 31, 2017.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Carole Sabiston, a Canadian textile artist, recipient of the Saidye Bronfman Award for Excellence in 1987. She is the guest of the Honourable Senator Bovey.

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

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Rosario H. Calderon, visiting from Peru. She is the guest of the Honourable Senator Galvez.

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

**Hon. Senators:** Hear, hear!

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[*Translation*]

# QUESTION PERIOD

## INFRASTRUCTURE AND COMMUNITIES

### MONTREAL—LIGHT RAIL PROJECT

**Hon. Claude Carignan (Leader of the Opposition):** My question is for the Leader of the Government in the Senate and concerns infrastructure, in particular the light rail project proposed by Caisse de dépôt et placement du Québec for Montreal. It would be the largest public transit infrastructure project undertaken in Montreal since the metro was built 50 years ago.

Last November, Michael Sabia, President and CEO of Caisse de dépôt et placement du Québec, publicly stated that he expected the federal government to follow through on its commitment to this project within four months.

This deadline is fast approaching. Can the Leader of the Government in the Senate tell us whether the federal government intends to support the light rail project proposed for Montreal?

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I would like to say a few words before answering the senator's question.

This is the first question that the Leader of the Opposition has asked me since his announcement, and I would simply like to take this opportunity to acknowledge his contribution, especially during Question Period. I look forward to continuing this tradition, but perhaps not on a daily basis. Senator Carignan, I just wanted to point out your dedication and professionalism in the role you have played in advancing the evolution of this chamber.

Thank you.

**Hon. Senators:** Hear, hear!

[*English*]

**Senator Harder:** I want it noted that I gave the honourable senator a standing ovation.

Now to the question. I will inquire of the ministers responsible for the proposal that is under consideration. I don't have an up-to-date answer with respect to this project. I note the importance for the community of Montreal and the commitment that Michael Sabia has made with the statements he has made and will get back to him promptly.

[*Translation*]

CHAMPLAIN BRIDGE

**Hon. Claude Carignan (Leader of the Opposition):** Thank you, Leader of the Government in the Senate, for your kind words.

Based on its route, we can see the light rail system will also cross another major infrastructure currently under construction, the Champlain Bridge. According to today's *Le Devoir*, the project has encountered some problems and delays. We are talking about delays of about three to four months.

Can the Leader of the Government in the Senate keep us up to date in the Senate on any deadline changes for the work on the Champlain Bridge, since this is another transportation infrastructure that is important for the metropolitan region?

**Hon. Peter Harder (Government Representative in the Senate):** Yes.

[*English*]

## FINANCE

INFRASTRUCTURE PROJECTS

**Hon. Elizabeth (Beth) Marshall:** My question is also for Senator Harder, and it is on the subject of infrastructure. Senator Harder, last month the Parliamentary Budget Officer released a report on the government's new infrastructure plan. He indicated that of the $13.5 billion announced in Budget 2016 for two years for infrastructure, departments have identified only just over $4 billion in projects, which would indicate a significant gap.

• (1400)

Last week, the Parliamentary Budget Officer released a second report indicating $3 billion of funds approved for this fiscal year for several departments has been frozen and will be reprofiled to next year. For example, almost $1 billion relates to Infrastructure Canada and $100 million relates to Indigenous and Northern Affairs Canada. This information indicates that the government is having problems delivering its infrastructure plan.

The new infrastructure plan is a major component of the government's economic plan, as Budget 2016 projected that up to $13.5 billion would create GDP by two tenths of a per cent in 2016-16 and four tenths of a per cent in 2017-18.

Since the infrastructure plan is not rolling out as anticipated, can you confirm that the government's growth projections anticipated by the infrastructure plan will not be met?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question and will leave it to the Minister of Finance to speak to growth projections in the forthcoming budget.

I do want to use the occasion of this question on infrastructure to make two points, though. One is to thank the Senate Finance Committee for its work on the infrastructure issue. I want to assure honourable senators that its report is being welcomed by the government and its advice is appropriate and timely. I do, though, want to report to the Senate that the government has approved over 1,300 projects for more than $14 billion in combined funding.

To put that in context, it's more than five previous years combined. That's not to say appropriate attention need not be given to streamlining the process to respond to some of the helpful suggestions from the Senate committee, but on behalf of the government I want to confirm with all senators that the infrastructure program and the commitment to this $180-billion investment remains a high priority for the government and one that the government looks to working with all sectors and all levels of government to achieve both the infrastructure benefit and the economic stimulus.

**Senator Marshall:** Thank you very much for that information, Senator Harder.

The Parliamentary Budget Officer — and this was also identified during the study carried out by the Finance Committee — indicated that the government hasn't provided any performance measurement framework to evaluate the infrastructure spending. There's limited visibility on tracking the money that's being spent, and there's no mention of the infrastructure program in the current departmental performance report. So it is a very serious concern.

Could you tell us whether it's the government's intention to spend the $13 billion this year and next without any accountability information or accountability mechanism?

**Senator Harder:** I will obviously raise this with the minister. I do know the minister is very keen to ensure there are appropriate accountability measures. He has spoken to that in this chamber in Question Period early in his mandate and will be anxious to ensure there is both transparency and accountability in the delivery of these programs.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

UNITED STATES—SAFE THIRD COUNTRY AGREEMENT

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is to the leader and my question is on the safe third country agreement.

Leader, you spent a lot of your life on these issues and you are very much aware of the safe third country rule. As you are aware, for many years we did not have the safe third country rule with the United States because we had very serious concerns, especially during the previous sanctuary period when refugees were coming from Central America and they had challenges in the U.S.

Our safe third country agreement with the United States states that since both Canada and the U.S. are both safe countries to land, refugees making claims at a border crossing at a land border with the U.S. must be turned away. The way I understand it is if they come to an official border, they will immediately be sent back.

The assumption of that agreement was that our neighbours to the South will continue to have refugee policies that will be able to help those most in need. Unfortunately, we can no longer make that assumption with the present administration's executive orders halting immigration from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen for 90 days. I know this executive order is being reconsidered, but there is also the stopping of resettlement of refugees for 120 days.

Leader, isn't it time that we examine the safe third country agreement with the United States?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. She has long experience in this area, both before her appointment to the Senate and since.

I would like to point out that the safe third country agreement is an important piece of the architecture of Canada's refugee determination process.

As all senators will know, our commitments on refugee determination are through an international treaty. Therefore, we have treaty obligations to those who seek refuge in Canada when they arrive.

The Canada-United States Safe Third Country Agreement is, as the senator rightly points out, an agreement made between the Government of Canada and the Government of the United States to ensure that adjudication of claims is made in the country of first arrival. There are exceptions, however, as the agreement provides for where there are relatives in Canada. I believe 98 per cent of the exceptions are with regard to relatives. It is also true this is the case for claimants who present themselves at border crossings.

The situation that we have outside of border crossings is being monitored closely by the department. There have been and will continue to be high-level engagement with our American friends on the issue of irregular movement, but at this stage the Government of Canada, while obviously monitoring the situation closely, believes that the safe third country agreement remains an important piece of our bilateral architecture with the United States. I want to assure all senators that the Government of Canada's commitment to refugee protection remains undiminished.

**Senator Jaffer:** Leader, thank you very much for your answer. I know this is a very difficult issue. I know that the government will continue to re-examine how long we will have this agreement.

Leader, every day I get three to four phone calls from Muslims who are asking if they should go to the United States. What will happen? Will our country be there to support them if they get detained? I'm talking about Canadians. It's a very sensitive issue for me, and I hope I can express it well.

These days, it feels like there's a Canadian who is a Muslim and then there is the rest of Canadians. If you are a Canadian who's a Muslim that goes to the United States and then gets detained and gets asked all kinds of questions, it feels like there is nobody, your government is not standing behind you.

Leader, I understand there are issues of sovereignty and I understand that Muslims don't need to go to the United States, but there are all kinds of reasons why they may be going to the United States. They may have families; they may be studying there; they may have work; they may lose their job if they don't go there. There are all kinds of reasons why people go to the States. It is our neighbour. It doesn't feel like our government is standing up to say, "If you treat one Canadian unfairly, we will stand up, because we stand up for all Canadians."

When will our government stand up strongly and say a Canadian is a Canadian is a Canadian?

**Senator Harder:** I thank the honourable senator for her question. I believe that the government is standing up and saying that, certainly with respect to legislation before this very chamber with regard to citizenship.

With regard to the assurance for Canadians that our consular services are available to Canadians who feel, whether in the United States or elsewhere, that their rights and freedoms are being inappropriately challenged, that's why we have the infrastructure of consular services to address those issues.

With regard to the tone questions which are part of the question that you have asked, I want to assure the honourable senator that these are issues that are dealt with at the highest level of this government with the new administration. I would want to assure Canadians that the Government of Canada is fully committed to the easy movement of Canadians — and Americans, frankly — across our border, because we have both economic and social intercourse that is important for our families, our work and our sense of space here in North America.

• (1410)

This is a subject of high importance, and I thank the honourable senator for raising the concerns.

[*Translation*]

## HEALTH

### MENTAL HEALTH AND HOME CARE— OFFICIAL LANGUAGES

**Hon. Raymonde Gagné:** My question is for the Government Representative in the Senate. Actually, my question is indirectly for Minister Philpott. I would have liked to ask her this question yesterday, but unfortunately, I didn't have time.

My question is about an issue that has been in the news a lot lately: federal-provincial health transfer agreements. More specifically, the government has made home care and mental health a priority and is looking to implement a pan-Canadian vision or at least a set of pan-Canadian standards.

This is a two-part question. First, how did the government go about defining mental health and home care as its national priorities? Second, during that process, how much did it consider the specific needs of official language minorities? We know that having access to health care in one's mother tongue is all the more important when one is in a vulnerable situation. Would you please pass my question along to the minister so we can get an answer?

**Hon. Peter Harder (Government Representative in the Senate):** Thank you for your question. I will ask the minister for an answer. However, I want to emphasize that the government is working hard to ensure that minority communities across Canada have access to the services they need.

[*English*]

## INFRASTRUCTURE

### INFRASTRUCTURE BANK

**Hon. Dennis Glen Patterson:** Honourable senators, my question is for the Government Representative with respect to infrastructure.

Various stakeholders in the North and remote regions are concerned that the proposed infrastructure bank may not be a suitable vehicle for financing infrastructure projects in Canada's northern and remote regions due to their relatively smaller economies of scale. We are still awaiting clarification as to how this infrastructure bank might work in the more remote regions of Canada.

Will the government be structuring the infrastructure bank to include concessional elements, essentially grants, for projects of a smaller scale in order to make relatively smaller projects viable?

**Hon. Peter Harder (Government Representative in the Senate):** I can report that the government is in a consultative phase with respect to the mandate and the way in which this bank will operate. I will raise with the appropriate ministers the concerns that you have raised by your question to ensure they are addressed in this broader consultative period.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a supplementary to this question.

With regard to the infrastructure bank, which will be raising money to create new infrastructure, it concerns me that a sort of asset recycling will be happening. The government is proposing to raise funds by potentially selling stakes in existing infrastructure such as rails, highways, ports or airports to the private sector.

What safeguards will the government put in place to not allow investors to charge tolls or fees indefinitely on existing infrastructure, which has already been paid for by taxpayers, simply to raise funds for the government's risk-sharing infrastructure bank scheme? What are those safeguards for Canadians?

**Senator Harder:** It would be inappropriate for me to provide assurances of the architecture of the program that is being consulted on now. The issues you raise are important in the context of that development phase, and I look forward to an early announcement by the government on this matter.

**Hon. Donald Neil Plett:** Honourable senators, my question is for my cousin, the Leader of the Government in the Senate.

Leader, yesterday the Banking, Trade and Commerce Committee heard testimony from a Mr. Glenn Campbell — not the Canadian icon that most associate with this name but a distinguished public servant who has appeared before the Banking Committee many times to deal with financial matters.

Mr. Campbell is currently the Executive Director of Canada Infrastructure Bank Transition Office with Infrastructure Canada, a newly created position set up in advance of the Minister of Finance tabling the federal budget on March 29. When asked about the mandate of the new bank, Mr. Campbell was uncharacteristically silent in his explanation, falling well short of providing any information on its role or mandate.

Leader, could you take a moment to advise us as to the role of this very-soon-to-be-created financial institution, specifically in terms of the relationship it will have over commercial lending institutions currently engaged in funding private and public infrastructure initiatives? In your response, can you confirm that this new agency will not detract from or compete with the very successful private-public partnership programs that have been evolving at the federal, provincial and municipal levels for years?

**Senator Harder:** I would like to thank my honourable cousin for this question and simply suggest familial patience, as the announcements will be made shortly that will provide the sense of architecture of both the infrastructure bank and its relationship to other appropriate organizations.

SCARBOROUGH SUBWAY EXTENSION

**Hon. Tobias C. Enverga, Jr.:** Honourable senators, my question is for the Government Representative in the Senate.

Earlier this week, our colleagues on the National Finance Committee released a report that indicated the Trudeau government is making promises but is not following through on its commitments. There is also a tendency for the current government to allow significant funding to lapse.

As an Ontario senator who lives in Scarborough, I am approached by many concerned citizens about the federal commitment to extend the subway system to that part of Toronto. The City of Toronto has applied for $474 million from the Public Transit Infrastructure Fund.

In light of the recent Senate report, can you confirm your government's commitment to support public transit in the Greater Toronto Area and, more specifically, to provide the funding necessary for the completion of the Scarborough Subway Extension?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I want to thank the honourable senator for his question and to reference my response earlier that the government remains committed to the $180 billion of infrastructure spending and that it welcomes the report from the Senate Finance Committee with respect to recommendations on how the project of infrastructure can in fact be improved.

The reality is that the government has approved over 1,300 projects, valued over $14 billion, thus far. I can't comment on the specific project the honourable senator has referenced in the question, except to say that I will endeavour to find the explicit answer.

