



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, March 7, 2017

The Honourable GEORGE J. FUREY  
Speaker

## CONTENTS

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

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## THE SENATE

Tuesday, March 7, 2017

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

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE JACQUES DEMERS

**Hon. Larry W. Smith:** Honourable senators, I rise today to share with you my recent visit with our colleague Senator Jacques Demers, affectionately called "Coach." He was appointed to the Senate in August of 2009 by former Prime Minister Stephen Harper and quickly became the éminence grise of the Senate Conservative Caucus. He is the two-time NHL Jack Adams coach of the year trophy winner.

[Translation]

It was such a pleasure to visit him. Our conversation was filled with laughter and brought me back to the good times spent with him both here in the Senate and on the Whitlock golf course in Hudson. Let me assure you that he has not lost his sense of humour. Since his stroke, he has been extremely diligent about following his physiotherapy in order to overcome this physical challenge, which is far from easy. Progress is slow, but I don't know anyone who is as strong or as determined as Coach. He will get there because he will never give up the fight.

[English]

In the meantime, he does miss not being here with his colleagues. He mentioned it numerous times during our discussion. His eyes showed great love and passion for the Senate. I have reassured him that our thoughts and prayers are with him and that we also extend our good wishes for his continued recovery.

#### ONTARIO WOMEN IN LAW ENFORCEMENT

##### CONGRATULATIONS ON TWENTIETH ANNIVERSARY

**Hon. Gwen Boniface:** Honourable senators, in light of International Women's Day tomorrow, I would like to take the opportunity to salute the many accomplishments and the important work done by female police officers across this country; more specifically, those courageous women who work day in and day out in my home province of Ontario.

There are roughly 14,000 female police officers who help protect our nation, and approximately 5,000 of those are in Ontario. Their numbers continue to grow.

These women are supported by an organization named the Ontario Women in Law Enforcement, or more commonly known as OWLE. It was created by a small number of like-minded women to encourage, promote and advance women in law enforcement.

OWLE is celebrating its twentieth anniversary this week. That's 20 years of joining female members from across the province, 20 years of bringing strength to their voice and 20 years advocating for positive social change. OWLE encourages women from each and every police service to join to collectively address common interests and concerns, and, indeed, to celebrate their successes.

OWLE gives its members the opportunity to connect and network, to grow their careers and encourage movement up the ranks of policing. The organization has helped develop sister organizations in other parts of Canada and has made a significant contribution to the development of the International Association of Women Police.

Honourable senators, I would ask you to join me in congratulating the Ontario Women in Law Enforcement for their accomplishments. As they celebrate their twentieth anniversary, we thank them for supporting the advancement of women in the law enforcement community. I also take this opportunity to thank them for their continued service to our country.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Consul General of Iceland in Winnipeg, the largest Icelandic community in Canada, Þórður Bjarni Guðjónsson, responsible for all Western Canada, accompanied by his wife, Jörunn Kristinsdóttir. They are the guests of the Honourable Senator Bovey.

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

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

#### THE LATE BERNARD (BEN) TIERNEY

**Hon. Jim Munson:** Honourable senators, in the news business, you really get to know a person when you share the journey together. In my case, the road trips were many, and getting to know this person helped shape my life as a reporter.

His name, Ben Tierney, or as the headline in his obituary stated: "Legendary Canadian journalist Ben Tierney Dies in Victoria at age 81."

That was just a few weeks ago, and my, oh my, how I miss him. But the spirit of Ben Tierney will never die. A Scot by birth, it seems Ben was always on the road. As his former Southam News

colleague Peter Calamai called him, a “correspondent’s correspondent.”

Ben was born in Ayr, Scotland. At age 17, the restless teenager was on the road. It was the late 1950s and Ben was anxious for a new adventure, an adventure that would take him around the world. First a short stay in the United States, but he soon found himself in Canada.

Ben loved to write, and it didn’t take long to land a copy boy job at the *Calgary Herald*. The rest is history.

At Southam News, Ben seemed to be posted everywhere: Paris, Washington, Hong Kong, Ottawa and Vancouver, with many more stops in between.

One of those was in Beijing. He and I covered the massacre in Tiananmen Square. It was during that time of covering history and witnessing the deaths of Chinese students that we bonded.

Exhausted at the end of days which never really ended, we, along with other correspondents, would reflect on the stories we covered. A beer, or maybe two, never tasted better. We lived to tell a story for another day.

It’s funny when you are in the moment; you never look at the story as history but as another news event on a lifelong road trip. There were many trips, but Ben’s pursuit of the story was something to behold. Gordon Fisher, who was Ben’s boss at Southam News, said this about Ben Tierney, “I learned so much from him (about) the values of curiosity, the relentless pursuit of truth . . .”

Honourable senators, I’m trying to capture the essence of a man I loved, my family loved, and his many friends loved. What was it about him that was so special? Sure, he was sometimes a cranky Scot with pockets of humour, but from my personal view, he was fearless, fair-minded and fair. He cared about the story and the individual or individuals in the story.

On assignment in Delhi in India, he wrote about the awful conditions faced by working children. They were known as “the carpet boys.” In 1991, he captured the miserable conditions in which they lived and worked:

They worked in ill-lit and airless mud huts, breathing carpet lint, in temperatures ranging from near freezing in winter to more than 40 C in summer . . . They were beaten and given one bowl of rice and salt a day. And at night, after the owner locked the doors, they slept on the hard dirt floor by their looms.

That was classic Ben Tierney. That was the Ben Tierney I knew: the humanist, as well as the war or foreign correspondent.

• (1410)

In closing, at the end of his life, Ben never lost his sense of humour. He loved to write short stories. He was in the midst of a new book. It was about Nixon’s ghost coming back to haunt the

White House, but along comes Donald Trump. Even though he was very ill, Ben said, “My book has been Trumped! This is crazier than I made it!”

Along the road, Ben Tierney was a husband, a father and a grandfather. He may have loved the road, but he also loved what his family brought to his life. His journey wouldn’t have been complete without them.

Ben, I will close with this Scottish proverb: “A good tale never tires in the telling.”

Ben Tierney, you never tired in the telling of a good story.

## TOM MYKETYN

**Hon. Michael L. MacDonald:** Honourable senators, on February 26 past, a large gathering was held in Dartmouth, Nova Scotia, honouring Mr. Tom Myketytn. Tom was there with his wife, Jennifer, and their three children, Katelyn, Kevin and Brett, who are all young adults in their mid-20s. Tom has been coaching minor hockey for over 30 years, often more than one team at a time. He is one of the most accomplished coaches of his generation, winning championships at every level, and has always exhibited the type of qualities we wish to have impressed upon our children.

A cool head behind the bench, patient with the players and officials and, to his credit, the parents, Tom has played a significant role in mentoring thousands of young people during their formative years. Tom’s oldest son and mine are the same age, attending school together through to high school graduation and remain fast friends. Our homes are only a few streets apart, and our kids spent lots of time at each other’s home when they were growing up.

I remember first meeting Tom because I asked him if he was any relation to Johnny Myketytn. During the post-war era, when senior hockey and the Allan Cup were hotly contested in Canada, Johnny Myketytn was one of the great defencemen of his day. Johnny played for the Sydney Millionaires and later the Glace Bay Miners, was renowned for his open-ice bodychecks, and was my father’s favourite hockey player. Tom smiled and said, “That’s my Uncle Johnny.” Tom and I have been friends since that day many years ago.

At that gathering with Tom and his family on February 26, Lauchlan, my older son, was called out and recognized. Tom coached Lauchlan for a record nine straight years from the age of 7 to 16, from Atom through to Midget AAA. I always said that besides his parents, nobody had more influence over or spent more quality time with Lauchlan growing up than did Tom Myketytn. Tom deserves a medal for that alone, because as anyone would tell you, the son is so much like his father.

For over a decade, I spent a lot of time in hockey rinks with Tom. Although those days are behind us, we still run into each other at the gym, where we always chat and catch up. In fact, I saw him there in early January on two consecutive days. Tom is one of those people who never seems to age — a thick head of hair, always staying in great physical shape, and of course always approachable and upbeat.

The week we returned to Parliament after Christmas break, I received a text from my son early one morning. He had been awake most of the night, upset and crying. I asked him what was wrong. He sent me a Facebook message Tom had posted to his high school hockey team. I read it and then I wept. Unbeknownst to almost everyone, Tom had been quietly fighting cancer for a couple of years, and a check-up revealed it had returned in a significant way. He was given a few months to live. Tom, as is his nature, calmly laid out his situation. Then he indicated he would keep coaching as long as he was able to.

I know my family was not alone in the sadness we experienced that day. Hundreds of families like mine owe so much to Tom Myketyn. His many friends are shocked, devastated and heartbroken.

I want Tom to know how much he is appreciated, respected and loved by his friends. There are no words to describe our frustration that this good person and his family have to face such a difficult situation. Life can be so unfair.

On behalf of the hundreds of families whose children he helped raise, and the thousands of young people he mentored, I want to say, God bless you, Tom, and thank you from the bottom of our hearts.

**THE HONOURABLE CHANTAL PETITCLERC,  
C.C., C.Q.**

**CONGRATULATIONS ON HONOURABLE  
DAVID C. ONLEY AWARD**

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise today to acknowledge one of our colleagues, the Honourable Chantal Petitclerc, who was awarded the David C. Onley Award at the Thirty-third Annual Great Valentine Gala, on February 11, in Toronto, Ontario. This prestigious award recognizes examples of extraordinary service to Canadians who live with disability.

[*Translation*]

As a Paralympic wheelchair athlete, Senator Petitclerc demonstrated exemplary strength and perseverance. She participated in five Paralympic Games, winning 21 medals, 14 of them gold. At her final Paralympic Games in Beijing in 2008, she won five gold medals and set two world records and a Paralympic Games record. That showing combined with her other Paralympic Games medals made her the most decorated female track athlete in history.

She is a tremendous inspiration to her fellow track athletes and young people around the world who hope to make their dreams come true one day. As a senator, she continues to fight for people with disabilities in committee and here in this place. We will never forget Senator Petitclerc's moving and sincere maiden speech, which was on Bill C-14.

As co-chair of Rolling Rampage on Parliament Hill, I join Senator Petitclerc, Senator Munson and former senator Vim Kochhar every autumn to raise awareness of what it is like to live

with disabilities. We cheer on our amazing, world-class Paralympic athletes who take part in the 10-kilometre relay race on the Hill, proving once again that a wheelchair symbolizes not disability, but freedom.

[*English*]

Honourable senators, please join me in congratulating our colleague Senator Chantal Petitclerc on this important achievement and honour.