All senators should know that the government received the report in the spirit in which it was given, which is how can we collectively make this investment work best for Canada, in a timely and appropriate fashion, with the right impacts for both infrastructure and economic development? I think it would be useful for us all to focus on that objective in ensuring the program benefits from the improvements that can be made.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

UNITED STATES—SAFE THIRD COUNTRY AGREEMENT

**Hon. Mobina S. B. Jaffer:** My question is a follow-up. Leader, when a young person who has trained a lot travels with his team from Quebec for sports, and his team goes on but he is the only one stopped because he's a Muslim, I am being asked by his community: How has our government stood up for that young boy?

I have no doubt that Minister Goodale and our Prime Minister are doing everything possible behind the scenes to say that every Canadian is equal. But how do we assure the young boy, whose whole career is based in sports, that he will no longer be stopped; or that when he is stopped, our government will publicly stand up and say, "This is not what we will accept"?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question. As her earlier question suggested, there is an issue of sovereignty here in terms of sovereign right of a country to determine the rules and the processes of entry.

• (1420)

I would note that the kind of issue you raise has been raised in the context of Americans returning to America as well. I do think that this is early in the administration, and I would hope that the process of the executive order that we anticipate in the coming days and the management of that executive order can assure both Canadians and any arrivals to the United States of fair and equal treatment.

## HEALTH

NUNAVUT—HEALTH TRANSFER

**Hon. Dennis Glen Patterson:** Honourable senators, my question is for the Government Representative in the Senate.

Leader — and I didn't get a chance to ask this yesterday — the Government of Nunavut signed the new Canada Health Transfer agreement in January. Consistent with other provinces and territories, the GN asked for a 5.2 per cent annual increase, which was rejected by the government. Instead, they were offered 3 per cent. This will have an estimated impact of a loss of $57 million over the next 10 years in Nunavut and unfortunately doesn't address the rising cost of delivering adequate health care in the North.

Other provinces and territories receive an average of 22 per cent of their health care funding from the federal government. In Nunavut, the jurisdiction proven to have the highest costs per capita due to the remoteness and the unfortunate need for expensive medical travel to southern hospitals for advanced procedures, the federal government contributes only 19 per cent. This strikes me as wholly unfair.

Will the government address the apparent inequity and inadequacy of funding needs for health care in Nunavut as there will be an opportunity to do so in forthcoming negotiations, the Territorial Health Initiatives Funding, the Northern Wellness Approach and northern Non-Insured Health Benefits?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and his advocacy for his region. I will make inquiries with respect to the state of those discussions of the minister and want to simply point out, as the minister did yesterday, that the government welcomes the agreements that have been reached thus far and the benefits that those agreements will provide, both with respect to assurance on health funding, but also the additional specific funding for additional home care and mental health delivery.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table answers to the following oral questions:

the oral question raised by the Honourable Senator Tkachuk on October 6, 2016, concerning Syrian refugees; the oral question raised by the Honourable Senator Jaffer on October 27, 2016, concerning diversity and gender representation in the public service; the oral question raised by the Honourable Senator McIntyre on November 3, 2016, concerning human trafficking; the oral question raised by the Honourable Senator Poirier on November 3, 2016, concerning services for linguistic minority communities; the oral question raised by the Honourable Senator Cordy on November 15, 2016, concerning collective bargaining for RCMP employees.

[*Translation*]

I am also tabling the answers to the following questions: the question raised by the Honourable Senator Fraser on November 17, 2016, concerning research funding for linguistic minorities; the question raised by the Honourable Senator Meredith on November 17, 2016, concerning the Temporary Foreign Worker Program; the question raised by the Honourable Senator Meredith on November 17, 2016, concerning the Temporary Foreign Worker Program; the question raised by the Honourable Senator Andreychuk on November 22, 2017, concerning electronic travel authorization.

[*English*]

I also table the oral question raised by the Honourable Senator Martin on November 28, 2016, concerning Statistics Canada, Labour Force Survey, youth employment; the oral question raised by the Honourable Senator Patterson on December 15, 2016, concerning vacancies on co-management boards; and the oral question raised by the Honourable Senator Carignan on February 2, 2017, concerning the legalization of all drugs.

## IMMIGRATION, CITIZENSHIP AND REFUGEES

### SYRIAN REFUGEES

*(Response to question raised by the Honourable David Tkachuk on October 6, 2016)*

The Government brought in the following number of Syrian Government Assisted Refugees (GARs) and Blended Visa Office Referral (BVORs) refugees who were not previously in process* and who were not sponsored by non-governmental agencies:

- from November 4, 2015, to December 31, 2015, a total of 2,202 Syrian GARs and BVORs;
- from January 1, 2016, to February 29, 2016, a total of 13,404 Syrian GARs and BVORs; and,
- from March 1, 2016, to March 31, 2016, a total of 6 Syrian GARs and BVORs arrived.

The government brought in the following numbers of privately sponsored refugees that were not in process* under the previous Government and who were not sponsored by non-governmental agencies:

- from November 4, 2015 to December 31, 2015 a total of 33 Syrian PSRs arrived.
- from January 1, 2016 to February 29, 2016 a total of 2,709 Syrian PSRs arrived.
- from March 1, 2016 to March 31, 2016 a total of 10 Syrian PSRs arrived.

Immigration, Refugees and Citizenship Canada (IRCC) was identified as the lead department for the Government's response to the Syrian Crisis - Resettlement of 25,000 Refugees. With the support of the other Government departments involved in this initiative, IRCC will be reporting all related expenses through the horizontal initiative reporting process as required for Government expenditures.

Through IRCC's 2015-16 Departmental Performance Report, which was tabled in Parliament in November 2016, an amount of $384.7 million, lower than the originally planned budget, was included for the whole of government cost related to the Government's response to the Syrian Crisis for the fiscal year ending March 31, 2016. Of this amount, existing funds covered $81.0 million, while the remaining amount was funded from the Fiscal Framework.

* Applications were received on or after November 4, 2015. Please note that Syrian Admissions data that was released publicly includes individuals whose applications were also submitted before November 04, 2015, but who arrived on or after.

## INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

### DIVERSITY AND GENDER REPRESENTATION ON CANADIAN BOARDS OF DIRECTORS

*(Response to question raised by the Honourable Mobina S. B. Jaffer on October 27, 2016)*

Information on the diversity of the core public administration (CPA) is publicly available in the Annual Report to Parliament on Employment Equity in the Public Service of Canada. The public service has made steady progress in achieving employment equity since the *Employment Equity Act* came into force in 1996. As of March 31, 2015, women represented 54.3 percent of the CPA workforce, Aboriginal peoples 5.1 percent, persons with disabilities 5.6 percent, and members of a visible

minority group 13.8 percent. These figures show that within the core public administration, all four employment equity groups continue to exceed their workforce availability.

As of March 2015, in the Deputy Minister community, women represent 40.5 percent, Aboriginal peoples 4.1 percent, persons with disabilities 4.1 percent, and members of visible minority groups 6.8 percent. The Government of Canada is committed to a diverse public service that reflects Canada and is a model of inclusion for employers across Canada and the world. Diversity is neither a challenge to be overcome nor a difficulty to be tolerated. Rather, it is a tremendous source of strength.

## JUSTICE

### HUMAN TRAFFICKING

*(Response to question raised by the Honourable Paul E. McIntyre on November 3, 2016)*

On February 9, 2017 the Minister of Justice and Attorney General of Canada introduced Bill C-38, *An Act to amend An Act to amend the Criminal Code (exploitation and trafficking in persons)*.

The Government is committed to strengthening its efforts to combat human trafficking and better protect its victims, who are often among society's most vulnerable.

The proposed legislation would help prosecutors prove one of the elements of the trafficking offence — that the accused exercised control or influence over the movements of a victim — by proving that the accused lived with or was habitually in the company of the victim. This would make the offence easier to prove and would reduce the likelihood that victims of trafficking would have to testify in court. It would also put the onus on a convicted offender to prove that their property is not proceeds of crime in certain circumstances. This would make it easier for the state to seize the proceeds of this very serious crime.

The Government of Canada is committed to ensuring that the criminal justice system is just, compassionate, accessible and fair, and that it promotes a safe, peaceful and prosperous Canada.

## OFFICIAL LANGUAGES

### SERVICES FOR LINGUISTIC MINORITY COMMUNITIES

*(Response to question raised by the Honourable Rose-May Poirier on November 3, 2016)*

Regarding settlement funding at Immigration Refugees and Citizenship Canada (IRCC), a range of efforts ensure that funds reach Francophone Minority Communities.

The Department continues to provide and improve services in French for French-Speaking immigrants outside Quebec. In the National Call for Proposals 2015, IRCC identified national and regional priorities in support of Francophone Minority Communities and in support of connections between francophone service providers and the broader settlement system.

The Call for Proposals on settlement programming also introduced a priority called *Arrimages francophones* that aims to better link French-speaking immigrants to settlement services in Francophone Minority Communities.

Approximately 50 francophone organizations that submitted proposals for funding for settlement related services received a letter from IRCC. For these, the Department intends to begin negotiations and reach a Contribution Agreement. The proposed services cover various components of the Settlement program offered in French by Francophone service providers, including: indirect coordination of Francophone organizations and settlement services; needs assessments and referrals; information and orientation; language training; employment related services and community connections.

To better connect French-speaking immigrants with Francophone service providers, the Department is analyzing how obligations related to the official languages clauses within contribution agreements could be strengthened.

## EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

### COLLECTIVE BARGAINING FOR RCMP EMPLOYEES

*(Response to question raised by the Honourable Jane Cordy on November 15, 2016)*

Our Government is committed to supporting the dedicated and proud members of Canada's national police service. Often facing immense challenges and very real dangers, Royal Canadian Mounted Police (RCMP) members serve Canadians bravely and keep our communities safe.

Bill C-7 addresses the 2015 Supreme Court of Canada (SCC) decision, which found key aspects of the RCMP's labour relations regime unconstitutional. Bill C-7 provides RCMP members and reservists, for the first time, the right to choose an employee organization to represent them in labour negotiations and pursue employment interests through a process of collective bargaining.

On June 21, 2016, the Senate passed C-7 with substantial amendments. An analysis of the Senate's amendments is ongoing. The analysis takes into consideration the particular

circumstances of the RCMP as a police organization and how the amendments align with the existing federal framework for labour relations and collective bargaining since the RCMP operates within the federal public administration.

The President of the Treasury Board and the Minister of Public Safety and Emergency Preparedness are committed to responding to the Senate recommendations as soon as possible in order to provide clarity to RCMP members and reservists. It is anticipated that the proposed response to the Senate will be tabled by the spring of 2017.

## OFFICIAL LANGUAGES

### RESEARCH FUNDING FOR LINGUISTIC MINORITIES

*(Response to question raised by the Honourable Joan Fraser on November 17, 2016)*

Official Languages are a priority for our government. We are well aware of the challenges faced by official language minority communities across the country, be they the Francophone and Acadian communities outside of Quebec, or English-speaking communities in Quebec. Our government is committed to supporting and strengthening the vitality of these communities.

In this context, the government has conducted extensive consultations throughout 2016 to develop a new five-year action plan which will take effect in 2018, fulfilling a mandate letter commitment of the Minister of Canadian Heritage. With 22 regional round tables, a record amount of online submissions, and a national forum of Official Languages stakeholder organizations, these consultations stand as the most open and transparent Official Languages consultations ever.

With regards to federal funding for research for language minorities, the federal government is proud to support the Moncton-based Canadian Institute for Research on Linguistic Minorities (CIRLM). In 2001-2002, the federal government invested $10 million in an endowment fund to create this institution, and has supported it with grants for research projects. The Quebec English-Speaking Communities Research Network (QUESCREN) is a project of CIRLM, and the federal government has supported Phases II through IV of the project with $330,000 in funding since 2013.

Further, the Department of Canadian Heritage spends $36.6 million annually to support Official Language-Minority Community organizations, as well as $4.3 million to organizations active in the promotion of Linguistic Duality. Many of these organizations conduct, and disseminate research as part of their projects or annual programming, but this is not considered a core part of their mandate.

## CITIZENSHIP AND IMMIGRATION

### TEMPORARY FOREIGN WORKER PROGRAM

*(Response to question raised by the Honourable Don Meredith on November 17, 2016)*

Employment and Social Development Canada (ESDC) takes the integrity of the Temporary Foreign Worker (TFW) Program very seriously and works to promote the protection of the Canadian labour market and foreign workers alike. Under the Immigration and Refugee Protection Regulations, the Government of Canada has the authority to review the actions of employers to assess whether they meet Program requirements and conditions of employment.

While in Canada, TFWs have the same rights and protections as Canadians and permanent residents under applicable federal, provincial and territorial employment standards and collective agreements. ESDC and Immigration, Refugees and Citizenship Canada (IRCC) have a variety of tools to verify that foreign workers are treated fairly while in Canada. These include comprehensive inspection powers, and the ability to issue Administrative Monetary Penalties (AMP) ranging from $500 to $100,000 per violation and/or bans preventing access to the TFW Program for periods of one, two, five and ten years (or permanent bans for egregious cases). The Department also has a confidential tip line and online reporting tool to allow workers to report allegations of mistreatment under the Program.

The Government acknowledges that temporary foreign workers contribute positively to the Canadian economy and strives to ensure that the program also works well for workers and employers. The Government is currently reviewing pathways to permanent residence for foreign workers who have integrated into Canadian society and are filling a permanent labour need. In parallel, the Government continues to facilitate temporary foreign workers' transition to permanent residence through established pathways such as the Provincial Nominee Program and other programs managed through Express Entry. Additionally, effective December 13, 2016, the Government removed the cumulative duration rule that has negatively impacted temporary foreign workers notably in seasonal industries.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### ELECTRONIC TRAVEL AUTHORIZATION

*(Response to question raised by the Honourable A. Raynell Andreychuk on November 22, 2016)*

Since August 1, 2015, the Government of Canada has been implementing a multi-faceted communications and marketing campaign to inform travellers about the Electronic Travel Authorization (eTA) requirement.

This international and domestic campaign has included stakeholder outreach, media and social media engagement, distribution of information materials, and advertising. Immigration, Refugees and Citizenship Canada (IRCC) is working closely with air industry, tourism and travel stakeholders, Canadian missions abroad, and other federal partners to reach travellers. Examples of partner communications include sending eTA information to customers and networks, displaying information at international airports, and including information in emails to Canada-bound passengers. Since March 2016, Canadian border services officers and air carriers have provided IRCC handouts to travellers informing them about the need for an eTA.