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

## ROUTINE PROCEEDINGS

### CITIZENSHIP ACT

#### BILL TO AMEND—TENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Kelvin Kenneth Ogilvie**, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, March 7, 2017

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### TENTH REPORT

Your committee, to which was referred Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act, has, in obedience to the order of reference of December 15, 2016, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

**KELVIN KENNETH OGILVIE**

*Chair*

(*For text of observations, see today's Journals of the Senate, p. 1325.*)

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

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

[Translation]

## STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY

FIFTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Paul J. Massicotte:** Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on Thursday, March 10, 2016, and to the order adopted by the Senate on Thursday, February 16, 2017, the Standing Senate Committee on Energy, the Environment and Natural Resources deposited with the Clerk of the Senate on Tuesday, March 7, 2017, its fifth report (interim) entitled *Positioning Canada's Electricity Sector in a Carbon Constrained Future*. I move that the report be placed on the Orders of the Day for consideration at the next sitting.

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

• (1420)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE PRESENTED

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

Tuesday, March 7, 2017

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

### FOURTH REPORT

Pursuant to its order of reference of February 9, 2017, your committee has considered the use of the *Order Paper and Notice Paper*, in particular in relation to so called “stood” items, and now recommends the following as an interim measure:

That, for the remainder of the current session, if no senator rises to speak when an item on the *Order Paper and Notice Paper* has been called, the item be deemed to be stood to the next sitting of the Senate.

Respectfully submitted,

JOAN FRASER

Chair

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

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

[English]

## CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—TWELFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. George Baker,** Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, March 7, 2017

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### TWELFTH REPORT

Your committee, to which was referred Bill C-224, An Act to amend the Controlled Drugs and Substances Act (assistance — drug overdose), has, in obedience to the order of reference of December 1, 2016, examined the said bill and now reports the same with the following amendments:

1 *Clause 2, pages 1 and 2:*

(a) On page 1,

(i) replace line 15 with the following:

“ment assistance because that person, or another person, is suf-”,

(ii) replace line 16 with the following:

“fering from an overdose is to be charged or convicted under subsec-”, and

(iii) replace line 19 with the following:

“sought assistance or having remained at the scene.”; and

(b) on page 2,

(i) replace lines 1 and 2 with the following:

“(3) The exemption under subsection (2) also applies to any person, including the person

suffering from the overdose, who is at the scene upon the arrival of the emer-", and

(ii) add after line 3 the following:

"(4) No one who seeks emergency medical or law enforcement assistance because that person, or another person, is suffering from an overdose, or who is at the scene upon the arrival of the assistance, is to be charged with an offence concerning a violation of a pre-trial release, probation order, conditional sentence or parole relating to an offence under subsection 4(1) if the evidence in support of that offence was obtained or discovered as a result of that person having sought assistance or having remained at the scene.

(5) Any condition of a person's pre-trial release, probation order, conditional sentence or parole relating to an offence under subsection 4(1) that may be violated as a result of the person seeking emergency medical or law enforcement assistance for their, or another person's, overdose, or as a result of having been at the scene upon the arrival of the assistance, is deemed not to be violated."

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

GEORGE BAKER

*Deputy Chair*

(For text of observations, see today's Journals of the Senate, p. 1327.)

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

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

[Translation]

#### OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
EXTEND DATE OF FINAL REPORT ON STUDY OF  
THE CHALLENGES ASSOCIATED WITH ACCESS  
TO FRENCH-LANGUAGE SCHOOLS AND  
FRENCH IMMERSION PROGRAMS  
IN BRITISH COLUMBIA

**Hon. Claudette Tardif:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Thursday, December 1, 2016, the date for the final report of the Standing Senate Committee on Official Languages in

relation to its study on the challenges associated with access to French-language schools and French immersion programs in British Columbia be extended from March 30, 2017 to May 31, 2017.

[English]

#### HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY INTERNATIONAL AND NATIONAL HUMAN  
RIGHTS OBLIGATIONS AND REFER PAPERS AND  
EVIDENCE SINCE BEGINNING OF FIRST  
SESSION OF THIRTY-SEVENTH  
PARLIAMENT

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

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than March 31, 2018.

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#### QUESTION PERIOD

#### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, pursuant to the motion adopted in this chamber on Thursday, March 2, 2017, Question Period will take place at 3:30 p.m. today.

[Translation]

#### 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 answer to the question raised by the Honourable Senator Martin on October 26, 2016, concerning the recognition of Korean War veterans in Canada's one hundred and fiftieth anniversary celebrations.

[English]

The question raised by the Honourable Senator Martin on December 1, 2016, concerning the sesquicentennial events and the role of Korean War veterans; the question raised by the



Honourable Senator Downe on December 2, 2016, concerning policy on hiring medically released veterans; the question raised by the Honourable Senator Stewart Olsen December 15 concerning animal testing; and the question raised by the Honourable Senator Plett on February 16, 2017, concerning Western Canadian grain transportation.

## HERITAGE CANADA

### RECOGNITION OF KOREAN WAR VETERANS IN CANADA'S ONE HUNDRED AND FIFTIETH ANNIVERSARY CELEBRATIONS

*(Response to question raised by the Honourable Yonah Martin on October 26, 2016)*

2017 is not only Canada's 150th birthday, but also a time of commemoration for the brave soldiers who fought for the freedom all Canadians enjoy today. This year marks the 75th anniversary of the Dieppe Raid and 100th anniversaries of the Battles of Passchendaele and Vimy Ridge. Our Government is investing approximately \$11 million dollars in supplementary resources to ensure these commemorative events receive the recognition they deserve as we pay tribute to the heroes who have made Canada the country it is today. We are committed to honouring all those who have selflessly served this country.

On a five-year basis, the Government of Canada marks important military milestones. In 2018, on the occasion of the 65th anniversary of the Korean War Armistice, Veterans Affairs Canada will honour all those Canadians who served during the Korean War.

Throughout the year, Canadians will gather at the National War Memorial, which proudly bears the dates of the Korean War and other significant military conflicts. During solemn events, they will be reminded of the tremendous sacrifices and achievements of all the men and women who defended—and continue to defend—the values Canadians hold so dear.

### SESQUICENTENNIAL EVENTS—ROLE OF KOREAN WAR VETERANS

*(Response to question raised by the Honourable Yonah Martin on December 1, 2016)*

2017 is not only Canada's 150th birthday, but also a time of commemoration for the brave soldiers who fought for the freedom all Canadians enjoy today. This year marks the 75th anniversary of the Dieppe Raid and 100th anniversaries of the Battles of Passchendaele and Vimy Ridge. Our Government is investing approximately \$11 million dollars in supplementary resources to ensure these commemorative events receive the recognition they deserve as we pay tribute to the heroes who have made Canada the country it is today. We are committed to honouring all those who have selflessly served this country.

Under its Canada Remembers Program, Veterans Affairs Canada commemorates the anniversaries of major military milestones yearly, with enhanced programming on a

five-year cycle. These include such military milestones as the First World War's Battles of Vimy Ridge and Passchendaele, the Second World War's Dieppe Raid and the Korean War Armistice.

When Canadians celebrate the 150<sup>th</sup> anniversary of Confederation in 2017, Veterans Affairs Canada will commemorate the following anniversaries in Canada and overseas: the centennial of the Battle of Vimy Ridge in April, the 75<sup>th</sup> anniversary of the Dieppe Raid in August and the centennial of the Battle of Passchendaele in November. The participation of official Government of Canada delegations will be a key component of the 2017 events in Canada, France and Belgium. These delegations will include Veterans representing national Veterans' organizations and regiments that fought in the various battles. In 2018, on the occasion of the 65<sup>th</sup> anniversary of the Korean War Armistice, Veterans Affairs Canada will honour all those Canadians who served during the Korean War.

## PRIVY COUNCIL OFFICE

### POLICY ON HIRING MEDICALLY RELEASED VETERANS

*(Response to question raised by the Honourable Percy E. Downe on December 2, 2016)*

Our Government is committed to helping releasing Canadian Armed Forces members and Veterans successfully transition from military to civilian life. A whole of government approach is taken to ensure that transitioning members find meaningful and substantive employment as and when they need it.

Veterans Affairs Canada's newly created Veterans Priority Programs Secretariat has been working closely with the Canadian Armed Forces Transition Team and other government and non-government partners to create a Career Transition and Employment strategy for releasing Canadian Armed Forces members and Veterans. The strategy will focus on empowering releasing Canadian Armed Forces members and Veterans to develop the knowledge and skills necessary to successfully acquire employment within the public or private sector or to become self-employed, and also on educating public and private sector employers as to the value that Veterans can bring to their workforce.

The strategy includes operationalizing the *Veterans Hiring Act*, with some initiatives proposed that seek to ensure releasing Canadian Armed Forces members and Veterans are set up for success when applying for Public Service opportunities, and other initiatives that will encourage federal departments and agencies to hire more Veterans.

To operationalize the *Veterans Hiring Act* within Veterans Affairs Canada, a new unit, the Veterans Hiring Unit, has been formed. The mandate is to assist Veterans Affairs Canada hiring managers to understand Veteran applicants, help promote awareness of the *Veterans Hiring*

Act amongst releasing personnel, lead by example and assist new Canadian Armed Forces hires at Veterans Affairs Canada.

## HEALTH

### ANIMAL TESTING

*(Response to question raised by the Honourable Carolyn Stewart Olsen on December 15, 2016)*

Our Government is working hard in collaboration with global partners to eliminate animal testing for cosmetics, and Health Canada is committed to the responsible and ethical use of animals in research and development. The Department supports the international development and use of alternatives to animal testing through its participation on international scientific committees, and works with international regulators to validate and promote such alternatives.

The purpose of the Regulations Amending the Toys Regulations was to respond to specific concerns identified by the Standing Joint Committee for the Scrutiny of Regulations regarding a lack of clarity in a small set of existing requirements of the Toys Regulations. This process is intended for administrative amendments and does not permit substantive changes.

Health Canada no longer encourages industry to conduct animal tests. Rather, it is recommended that irritation and corrosion for the purpose of sections 26 and 29 of the Toys Regulations be assessed using human experience data or data obtained according to good scientific practices as defined in section 1 of the Regulations.

Health Canada will use future updates to the Toy Regulations as an opportunity to provide further clarity to address this issue.

## TRANSPORT

### WESTERN CANADIAN GRAIN TRANSPORTATION

*(Response to question raised by the Honourable Donald Neil Plett on February 16, 2017)*

The Government of Canada recognizes the importance of a strong and efficient grain handling and transportation system to the health of our economy. Transport Canada is working with stakeholders to strike a balance that supports rail customers and delivers continued investments in the system.

The Minister will introduce legislation this spring to advance a long-term agenda for a more transparent, balanced, and efficient rail system that reliably moves our good to global markets. The legislation will include specific measures to establish the ability to apply reciprocal penalties between railway companies and their customers in their service level agreements, better define “adequate and suitable service”, improve access to and timelines for Canadian Transportation Agency decisions, and address

the future of the Maximum Revenue Entitlement and extended interswitching. The Government of Canada recognizes the importance of a transparent and stable policy framework to ensure predictability for all supply chain participants.

## ORDERS OF THE DAY

### 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. Elaine McCoy:** Honourable senators, it was almost to the day four years ago that I rose to speak in opposition to Bill C-377. I thought today I would read some excerpts from that speech because when I went back to see what I had said, I thought I couldn't say it any better today.

One of the reasons is because I quoted Dorothy Parker. For those of you, like Senator Housakos, who are so young, you probably don't remember Dorothy Parker. She was a writer, a comedienne in her own right. She wrote book reviews for *The New Yorker* in the 1920s, 1930s and 1940s. In her own day, she was sort of like the Tina Fey, and everybody hung on her every word. She was very brief in her witticisms. One day she was called upon to review a book written by Mussolini called *The Cardinal's Mistress*. She said:

This is not a novel to be tossed aside lightly. It should be thrown with great force.

I took the liberty of paraphrasing Dorothy Parker when I got to up to speak to Bill C-377. I said:

This is not a bill to be tossed aside lightly; it should be thrown with great force.

So today I am very pleased to be on my feet asking others in this chamber to throw Bill C-377 aside with great force by in fact voting for Bill C-4.

In another piece of my speech four years ago, I referred to section 91 of the Constitution Act, 1867. In the first three lines it says:

It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to

make Laws for the Peace, Order, and good Government of Canada. . .

That, honourable senators, is what we are all about. After all is said and done, after all the jockeying for position, after all the colour-coded insults are hurled around, our job is to make laws for the peace, order and good government of Canada.

I went on to say:

I will say this: Bill C-377 will not contribute to the peace in our country.

. . . for a thousand years in our tradition . . . we have been slowly evolving until we have a society that is fair to one and all. We have a society that includes everyone. . . This bill [C-377] violates all of those principles. It violates a 1,000-year-old tradition. It violates the Canadian code of fairness. I think this bill should be forcefully, forcefully rejected, and I trust we will do that when the time comes.

• (1430)

And colleagues, the time has now come.

I will now address the bill as it affects the other part of Bill C-4. I must admit I'm very disappointed in the government of the day. In its own way, Bill C-4 is an omnibus bill. The only thing that links them is the word "union"; the subject matter is not the same. I think that is a shame because many people feel strongly about Bill C-377 and want to see that rejected, overturned, but are, on the other hand, less convinced about the amendments that Bill C-525 brought forward.

I'm sympathetic to that view and I was hoping, actually, that somebody would split the bill before it got this far, but that hasn't happened. Because I feel so strongly about Bill C-377 being overturned, I'm not going to propose splitting it either because I think supporting overturning Bill C-525 is worth it as well in the long run and so I would support that in any event. I would encourage others to take a similar view of this bill.

Let me speak to this question of certification. The issue is whether we should encourage a two-step process for federally regulated workplaces that are not now unionized when they choose to attempt to unionize, whether they should, first, sign up on a card and, second, go to a secret ballot. It's the secret ballot I believe has us all worried — the secret ballot that we all know in our own lives is so important to us when we vote, and so it has a sanctified place in our value system. I can only say that in the context of a non-unionized workplace, when workers have decided that their employer is not treating them fairly, their workplace conditions are not as good as they should be and their workplace rewards are not equal to what they should be, they look to form a collective voice in which they can bargain with their employer to improve their situation. In that case, it seems to me that their wishes — which are kept confidential, by the way — to actually form themselves into a bargaining unit do not meet a second stage. Once they have confidentially indicated that they would like to form themselves into a bargaining unit and that information has been held confidential, and it goes to the board to be verified, that should be enough.

Keep in mind that we're not talking about anything other than at this point forming a bargaining unit. And as all who have been in labour relations know, I learned from the masters. I was Minister of Labour, so they taught me all of this in Alberta. It's not the forming of a bargaining unit that really matters; what really matters is whether you can get a first collective agreement. And when you go to vote for a first collective agreement your voting becomes incredibly important.

This imposition of a secret ballot, when you're reaching out to form a bargaining unit, reaching out to one another to say we need a stronger voice and we're only going to have a stronger voice if we all talk together, to require a two-step process, including a secret ballot, is a favourite tactic of an American movement that has gone on for some 50 or more years called the "right to work." It's a bit of a misnomer because it's really the right to ban unions or at least to make it so difficult for anyone to form a bargaining unit that you might as well have an outright ban on unions.

The right-to-work movement was brought to Alberta in the middle of the 1990s. At that point I was no longer with the government, but I was asked by the economic development authority and by the minister of the day to chair a joint review committee that looked at the pros and cons of right-to-work legislation that was being proposed for Alberta.

I have to say that I had the biggest and the best on this committee. I had big business and big labour, and these men were feisty. They chomped on cigars; they went nose to nose and toe to toe. They were not shy. They were robust. They had been at many a negotiating table. These were people who knew their business both from management's point of view and the workers' point of view.

We had 225 submissions and nearly every one of them said, "No, do not bring this legislation in," including this two-step secret ballot right to form a unit. The biggest surprise to all of us was that one of the biggest bargaining units in the province that spoke for the employers, the Construction Labour Relations Association, CLRA — the big bosses on the construction side, on the business side — said "Do not bring that in." Why? They wanted peace, order and good governance. They said if you make it difficult for bad employers to be unionized it disrupts the whole province in terms of labour relations: "That disrupts our business and we ultimately all suffer."

We had a unanimous recommendation for the government of the day, and that was to reject the right-to-work philosophy, which was making it difficult to form a bargaining unit, keeping in mind that if a bargaining unit is formed it still has to prove itself to the workers that it's of any use to the workers, and that's where the real test comes, much later in the day.

I will finish by recalling some of the testimony that I read this year on Bill C-4 from a representative, who may have been the chair of the board, who said that they have had something like — my memory for numbers might be slightly off — 27 complaints of unfair labour practices in the last year since this provision went into force; and in the 10 years before that they had 23. That's a tenfold increase in complaints in one year since this provision came in. That's a 1,000 per cent increase. Now that means that there is some correlation. That means that labour peace has in fact been disrupted.

I could have lived with that legislation and I could have gone either way, whatever the chamber chose, if Bill C-525 were being dealt with on its own. The world is not going to come to an end. There are valid arguments on both sides of that issue. But I'm very convinced that Bill C-377 must be rolled back. It is unfair, unconstitutional and un-Canadian. And for that, I will stand and vote in favour of Bill C-4.

(On motion of Senator Ringuette, debate adjourned.)

• (1440)

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

#### SECOND READING

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.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator Pratte, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

### CANADA-UKRAINE FREE TRADE AGREEMENT IMPLEMENTATION BILL

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Baker, P.C., seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill C-31, An Act

to implement the Free Trade Agreement between Canada and Ukraine.

**Hon. Leo Housakos:** Honourable senators, I am pleased to rise to speak in support of Bill C-31, An Act to implement the Free Trade Agreement between Canada and Ukraine.

The agreement signed between Canada and the Ukraine in July of last year is the culmination of considerable efforts made by two Canadian governments since 2010. These efforts confirm the multifaceted importance of this agreement. The Canada-Ukraine free trade agreement is in many ways unique and must be supported not only for its economic importance, but also based on the important political and strategic signal that it sends.

First, in economic terms, the agreement will be important for both Canada and the Ukrainian business sectors. For Canadian businesses, some 86 per cent of duties on Canadian exports to Ukraine will be eliminated. It is anticipated that Canadian exports will see gains in various key sectors, including pork products, machinery and equipment, motor vehicles and other transport equipment, as well as in relation to chemical products.

There will be no negative impact on sensitive Canadian sectors, such as those governed by supply management. These goods are excluded from tariff concessions that have been made.

In total, it is projected that Canada's gross domestic product will expand by nearly \$30 million as a result of this agreement. Simultaneously, the Ukrainian GDP will grow by over \$18 million.

While these gains might be described as modest taken by themselves, the positive impact for Ukraine will nevertheless be proportionately more significant. Indeed, when the agreement comes into force, 99.9 per cent of Ukrainian goods entering Canada will be duty-free. This is important and illustrates the political and strategic importance of Ukraine to Canada and how this agreement is a further and vital step in deepening our bilateral relations.

More than 1 million Canadians have Ukrainian ancestry, and as a result Ukraine has always had a place in Canadian hearts. Indeed, in 1991 when Ukraine first became independent, the government of Brian Mulroney made Canada the first country to recognize Ukraine's independence. Since that time, Canadian governments from both parties have continued to pursue close bilateral relations. This is particularly important given that today, Ukraine's independence, which was so hard won, is under threat. Russia's military intervention in Ukraine in 2014, its seizure of Crimea and its ongoing efforts to destabilize that country make all of our efforts in supporting Ukraine that much more important.

[Translation]

When confronted with these challenges in 2014, former Prime Minister Stephen Harper quickly made Canadian assistance for Ukraine his top priority. Accordingly, since January 2014 Canada has provided about \$140 million in financial assistance to Ukraine. This assistance is greatly needed because

approximately 1.4 million Ukrainians have been displaced within the country, and there are now three million people who require ongoing humanitarian assistance.

Canada also provided an additional \$88 million to help advance democracy, human rights and the rule of law in support of Ukraine's national institutions.

Finally, in order to help Ukraine improve its defence capability, the former government also made military assistance a priority. Members of the Canadian Armed Forces were deployed to Ukraine as part of Operation UNIFIER to help train Ukrainian armed forces and strengthen their military capability.

All these measures — political support, development or humanitarian assistance, military training and, henceforth, the Canada-Ukraine free trade agreement — are part of a more comprehensive program. We must make every effort to continue this multi-faceted approach.

In this context, the Canada-Ukraine free trade agreement will strengthen the economic component of Canada's broader stabilization program.

[English]

But the agreement is also important in a symbolic sense. It demonstrates Canada's ongoing commitment to the Ukrainian nation, to the Ukrainian people and to their collective prosperity.