IRCC launched an international advertising campaign in top source countries of eTA visitors. Phase one of the campaign ran from February to March 2016; phase two launched in October 2016 and is on-going.

More than 2.8 million eTAs have been issued since the application launched on August 1, 2015, with an average approval rate of 98%. Approximately 83% of applications are processed within five minutes of receipt.

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### STATISTICS CANADA—LABOUR FORCE SURVEY—YOUTH EMPLOYMENT

*(Response to question raised by the Honourable Yonah Martin on November 28, 2016)*

The Government is committed to investing in youth through a number of initiatives which are underway to support job opportunities.

We are making significant investments into the renewed Youth Employment Strategy in 2016-17.

We will also be investing $73 million over four years in support of Student Work Integrated Learning and gives students more exposure for critical skills in the workplace.

As announced in Budget 2016, an "Expert Panel on Youth Employment" was recently launched and is examining innovative practices both at home and abroad to improve job opportunities for youth, including vulnerable youth.

The Panel has been conducting consultations across Canada both online and in-person. Beginning in January, the Panel will be organizing roundtables across Canada to work towards developing meaningful advice to help address barriers to youth employment.

The Panel will report back to the Minister of Youth (Prime Minister) and me by March 2017. The Panel's findings will help inform future investments to support youth employment.

As of July 2016, the EI eligibility requirements that restricted access for workers, including youth, who were entering and re-entering the labour market have been eliminated, improving access to EI benefits for approximately 50,000 more workers, especially for younger workers and immigrants.

## INDIGENOUS AND NORTHERN AFFAIRS CANADA

### VACANCIES ON CO-MANAGEMENT BOARDS

*(Response to question raised by the Honourable Dennis Glen Patterson on December 15, 2016)*

On February 25, 2016, the Prime Minister announced changes for Governor in Council appointments to support open, transparent and merit-based selection processes.

Under the new process, merit is assessed through rigorous selection methods. Qualifications and criteria are designed to align with the mandate of each Institution of Public Government (IPG). It is anticipated that this new approach will create a pool of qualified, vetted candidates for each organization from which nominees can quickly be drawn.

I remain committed to working closely with my senior officials and counterparts to implement the Government's approach to appointments in the most timely and effective manner possible. This includes appointments to fill vacancies on the Nunavut Planning Commission, the Nunavut Impact Review Board, the Nunavut Water Board, the Nunavut Wildlife Management Board and the Nunavut Surface Rights Tribunal.

## JUSTICE

### DECRIMINALIZATION OF DRUGS

*(Response to question raised by the Honourable Claude Carignan on February 2, 2017)*

The Department of Justice has not conducted any studies or polled target groups on the decriminalization and legalization of any drugs.

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[*Translation*]

# ORDERS OF THE DAY

## BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-13(3),I would like to inform the Senate that, as we proceed

with Government Business, the Senate will address the items in the following order: second reading of Bill C-16, followed by all remaining items in the order that they appear on the Order Paper, with the exception of second reading of Bill C-18, which will be last.

[*English*]

## CANADIAN HUMAN RIGHTS ACT
## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

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

**Hon. Betty Unger:** Honourable senators, I rise today to speak to Bill C-16. First, I wish to state clearly and unequivocally that in our country there is no place for hate or intolerance directed against anyone. Protection against such behaviour is already established in law, including protection for trans persons.

> In 1999, the Ontario Human Rights Commission took the position that the ground of sex under human rights law could be interpreted to include the right of transgender people to be free from discrimination and harassment.

That was almost 20 years ago. Since then, every human rights commission across the country — federal, provincial and territorial — has either implicitly or explicitly affirmed the protection of trans rights.

With Bill C-16, the federal government is following in the footsteps of the majority of provinces and territories. By amending the Canadian Human Rights Act to add "gender identity or expression" to the list of prohibited grounds of discrimination, Bill C-16 makes these rights explicit.

Bill C-16 also amends the Criminal Code by adding "gender identity or expression" to the definition of "identifiable group" and also adds it to the list of aggravating factors to be considered in sentencing. What Bill C-16 does not do is define "gender identity" or "gender expression." Instead, it leaves it to be determined by the commission, the tribunal and the courts.

However, these terms are already defined by provincial human rights commissions across Canada. They're all very similar to the Ontario definition, which says the following:

> Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum.
>
> Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance, such as dress, hair, makeup, body language and voice.

In other words, human rights commissions across the country define gender identity as a subjective, inward belief, while gender expression is the objective outward manifestation of that belief. These definitions are important because they tell us that gender identity and expression are based on a personal and subjective belief. As many others have noted, there is no objective means to determine if someone is transgendered. It is a person's deeply felt internal experience.

Recognizing that gender is now based on belief helps to define the parameters of these rights and addresses a number of concerns that many Canadians have. I will touch briefly on two of these concerns.

The first is that of privacy and security. During our lifetimes, facilities such as washrooms and change rooms have always been segregated according to biological sex. We are now told that they are segregated according to gender. Yet, to the average person, sex and gender have always meant the same thing. This is no longer the case. Gender is now supposedly disconnected from your biological sex and it is fluid.

• (1430)

You can be a man one day and a woman the next day, depending on how you feel, regardless of your anatomy.

The practical implication of this is that anyone can access any washroom or change room at any time. There is no longer any segregation of these spaces. Many feel, including children and the elderly, that this presents a risk to both their security and their privacy. Few people would advocate for washrooms or change rooms without walls. And yet this is essentially what Bill C-16 endorses, by removing the only barrier which determines who is allowed to enter these spaces.

Let me be clear: This concern is not about preventing trans women from accessing women's spaces but that we are allowing anyone to enter women's spaces. Honourable senators, this is a monumental shift in societal norms which must not be minimized.

The second concern to which I draw your attention is that of compelled speech. You have no doubt received the same letters in your office as I have in mine claiming that Bill C-16 does not impact free speech and does not criminalize the misuse of gender pronouns. This is misleading and incorrect.

While it is true that misgendering someone will not land you in jail, misgendering is considered actionable before human rights tribunals and courts. By not using someone's preferred pronoun, you could be subjected to fines, damages, termination of employment or other so-called remedies.

The Ontario Human Rights Commission says this plainly. On their website, they have a page titled "Questions and answers about gender identity and pronouns." It says:

> Is it a violation of the Code to not address people by their choice of pronoun?

Answer:

> The law recognizes that everyone has the right to self-identify their gender and that "misgendering" is a form of discrimination.

The commission then notes that in 2015 the B.C. Human Rights Tribunal ruled misgendering was discriminatory in a case involving a trans woman and the police.

Colleagues, this is not a baseless concern, as some have suggested. You can read it for yourself on the Ontario Human Rights Commission website or in the decision of the B.C. Human Rights Tribunal in *Dawson v. Vancouver Police Board.*

These provincial policies and decisions concerning the use of pronouns are important, because Bill C-16 does not define these parameters.

The justice minister explained that Bill C-16 relies on legal interpretations which either have been or will be made by courts, tribunals and commissions. In the same way that provincial policies and rulings already compel the use of certain transgender pronouns, Bill C-16 will do the same at the federal level.

These concerns about privacy, security and compelled speech are not trivial. They need to be addressed. I believe this can be done without compromising anyone's rights.

We are told that gender is now subjectively determined by one's personal belief. It is not objectively determined like sex, race, ethnic origin, age or colour. This shows that gender rights are very similar to religious rights. Both are protected based on a personal belief and thus both must be subject to the same checks and balances. It is these checks and balances which address some, although not all, of the concerns about gender rights.

Allow me to explain. First, because gender rights are based on a belief, the belief must be sincerely held. This is already true with religious rights.

In 2004, in *Syndicat Northcrest v. Amselem*, the Supreme Court of Canada noted that:

> Sincerity of belief simply implies an honesty of belief and the court's role is to ensure that a presently asserted belief is in good faith, neither fictitious nor capricious, and that it is not an artifice.

In 2015, in *Mouvement laïque québécois v. Saguenay (City)*, the Supreme Court wrote:

> To conclude that an infringement has occurred, the Tribunal must be satisfied that the complainant's belief is sincere . . . .

With belief-based rights it is not sufficient to simply claim to have a belief. The belief must be verifiable.

Regarding trans rights, the need for verification of gender identity is not without precedence. In 2006, the Human Rights Tribunal of Ontario acknowledged that gender identity may need to be verified. They established six steps which could be taken by law enforcement officers in order to do so.

In 2015, the B.C. Human Rights Tribunal in *Dawson v. Vancouver Police Board,* which was a case involving a trans woman and the Vancouver Police, affirmed this, stating:

> To demonstrate *prima facie* discrimination, complainants must show that they have a characteristic protected from discrimination . . . .

The requirement for complainants to verify that they have a characteristic needing protection from discrimination ensures that the law protects those who actually need it, while not empowering imposters who would abuse this protection.

This will not prevent individuals from pretending to be trans in order to access private spaces which they would otherwise not be entitled to do. But it does ensure that the law differentiates between those who are authentically trans and those who are not. To put it plainly: Trans rights belong to genuine trans persons, not those who would pretend to be trans in order to harm someone. In my view, if Bill C-16 explicitly affirmed this fact it would help address, not all, but a significant portion of the privacy and security concerns.

The second reason it is important to note that gender rights are based on belief is that Canadians have a constitutional right to belief or non-belief and Parliament is forbidden from legislating or endorsing belief.

In the Supreme Court of Canada's 2015 decision on *Mouvement laïque québécois v. Saguenay (City)*, the court said the following:

> . . . the state must not interfere in religion and beliefs. The state must instead remain neutral in this regard, which means that it must neither favour nor hinder any particular belief and this same holds true for non-belief.

The court ruled that the state is obligated to create neither coercion nor exclusion through state endorsement of a religion or a belief. In other words, discrimination against trans persons is prohibited in the same way that discrimination is prohibited against Christians, Muslims, Jews, atheists or other beliefs. Each person is free to have their own beliefs and to express them.

Furthermore, neither federal nor provincial legislation can mandate others to comply with a belief system in either word or action. The state protects the right to believe but does not endorse or compel belief.

• (1440)

This means that the state cannot constitutionally require people to use certain pronouns, and yet without amendment that is exactly what Bill C-16 will do.

Fellow senators, this is where Bill C-16 crosses the line: In seeking to protect rights, it threatens to endorse and impose a belief system that many Canadians simply do not share. In so doing, it will trample on existing rights which will undoubtedly lead to future Supreme Court challenges. It is my hope that the Senate committee examining Bill C-16 will consider the merits of amending the bill to correct this serious problem.

Thank you.

**Hon. Claudette Tardif (The Hon. the Acting Speaker):** I regret to inform the honourable senator that her time has expired. Are you asking for more time, Senator Unger?

**Senator Unger:** Yes, I will.

**The Hon. the Acting Speaker:** Will you accept a question?

**Senator Unger:** Yes.

**Hon. Frances Lankin:** Thank you very much and thank you for your contribution. You clearly spent a lot of time thinking about these issues.

I have two questions that come from a lack of specific knowledge that you may have, and if not, it is something that may be explored during committee stage.

You spoke about the jurisprudence that has developed around testing sincerity of belief with respect to a claim of a religious belief, and I think that has been developed through jurisprudence, that it wasn't in any way written as part of human rights legislation. In fact, you have already given a couple examples of human rights tribunals starting to set out these tests and criteria. Are you suggesting that something else should happen?

The second question is with respect to your assertion that the Criminal Code amendments will not be utilized in cases of failure to use preferred pronouns. You back that up in your statements with references to discrimination findings in the human rights tribunals. I am not making the connection. I think one concern some people have raised who share your concerns about the bill is a fear of criminalization under the idea of hate speech, which I think is different than a finding of discrimination under human rights legislation.

I may be incorrect in my assumption there, but you tie these two things together. I didn't follow the logic. Could you address that for me?

**Senator Unger:** Honestly, Senator Lankin, I cannot answer your questions. They're too lengthy. I would need to read them and consider, but I sincerely hope that the Senate committee which will be studying Bill C-16 will consider your excellent questions and provide answers.

**Hon. Donald Neil Plett:** Honourable colleagues, I rise today to speak to Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code, gender identity and expression. I want to start by saying that I believe the intentions of the legislation are good. I believe that efforts to reduce discrimination upon any community should be applauded. However, this bill will not have that positive impact on the community that proponents are claiming it will, and further, there are serious concerns with respect to free speech.

I want to say that Senator Unger and I did not sit down and come up with the same notes, so if there are similarities, that is by coincidence.

Before I make my case, I would like to set the record straight on an idea that I have somehow been delaying this bill.

Let's make sure we are perfectly clear on facts. Senator Mitchell spoke to this legislation for the first time on November 28. There were 12 sitting days between then and the Christmas break, in which several other senators added their voice to the debate. As everyone in this chamber would know, arrangements and trade-offs are made with respect to timelines on various bills in advance of parliamentary breaks. This bill was not identified as one of the priorities for Senator Harder or for the Liberal government, so naturally we focused on the six pieces of legislation that were identified as a priority.

Colleagues, we have been back now since Christmas for 11 sitting days. This bill has been debated every week since our return. The Leader of the Government in the Senate himself spoke as recently as our last sitting week, and ironically, in Senator Harder's debate speech, he was saying that this bill was being delayed. I don't know how one makes the case that debate has collapsed in the middle of one's own debate speech.

As we know, extensive debate has continued this week. Most importantly, there was an agreed upon timeline between Senator Mitchell, the sponsor of the bill, and me that I would speak before the March break week. With this speech today I am not only honouring that commitment but I am also speaking a week early.

After I reminded Senators Harder and Mitchell about this, to my surprise, I read an article the very next day, with quotes from Senator Mitchell indicating that the bill is being stalled.

Then I hear that Senator Harder last week in a speaking engagement in Toronto told an audience that Bill C-16 is being delayed by Conservatives.

**Senator Martin:** Shame.

**Senator Plett:** This is a complete and utter fabrication, colleagues. There was a similar narrative when Bill C-279, a previous version of this bill, was in this chamber in the form of a private member's bill. I had introduced three important amendments at committee, which were adopted. Two of those amendments were supported by Senator Mitchell himself, and any or all of those amendments would have had the same effect of sending the bill back to the house. The bill then died upon prorogation, as we all know.