I am very pleased that the Canada-Ukraine free trade agreement received unanimous support in the House of Commons, and I am sure that it will do so in the Senate as well. The reason for this is simple: Canadians are united behind what Canada is doing to support Ukraine. In many ways, this gives the Canada-Ukraine free trade agreement a critical moral component. I will be proud to witness its passage by the Senate of Canada and I encourage all senators to support it.

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

**An Hon. Senator:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Harder, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

## 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. Peter Harder (Government Representative in the Senate):** Honourable senators, in the attempt to make this three in a row, I rise today to speak on Bill C-37, an Act to amend the Controlled Drugs and Substances Act and to make related amendments to other Acts.

This is urgent legislation designed to save lives in the context of the ongoing opioid crisis in Canada, including addressing the issue of supervised consumption sites. It contains measures needed right away to protect our communities and our kids from death by overdose and to prevent further tragedies.

For too long we have been reading almost daily headlines about heartbreaking losses across this country, including so many of our young people. The rise in deaths by overdose is large and is due in great part to the spread of deadly opioids such as fentanyl and carfentanil.

I believe we have an obligation to the public, including parents across Canada, to move Bill C-37 forward as quickly as possible. Lives are at stake. Without Bill C-37's legal changes in place, each day carries an additional and unnecessary risk to Canadians, especially young people and marginalized members of society who are at the greatest risk of death by overdose.

I thank Senator Campbell for sponsoring this legislation and for his powerful speech of last week. I would also like to sincerely thank Senator Dagenais, the Conservative critic on this bill, for speaking so quickly thereafter. His speech demonstrated that vigorous debate can be both timely and important in this chamber, and that we have the capacity to act thoughtfully and with a sense of urgency.

This sense of urgency must inform the pace of our deliberations on Bill C-37. We need to review this bill carefully, for sure, as we must all legislation, but we also need to complete that review as quickly as possible. For that reason, I will conclude my remarks today by asking this chamber to move Bill C-37 to committee by the end of Thursday, before we rise for two weeks. Any senator wishing to join the debate on second reading still has time, but for those who have not spoken by the end of deliberations on Thursday, I would ask that you reserve your remarks for third reading so that Bill C-37 may move to committee.

I also take this opportunity to remind the chamber that second reading is the stage of debate where senators must determine if they agree with the principle pursued by the bill.

• (1450)

Honourable senators, with lives at stake, I believe this chamber is ready to endorse the principle of this bill. Let us use the two-week break to prepare for the bill's study at committee. Senators who wish to speak on particular aspects of Bill C-37 will have ample opportunity to do so at third reading. I will not repeat the remarks of Senator Campbell, who, along with Senator White, has shown tremendous leadership in this chamber in combatting deadly harms of opioid use. I will, however, briefly outline the proposals contained in Bill C-37 and explain why they will have the immediate effect of saving lives in Canada.

Specifically, Bill C-37 will allow border officers to open international mail weighing under 30 grams, which they cannot do currently. In the context of this change, consider that one standard-size envelope, 30 grams, can contain enough fentanyl to cause 15,000 overdoses — one envelope with 15,000 potential consequences. This legislation would allow for the search of such envelopes, which cannot currently occur. Taking even one of these packages off the streets can prevent numerous overdose deaths in Canada.

In addition, Bill C-37 will prohibit the unregistered importation of pill presses and encapsulators, which can be used to make counterfeit drugs.

I'm a senator for Ottawa. This is my community, and I feel a special responsibility to the people of this city. So, in this context, I would be remiss not to mention the heart-wrenching loss of Chloe Kotval in Kanata last month. Chloe was 14 years old, a grade 9 student. She overdosed on counterfeit prescription pills laced with fentanyl. So it's not surprising that hundreds of parents packed a pair of meetings in February in Kanata to learn how to administer naloxone, an opioid antidote. Chloe's story is becoming all too common, and parents across Canada are rightly afraid.

If my son and his friends were still in high school with these pills going around, I would be concerned as well. No community, no demographic is safe from this scourge, and I will repeat, for emphasis' sake, that the stakes could not be higher.

Bill C-37 contains other important measures to prevent the deaths and harms associated with the opioid crisis. The bill creates administrative penalties for the over 600 licensed dealers who manufacture, sell and distribute controlled substances to reduce the risk of diversion of controlled substances.

Bill C-37 also streamlines the approval process for establishing supervised consumption sites by reducing 26 application criteria with the five factors outlined by the Supreme Court in its 2011 ruling on *Insite*. Evidence shows these sites save lives and improve health without harming surrounding communities. This, too, is a vitally important change.

Last year, in British Columbia alone, more than 900 people died from a drug overdose, an 80 per cent increase from the previous year. The people using these sites are among society's most marginalized and vulnerable persons. Because Bill C-37 will help to save them from death by overdose, the bill is also a strong moral statement that, in Canada, everyone matters.

Honourable senators, I would like to thank Senator Dagenais for having spoken on Bill C-37 so quickly. Again, I would like to state that we not adjourn second reading debate on this legislation beyond this week. We must send Bill C-37 to committee this Thursday at the very latest. In doing so, we must adopt this bill in principle and allow the next two weeks as time to prepare for committee study. Senators and their staff may also use that time to prepare for any remarks at third reading. To delay any further debate with adjournments would be indefensible to the Canadians that suffer from this pandemic. Opioid overdoses are a crisis, and every day matters. Lives are at stake. The Senate must act. I invite you to join.

**The Hon. the Speaker:** Senator Harder, will you take a question?

**Senator Harder:** Yes.

**Hon. Vernon White:** Senator Harder, I wonder if you can walk us through which parts of the bill could have been done by regulation instead of legislation.

**Senator Harder:** Senator, I don't have that bill before me. I believe that the intent of the legislation is to provide assurances through legislation so that the minister is confident that the legislation can, in fact, allow the processing to take place and that the reduction, particularly on the on-site consumption sites, can be done more expeditiously than previously.

**Senator White:** The reason I ask is because last year we introduced legislation here, in the spring, that the government could have fast-tracked in 48 hours and put in place. In fact, we ended up spending six or seven months before they regulated exactly what we were forced to legislate. That's why I asked the question. So I'll have somebody from Legal have a look at it.

The second question I have surrounds the supervised injection site. The way a supervised injection works presently is that a criminal organization produces a non-pharmaceutical poison that they sell to a street vendor who then sells to an addict who goes into a medical facility to shoot up. My issue with that has to do with the amount of criminality and the fact that we don't have people using pharmaceutical drugs. Wouldn't it make more sense for the government instead to do what they do with methadone, which is an opioid, and have those supervising injection sites prescribing exactly what a patient requires, between a doctor and a patient, to satisfy their needs and to keep them alive?

**Senator Harder:** I thank the senator for his question because it is a very important one. It was asked by Senator Campbell last week when the Minister of Health was here. She confirmed for this chamber, and I would repeat, that the appropriate authorities are in place today for health care providers, for the provincial government and for the community health care providers to do just that, to provide prescription drugs within the consumption site facilities. There is nothing in this legislation that precludes that, and, frankly, nothing in this legislation is required to allow that. It already exists.

**Senator White:** Thank you very much for that because, in reality, then, to get to where we want to get to, which is to try to help addicts to get off of street drugs that are killing them, we

[ Senator Harder ]

already have the tools we need. In the city of Ottawa, I understand that nine locations presently prescribe opioids — methadone. Really, all they would need to do is to have medical practitioners take the next step to providing whatever opioids, narcotics or pharmaceutical drugs are necessary to keep people alive.

My concern with this, and my community's concern in the city of Ottawa, is the fact that this does not remove the harm from people's arms. What it actually does is give them one more place to shoot up, but it does not remove the harm. I would argue that people in the city you and I live in want to try to remove the harm from their arms.

So my perspective would be, and correct me if I'm wrong, that the government really should be pushing — pardon the pun — a supervised injection facility that provides pharmaceutical-grade material for addicts.

**Senator Harder:** I thank the honourable senator for his question and obvious passion on this subject. As the minister made clear when she was here, this crisis requires a consortium of jurisdictions to act in harmony.

The government is acting in respect of its legislation, its obligations. Clearly the obligations in respect of consumption sites are the intent of this legislation, and working with other levels of government that have responsibility in the area that you referenced is indeed welcome. The minister indicated here that there is nothing to prevent those jurisdictions from acting in their competence with respect to the provision of pharmaceuticals through prescription.

**Senator White:** First, because I never said it earlier, I want to commend the government on the other areas of the bill that I am in absolute agreement with. I do believe it will save lives.

I'm asking that, unlike in the other place, we actually have fulsome dialogue around the impact of supervised injection sites that continue to use the poison being sold by criminal organizations. So I welcome the opportunity to see this bill in committee.

**Senator Harder:** I would simply like to encourage honourable senators, as Senator White suggested in his question, to utilize the committee hearings for exactly that debate, and I would encourage, as the honourable senator has indicated, that the bill to move to committee as quickly as possible.

**Hon. Carolyn Stewart Olsen:** Senator Harder, would you take another question?

**Senator Harder:** Of course.

**Senator Stewart Olsen:** You mentioned in your speech that research has shown that these injection sites have saved lives. I would welcome actually receiving that information from you because, in my research, I have not been able to find that, as such.

• (1500)

Why doesn't the government's legislation include or provide for fulsome review of the efficacy of these injection sites before moving forward and opening more, in that case?

**Senator Harder:** I thank the honourable senator for her question. I'm informed that that has already been done. With respect to the data, I would be happy to ensure that material is before the Senate in the committee process, and will share it with the senator as soon as possible.

**Senator Stewart Olsen:** I thank you for that. I look forward to reading it. I'm not so sure about lessening the criteria for Insite injection sites because I find that they are very broad, can be interpreted in any way, by each jurisdiction, and therefore don't give enough controls to assure our communities of their safety.

**Senator Harder:** I thank the honourable senator for her question and assure her that the objective of the government is to make it more expeditious for consumption sites to receive approval and to reduce the 26 criteria to the five that were referenced in the Supreme Court judgment. Of course, that is another matter to be studied in committee to assure all senators that that is the appropriate set of questions and review mechanisms for consideration.

**Hon. Larry W. Campbell:** Would Senator Harder take a question?

**Senator Harder:** Yes.

**Senator Campbell:** Senator, are you aware of the number of peer-reviewed articles that took place regarding Insite that are published? Are you aware that half million dollars was spent every year on research at Insite demonstrating the lessening of harms, deaths, mayhem in the community, drug dealing?

**Senator Harder:** I thank the honourable senator for his question. I was aware of the \$500,000 research budget because it was through the efforts of the former Mayor of Vancouver that ensured the funding was available for ongoing research.