I will be the first to admit I was opposed to Bill C-279 and I'm opposed to Bill C-16, but I will not and never will stand to be falsely accused of stalling and/or delaying legislation.

With that said, we should not be cutting off debate on an issue as important as this. In the other place, they did exactly that. They heard from no witnesses at committee and rushed this bill through without proper consideration. Now, as a result, we have members of the House of Commons, including leadership candidates, stating publicly that they wish they had studied this legislation more thoroughly before the vote, even stating that if the vote were held today they would vote against the bill.

Colleagues, haste and carelessness has no place in this chamber.

I look forward to this bill going to committee so that it can be studied rigorously. Likewise, I look forward to robust debate at third reading so we do not find ourselves in the same regretful boat as our counterparts in the other place.

While I disagree with the way this was handled, I understand the reluctance of our elected counterparts to speak freely about this issue. Undoubtedly, there is a cultural war happening in the West, and the scope of acceptable thought and discourse continues to grow. Dissent from the acceptable line of thinking is met with labels that will too often achieve their desired intent and silence speech.

There was an article written last week by a college freshman at the University of California entitled, "Free Speech is No Longer Free"—

**Senator MacDonald:** You got that right.

**Senator Plett:** — in which the student writes: "People are afraid to speak their minds out of fear of being attacked, verbally abused or drowned in a slew of derogatory terminology." We have unfortunately seen proof of that derogatory labelling even in this chamber, but I would like to hope that the upper chamber will remain a hub for the free exchange of ideas.

When talking to a colleague recently who agreed with me about some of my concerns with this legislation and its impact on free speech, he stated, "Yes, but you're not the one to do it."

• (1450)

Perhaps I'm not. After all, one social science professor whom I have never met told me in writing that I am "a highly assimilated, unilingual, unhyphenated Canadian born and bred, white Anglo-Saxon, Christian male." She told me that the presence of these characteristics alone makes my privilege so high and my perceived level of oppression so low that there is virtually no validity to my opinion.

However, while I may not be the ideal candidate to bring these concerns forward, unfortunately I am one of few willing to do so.

Now, on that note, I would like to thank my colleagues who have had the courage to add their voices to this debate. I say that to members on both sides of this chamber, whether you are for or against this bill.

Bill C-16 seeks to add gender identity and expression to the Canadian Human Rights Act as new prohibited grounds of discrimination, as well as an identifiable group in the hate crime and hate speech provisions of the Criminal Code.

While there are no definitions in this bill, the justice minister and the Department of Justice routinely rely on Ontario's policy for guidance and have cited the Ontario policy as a sound example of how these terms could be defined.

The Ontario policy defines these terms as follows:

> Gender identity is each person's internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth-assigned sex. . . .
>
> Gender expression is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender.
>
> Trans or transgender is an umbrella term referring to people with diverse gender identities, expressions that differ from stereotypical gender norms. It includes but is not limited to people who identify as transgender, transwoman (male-to-female), transman, (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.

Colleagues, gender expression was not included in Bill S-279 so this is a new term for us to consider. For that reason I would like to start with some of the problems with including "gender expression" into the Criminal Code as an "identifiable group."

Presently, identifiable group is any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability. To qualify under the hate speech or hate crime provisions, an accused would need to have demonstrated a bias, prejudice or hate to this identifiable group.

While the Canadian Human Rights Commission has made it clear that transgender people are already covered in the existing act, it could be argued that transgender people could qualify as an identifiable group under gender identity.

However, "gender expression" encompasses no group. Everyone expresses his or her gender, and there is no way to categorize such expression into a group. How do you have a bias, prejudice or hatred against expressions of gender? What would hate speech on the grounds of gender expression even look like?

For example, in Ontario, where gender identity and gender expression are enshrined in the Human Rights Code, a man recently took his employer to the Human Rights Tribunal because the factory required a clean-shaven face. The complainant claimed

that growing a beard was an expression of his gender and that the policy prevented him from doing so. It was, therefore, discriminatory based on gender expression.

Presently, the only protected ground that is not an immutable characteristic and is based on an internal and personal subjective experience is religion. There is protection for discrimination based on religion. But the expression of that religion is implicitly covered by this ground. Likewise, gender expression would be covered by gender identity.

Egale weighed in on similar legislation when we were studying it last year. For those who don't know Egale, it is Canada's only national charity promoting LGBT human rights through research, education and community engagement. It was Egale's legal team's assertion that the inclusion of gender expression is not only unnecessary, but in fact constitutionally suspect. Senators Baker and Joyal, you will need to study that at committee.

They point out that:

> There is a risk that including "gender expression" in the amendments to the *Criminal Code* would lead to a constitutional challenge and significant risk that "gender expression" could be struck down for being constitutionally vague or an unreasonable limit on freedom of expression for the accused, particularly in the context of the hate propaganda provision.

Egale continued:

> In fact, the hate propaganda provision of the *Criminal Code* has survived *Charter* challenges because it is not overly vague and was found to be a reasonable limit on freedom of expression in its current form. This argument would be much more difficult to successfully make with the inclusion of ''gender expression'', which is open to many interpretations.

Constitutionality aside, think about the absurdity of this. Should there be a special human rights protection and hate propaganda provision relating to the way each one of us stands, speaks, dresses, moves or styles our hair?

"Gender expression" is a very problematic, new component to this bill, but the overarching issues go well beyond this addition.

It is important to note a few things. First, the Canadian Human Rights Commission has stated that transgender people are already protected under existing grounds so there is no gap in the law.

Second, with this legislation, we are prematurely shutting down a discussion on gender that is far from settled. The bill itself is predicated on a flawed and self-contradictory social science theory.

For starters, we are told that sex is assigned at birth. This is stated clearly in the Human Rights Code as well as the previous version of the bill in which definitions were included.

I don't believe that I need to break this down for most of you, but sex is not assigned at birth. Sex is a biological fact. It simply exists. It is determined by anatomy and chromosomes.

The same proponents in the actual definition of gender identity state that trans people have an identity that differs from stereotypical gender norms. This means that society has created certain norms and stereotypes for the male and female gender that we each adapt to. In other words, the gender norms are assigned, yet it is also argued that this identity is innate for trans people. So to summarize, gender, or one's being masculine or feminine, is based on social constructs for the vast majority of us. However, for trans people, gender is innate.

Some proponents of this type of legislation believe that all 70-plus known gender identities are innate, while others chalk up one's place on the spectrum to gender creativity, in which individuals can choose a gender identity for themselves.

The gender spectrum, by the way, includes terms like gender-fluid, which is a boy one day, a girl the next, gender-gifted, masculine-of-centre, et cetera.

This theory is also based on the concept that sex, gender, gender identity and sexual orientation all vary independently of one another — an interesting assertion for a sexually reproducing species.

One professor of transgenderism studies from the University of Toronto, on a debate on this very bill, stated: "There is no such a thing as biological sex."

• (1500)

When he was pressed — for the sake of brevity — he decided not to elaborate, or didn't have the answers. However, he did qualify the statement as not a personal opinion but scientifically proven. You can't make this up. Students in the Transgender Studies program at the University of Toronto are learning that there is no such thing as biological sex.

As University of Toronto Professor Jordan Peterson pointed out, with legislation like this, we are literally enshrining the social science theory of social constructionism as the legally sanctioned scientific doctrine of the land. As he said, "Look out, evolutionary biologists. The PC police are coming your way."

We have seen the effects that this ideological push has already had on scientists, professors and legislators who do not buy this idea of an infinite gender spectrum. When I said we are prematurely closing the debate on gender, it is because ideology is prevailing over science.

Canada's leading expert on gender identity, Dr. Ken Zucker, who has no moral opposition to transgenderism and, in fact, has been an advocate for the trans community, has been fired and his clinic shut down because his service was out of step with current thinking. For background, an award-winning and renowned psychiatrist, Dr. Zucker, operated a clinic at CAMH — the Canadian Medical Association of Mental Health — specializing in gender identity issues. After treating hundreds upon hundreds

of patients over the years, he realized that many children brought in to him by their parents with gender identity issues actually ended up being homosexuals as adults but not trans.

Based on his work and the numerous studies confirming his findings, he told parents that when your little boy says, "I am a girl," best practice would suggest to correct him and say, "No, you are a boy." Dr. Zucker said that if this feeling continued past puberty and into early adulthood, obviously discussions around transition would need to take place.

However, to jump ahead, to push for the provision of hormone blockers to children who have asserted these feelings has long-standing and disastrous consequences. His critics have absurdly compared his watch-and-wait approach to conversion therapy — a failed effort to turn homosexual youth straight.

This reasoned viewpoint has now been rejected by CAMH. The science and medical communities' findings and proclamations of best practices are now being trumped by a social justice movement. Think about that. The clinic did not put forward evidence to dispute Dr. Zucker's approach, but rather claimed that the approach is "out of step with current thinking." Not "current research" or "current science," but "current thinking." This is so wrong, colleagues. Not only has this leading expert lost his a job but will now be at risk of discrimination if he misgenders a child with the improper use of a pronoun.

University of Toronto Professor Dr. Jordan Peterson got a lot of attention recently when highlighting this issue around artificially constructed gender neutral pronouns or preferred pronouns. When I say "preferred pronouns," I am referring to the infinite list that accompanies the 70-plus genders that one can choose to identify with, replacing the traditional he, she, his, her, et cetera. For example, some of these pronouns include ze, zir, zim, they, et cetera. But, as I said, the list is infinite and is purely at the discretion of the non-binary individual. Professor Peterson stated in a piece in the *National Post*:

> . . . it is absurd to insist that each person should have the right to, or could practically, choose their own pronouns.

For the law to mandate usage of this language is, both in his mind and mine, preposterous.

In his article, he raised the case of New York, which now protects 31 genders listed in the law, including "gender gifted." New York is prepared to fine businesses up to US$250 million if owners or employees refuse to speak to each other properly. Professor Peterson points out that the 31 genders listed in New York's legislation are just ". . . a drop in the bucket compared to the number some would like us to use . . . ."

Independent legal analysis has shown that Professor Peterson's account regarding compelled speech are, in fact, legitimate. Toronto-lawyer D. Jared Brown stated in a detailed legal opinion that this legislation will be an unprecedented infringement on freedom of expression and an infringement on the principle that Canadians ought to be free from having to mouth opinions and ideologies that are not their own.

On the Justice Canada website, in their published review on Bill C-16, as was mentioned, is a Q&A section. The question is whether there will be definitions of gender identity and gender expression in the bill. The answer is that they will leave the definition up to the courts, tribunals and commissions to determine. The Justice Canada explanation further states:

> Definitions of the terms "gender identity" and "gender expression" have already been given by the Ontario Human Rights Commission, for example. The Commission has provided helpful discussion and examples that can offer good practical guidance. The Canadian Human Rights Commission will provide similar guidance on the meaning of these terms in the *Canadian Human Rights Act*.

And with that statement of intent from the Department of Justice, we see that the federal human rights regime will mirror that found at the provincial level, including the policies. This practice of the federal commission mirroring Ontario's guidelines has become extremely common.

Interestingly, after concerns about compelled speech were raised, this link to the Justice Department's page was deactivated. Thankfully, not before many of us had saved a copy.

The OHRC has produced a policy on gender identity and expression and what constitutes harassment and discrimination, including "refusing to refer to a person by their self-identified name and proper personal pronoun." Brown states:

> What this means is that if you encounter a person in a sphere of activity covered by the Code, and you address that person by a pronoun that is not the chosen/personal/or preferred pronoun of that person, that your action can constitute discrimination.

For example, if you do not believe that there are more than two genders for personal or religious beliefs, or because science and evolutionary biology tell you otherwise, you must still use this made-up and ever-evolving language to describe non-binary or gender neutral persons. Keep in mind, there are in transgender people who think the idea of more than two genders is ridiculous; they simply more closely identify with the opposite gender.

Colleagues, this is not simply an infringement on freedom of speech and expression, but it is actually compelling speech. We are enshrining a social science theory on the existence of gender spectrum into law. Those who do not subscribe to that theory and refuse to be a mouthpiece for an ideology they cannot support are left in the dark.

So what is the big deal? I can provide any honourable colleagues who are interested with the full legal opinion to which I am referring, but Brown clearly outlines the direct path from the refusal to use preferred pronoun to imprisonment. Brown concludes his position with the following:

> Given that the Supreme Court of Canada has found compelled speech to be a "penalty that is totalitarian and as such alien to the tradition of free nations like Canada even

for the repression of the most serious crimes", it might be appropriate to examine Bill C-16 in greater detail to ensure that it remains consistent with Canadian constitutional principles and Canadian traditions of free expression.

Professor Peterson's job is at stake with the university because, as they have rightly claimed as his employer, the university is responsible for the public statements he makes. It is very telling, however, that Professor Peterson's intellectual dissent is considered so outrageous that it warrants two warning letters from the university. However, the professor of transgenderism studies who publicly states that "there is no such thing as biological sex," the university — which houses a biology department — is completely silent.

• (1510)

For those who feel this bill is a compassionate move forward, think about what this movement is doing to children who may be struggling with gender or sexuality and are now being presented an artificial choice of 70 genders.

In fact, last year, 7 per cent of those enrolling at the University of Toronto checked the box "other" when it came to gender. That 7 per cent does not include trans people who identify as the opposite sex but strictly those who are non-binary, no gender or all genders.

Children are being given hormone blockers and transition is now encouraged even earlier for children who are either struggling with gender dysphoria or simply state their wish to be the opposite sex. It is important to note that virtually every single peer-reviewed medical article that studies gender dysphoria in children or adolescents confirm that in the vast majority of cases these feelings of gender dysphoria remit after puberty. These are the facts.

As Margaret Wente said:

> What if you're pushing them on a path they don't need to go down? At what point do you start taking life-altering decisions for a child that will have enormous physical, social and emotional consequences?

As Dr. Alice Dreger, bioethicist and professor at Northwestern University's Feinberg School of Medicine, said, parents who encourage their children to change genders "are socially rewarded as wonderful and accepting," while parents who try to take it slow "are seen as unaccepting, lacking in affection and conservative." She explained the phenomenon:

> Parents don't like uncertainty . . . . They'd rather be told, "Here's the diagnosis, and it's all gonna turn out fine."

This professor is actually a transgender advocate but prefers evidence to ideology.

There are feminist groups, women's groups and advocates for the protection of women in safe places who have serious concerns with embedding a gender spectrum theory into law which, in their words, reduces womanhood to a whim. There are also many women's advocacy groups who feel that the architects of this legislation have not given any thought to a gender-based analysis — the absence of which they claim is responsible for the lack of preservation of sex-based protections.

It is interesting. The bill and the ideology surrounding it make a distinction between gender and biological sex in terms of identity but conflates the two when it comes to sex-segregated spaces. You can't have it both ways.

Feminist Meghan Murphy recently wrote in the *National Observer*:

> The idea that gender is something internal, innate, or chosen — expressed through superficial and stereotypical means like hairstyles, clothing, or body language — is deeply regressive.

She continued:

> Beyond misguided language there is the fact that we are very quickly pushing through legislation that conflicts with already established rights and protections for women and girls.
>
> Women's spaces — including homeless shelters, transition houses, washrooms, and change rooms — exist to offer women protection from men.

She states, "This reality is sex-based, not identity-based."

Further, anyone who believes that choosing one's identity and wanting a specially enshrined protection for that identity will stop at gender is, in this instance, short-sighted. I am the first to decry the slippery slope argument. It is often not helpful, not relevant and based on outlandish hypotheticals. However, there are groups emerging all the time that feel they should have should have been born differently or that they more closely identify with another identity. There are people who in their heart of hearts feel they were meant to have been born a different race. A highly publicized trans-race case was discussed a couple of years ago in the U.S. and has made headlines again this week. The media is largely laughing it off, yet this has been a very real and lifelong struggle for this person.

There was a demonstration on Parliament Hill last year from the "trans-abled" community, a large and growing community of people who feel very strongly that they should have been born disabled, some even altering their physical state to emulate the disability they identify with.

In many definitions of the LGBTQ+, the "+" includes "otherkin," or those who identify as something other than human. This includes identities like "pixiekin" or "wormkind." Are these identities deserving of special protection in law?

Last year I met with an individual — and I've met with many individuals on this bill and on Bill C-279 — named Stef-on-Knee, who is a very prominent leader in the trans movement in Canada. When I met with Stef-on-Knee, a 54-year-old biological male, he told me he identified as a young woman.

Since our meeting, Stef-on-Knee, born Paul, a father of seven, has left his family to live his life in what he claims to be his true identity as a six-year-old girl. Stef-on-Knee has been adopted by a progressive family in Toronto who adopted him to be the younger sister to their seven-year-old girl. While biologically a male adult, this individual identifies as a female child. Through this legislation, we are legitimatizing and protecting Paul's feelings of being female, but not his feelings of being a child. What is the evidence-based rationale? Who are we to say that one is more legitimate than the other? It certainly begs the question, what is next?

Honourable senators, I will finish with this: There are a growing number of people identifying as trans in Canada. Some say they have felt since the time they gained consciousness that they identified more closely with the opposite sex. The reason for their feelings is not yet clear. However, they have been discriminated against, have been bullied and have experienced things likely that no one in this chamber can relate to. They need protection under the law, and the Canadian Human Rights Commission made it abundantly clear that transgender people are covered under existing protections.

Rewriting the law to include gender identity and gender expression has very serious consequences for freedom of speech and freedom of expression, especially when one considers that the theory we are enshrining into law remains just that — a theory, and a flawed one at that. And to label conscientious and intellectual dissenters of this theory as discriminatory, or in some cases hateful, is simply wrong.

For these reasons, I remain starkly opposed to this legislation. However, colleagues, as I do with all legislation, I will recommend that this bill be scrutinized at committee. I believe that this legislation, like all others, deserves the thorough study that it was not afforded in the other place. For that reason, I will not be asking for a standing vote at second reading, but I will agree to passing this bill on division.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** On division.

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

REFERRED TO COMMITTEE

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

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

• (1520)

## CANADA LABOUR CODE

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C., for the third reading of Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Honourable colleagues, let me start by congratulating the open-mindedness of Senator Plett with respect to Bill C-16 and agreeing that the bill is deserving of further and thorough debate at committee.

Honourable senators, I'm going to be speaking today with respect to Bill C-4.Bill C-4 is not a very extensive bill, but it has profound implications in a particular area, namely, the labour movement in Canada.

To set the stage, let me read the summary that appears in Bill C-4:

> This enactment amends the *Canada Labour Code*, the *Parliamentary Employment and Staff Relations Act* and the *Public Service Labour Relations Act* to restore the procedures for the certification and the revocation of certification of bargaining agents that existed before June 16, 2015.

It goes on to say:

> It also amends the *Income Tax Act* to remove from that Act the requirement that labour organizations and labour trusts provide annually to the Minister of National Revenue certain information returns containing specific information that would be made available to the public.

Those two groups of provisions appear in this bill. With a check of the provisions, one will see that the first part of the summary was Bill C-525, which was passed and then came into force on June 16, 2015. Bill C-377 was also a separate bill but dealt with the same general subject matter, so it was deemed expedient by the current government to put the subject matter of both of those bills into Bill C-4.

Like other honourable senators have done, I will refer to Bill C-377 and Bill C-525, because that is the convenient way to refer to the debate that had taken place previously. Those two older bills are reflected in Bill C-4, which is in fact proposing to revoke those two previous bills.

Honourable senators, I would like to add my voice in support of Bill C-4. Bill C-377 and Bill C-525 were passed in the last Parliament. I will address each of these bills separately and will

undoubtedly emphasize some of the points that have been made previously by honourable colleagues. But hopefully I will also touch on why I believe it appropriate to revoke Bill C-377 and Bill C-525.

I'll start with the provisions that were in Bill C-377. This bill is very familiar to those senators who were in this chamber in the previous Parliament. It was a private member's bill from the other place. That bill purported to amend the Income Tax Act but was considered by many in this chamber and elsewhere to be actually a thinly disguised attack on the labour unions and the labour union movement in this country.

The current Minister of Labour, Patricia Hajdu, described it well when she appeared before the Legal and Constitutional Affairs Committee just last month to speak on Bill C-4. She said:

> The perspective of this government is first that Bill C-377 is unconstitutional, that it was not a fair and balanced approach, and that it in fact undermined the integrity of the unions and put them at a disadvantage that could weaken the labour movement in Canada.

Carrying on with the quote:

> [Bill C-377] was designed to actually diminish the strength of unions. We believe —

—as an aside, she's talking about the current government —

> —that a strong union movement in Canada is essential to maintaining the middle class that we have, growing it to include others, and reducing income inequality in Canada.

I agree with the minister in relation to that earlier legislation, Bill C-377. I spoke on that and expressed that view when the bill was before us three or four years ago.

Many of us on both sides of this chamber at that time were deeply troubled by Bill C-377, going back to when it was first tabled in this place in 2012. It called for an unprecedented invasion of Canadians' privacy and wreaked havoc with a balance that is so critical in healthy labour relations.

Meanwhile, it was unnecessary — a solution in search of a problem. Union members already can already obtain the financial disclosure they need from their unions. So it wasn't for the union members to be informed; it was for the broader public to be informed about what was going on in unions.

Last but most definitely not least, it became clear that the bill was unconstitutional, dealing with a matter within provincial, and not federal, jurisdiction. Indeed, seven provinces representing over 80 per cent of the Canadian population came forward to oppose Bill C-377 and urged us not to pass it.

One could spend several hours detailing the many problems with the bill. My time is limited, but I would commend to our newer colleagues in the chamber that they read the *Debates of the Senate* with respect to Bill C-377 to get a sense of the many frankly shocking problems with that legislation when it was passed. For now, I will highlight just a few examples that may provide you with some insight as to why many of us found the bill so egregious.

The bill singled out a number of people who work for labour unions. And the bill was not limited to national offices of labour unions but included every union local, however small, and imposed on them unprecedented obligations of public disclosure of their highly personal financial information. These requirements applied to officers, directors and employees earning over $100,000 per year and — here's the important part — also to ". . . persons in positions of authority who would reasonably be expected to have, in the ordinary course, access to material information about the business, operations, assets or revenue of the labour organization or labour trust . . . ."

• (1530)

Colleagues, under this definition, we could be describing a union steward in your small town or in your area, earning something less than $30,000 a year. We could be describing a part-time assistant who has access to a filing cabinet and a key.

Going on, the bill then required all of these people to publicly disclose a long list of highly personal financial information, including their individual salaries, their benefits, and any bonuses they might have received.

And all this, with their name attached, was to be posted on the Internet for their neighbours, relatives, office colleagues and, in fact, the whole world to see.

This isn't transparency; it is voyeurism, and we felt that at the time. You can understand why many suspected that these new requirements were really all about discouraging anyone from being part of, or working for, a union.

That was not all, honourable colleagues. These same individuals were required to post a statement of the amount of time that each spent on "political activities, lobbying activities and other non-labour relations activities," and to post all that information on the Internet for the world to see, including maybe another union that wished to raid that particular union, or maybe their employers with whom they had to bargain in the next while.

Colleagues, a person's right to engage in political activities is the foundation of a healthy democracy. That is a right that is, and must remain, sacrosanct to all Canadians, whether they are the CEO of a multi-billion dollar corporation or the union steward in a small local in a rural community.

And what does it mean to require individuals to report and to post on the Internet details — and this is in the legislation — of their time on "other non-labour relations activities"?

I repeat, that information was required by the legislation to be posted for all to see. The bill didn't limit its application to the employee's working hours, so from a plain reading, the bill required all these people to monitor and then disclose the details of their private lives and their private activities, just because, during the day, they worked for a labour union, or they were part of a labour union.

Successive privacy commissioners came forward to voice their concerns with respect to the bill at the time. The then-Privacy Commissioner, Jennifer Stoddart, referred to the "significant invasion" of privacy that was effected under the bill.

The present Privacy Commissioner, Daniel Therrien, was equally blunt. He recently told the other place, during its consideration of Bill C-4, which is now before us, that Bill C-377 was "disproportionately intrusive from a privacy perspective." Privacy Commissioner Therrien was very clear that he supports Bill C-4 because it will remove these provisions from our law.

As I said, seven provinces, representing over 80 per cent of Canada's population and every region of our country came forward to oppose passage of the bill.

Let me read to you from some of the provincial submissions we received during consideration of Bill C-377.

The Government of Nova Scotia wrote:

> This bill has the potential to disrupt collective bargaining at a time when we need greater cooperation between governments, organized labour and business to resolve our economic challenges.

Indeed, the Minister of Labour for the then-government of Nova Scotia took the time to come to Ottawa to testify in opposition to the bill. That was on June 6, 2013. He told our Banking Committee that Bill C-377 was so disruptive to collective bargaining that it was like " . . . a grenade in the room of collective bargaining."

The Ontario government was equally clear, writing:

> This bill has the potential to drastically derail collective bargaining in Ontario. In these tough economic times we need governments, organized labour, and management to work together, and this bill would needlessly intervene in that process.

Continuing with the quote:

> Balance is essential. Putting a thumb on the scale in either direction damages this delicate balance. By imposing unnecessary and draconian costs on one side, and not the other, this bill might unbalance that scale.

We heard from the Government of Manitoba who sounded the same caution.

> [T]he Bill's requirement to publicly disclose confidential financial information will likely unbalance and seriously disrupt labour relations between employers and unions, and adversely affect the collective bargaining process in Manitoba. It is not clear what benefit, if any, this Bill offers that would counter the harm it will do to our labour relations climate, our economy, and our communities.

Honourable colleagues, we heard from provincial governments of all political stripes — Liberal, NDP and Conservative — and all sounded the same warnings and urged us not to pass that legislation.

These were messages many of us took to heart. We were further troubled when leading constitutional experts came to testify, questioning whether the Parliament of Canada had the constitutional power to pass Bill C-377.

Bruce Ryder, a constitutional law professor from Osgoode Hall Law School, testified very powerfully. He said:

> I am here to share the bad news that Bill C-377 is beyond the legislative jurisdiction of the Parliament of Canada. Its dominant characteristic is the regulation of the activities of labour organizations, a matter that falls predominantly within provincial jurisdiction to pass laws in relation to property and civil rights pursuant to section 92.13 of the Constitution Act, 1867. If Bill C-377 is passed by Parliament, it will be declared unconstitutional and of no force and effect by the courts.

Professor Ryder recently appeared before our Legal and Constitutional Affairs Committee with respect to Bill C-4, and he repeated his conclusion that the provisions of Bill C-377 were, and continue to be, unconstitutional.

He told our committee that the Income Tax Act, under which this legislation purported to fall, was being used as a Trojan Horse for legislation that was really about labour organizations. A Trojan Horse, honourable colleagues. Surely that is not how any one of us would wish our laws to be described.

Michael Mazzuca testified in the other place on behalf of the Canadian Bar Association, the association that represents virtually all of the practicing lawyers in Canada. He said:

> The CBA remains of the opinion that Bill C-377 was fundamentally flawed and it triggered serious concerns from a privacy, constitutional law, and pension law perspective.

• (1540)

He went on to say:

> The CBA believes Bill C-377 lacked an appropriate balance between any legitimate public goals and the respect for private interests protected by law.

When he spoke at second reading on Bill C-4 on November 3, 2016, Senator Cowan described the machinations that were employed to finally have Bill C-377 passed by this chamber.

Honourable senators are probably wondering, having heard the comments I have made, why we ever passed the bill at that time. I would commend you to read either the speech by Senator Cowan on November 3 of last year or the debates that took place when we were dealing with Bill C-377. It was not a proud moment in our history.

Happily, with Bill C-4, we have the opportunity to rectify what happened. Bill C-377 should never have become law and we can and we should repeal it. And that is precisely what we can do with Bill C-4.

The other unfortunate private member's bill that Bill C-4 repeals is Bill C-525. I mentioned to you at the beginning that they were grouped together because they were both private members' bills, and they both dealt with the labour movement in what the current government believes to be an undesirable way. I support the current government on this particular initiative.