With respect to the earlier part of your question, I don't, but I suspect you do.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I have a supplementary question. I was a Vancouver resident for over 40 years. It may well be that research has been done and there may be some very good evidence, but from a citizen's point of view, when I go through the Downtown Eastside, when I hear what is going on, when I speak to the business people who are directly impacted in the historic Chinatown area, there is anecdotal evidence of the negative impact that it has had on the city and the region as well.

I share the concern that Senator Stewart Olsen has raised in terms of streamlining the process, reducing 26 to only 5, and what that could mean if a community is not able to be fully consulted and be prepared to accept an institution that will have great impact on their community. Would you speak to the concern about this streamlined process? Will there be thorough consultation?

**Senator Harder:** I thank the honourable senator for her question. I want to be sure to emphasize that Bill C-37 is not a single magic solution to the opioid crisis. This is part of a range of solutions by all levels of government. This happens to be the response of the Government of Canada in areas of its jurisdiction.

I also want to be open, as the minister was in her questions last week, in acknowledging that cooperation at all levels of government is required, particularly with respect to utilization of the designated consumption sites for the best maximum effect.

I would like to acknowledge that the overwhelming evidence is the importance of consumption sites in managing this epidemic, and that it is incumbent upon the Government of Canada to exercise, in its jurisdiction, legislative amendments that will allow for more expeditious consideration by those communities that wish to see consumption sites in their communities. In committee, we will of course have ample opportunity to address the very concerns that you raised, senator. I hope we can do that soon.

**Senator Campbell:** Would Senator Harder take another question?

**Senator Harder:** Yes.

**Senator Campbell:** Senator Harder, are you aware that from 2005 until this point that numerous communities throughout Canada recognized that a single injection site is not a silver bullet, have spent endless amounts of time and money trying to get the previous Conservative government to take a look and allow supervised injection sites, that they were continually rebuffed, and as a result we are seeing the mayhem that the Deputy Leader of the Opposition just spoke about?

**Senator Harder:** Senator, I certainly would share your observation, and would note that this minister has been active on this file since her appointment. As you know, there was a coming together of all stakeholders, including levels of government, for an urgent emergency conference, out of which came a range of actions that various stakeholders committed to.

The minister committed to this legislation as part of the response from the Government of Canada. It is in that context that I urge all senators to move on Bill C-37 so the Government of Canada can be seen by Canadians to be doing its part.

**Senator Stewart Olsen:** I have one additional question, senator. I hear what you're saying to Senator Campbell as well, but I think that we would do ourselves great harm if we don't take the partisanship out of this issue. This issue exists across the country — the dreadfulness of drug-related disease and addictions — and I think that everyone in their own way has tried the best they can to assess and to help. I would like to see that continue.

**Senator Harder:** I did not mean my speech or any comments I made to be, in that sense, partisan. However, I think that all levels of government and all stakeholders involved, including community action groups, must work together in the face of this huge challenge, that we all have our part of the solution and that Bill C-37 is part of that solution within the jurisdiction of the Government of Canada. Let's get on with it.

**Senator Martin:** If I may correct for the record, I didn't say it was "mayhem." I know that it's a very complex issue and is felt by many that are impacted by what happens. There are a lot of people who work with great passion and dedication, but there are also people in the community who have been impacted, for many years, and this is quite a complex issue.

(On motion of Senator Martin, debate adjourned.)

## NATIONAL ANTHEM ACT

### BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

**Hon. Frances Lankin** moved third reading of Bill C-210, An Act to amend the National Anthem Act (gender).

She said: Honourable senators, I am delighted to have an opportunity to speak to this bill. It is about our national anthem. It is about the evolution of "O Canada."

This opportunity to speak comes the day before we celebrate International Women's Day. It comes in the year of celebration of the one hundred and fiftieth anniversary of Canada. Also, for many reasons, it is a moment of pride for me to be able to contribute to the unfortunate many years of debate to this amendment to our national anthem.

• (1510)

I would like to begin by reflecting on some words that were written by the Library of Parliament back in 2015. This was when our nation was celebrating the thirty-fifth anniversary of "O Canada" as the official national anthem. The anthem has been sung since just after the turn of the last century and before that in the French language, for sure.

This note I found interesting for some of the historical context, so if you'll bear with me, I would like to read from this to have it on the record. We're speaking here about the celebration of the thirty-fifth anniversary of "O Canada":

Versions of the song have been sung for over a century. But the composition was not proclaimed as the national anthem until 1 July 1980, the day the *National Anthem Act* came into force.

The Act sets out the lyrics to "O Canada" in both official languages, as well as the melody. There have been numerous attempts to modify the English lyrics since then, but none of them has been successful.

#### The anthem's origins: Patriotic song in French Canada

"O Canada" was originally commissioned for the Congrès national des Canadiens-Français, which was held in the city of Québec on 24 June 1880, St. Jean-Baptiste Day. Well-known composer Calixa Lavallée composed the melody, and Sir Adolphe-Basile Routhier, a judge and poet, wrote the accompanying French lyrics, which remain unchanged to this day.

I find that absolutely remarkable. That speaks to the fact that they weren't gender-biased in the French language to begin with. They still aren't. It also underscores why many of our French colleagues say to us, "Just get on with it, whatever you want to do. It's not an issue for us. We know our anthem and we love the words. We're happy with it."

While it quickly became a patriotic song in French Canada, it did not catch on in English Canada until the



early 20th century. Attempts were made to translate it, but with little success.

For a number of years, many English versions of “O Canada” were sung at public events. In 1908, the Honourable Robert Stanley Weir, judge of the Exchequer Court of Canada (known now as the Federal Court of Canada), wrote the version that became the anthem Canadians sing today.

O Canada! Our home and native land! True patriot love thou dost in us command. We see thee rising fair, dear land, The True North, strong and free; And stand on guard, O Canada, We stand on guard for thee.

#### Source of unity in a time of crisis

Throughout the First World War, the song became widely known across the country and among Canadian soldiers serving overseas, acting as a source of unity in a time of crisis.

It was sung at a memorial service for Canadian soldiers at St. Paul’s Cathedral in London, England, in 1915, for example. In the late 1920s, many schools began to include singing “O Canada” as part of their daily routine.

Despite the song’s widespread popularity, it was not until the 1960s that an attempt was made to designate “O Canada” as the official national anthem. On 31 January 1966, Prime Minister Lester B. Pearson introduced a motion in the House of Commons. It requested: “That the government be authorized to take such steps as may be necessary to provide that ‘O Canada’ shall be the National Anthem of Canada while ‘God Save The Queen’ shall be the Royal Anthem of Canada.”

The motion was approved by the House of Commons, and in 1967 a special subcommittee was struck to study the matter. It recommended the original French version and a modified version of Weir’s lyrics.

#### The National Anthem Act

In June 1980, shortly after the Quebec referendum, Parliament quickly passed the National Anthem Act.

I would just like to underscore for my honourable colleagues the timing of this. Remember that it was in 1966 that Prime Minister Pearson moved a motion to create the national anthem. It was in 1967 that a special subcommittee was struck to hammer out what the language would be — and they were the same words as they have always been in the French language — and further modifications to the lyrics of Weir were considered. That was in 1967.

It wasn’t until 1980 that the National Anthem Act was actually passed. It was passed immediately following the Quebec referendum. There was a time once again when we sought to underscore our unity as a country — in this case, our loyalties to

each other as French Canadians and English Canadians, and one Canada, far and wide, as we speak to the English lyrics of the song.

Weir’s 1908 poem was shortened and changed slightly for the English lyrics, which now began, “O Canada! Our home and native land! True patriot love in all thy sons command.” Routhier’s French lyrics written in 1880 remained the same.

Debate on the bill was limited —

Again, it came at a point of time following the referendum, where there was a hope and desire that this would be an important symbol of our unity as a country.

Debate on the bill was limited, with the promise that amendments to the Act could be considered in the future. The then Secretary of State and Minister of Communications, Francis Fox, told the Commons:

Many would like to see the words “thy sons” and “native land” replaced . . . to better reflect the reality of Canada. I believe all members are sympathetic to these concerns. I would therefore like to assure honourable members that in the course of the next session the government would be more than willing to see the subject matter of a private member’s bill on this question . . . referred to the appropriate committee of the House for consideration.

That was in 1980. Twelve bills have been attempted since then to amend the anthem.

Despite frequent discussions and many attempts, the Act has never been changed. Since 1980, 12 bills have tried to amend the anthem. Specifically, nine private members’ bills and three government bills have been introduced . . .

The vast majority of proposed amendments have attempted to promote gender inclusiveness. Ten bills have aimed to replace the words “thy sons” with “of us” or “our hearts.”

In addition, in 1980 one bill aimed to remove the word “native” from the anthem, and in 2003, another bill aimed to create an official bilingual version of the national anthem to reflect Canada’s linguistic duality.

As well, in the 2010 Speech from the Throne, the Governor General stated: “Our Government will also ask Parliament to examine the original gender-neutral English wording of the national anthem.”

The point that I want to make is that this legislation, the National Anthem Act, was brought forward at a point in time of the importance of symbols of unity in our country. It was brought forward and passed with little debate, although there had been several decades of consideration of enacting a national anthem. The commitment that was made, because there was minimal debate at that point in time, was that this would be reviewed in the future and that government would be open to respond to the request for gender neutrality. That was well understood. It was

probably sympathized with by many. Since then, there have been attempts. Since then, there have been further considerations and commitments put forward on the part of governments to see gender-neutral language be adopted in our national anthem.

So for those who say this anthem can't be changed — and that's not what has been said by all who have spoken in opposition to the bill, but some have argued the sanctity of the importance of the heritage of the bill and that it can't be changed — I would say in a counter-argument that it has always been envisioned that it would be changed. From the time of its passage as our national anthem in 1980, and since, it has been predicted that further changes would come, and most particularly changes with respect to achieving gender neutrality.

So we find ourselves here today considering third reading of Bill C-210.

• (1520)

Honourable senators, this bill was first read in the other place over 14 months ago, on January 27, 2016. As most of you know, Bill C-210 was introduced by the late Honourable Mauril Bélanger. He believed, to quote him at second reading, that “Canadians are ready for an inclusive national anthem.” I tend to agree with him on this point.

Bill C-210 proposes to alter the national anthem to change the words “thy sons” to the words “of us.” Two words, honourable senators — “thy sons” to “of us.” In the view of the bill's sponsor and many others across the country, including myself, this change is welcome. It's welcome because it will fulfil a promise to consider the words “thy sons” made to our country in 1980 when we passed the National Anthem Act. It is welcome because it will make the anthem more gender inclusive. It is welcome because it will ensure that all Canadians will see themselves embodied in the words of their national anthem.