Bill C-525 amended the federal labour laws, that is the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, and the Public Service Labour Relations Act. It changed the procedures under which a union can be certified and conversely decertified, moving from a card-check system, which had been working well over a good number of years, to a mandatory secret ballot, a mandatory vote.

Colleagues, no one was clamouring for this change. FETCO, which stands for Federally Regulated Employers - Transportation and Communication, is an employers' group, an association representing all federally regulated firms in the transportation and communication sectors. In their words, they are "the who's who in the federal sector," representing companies such as Air Canada, Bell, CN, CP Rail and TELUS, to name but a few. In other words, they are the major representatives of the management side in federal labour relations.

FETCO was very clear in their testimony. They did not ask for private member's Bill C-525. In fact, they believed that Bill C-525, and Bill C-377 by the way, resulted from, in their words, "an inappropriate process." Now, to be clear, as the representatives of management, they liked the result of Bill C-525, but that could not overcome their deep concerns about the manner in which the bill was enacted.

Colleagues, all of us know that healthy labour relations depend on a critical balance between labour and management. In federal labour relations, this has been achieved and maintained for decades through a carefully structured tripartite consultative mechanism that brings together the three key stakeholders — government, which also passes the laws, labour and management. To consult ahead of time about changes to federal labour laws that will impact this essential balance.

This process was broken with respect to Bill C-525. There was no consultation, no attempt to discuss and build agreement on the proposed changes beforehand. Instead, they were simply imposed upon the parties by a private member's bill. That alone would have been reason to reject the bill and return the process to the one that had been achieved under the tripartite system. But there is more, honourable senators.

The sponsor of the bill in the other place argued that the bill was needed because there was, in his words, a "mountain of complaints that end up at the labour relations board." That is a very disturbing statement and a serious charge, but, honourable senators, it's not true.

The chairperson of the Canada Industrial Relations Board testified before our Legal and Constitutional Affairs Committee on Bill C-4. She told our committee that in the 10 years from 2004 to 2014, the board dealt with 23 cases involving allegations of intimidation or coercion during an organizing campaign, and of these only six were upheld as being well-founded.

Six cases over 10 years, honourable senators, is a pretty small mountain — more like an uneven patch of grass on a well-tended field. And, by the way, of those six cases, four were intimidation that was proved involving intimidation and coercion by the employer and not the unions to which all the legislation was directed.

To make matters worse, since June 2015, when the bill became law, the number of unfair labour practice complaints that are directly related to applications for certification or decertification have exploded. The legislation was intended to deal with a fictitious pile of complaints that didn't exist and now they do exist. Twenty-six unfair labour practice complaints have been received since Bill C-525 came into force. So one can see how the nice equilibrium and balance has been lost as a result of this legislation. While we had 23 complaints in 10 years under the previous system, we had 26 complaints in less than 2 years under the new regime. This is not progress, by any definition.

But, colleagues, there is one other matter that we learned about recently that should and I believe does concern us. After the 2015 election, the new Minister of Labour discovered that officials in her department had produced a report back in November of 2013 examining the link between the adoption of a mandatory voting certification system and unionization, or, as the report expressed it, the "decline in business sector union density."

The report found a clear link. It found that the use of the mandatory voting regime —the secret ballot process imposed with the new legislation — had been an important factor in the decline in the level of union membership in the Canadian business sector.

This Government of Canada study concluded that introduction of mandatory voting, the change proposed in Bill C-525, would reduce unionization. That was in November of 2013.

• (1550)

Bill C-525 passed the other place on April 9, 2014. The report was in existence. That information was available but never made available to those who had to vote on this initiative.

The bill came to the Senate the next day, where it was debated and studied for several months before finally being passed on December 16, 2014. But we never saw that report. The department study was never made public. We only learned about it now because the new minister found it in her department and was made aware of it by her department officials after the change of government.

Colleagues, there are many problems with the substance and the process of both Bill C-377 and Bill C-525, and the provisions that are now law that we are seeking to change with Bill C-4.

This is not the kind of labour relations we need in Canada, and this is not how labour legislation should be passed in the first place. Colleagues, I strongly support Bill C-4. I undertook, at the time that Bill C-377 and Bill C-525 were passed, to be there to challenge them at the first opportunity. This is our opportunity.

**Hon. Pierrette Ringuette:** Would the honourable member take a question?

**Senator Day:** I would be pleased to.

**Senator Ringuette:** Maybe first a comment that I really appreciated your speech, Senator Day, and how you accurately related the issue pertaining to correcting Bill C-377 and Bill C-525.

My question is in regard to an issue that seems to be of concern to certain senators. I distinctly recall, at a briefing session on Bill C-4, asking the department official if Bill C-4 contained any retroactive provisions.

The answer was, "No, absolutely not. The bill and the provisions will come into force when the provisions come into force."

Senator Day, from your exhaustive research on the issue, what is your opinion in regard to the retroactivity of the bill?

**Senator Day:** Thank you, Senator Ringuette, for your comment, your compliment and your question.

I have referred to Bill C-4 earlier, colleagues. When we look for retroactivity, the place to look is when the bill is to come into force, and Bill C-4 is to come into force on the third day after Royal Assent, not before.

We say, "Okay, what about between June 2015 and when this bill comes into force?" That's been provided for in the bill itself, and that's under the heading "Transitional Provisions."

The transitional provisions begin in clause 14 of Bill C-4, which talks about the Canada Labour Code. It is the same terminology with these three different acts that were amended by Bill C-525, because honourable senators will recall that the other bill, Bill C-377, amended the Income Tax Act and that that becomes effective as of the date that the Income Tax Act amendment comes into force. That's under Bill C-4.

The other ones, some things could happen, like there could have been an application for certification in that interim period. What is the status of that?

We go to the act again, and we find it under "Transitional Provisions." It very clearly states that, ". . . during the period beginning June 16, 2015 and ending immediately before the day on which. . ." the section comes into force, which I have just read to you, all of the applications will be dealt with under the old law, the law that was in force during the time that the process started.

That is not retroactive. In fact, there is no retroactivity that I can find in this bill.

(On motion of Senator Ringuette, debate adjourned.)

[*Translation*]

## CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Mitchell, for the second reading of Bill C-30, An Act to implement the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and to provide for certain other measures.

**Hon. Éric Forest:** Honourable senators, I rise for the first time in this esteemed chamber to speak to the debate on Bill C-30, which will have an impact on most of the regions in Canada. I have had the honour of sitting in the Senate since November 23, which has given me the time to appreciate the diverse experience and backgrounds of the members of this place.

Delivering my maiden speech after six weeks of work is a departure from my usual timeline. I imagine that wisdom and patience are starting to take hold in my subconscious.

[*English*]

Before speaking about my concerns on Bill C-30, I would first like to share briefly with you my motivations and some points about my life and career that will shape my contribution to this institution as I embark with enthusiasm on this journey here. Sorry for my accent, but I try really hard.

**Hon. Senators:** Hear, hear!

[*Translation*]

**Senator Forest:** I have been working in regional development, especially that of eastern Quebec, since the 1970s, where I created a farm housing network. I had the privilege of being mayor of Rimouski from 2005 until my appointment to the Senate last November. I am proud of the values of respect and solidarity that we instilled in the people of Rimouski. Rimouski has a strong cultural component, a significant knowledge economy, and an exceptional natural and human environment. In fact, Rimouski ranks among the top cities in Quebec with the highest happiness index.

During my tenure as mayor, I held several positions at the regional and provincial levels, including chair of the Union des municipalités du Québec, or UMQ, from November 2010 to May 2014. At that time, there was a serious crisis of confidence in elected municipal officials, which is reminiscent of the situation in which our institution currently finds itself.

By returning to our main mandate and reconnecting with the people, we were able to re-establish a relationship of trust, allowing us to move forward with the white paper, which inspired the new legislation that recognizes municipalities as local governments in Quebec. Looking back on my tenure as chair of the UMQ, I am particularly proud to have created the program *Un pont vers demain* for young people in crisis. I am also proud that I worked hard to encourage people, especially young women, to go into politics, and also to have encouraged municipalities to work together by bringing Montreal and Quebec City into the UMQ.

Not having a party affiliation was an important consideration that prompted me to apply for this prestigious position. With this freedom of independent thought, I hope to make my modest contribution so that, together, we can build a modern Canada that respects diversity and is united. I am also very motivated to work with all of you to rehabilitate our parliamentary institution by modernizing it and realigning it with the realities and the values of today's Canadian society.

• (1600)

To my mind, this is a historic opportunity that we should seize together for the future of our country, not for the future of the political parties in the other place.

When the Prime Minister contacted me, he made it clear in what I consider a verbal mandate letter that I would be fully independent and would be making decisions based on my convictions and experiences, as guided by my values. That is entirely compatible with the Supreme Court's 2014 Senate reform reference. I feel very strongly that we are here to represent the regions, minorities and the under-represented, and that we should work together to improve the bills that come before us while keeping the needs of those groups of people at the forefront.

It is entirely appropriate that my first speech in the Senate should be about a bill that is so important to Canada and especially to our regions. Everyone here understands that free trade is a good thing overall. In Europe, establishing a common market and increasing trade within the European Union ushered in the longest period of peace and lack of armed conflict in European history.

Diversifying our trade opportunities with Europe is a prudent and necessary course of action, particularly at a time when our neighbour to the south, to which we export nearly 70 per cent of all Canadian goods and services, is redefining its trade policies. Free trade is an avenue that a government must prioritize so that citizens across the country can reap the benefits of increased trade.

However, it is not enough to simply say that a free trade agreement has been signed and that the "market" will take care of the rest. The agreement is the first step. The next step is to phase in the taxation, economic and regulatory structure in sync with our small and medium-sized businesses, which create the vast majority of jobs in the country, so that they can seize this historic opportunity to access a new market of half a billion people.

I expect the government to immediately start talking about the export support strategies to be implemented in order to help our businesses conquer these markets. I also expect the government to work on creating a legislative and regulatory environment that will guarantee a level playing field for our business owners.

You know that I am passionate about the regions. I was looking at the latest demographic data from Statistics Canada, published a few weeks ago. I cannot help but be a bit concerned when I see that our resource regions are increasingly losing their primary resource: young people. The population of the Lower St. Lawrence and the Gaspé continues to decline and it is incumbent on me to ask myself whether the legislative measure before me is good for the people in my region, in particular, and those in all regions of Canada, overall.

One of the biggest challenges in our modern society is the demographics. In the future, young families will be able to choose where they work and where they live. We have to be very responsive to this reality to ensure that there is adequate succession planning in our institutions and businesses in every region in Canada.

[*English*]

Furthermore, we will have to succeed in this challenge in a context of globalization where, for the current generations, our planet is nothing less than a global village.

[*Translation*]

I would like to share some of the concerns people have expressed to me. Quebec's dairy industry has some very legitimate concerns about the additional 16,000 tonnes of fine European cheese arriving on the Canadian market. Quebec produces over half of all Canadian fine cheese. Those 16,000 tonnes represent nearly 30 per cent of the current market for fine cheese.

Quebec's dairy industry is made up of 5,624 dairy farms that generate some 83,000 direct and indirect jobs. This will affect 653 farms and 5,102 jobs in the lower St. Lawrence alone.

I have two major concerns about this, and I would like to hear from the minister on the following points. First, the minister says that Canadians' growing appetite for cheese will absorb the influx of European products. Economic theory tells us that the market left to its own devices is not especially predictable. I would like the government to pay close attention to that as CETA rolls out over the next few years.

Second, I am concerned about the government's compensation package for dairy producers. When will the government begin rolling it out? Also, why are analysts saying that proposed amounts will not cover losses in the industry? I am really looking forward to getting some answers about this.

With respect to the certificate of supplementary protection for drug patents, I am not as optimistic as my esteemed colleague, Senator Pratte. Existing molecules may not be subject to this supplementary protection, but new ones will be. There are several competing scenarios, and I would like the committee to look into them.

I appreciate that this measure will foster research and development for new medications by pharmaceutical companies. However, in light of our aging population, I feel compelled to

express in this chamber my concerns on behalf of the less fortunate.

In the case of new molecules, seniors on a fixed income do not have the luxury of being able to afford an increase in the cost of their already expensive medications. Furthermore, provincial budgets in the area are already stretched to the limit.

Finally, with regard to the amendment to the Coasting Trade Act, which would open the Montreal-Halifax route to foreign vessels for inbound goods to Canada and outbound goods to Europe, this measure will increase the volume of trade by providing flexibility for cargo shipments and European vessels to pass through a specific corridor in Canadian territorial waters. However, the St. Lawrence River is one of the world's most dangerous marine passages. We will have to ensure that the highest safety standards, which already apply to Canadian shipping companies, also apply to the European companies that will travel in our territorial waters.

As for the advantages of this agreement, the benefits for consumers and businesses are undeniable because lower tariffs for the vast majority of goods will provide fabulous opportunities, as will measures to enhance labour mobility that make it easier for workers to obtain short-term visas.

Very specific sectors in the Lower St. Lawrence and Gaspé, such as the fishery, will, I hope, benefit from the European market, as will research, services, and information technologies, which are well-established in these areas.

In my region, the internationally renowned expertise we have developed in the maritime sector — such as the Institut des sciences de la mer, or ISMER, at the Université du Québec à Rimouski, the Centre de recherche en biotechnologie marine, and the Maurice Lamontagne Institute, among others — will allow us to compete in this new blue economy, especially in the field of marine biotechnologies.

In light of increased American protectionism, the St. Lawrence may become the corridor of choice for future Europe-North America trade and could give the high-tech segment of Quebec's maritime sector a real boost with innovative European partners.

The public policies we validate and vote on here in the Senate have real and direct impacts on real people, a fact we must never forget. We can go on forever about growing GDP, the effect on jobs, the effect on Canada's trade balance, and the macroeconomic effects of free trade between Canada and Europe, but the point is that the decisions we make here ultimately have to be in the best interest of Canadians.

• (1610)

Our decisions have to have a positive impact on the daily lives of those they affect. I want to make a point of reminding the Senate of the reality of the rural regions and the resource regions. The major urban centres have a strong voice in this chamber, and the voice of the regions will be heard in my comments.

I strongly believe in trade liberalization and the benefits that come with it. However, the government's role in ensuring the fairness of these statutes only begins with the ratification of the Canada- Europe free trade agreement. It will be my pleasure to collaborate on developing these measures and I will do my best to ensure that they benefit as many people as possible in every region of the country.

It is therefore with conviction that I will vote in favour of Bill C-30 so that it may be reviewed thoroughly with the ultimate goal of improving it, if possible, in the interest of Canadians.

(On motion of Senator Martin, debate adjourned.)

## CONTROLLED DRUGS AND SUBSTANCES BILL

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Pratte, for the second reading of Bill C-37, An Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts.

**Hon. Jean-Guy Dagenais:** Honourable senators, I want to begin by saying that our hearts go out to the families and their loved ones who have lost a friend, a son, a daughter in the opiate crisis that began a few months ago.

The opiate crisis is one of national proportions. No part of our country, be it urban or rural, has been spared. As recently as February 23, the media reported that huge drug and gun trafficking rings linked to the Ontario Hells Angels had been busted.

An 18-month investigation dubbed Project Silkstone resulted in the arrest of 18 suspects and the seizure of over 11,000 pills containing fentanyl, a powerful drug 40 times more potent than heroin that has killed hundreds in Canada. The investigation focused on gun and drug trafficking along the 401 corridor between Toronto and Montreal.

Opiates are a real cash cow for criminals. Unfortunately, those who pay the price, who sometimes pay with their lives, are very often innocent young people.

It is simplistic to suggest that only big cities are affected. As this example shows, any small town can be affected. The first time we heard about the fentanyl epidemic was over a year ago when our colleague, Senator White, introduced Bill S-225 to add fentanyl precursors to the list of substances designated under the CDSA.

There are many ways to resolve this crisis. Bill C-37 offers two broad solutions. The first thing the bill would do is bring in effective measures to fight criminals. In that respect, much of Bill C-37 is strikingly similar to Bill C-70, which the Conservative government introduced in June 2015. Bill C-70 died on the Order Paper when the election was called. The provisions in Bill C-37 seem appropriate for fighting those who manufacture and traffic in opiates.

The second approach proposed in Bill C-37 has to do with supervised consumption sites or supervised injection sites. This is

where we need to voice our concerns because Bill C-37 is far from being a positive measure for communities.

As such, I wish to point out that Bill C-37 does not go far enough. Indeed, many people who are addicted to opiates got their start not with street drugs, but with painkillers. Canada is among the countries that prescribe these drugs the most and Bill C-37 does nothing to address that.

Let me begin by talking about the criminal aspect of Bill C-37. This bill includes five key measures for dealing with criminals. It expands the authority of the Canada Border Services Agency. Many criminals have found a way to smuggle illegal and dangerous substances in envelopes of less than 30 grams.

This is legislation we must support. It addresses some weaknesses at the border, just as Bill C-70 sought to do in 2015. Bill C-37 also seeks to regulate the import of unregistered devices such as pill presses or encapsulating machines. These devices can be used in the production of thousands of lethal pills at any time of the day.

Under current legislation, anyone in Canada can legally import these devices. Experts and police agree that it is important to prevent these devices from being imported. This measure was in Bill C-70 and I believe that it is a step in the right direction. The bill also prohibits certain activities related to controlled substances. Clause 6 of the bill, for example, expands the current offence of possession, sale, etc., for use in production of or trafficking in substance by adding the transport of substances to its definition.

The bill also specifies there needs to be the intent to produce or traffic in a controlled substance; simply knowing a substance will be used in such a way is not enough. Clauses 3 and 5 broaden the offences of trafficking, possession, and production to introduce Schedule V, which will include extremely dangerous substances.

Bill C-37 will also allow the minister to temporarily regulate dangerous substances by adding a schedule to the Controlled Drugs and Substances Act. This measure was proposed by the Conservatives in 2015 and would make it possible for the minister to quickly declare new and dangerous drugs to be illegal.

Make no mistake, the chemical formulas of drugs are changing quickly. Therefore, we must have the power to quickly declare drugs illegal without having to wait for legislation to be passed. According to clause 26 of the bill, an inspector can enter, even remotely, by a means of telecommunication, a place where there are reasonable grounds to believe that activities under the act or involving designated substances are being conducted.

For example, Health Canada could inspect vehicles used to transport designated substances and establishments with permits to carry out activities involving controlled substances that have been suspended or revoked in order to confirm the stoppage of illegal activities. The bill does not provide for a reporting mechanism for inspectors. According to the proposed amendment, the military police could be designated as a police force under the law, which would allow it to use the full range of investigative tools provided for in clause 40.

Given that the current provisions do not authorize such a designation, the type of investigative techniques and tools available to the military police for drug investigations is limited. Therefore, there is a very positive aspect to Bill C-37. However, we must raise questions about the opening of supervised injection sites. A supervised injection site is a place where an individual brings drugs and can use sterile equipment to inject themselves under the supervision of qualified staff who can immediately administer treatment in the event of an overdose.

The Minister of Health says that the criteria currently in place are too limiting and impede supervised injection sites from being opened. That is an odd thing to say considering that in Montreal alone, Health Canada has already given conditional approval to open three new supervised injection sites. These should open in spring 2017, which is in a few weeks.

• (1620)

Also on February 6, the federal health minister confirmed that applications are pending for another 10 sites in Canadian cities, including a mobile location. The exemption applications are for three sites in Toronto, two each in Vancouver and Surrey, British Columbia, and one each in Victoria and Ottawa.

In cities like Ottawa, credible individuals are speaking out against injection sites because, admittedly, they can pose a risk to neighbourhoods. In that sense, Bill C-37 goes way too far by giving the Minister of Health carte blanche. Bill C-37 simplifies the process by drastically reducing the number of specific criteria and requirements that authorities must consider before approving a supervised consumption site under section 42.

The new provision states the following:

> An application for an exemption under subsection (1) shall include information, submitted in the form and manner determined by the Minister, regarding the intended public health benefits of the site and information, if any, related to . . .

That's related to just five factors instead of 26 rigorous criteria.

The current supervised consumption sites regime was implemented in 2015 with the passage of Bill C-2, the Conservative government's Respect for Communities Act.

Bill C-2 amended the Controlled Drugs and Substances Act following a 2011 Supreme Court ruling authorizing Insite, a drug injection site in Vancouver, to open. Bill C-2, which provided the framework for the existing legislative regime, established a clear and transparent exemption application process for activities involving illegal substances in a supervised consumption site. It set out 26 criteria that had to be considered before granting an exemption.

In particular, section 56.1 of the Controlled Drugs and Substances Act specifies the information that an applicant must provide to the Minister of Health in order to conduct activities involving illegal substances at a supervised consumption site. These criteria are in keeping with the requirements stipulated by the Supreme Court of Canada, including scientific evidence

proving that the proposed activities will have a medical benefit, which must be accompanied by letters of opinion from key stakeholders.

One of the most important additions in the current regime, which resulted in the longest debate, is the fact that the Supreme Court requires that the local community's support for or opposition to the site must be taken into account. According to current provisions, applicants must gather the comments and points of view of the local community. Provincial ministers of health and public safety, the heads of the local police forces, and the lead public health professionals of the province or territory are called upon to provide input through a letter of opinion concerning the proposed activity.

Applicants must also consult with licensing authorities for the province's professionals and a broad range of community organizations in their municipality. They must submit reports on these consultations, including a summary of the feedback collected, a copy of written submissions they have received and a description of the measures taken to address relevant concerns expressed during the consultations. That is called respect for communities.

However, these criteria are no longer required with Bill C-37 because the number of criteria is being cut from 26 to 5. That is a suppression of community opinion. The Prime Minister's mandate letter to the minister was clear:

> Canadians need to have faith in their government's honesty and willingness to listen.

However, the House of Commons Standing Committee on Health passed this bill without hearing any witnesses. That is rather odd.

We cannot accept that the government will not listen to our communities before opening these sites.

[*English*]

We will not support anything that weakens the consultation phase in any way whatsoever, so we won't support measures that do not provide safeguards for our communities, our schools, our children and our neighbourhoods. The court ruled that their ruling was not a licence for injection drug users to use drugs wherever or whenever they wish, nor is it an invitation for anyone who so chooses to open a facility for drug use under the banner of a safe consumption facility.

[*Translation*]

We do support the parts of the bill that seek to reduce crime and the diversion of controlled substances, but there is cause to strongly oppose the measures that eliminate the criteria required for opening a drug injection site.

Before these sites are opened, the law must be upheld and Canadians must be heard. Thank you.

**Some Hon. Senators:** Hear, hear!

(On motion of Senator Martin, debate adjourned.)

## THE SENATE

### MOTION TO AFFECT QUESTION PERIOD ON MARCH 7, 2017, ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of March 1, 2017, moved:

> 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, March 7, 2017, 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.

She said: Honourable senators, I move the motion standing in my name. It's about Question Period for one of next week's sittings. We don't yet know which minister will be here, but we'll confirm that as soon as possible.

**Hon. George Baker (The Hon. the Acting Speaker):** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*English*]

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of March 1, 2017, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 7, 2017 at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

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

### BILL TO AMEND—DECLARATION OF PRIVATE INTEREST

**Hon. George Baker (The Hon. the Acting Speaker):** Honourable senators, Senator Enverga has made a written declaration of private interest regarding Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act. In accordance with Rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

### BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Art Eggleton** moved second 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.

He said: Honourable senators, I rise to support Bill C-18, of which I am the sponsor, at second reading. This is a happy bill, maybe the last government bill we will deal with today, so we might get out before too long.

• (1630)

This bill before us proposes three items: first, to transfer a portion of Wood Buffalo National Park to the Little Red River Cree Nation for the creation of the Garden River Indian Reserve; second, to provide greater flexibility to support the government in its efforts to expand or complete protected heritage areas; and, lastly, the area I'm most closely associated with, is to make ecological integrity the first priority in the management of the Rouge National Urban Park.

As it pertains to the creation of the Garden River Indian Reserve, Bill C-18 proposes to amend the Canada National Parks Act by withdrawing a small parcel of land from the Wood Buffalo National Park in northern Alberta. This action would facilitate the creation of the Garden River Indian Reserve. At 37 square kilometres, this designated land represents less than 1 per cent of the land in the Wood Buffalo National Park, a park which is roughly the size of Switzerland.

Since 1986, the Government of Canada and the Little Red River Cree Nation have undergone negotiations to achieve consensus on the terms and conditions to excise this land. By facilitating the creation of the Garden River Indian Reserve, Bill C-18 would enable the Government of Canada to honour its commitment to the Little Red River Cree Nation. This would be a small but important step toward reconciliation with indigenous peoples.

The second aspect of Bill C-18 aims to provide greater flexibility to the government in its efforts to expand and complete protected heritage areas. Specifically, it would amend section 21 of the Parks Canada Agency Act. This section provides for the New Parks and Historic Sites Account. This proposed amendment would allow the government to use this account to expand or complete parks or other protected heritage places that have already attained full operational status.

This is important because private lands for protected heritage areas are acquired on a willing seller and willing buyer basis. Funds must be readily accessible to allow the government to take advantage of opportunities to purchase these lands as they become available on the open market. The proposed amendment will help facilitate this. In addition, this amendment would also allow individual Canadians to contribute to completing or expanding operational heritage areas. It provides for more flexibility, in effect, on that account.

Finally, Bill C-18 aims to make amendments to the Rouge National Urban Park Act. At the core of these amendments is the concept of ecological integrity. In plain language, an ecosystem is considered to have ecological integrity when its native components such as wildlife, plants, waters and ecological processes are maintained.

The National Parks Act defines this term for parklands and requires Parks Canada to apply it in its management of these areas.

Bill C-18 would add the same terms and the same definition to the Rouge National Urban Park Act as it appears already in the National Parks Act.

As some of you may remember, this was a major point of contention when Bill C-40, which established that park, was introduced in the fall of 2014. While I commended the creation of the Rouge, Bill C-40 did not include the term "ecological integrity." It instead stated that the minister must "take into consideration" the ecological health of the area.

During the debate, I rose to speak against Bill C-40 because it failed to provide for the kind of environmental protection afforded to other national parks in Canada, groups such as the Canadian Parks and Wilderness Society, Nature Canada and the Friends of the Rouge Valley Watershed. I particularly want to single them out because they have for years, decades in fact, been working hard to have this national park brought about.

All of them at that time, in 2014, spoke against Bill C-40 as it was written. So, too, did the Ontario government, citing the potential lack of environmental protection. The province withheld donating a very substantial portion of the proposed park. This is important because the provincial lands contained almost all of the Rouge Valley system, which is the centrepiece of the park. It is where visitors can hike, explore nature and bask in the diversity of the ecosystem.

With these proposed amendments to the Rouge National Urban Park, Bill C-18 aims to ensure that ecological integrity must be the first priority of the minister when considering all aspects of management of the park. Furthermore, with the tabling

of Bill C-18, the Ontario government resumed active work to transfer the necessary provincial lands to Parks Canada. The government expects to complete all of these transfers in 2017, with key and major elements of these transfers occurring in the first half of this year.

Once land assembly is fully complete, the Rouge will be 79.1 square kilometres in size, stretching from Lake Ontario to the Oak Ridges Moraine, and part of it is in the cities of Toronto, Markham and Pickering and the Township of Uxbridge. To put it in perspective, 79.1 square kilometres is 19 times bigger than Stanley Park in Vancouver, 22 times bigger than Central Park in New York, and 50 times bigger than High Park in Toronto.

The Rouge's location places it within one hour's drive of 20 per cent of Canada's population. Millions of Canadians will be afforded the chance to learn firsthand about the remarkable natural diversity this area has to offer and still be home in time for dinner.

This is an area that is home to rare Carolinian forests, as well as sizable wetlands that support more than 1,700 species of plants and animals.

Under the proposed legislation, Parks Canada will be able to expand the important conservation projects they have undertaken in the Rouge since its establishment. Already more than 16 hectares of wetlands and 7 acres of forest have been added to the park. Parks Canada has also installed more than 175 habitat structures that make it easier for wildlife to find appropriate habitat and food.