As Randy Boissonnault, Parliamentary Secretary to the Minister of Canadian Heritage, said at third reading in the other place:

The debate is about bringing our national anthem into the 21st century. . . This is about gender neutrality. This is about the future. What else could be more Canadian?

Honourable senators, this bill was passed in the other place by a vote of 225 to 74, on June 10, 2016. It was introduced here in the Senate by Senator Nancy Ruth on the twenty-first of the same month. As Senator Nancy Ruth noted, this is the eleventh bill proposed in the other place to change the second line of the English anthem to words that include all genders and all Canadians.

I went back to take a look at that — 11 times. I wondered, how long have we been at this? The first record I can find, other than the reference in 1980 that we will come back to this and we will revisit this in particular with respect to gender neutrality, is that of MP Crosby who, in 1984, introduced Bill C-247 with the intent of changing the words “thy sons” to “of us.” Then in 1985, MP Crosby introduced Bill C-243, “thy sons” to “of us;” MP Stackhouse in 1985, Bill C-251, “thy sons” to “of us;” and MP Crosby in 1986, Bill C-232, “thy sons” to “of us.”

That goes back 33 years to when it started. There were a few years where nothing happened and then MP Nunziata, in 1993, introduced Bill C-439, “thy sons,” and he suggested “of us” hasn't worked, so let's try “our hearts.” That was introduced again by MP Robinson in 1994, Bill C-264, “thy sons” to “our hearts.”

We started this over 33 years ago! Those are six examples that took us up to the year 1994. There was then a hiatus and the activity then started here in the Senate.

I now want to focus on the last 15 years and what has happened. Senator Vivienne Poy, in 2002, introduced Bill S-39 to change “thy sons” to “of us.” In 2003, Senator Vivienne Poy introduced Bill S-3 to change “thy sons” to “of us.” In 2011, MP Libby Davies introduced a Bill C-626 to change the words “thy sons” to “of us.” In 2014, Bill C-624 was introduced by MP Mauril Bélanger, to change “thy sons” to “of us.” Of course, what we are debating now, Bill C-210, was introduced last year by the late Mauril Bélanger to change “thy sons” to “of us.”

Honourable senators, in the last 15 years we have had another five attempts for the exact amendment that is before us today to come through to be considered here in the Senate, from the House of Commons to the Senate and from the Senate alone, being introduced here. Since that period of time, 23 individual speakers have spoken to this proposed amendment in one bill or another, many of them multiple times. I thought it was important because we often speak of the need to ensure that we give considered thought to legislation and to changes. There could be many things that we consider to be very important and to demand this kind of respectful consideration, but surely our national anthem would be one of them. I think it is important that there has been this opportunity given for considered thought.

However, while it has been considered — and it has even been reviewed twice by Senate committees and it has been sent back to this chamber with no amendments — no one wanted to change anything about the words “thy sons” to “of us.” Yet, honourable colleagues, we have yet to vote on this amendment to the National Anthem Act in this chamber.

Let me repeat: thirty-three years; the last go around 15 years; five bills; the same amendment; many speakers; multiple senators speaking multiple times; the same points being made — very good points, pro and con, important points; considered at committee; reported out twice. Yet we have yet to vote.

Bills containing this amendment have been adjourned 28 times. There have been prorogations. Lots of reasons have prevented the majority from expressing its decision on this bill. All sorts of opinions, majority and minority, have been expressed, but a decision hasn't been taken on this bill one way or the other. So we have had a lot of debate. It's important. We sit here now, the third month of 2017, our nation's one hundred fiftieth anniversary, soberly considering whether achieving gender inclusivity is an important enough reason to alter two words in our national anthem. Once again, I think it is.

It's also important to note that Canadians are now on board with the proposed change. They may not have been 33 years ago. I give that to historians who may be able to make the case. The

research polls from 2016 found that 62 per cent of Canadians are in favour of the change, while only 19 per cent are opposed.

These arguments that have been made, pro and con, as I said have been considered arguments. Senators have argued that this amendment would create a slippery slope. They argue the change will be a precedent that begins conversations about the words “our home and native land” excluding those who were not born here, perhaps; or that “God keep our land glorious and free” offends those who do not believe in God; or even challenges that “we stand on guard for thee” is overly militaristic rhetoric.

My answer to them is maybe, maybe not. We actually don't know. But we can't ignore change — cultural change; our country's sensitivities change. We can't ignore change and hope that it will simply go away. It won't. This is highlighted by the fact that this bill is back before Parliament again, for, as I've said, the fifth time in 15 years; 11 times over the last 33 years.

We have heard on the opposite side from senators who are speaking in favour that, traditionally, the national anthem, for example, is sung while our flag is hoisted in front of national athletes at World Cup events or Olympics. As the argument goes, changing the anthem is not necessary because these proud athletes embrace our anthem in its current form. I can only imagine that these proud athletes must feel an incredible surge of adrenalin and national patriotic sentiments when they see the flag raised and they hear the song being sung and they sing the song with it.

I must remind the Senate that we have Olympians in our midst — female Olympians, who have supported the proposed change to the anthem. Additionally, Paralympian Kristen Kit testified to the Senate committee that she feels a gender-neutral anthem represents that she is an equal part of the Canadian identity and that she wants to be included in the anthem that she sings when she steps on the podium next. I wish her well and hope that she steps on that podium soon and can sing this song officially, inclusive of her.

Senators have spoken in favour of the changes to the national anthem. Senator Spivak, in 2003, said regarding the change that “Not all Canadians see the need to change it, but those who want it are those who most feel excluded by the existing wording.”

That sense of feeling of exclusion, colleagues, has continued to grow over the years, year by year by year, while this call for change has not been acknowledged or not been acceded to.

• (1530)

The fact that some dismiss efforts to change the anthem is a simple strive towards political correctness. I have read quotes from some of the members in the House of Commons, in particular, that raise that kind of analysis. I say this is not about political correctness, and that disparages the importance of the proposed change. It's about history; it's about respect; it's about inclusion; it's about amending one of the most prevailing pieces of our country's national identity to align with Canadian reality, with the fact that women and men contribute to our nation and should be reflected in its symbols.

Senator Munson spoke about his Aunt Eileen, who was in the army and based in Ottawa while Canada was at war in Germany. She, and many women like her, served Canada in times of war

and contributed to the growth of our nation. This small change will grant Canadian women the recognition they have earned but have time and time again been denied.

On February 3, 1967, the Royal Commission on the Status of Women — and there are many of us in this chamber who were part of that process leading up to that royal commission report. It was under the leadership of Florence Bird. The report, which came out three years later, led to the foundation of legal and constitutional gender equality, pay equity, equality in hiring, national maternity leave policy, decriminalization of abortion and a cabinet position devoted to the status of women. Although we still continue to work towards many of these goals, it is a highlight of Canada's post-colonial mentality, our dedication to the idea that we must address equality; we must address women, gays, trans —

**The Hon. the Speaker:** Excuse me, senator. It is now 3:30. I am not sure whether the minister has arrived, but, with leave, we will continue with the debate; and when the minister does arrive, we will extend the time to ensure we have a full 40 minutes.

Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Lankin:** Thank you very much, Your Honour. I appreciate that.

The point I am making is our dedication to the idea that equality and inclusion must be addressed. We must address women, gay, trans, racial and religious minorities as specific people with specific experiences and expectations.

We talk often about lived experience. I ask people who speak genuinely and from the heart about honouring traditions to honour lived experience also and the experience of exclusion, and work with us to address that.

One of these expectations we've heard across the nation is that we see ourselves in our national symbols. As we've heard, the words of the anthem have been changed several times — most recently, I think, in 1968, which is the amendment Senator Raine referred to in her speech: the addition of the words “from far and wide.”

As Senator Carney argued when this issue arose in this place nearly 15 years ago, changing the anthem does not set a precedent. We are not infringing upon any copyright. This is a matter within the public domain, and therefore it is a matter within our will.

As Senator Wells said, one thing we can't change in our history is the foundation of what we are today. I think this is a really important point and I agree with him on that. But one of the cornerstones of our nation is our shared history, and that it evolves, and that over time it changes, and that we evolve the symbols and the recognition and recording of these changes, and that we can honour the past while we respect the present and look to the future. We can today ensure that Canada's anthem is representative of our history, that it tells an inclusive story, and that it's a story that highlights the accomplishments of all of us.

I want to move, Your Honour, to highlighting and recapping some, certainly not all, of the points that have been made by other honourable senators during the second reading debate of this bill.

Let me begin with those honourable senators who spoke before. I will not go through them all, but I want to highlight some points. I want to pay tribute to the late MP Mauril Bélanger for his work on this subject and quote from him at his second reading debate:

As Canadians, we continually test our assumptions, and indeed our symbols, for their suitability. Our Canadian maples have deep roots, but they also have continual new growth, reaching to the sky. Our anthem too can reflect our roots and our growth.

He continued:

Canada is all of us, not some of us.

Later, he said:

The . . . original English version of 1908 reads “True patriot love thou dost in us command.” The, in 1913, the line was changed to “True patriot love in all thy sons command.”

Finally, he said:

On the eve of the 150th anniversary of our federation, it is important that one of our most recognized and appreciated national symbols reflect the progress made by our country in terms of gender equality.

(Debate suspended.)

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Excuse me, senator. Following Question Period, we will resume with the balance of your time. The minister has arrived.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding to Question Period, I wish to draw your attention to the presence in the gallery of Patrick McLean, Director of the Gerald R. Ford Institute for Leadership in Public Policy and Service Albion College, as well as students: Allison Harnish, Rebecca Enerson, Coleman Schindler, Maggie Belcher, Callie Belt, Kristen Jarzembowski and Isabel Allaway. They are the guests of the Honourable Senator Cordy.

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

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

## QUESTION PERIOD

*Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Chrystia Freeland, the Minister of Foreign Affairs, appeared before honourable senators during Question Period.*

**The Hon. the Speaker:** On behalf of all honourable senators, welcome minister.

[Translation]

### MINISTRY OF FOREIGN AFFAIRS

#### LEGALIZATION OF MARIJUANA— TREATY OBLIGATIONS

**Hon. Claude Carignan (Leader of the Opposition):** Welcome, minister. Last week, when the Minister of Health joined us during Senate Question Period, Senator Frum asked her about the government's intentions with regard to legalizing marijuana, which would go against three international treaties to which Canada is a signatory, namely the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The minister confirmed that by legalizing marijuana, Canada would be in violation of these treaties and that she recently discussed the matter with you.

Minister, does the government intend to withdraw from these treaties or instead renegotiate Canada's continued involvement in this area in one form or another? Also, what repercussions will this decision have on our relationship with the United States, particularly when it comes to Canadian citizens at the border? Finally, once marijuana is legalized, how will your government ensure that cross-border traffic, on which a great many Canadians and businesses rely, will flow uninterrupted?

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you for your question. I want to begin by thanking all senators for inviting me. It is always a very great pleasure to be with you. I would say that I far more enjoy answering your questions than those of my colleagues in the House of Commons. This is the second time that I take part in Question Period in the Senate. The first time I came as Minister of International Trade.

From the outset, I want to thank you for the work you did with me and with all of us at the House of Commons on the Trade Facilitation Agreement, the Canada-European Union free trade agreement and CAFTA. These are very important international trade agreements. I know that the Senate worked diligently on these issues and I thank you for that.

As for our government's plan to legalize marijuana and the impact of this decision on our international treaties, my colleague, the Minister of Health, is quite right. We have discussed it, and my department committed to working with Health Canada as well as the Department of Justice on those issues.

As you know, some American states have already legalized marijuana. Uruguay has legalized drugs, and that country is among those that have international treaties with Canada. Other

countries are also examining the issue. Still, you're right about this being a very important and very serious issue, and we will be discussing it directly with our partners, including the United States.

• (1540)

I would add that Canada is not the only country interested in dealing with these issues as efficiently as possible. Many of our allies are very interested in Canada's experience. That is one reason why our government is absolutely certain, as we stated in the election campaign, that public health and the health of our children are best served by legalizing marijuana so that children can't get it. We believe that this should be done slowly and carefully, not hastily.

[English]

#### BURMA—PERSECUTION OF ROHINGYA MUSLIMS

**Hon. Salma Ataullahjan:** Welcome, minister. Minister, a report was issued by the Office of the United Nations High Commissioner for Human Rights last month that stated that recent attacks against the Rohingya population by the Myanmar authorities is “widespread as well as systematic, indicating the very likely commission of crimes against humanity.”

Since violence erupted again in early October, a military offensive aimed at the Rohingya Muslims has led to the internal displacement of tens of thousands of people, while another 70,000 have fled across the border into Bangladesh. It is estimated that more than 1,000 have been killed, including children and women.

Minister, as you know, the de facto leader of the new Burmese government is Aung San Suu Kyi, the Nobel Peace Prize winner. She is also an honorary Canadian citizen. Aung San Suu Kyi has been criticized for not providing adequate protection to the Rohingya people.

Minister, what have you done to engage directly with Aung San Suu Kyi concerning the plight of the Rohingya Muslims? If you have not reached out to her, do you intend to do so?

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you very much for the question. I am very personally seized with this issue and very personally concerned with the plight of the Rohingya Muslims. I think one of the roles that Canada plays, both at home and on the world stage, particularly today, is to stand up as a voice, as a country that strongly defends minorities, including religious and ethnic minorities, today in particular, very much including Muslims. That is something that, as Canada's Minister of Foreign Affairs, I am very proud to do outside Canada and in my own constituency.

On the Rohingya issue in particular, given my specific interest and concern with it, I reached out at the beginning of last month, on February 4, and had a personal conversation with Professor

Yanghee Lee, the UN Special Rapporteur on the situation of the Rohingyas. It was important for me to hear directly from Professor Yanghee Lee as to what she saw the situation as being and also to have open-door communication with her directly and personally with me. That was an early step I took shortly after being appointed.

As I'm sure you know, immediately after our new ambassador was appointed and took her post, she visited the Rakhine State to show her support and to convey with that action her views to the Government of Myanmar.

As a government, we are providing support to the Rohingya refugees in Bangladesh, which was \$4.3 million in 2016 alone. So I am very pleased — “pleased” is probably the wrong word because it's a tragic situation, but I want to assure you that I personally share your concerns and the government shares your concerns. It's an issue that we're very focused on.

#### ASIA-PACIFIC ECONOMIC RELATIONS

**Hon. Joseph A. Day (Leader of the Senate Liberals):** Madam Minister, last night I had the honour to co-host the reception on behalf of the Canada-China Legislative Association, at which we welcomed the new Chinese ambassador to Canada, His Excellency Ambassador Lu Shaye.

The ambassador spoke warmly — and I'm going to use some quotes here from his speech — about the “good momentum of development” in the Canada-China relationship and our “deepening pragmatic cooperation” on a wide range of issues. Indeed, he said that we are “ushering Canada-China relationships into a new golden age.”

Minister, the question about how to advance trade in the Asia-Pacific is even more pressing now in the wake of the withdrawal of the United States from the Trans-Pacific Partnership. Some countries — Japan, for example — have pushed ahead to ratify the TPP, even without the United States, and are urging other countries to do the same.

There are also countries — Australia, for example — suggesting that TPP could be expanded and opened up to include China. There are also discussions of moving instead to a different regional trade deal involving China, such as the Regional Comprehensive Economic Partnership, or RCEP. Negotiations are ongoing between China and a number of Asia-Pacific countries but not, to my knowledge, Canada.

Minister, can you tell us what Canada's plans are for Asia-Pacific economic relations? We could pursue a bilateral trade, Canada and China, we could try to salvage the Trans-Pacific Partnership or we could attempt to join the Regional Comprehensive Economic Partnership. Which one of these options will Canada pursue?

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you for the question. I do want to preface my answer by saying while I retain responsibility for the Canada-U.S. economic relationship, I am no longer trade minister, and we now have the extremely competent François-Philippe Champagne whose is more bilingual than I am. I hope you will invite him here.

And Mr. Champagne also speaks perfect Italian, so you can quiz him in Italian. I am sure he will have some great answers. Having said that, I love trade issues, so I will offer a few thoughts.

On the China trade relationship, something that I think is very important for Canadians to appreciate — and having grown up on a farm in northern Alberta — I am sitting here beside two Alberta senators. It's great to be here. I have spent many hours swamping canola on our family farm.

One of the things we achieved with our double visits, both our visit to China and with the visit of Premier Li to Canada, was to resolve our dispute over canola. We resolved that at the end of September. This was serious. Canadian canola was not being shipped to China as long as that dispute was outstanding.

I checked before coming here today, and I am proud to say that since the end of September, there have been 39 shipments of Canadian canola to China worth \$840 million. That is a lot of canola.

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

**Ms. Freeland:** And I do want to say congratulations to our outstanding entrepreneurial and hard-working farmers who are producing that great food.

I'm citing that example because I think sometimes when we get together in august chambers like this one and talk about trade, it can seem very ethereal and not connect with the lives of real people.

• (1550)

That's why, when we went to China, I brought a jar of canola actually grown by my dad and gave it to the Chinese to say this is real and concrete for us. I saw the Chinese foreign minister on the margins of the Munich Security Conference two weeks ago and he said, "It's nice to see you, Lady Canola," so that's now my nickname. I am proud to be Lady Canola.

In any event, as you say, senator, there are opportunities that we are exploring with China. We announced at the end of September the launch of exploratory talks towards an FTA with China, and the first round of face-to-face meetings in that process was held in February.

On the TPP, it's important for people to understand that that agreement had a very specific architecture. The architecture of the TPP is such that it can only come into force if it is ratified by a minimum of six countries equal to a minimum of 85 per cent of the economic activity covered by the TPP countries. In practice, what that means is the TPP can only come into force if it is ratified by both the U.S. and Japan. So there can be no TPP without U.S. ratification.

It is absolutely the case that some sort of other combination of TPP interested countries could happen. Chile is convening a meeting of TPP countries next week, and Canada will be there. China has been invited and the U.S. has been invited also, so different combinations are being discussed.

But I do want to caution honourable senators from thinking that it would be as simple as just taking the United States out. These agreements are very delicately balanced deals, and everyone makes different concessions based on the concessions they're getting. If the U.S., with its huge market, is taken out of that picture, then a new calculus would apply to everyone. So reconstituting the TPP11 would be a complicated thing to do.

Having said that, those talks are being convened. Canada is very much at the table and I know that François-Philippe Champagne will be an energetic member of those conversations.

I'll say one final thing on the Asia-Pacific space. In August, we were at the ASEAN trade ministers' meeting in Laos. I was there, and we reached an agreement with ASEAN to have an exploratory study done on an FTA between Canada and the ASEAN countries, so that is, again, on the foothills of a closer relationship with those countries.

In conclusion, I do want to assure you, senator, and all of your colleagues here, that I personally and our government collectively absolutely understand the economic opportunities for Canada in the Asia-Pacific. We are exploring them very energetically.

#### SAFE THIRD COUNTRY AGREEMENT

**Hon. Pamela Wallin:** Before all of you Albertans get carried away, I want to note that Saskatchewan is the largest exporter of canola, but that is just a detail.

Welcome, minister. It's great to see you here in your new portfolio.

I want to ask about something completely different, though, and that is the Canada-U.S. Safe Third Country Agreement, where refugee claimants are required to request refugee protection in the first safe country they arrive in. My question is twofold.

Last week, former Deputy Prime Minister John Manley, who negotiated the Safe Third Country Agreement with the U.S. in 2004, said that suspending this agreement, as some have proposed, could lead to thousands of asylum seekers showing up at our border crossings. It was reported that today the cabinet was seized of this issue, so I'm wondering if you can assure us that the government still supports the Safe Third Country Agreement as it stands.

And as you know, there is currently a loophole in our immigration law which allows asylum seekers who enter the country illegally to make an in-country refugee claim that people who obey the law and enter Canada through border points cannot make.

Is there any consideration of closing that loophole to assure that all asylum seekers are treated equally under the law?

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you very much, Senator Wallin, for that question. On behalf of Albertans, I do have to admit that Saskatchewan has a further claim to canola. It was, in fact, of course invented by Saskatchewan agronomists, but the Alberta canola is really great.

On the Safe Third Country Agreement, of course, this is principally a question for my colleague the Minister of Immigration, and I do want to take this opportunity to say what a great minister he already is. I probably shouldn't say this, but one of my colleagues commented at one of our first cabinet meetings that he sounded as if he had been doing the job for 10 years with his first statement. He is absolutely on top of the file.

As a Canadian, an MP and a cabinet minister I'm really proud, especially today, that we have an immigration minister who is not only superbly qualified but actually came to Canada himself as a refugee from Somalia and who, by the way, was sworn in as minister on the Quran. I think that says a lot of great things about our country.

As Minister Hussen said in Question Period yesterday, he does support the Safe Third Country Agreement. He pointed out that the UNHCR, as a highly respected third-party arbiter charged with making these judgments, continues to judge the United States to be a safe country for asylum seekers. I think that's a judgment we have to trust them to make.