While the Rouge offers an array of natural gifts, this area has also witnessed centuries of human history. This includes some of Canada's oldest indigenous sites, villages and travel routes. In 2011, Parks Canada established a First Nations Advisory Circle with 10 First Nations groups that have historical ties to the park area. They have worked with the advisory circle on a number of initiatives, including archaeological fieldwork, cultural resource conservation, restoration, and visitor service.

Another aspect of Rouge Park that makes it unique is the conservation and promotion of agricultural land within the park boundaries. The Rouge includes large tracts of Class 1 farmland, the most rare and fertile type of farmland in Canada. Farming has been an integral feature of the Rouge for centuries. Its farms continue to provide an important source of locally grown food to the Greater Toronto Area.

It is for these reasons that Parks Canada will offer farm leases of up to 30 years to provide more stability to park farmers and their families. Many of them have just been going on year-to-year leases, so getting a lease of up to 30 years does provide much more stability. Some of the farms have been part of the Rouge Valley since 1999.

Bill C-18 would also strengthen Parks Canada's ability to protect valuable farmland and ensure that farmers are able to continue to grow their crops in the park.

Honourable senators, more than a century ago, Canada became the first country in the world to create an agency to manage national parks. I didn't realize that until now. We're the first, apparently. Bill C-18 represents another step in this journey. From the outset, Parks Canada has worked closely with resident farmers, indigenous partners, school groups and environmental organizations to establish Rouge Park. The presence of all these elements in a single place links past with present in a unique way.

The challenge is to preserve these elements for future generations. Bill C-18 would equip Parks Canada to meet this challenge, and I look forward to the examination of this bill at committee and its report back to the Senate.

**Hon. Frances Lankin:** Would the honourable senator accept a question?

**Senator Eggleton:** Of course.

**Senator Lankin:** I want to thank you, Senator Eggleton, for your sponsorship of this bill. As a colleague senator from Ontario, I appreciate your work in sponsoring and bringing this bill through. It is an important bill for all of Canada, but it is important to those of us from Ontario.

• (1640)

I appreciated your comments about the embedding of ecological integrity in the legislation. That is most important. I echo your praise to the group Friends of the Rouge Watershed. They have worked on this for many years.

That organization has raised concerns about whether the bill goes far enough in protecting some aspects of the watershed that are currently protected as Ontario lands in this transfer. In particular, they're looking for amendments that would give explicit supports to implement the Greenbelt, Oak Ridges Moraine and Rouge watershed plans.

Have you had the opportunity to hear from Ontario with respect to their view of the agreement that has been arrived at and whether this piece of legislation in spirit and in fact lives up to the commitment that was made between the two orders of government?

**Senator Eggleton:** Thank you for the question. I believe it does.

I have a letter that was sent by Minister Chiarelli to Minister McKenna, and in the second paragraph, he says: "Subject to required approvals, the province intends to move forward in the new fiscal year with the transfer of its lands to be included in the new national park. I want to be confident of the progress of the proposed amendments prior to recommending transfer of the lands."

I am aware of an amendment which the Friends of the Rouge Watershed have put forward, but Minister McKenna is of the belief that, in fact, everything is properly covered, particularly under the ecological integrity provision that would be quite satisfactory to meeting those provincial requirements.

From what I read here from Minister Chiarelli, he would appear to agree with that. I have asked him for some clarification because I know the friends of the Rouge are proposing another

amendment, which I gather from these words, and from what I hear from the federal Minister of the Environment, would not be needed. They are covered sufficiently.

I have asked for a clarification from the minister on that and I hope we have that before we deal with this bill at third reading or even at committee.

I am at this point quite satisfied that the province is on side with this. I think the important thing is to make sure that the Ontario government, which objected to Bill C-40 before, comes on side and is part of this measure.

(On motion of Senator Martin, debate adjourned.)

## CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-206, An Act to amend the Criminal Code (protection of children against standard child-rearing violence).

**Hon. Murray Sinclair:** I want to mention that today I was to speak on this bill, but in view of the timing and the amount of time taken and with agreement of the other members in the Senate, I am going to ask that this be adjourned one more day. I believe it will be day 15 on Tuesday.

**The Hon. the Speaker:** Senator Sinclair has already spoken on this, so it will require leave.

Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(On motion of Senator Sinclair, debate adjourned.)

## CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Enverga, for the second reading of Bill S-221, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Question.

**Hon. Pierrette Ringuette:** Honourable senators, I wish to adjourn the debate in my name.

**Senator Martin:** May I ask a quick question?

**Senator Ringuette:** Yes.

**Senator Martin:** This is a bill that we had some discussion about this morning at our scroll meeting. Has it changed as to calling the question on second reading and referring the bill to the Modernization Committee?

**Senator Ringuette:** Yes, I have been doing some research on this issue, and I also talked about it with Senator Patterson before Christmas.

(On motion of Senator Ringuette, debate adjourned.)

## SENATE MODERNIZATION

THIRD REPORT OF SPECIAL COMMITTEE—MOTION
IN AMENDMENT—MOTION IN SUBAMENDMENT—
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.
>
> And on the motion in amendment of the Honourable Senator Tannas, seconded by the Honourable Senator Unger:
>
> That the Third Report of the Special Senate Committee on Senate Modernization be not now adopted, but that it be amended by replacing the third paragraph, starting with the words "That the Senate direct", with the following:
>
> "That:
>
> 1. the Clerk of the Senate be instructed to prepare and recommend to the Standing Committee on Rules, Procedures and the Rights of Parliament draft amendments to the *Rules of the Senate* to change the process for determining the composition of the Committee of Selection and each standing committee, using the process set out below as the basis for such amendments and taking into consideration the objectives identified by the committee and the principles underlying those objectives; and
>
> 2. the Standing Committee on Rules, Procedures and the Rights of Parliament examine and consider those

recommendations and report to the Senate with its recommendations.".

And on the subamendment of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Joyal, P.C.:

That the motion in amendment be not now adopted, but that it be amended by replacing the words "report to the Senate" by the words "report to the Senate by May 1, 2017,".

**Hon. Pierrette Ringuette:** Your Honour, I will be very brief.

I want to thank Senator Eggleton for having put forth this subamendment that would provide a time frame for this issue to be dealt with. As you will recall, Senator McInnis a few weeks ago passionately asked this chamber to move on, particularly in regard to this issue.

The main motion deals with the issue of proportional participation of senators on Senate standing committees. We have to thank Senator Harder, Senator Carignan and former Senator Cowan, who was leader of the independent Liberals, for the amicable temporary accommodation until early October. You have to understand that this temporary accommodation has to be dealt with forthwith.

I wish to thank again Senator Eggleton, who is a member of the Modernization Committee, for having had the foresight of putting forth this subamendment with a time frame. Therefore, I move that we adopt the subamendment.

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

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I was under the understanding that Senator Fraser, who has this item adjourned in her name, may be speaking to it. I know she hasn't spoken yet, so I will take the adjournment at this time.

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Could you ask for an adjournment on behalf of Senator Fraser?

**Senator Martin:** She hasn't spoken, so she can still speak at any time.

**Senator Ringuette:** To clarify, Senator Fraser has stated in this chamber that although debate is adjourned in her name, any senator can speak. I have spoken quite a number of times with Senator Fraser in regard to this subamendment and the amendment, and I can attest that she agrees with moving the question on the subamendment.

**Senator Martin:** I will be sure to get that clarification. It is just that there are a few things we have to discuss, so for now I would like to take adjournment.

(On motion of Senator Martin, debate adjourned.)

• (1650)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### THIRD REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Day for the adoption of the third report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Changes to the Order Paper and Notice Paper*, presented in the Senate on December 14, 2016.

**Hon. Yonah Martin (Deputy Leader of the Opposition)**: Question.

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

Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

## SENATE MODERNIZATION

### SEVENTH REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

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

**Hon. Claude Carignan (Leader of the Opposition)** moved the adoption of the report.

He said: Dear colleagues, today I would like to participate in the debate on the seventh report of the Special Senate Committee on Senate Modernization, which deals with regional representation.

Representing the regions is an integral part of the Senate's role. It is clear that the creation of the Senate was the basis for the compromise that led to the establishment of the political system we have known since 1867. Without this agreement on the

existence of the Senate, which ensured that there would be equal representation for every region, this compromise would probably not have been reached.

Allow me to quote George Brown, one of the Fathers of Confederation, who said:

> But the very essence of our compact is that the union shall be federal and not legislative. Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step; and for my part, I am quite willing that they should have it.

Naturally, Canada has evolved since 1867. The provincial governments have taken more and more space in the constitutional architecture. The courts have served as guardians of the balance between federal and provincial powers. Also, some parties with the sole purpose of defending the interests of a region have obtained a more or less significant representation in the House of Commons. Therefore, the Senate is not the sole guardian of the balance between the regions of Canada, but it has retained an essential role in that regard, which gives it special standing among federal institutions.

Senators are called to study the issues before them, including legislation. However, I do not believe that they must proceed through the regional lens only. Senators are members of Parliament, a federal institution, and must therefore be mindful of their responsibilities to all Canadians.

Canada is a country founded on compromise between regions, races, religious beliefs, and languages. Senators must participate in maintaining these compromises and must refrain from exploiting our differences. The Senate must be able to maintain a balance between effectively representing the regions and upholding national interests.

It is against this backdrop that we must address the proposals on regional representation from the Special Committee on Senate Modernization.

The committee is essentially proposing that we study and implement two major changes to our rules.

First, the Special Committee on Senate Modernization would like the Committee on Rules, Procedures and the Rights of Parliament to propose changes whereby our committees, in their reports, would pay particular attention to the significant or adverse effects that bills or subjects under review might have on the regions. I fully agree with that.

Of course, we might say that Senate committees already do that, that they already focus extensively on the regional impact of bills or subjects under review. I will leave it to you to decide whether that is truly the case in your experience.

However we might feel about this, namely whether we already do this or not, why not find a way to enshrine this objective in our rules? This is a relatively simple change to make that should find consensus among us and that is central to what the Senate is and must continue to be.

I hope the Standing Senate Committee on Rules, Procedures and the Rights of Parliament turns its attention to this matter quickly and reports back with recommendations for changing our Rules. It is our duty to send a clear signal to show that we are taking our regional representation responsibility very seriously.

Let me add that I would like us to invite provincial representatives more often to appear during studies of important bills. That should happen systematically, and we should not hesitate to use Committee of the Whole as a way to hear from appropriate ministers. I think that's exactly the kind of change that would be easy to bring in and would make the Senate even more relevant. When a committee finds that the subject matter of a bill is of particular interest to the provinces or falls under their jurisdiction, it should be able to invite the relevant provincial ministers to testify before the Senate in Committee of the Whole to air their province's views on the bill.

[*English*]

Second, the motion in front of us requires that the Internal Economy Committee put in place processes to make sure that committees will have sufficient funds to travel in the various regions when it is deemed necessary to fulfill the mandate of regional representation.

I believe that we already have such a process in place, but it is certainly reasonable to ask that members of the Internal Economy Committee look carefully at this question and make recommendations on ways to improve the system in place.

Again, beyond the issues of rules and process, I believe that it is important that we send a clear signal to Canadians that the Senate will study carefully matters that impact on the various regions of our country and that we are ready to make available resources to do so.

[*Translation*]

I think it is our duty to adopt the proposed motion so that the Standing Senate Committee on Rules, Procedures and the Rights of Parliament and the Standing Senate Committee on Internal Economy, Budgets and Administration can begin their work.

That being said, I would like to take this opportunity to talk to you about a proposal that I have already discussed several times: the creation of regional senate commissions for all four regions. That would give us a chance to hear about regional economic, social, cultural and community concerns. These commissions could meet publicly in their region once or twice a year to hear from groups about matters of interest. Hearings could be held in more than one city in each region. Each senate commission could select the issues to be discussed and share its studies and findings with the Senate. I hope this is something the Special Committee on Senate Modernization will look at.

[*English*]

In the meantime, I would invite you, honourable colleagues, to support the motion in front of us. Thank you.

**The Hon. the Speaker:** Question?

**Hon. Pierrette Ringuette:** I certainly appreciate Senator Carignan's input on the issue. I adjourn the motion in my name.

(On motion of Senator Ringuette, debate adjourned.)

• (1700)

## STUDY ON THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA

### SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report (interim) of the Standing Senate Committee on Transport and Communications, entitled *Pipelines for Oil: Protecting our Economy, Respecting our Environment*, tabled in the Senate on December 7, 2016.

**Hon. Michael L. MacDonald** Honourable senators, I will be requesting a government response. However, I will do so next Tuesday. I would like to adjourn for the balance of my time.

(On motion of Senator MacDonald, debate adjourned.)

## LEGAL AND CONSTITUTIONAL AFFAIRS

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. George Baker,** pursuant to notice of February 28, 2017, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Thursday, March 9, 2017, even though the Senate may then be sitting, and that the application of rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE REPORTS OF THE CHIEF ELECTORAL OFFICER ON THE FORTY-SECOND GENERAL ELECTION

**Hon. George Baker,** pursuant to notice of February 28, 2017, moved:

> That, notwithstanding the order of the Senate adopted on Tuesday, December 13, 2016, the date for the final report of the Standing Senate Committee on Legal and Constitutional Affairs in relation to its study on the reports of the Chief Electoral Officer on the 42nd General Election of October 19, 2015 and associated matters dealing with Elections Canada's conduct of the election be extended from March 31, 2017 to June 30, 2017.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS

**Hon. George Baker,** pursuant to notice of February 28, 2017, moved:

> That, notwithstanding the order of the Senate adopted on Thursday, January 28, 2016, the date for the final report of the Standing Senate Committee on Legal and Constitutional Affairs in relation to its study on matters pertaining to delays in Canada's criminal justice system be extended from March 31, 2017 to June 30, 2017.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*Translation*]

## AGRICULTURE AND FORESTRY

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Ghislain Maltais,** pursuant to notice of February 28, 2017, moved:

> That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, March 7, 2017, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 7, 2017, at 2 p.m.)

**CONTENTS**

**Thursday, March 2, 2017**

## ORDERS OF THE DAY

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