The Safe Third Country Agreement is an important part of our relationship with the United States and an important part of the very long and friendly border that we enjoy with the United States, which, of course, is an important area for commerce — \$2 billion of trade every day — and for Canadians to cross. I think we need to be very thoughtful and respectful of all the agreements governing what happens across that border.

On the other aspect you mentioned, that exists because of the necessity for both Canadians and Americans, in abiding by the Safe Third Country Agreement, to be able to say when someone crossed the border that they saw them cross. That's why it applies specifically to legal and official ports of entry. Again, that was a very thoughtful element of the agreement when it was first put in place.

We have been talking about Saskatchewan and Alberta, so let me conclude with a shout-out to Manitoba. My colleagues Jim Carr and Ralph Goodale were in Emerson over the weekend. As a Canadian, I really think that we should all give a shout-out to the people of Emerson and the RCMP officers there who have been behaving in such a dignified, compassionate and professional way. I'm proud to be a Canadian along with those great people.

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

#### WOMEN, PEACE AND SECURITY

**Hon. Marilou McPhedran:** Minister Freeland, welcome. If I may be permitted a short personal note, I want to acknowledge the contributions of your mother to the promotion of women's rights in Canada.

I want to ask you a question about Canada's Action Plan on Women, Peace and Security which, as you know, has lapsed. In particular, I'd like to ask about plans underway for the meaningful and substantial engagement for contributions from civil society in Canada in the development of this new national action plan.

• (1600)

I also want to acknowledge longstanding previous working relationships, in my former life, with members of Global Affairs Canada and express my appreciation for that. In particular, I'd like to ask if consideration is being given in the engagement with civil society organizations to reach out and engage with diaspora communities, women in diaspora communities in Canada, who come from countries that are most affected, potentially, by a new national action plan. In asking that question, I would like to share with you the fact that Anne Burgess, from Global Affairs Canada, flew out to Winnipeg on November 12 and spent an entire day at the Women's Peace Table that was organized by Women for Women, South Sudan, which brought out one of the largest attendance of the South Sudanese communities, which, frankly, is often not an easy thing to do. There are many divisions within that community. As part of my question, I would like to ask if anything further is under consideration.

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** What a great question. Thank you very much. On a personal note, thank you very much for acknowledging the work of my mother. I think Senator Mitchell knew her. She was a real pioneering feminist in northern Alberta and it wasn't that easy to be a feminist in Peace River in the 1970s. She was a real inspiration to me.

I believe strongly that Canada must, can and should have a feminist foreign policy. The Prime Minister believes that, too. He is proud to call himself a feminist, and we have had structured meetings talking about how to put into action our conviction that we need to have a feminist foreign policy. Tomorrow is International Women's Day, so I think you'll see some action in that space.

As trade minister, I was very conscious of a feminist aspect to what we are doing, and I made a real effort to hold round tables with women wherever I travelled, women business and community leaders, especially business because of the trade portfolio. I did that in Japan, in South Korea, in China, also in the United States. Our embassy in the United States is very active in promoting women in politics. We hosted, in the embassy, an event congratulating the newly elected women in Congress. That was a very successful bipartisan outreach.

As people here also know, we found a useful common space on our first visit with the Trump administration to the White House, in our Women's Business Council. So this is an area that I believe in strongly and am committed to continuing to work on. I really like your idea of a particular outreach to women in the ethnic community.

I personally believe, partly because of my background, I suppose, that one of the great advantages Canada has when it comes to foreign policy is that there are many Canadians who are experts in the world. One of my assistants, my constituency assistant who works in my office in Ottawa, happens to speak Arabic, Hindi and Urdu — just because he does — also French and English. When I have visiting delegations, they can't believe that this young guy speaks so many different languages. I just say, "Well, he's Canadian." So I think that that is a real resource that we ought to be drawing on. We do it naturally, just by virtue of who is here in the room, but I think there is a real benefit to doing

it systematically. I think a focus on the women in those communities is particularly valuable. So thank you for the great idea.

#### NORTH AMERICAN FREE TRADE AGREEMENT

**Hon. Tobias C. Enverga, Jr.:** Minister, my question for you today concerns the North American Free Trade Agreement.

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** I'm familiar with that.

**Senator Enverga:** In his press conference with the Prime Minister last month, President Trump stated:

We have a very outstanding trade relationship with Canada. We'll be tweaking it.

While some in Canada may have breathed a sigh of relief upon hearing those words, it remains to be seen just what the new U.S. administration's plans are for renegotiating NAFTA. President Trump might have a very different take on what constitutes a tweak of our trade relationship than Canada would. We also believe that any tweak could affect our production and could make products more expensive. Minister, my question is: Has the Government of Canada received any indication from the Government of the United States as to how NAFTA will be tweaked?

Second, in your meetings with new U.S. counterparts, have specific issues been raised with you or other ministers that have provided a hint as to what may be on the table — for example, our system of supply management?

**Ms. Freeland:** Thank you very much for the question. As I'm sure you're aware, senator, in my mandate letter, the Prime Minister instructed me to have overall responsibility for the Canada-U.S. relationship, very much including our economic relationship. It is a file on which I am intensely focused. I am very aware of its importance to the well-being of every single Canadian. I want to assure everyone in this chamber that the government is extremely focused on the Canada-U.S. relationship.

I believe that we have a strong Team Canada approach in this country. I wish to recognize the supportive role of Rona Ambrose, the Leader of the Official Opposition. She has been to Washington and is very supportive of the general Canadian approach. Last week, I had a meeting with labour leaders and have been meeting often with different industry groups.

It is quite heartwarming for me to witness the patriotic spirit with which I feel all Canadians are approaching this issue, and we're going to have to maintain that approach because it is a core issue for our country.

On the specifics, only last week, I believe, the new Secretary of Commerce was confirmed. I learned today that the confirmation hearing of the USTR, I believe, according to a news report, is set for next week. I have not yet, obviously, had meetings with the USTR. He is not yet confirmed. I will be speaking to Secretary Ross in the coming days, but, before measures were finalized, it was not possible to have an official conversation.

According to the U.S. Trade Promotion Authority, which governs how the U.S. administration can approach this issue, there is a 90-day notice period inside the United States before any negotiation can begin. That 90-day period has not yet been triggered by the United States. So we are still some distance away from an official conversation.

Having said that, of course, our economic relationship with the United States came up in my meeting with Secretary Tillerson, in my meetings with senators, in my meeting with Speaker Ryan. It was very much the subject of conversation in our White House meetings. The point that we are really emphasizing as Canadians in our conversations with the U.S. administration, but also with U.S. legislators, is that Canada and the United States have a balanced, mutually beneficial trading relationship. Canada is the chief export market for the majority of U.S. states. It's in the top three export markets for 48 U.S. states.

• (1610)

We're a neighbour and a friend, but for America we're also a client and 9 million U.S. jobs depend directly on Canada. I think as Canadians we are all familiar with the reality that we think about and focus a lot more on the United States than Americans perhaps focus on us. The onus is on us to work hard explaining to Americans and to this new administration the strength, importance and the balanced nature of that trading relationship. That is something that our whole of government — I have very strong support from all my ministerial colleagues — and I personally have been doing really energetically. I do know that the Senate has also been engaged in that effort.

If I may, I would like to recruit all the senators in this house to be part of that team Canada approach. It would be great if everybody here could make a trip to the United States, talk to your counterparts. They love senators; it's true. They know you're important, Senator Harder. It's very important. That legislator-to-legislator outreach is incredibly important. The Senate has real power in the United States in moving this forward, and helping Americans understand this trading relationship at a granular level is very important.

I saw Speaker Ryan twice in the course of a week because I had meetings in Washington. I saw him, and then I saw him with the Prime Minister. I pointed out to him that his specific congressional district exports a billion dollars' worth to Canada. That figure really stuck in his mind. He was struck by the size of that and also by the fact that we had gone to the trouble to figure out how much his district sold to Canada. This is an effort that I hope all of Canada's legislators can be part of.

As a final point on NAFTA, it's worth appreciating that trade agreements are living documents. They are evergreen, and they have to be because the nature of the economy is constantly changing and evolving. By Canada's count, there have been 11 major modifications to NAFTA since it entered into force. It is not an unusual practice to be modernizing and updating NAFTA.

Our trade negotiators are the best in the world. We have an outstanding team and I think all of us, in our capacity as legislators, can be part of the effort to explain to Americans, to American decision makers, to business people, to labour people, how that economic relationship is mutually beneficial.



[Translation]

#### UNITED NATIONS SECURITY COUNCIL

**Hon. Dennis Dawson:** First of all, Madam Minister, I would like to congratulate you on your appointment.

I thought I saw something missing from your mandate letter, namely Canada's bid for a seat on the United Nations Security Council.

[English]

Since you are in a good mood for asking senators for cooperation, you have people in this room who have parliamentary association experience for 100 years, very good relationships with leaders of governments all over the world including Canada-U.S., IPU, — l'APF, Canada-Japan, Canada-China, Canada-Africa. Anybody else want to be mentioned? Canada-France.

[Translation]

You have parliamentarians in this room who can help promote Canada's bid. It hasn't often been done in the past, but it might be a good idea for you to give the team responsible for Canada's UN Security Council bid the mandate to speak with the parliamentary associations that will be travelling over the next 18 months. Those associations could send a clear message regarding Canada's bid. Asking for help from both sides of the chamber will improve our chances of success. Since you are offering yourself for the United States, I am offering senators for the rest of the world.

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you. I had a very productive meeting last week with our wonderful ambassador to the United Nations, Marc-André Blanchard. We talked about another campaign to win a seat on the Security Council. Marc-André is doing an excellent job. He is very organized. He is both a businessman and a politician, and he presented a very detailed plan that is similar to an election campaign.

**Hon. Claude Carignan (Leader of the Opposition):** That is great.

**Ms. Freeland:** He is very skilled in politics, which is important. He has a very detailed plan for our bid. That said, I think yours is an excellent idea. I will speak with Mr. Blanchard and suggest it to him. It will be a rather long campaign, so we have time to combine all of our strengths. Thank you for the idea.

[English]

#### SATELLITE LICENSING FRAMEWORK

**Hon. Dennis Glen Patterson:** Welcome, minister. I wrote you a letter outlining an issue with the operation of a remote sensing satellite ground station in Inuvik.

As a quick explanation, because of our unique geography, our northern territories are a great destination for remote-sensing infrastructure. We have attracted interest in this world-class

facility from leading edge commercial agencies, Norway, USA, Germany and the European Space Agency. But they are expressing frustration, and Canadian companies are expressing continued frustration with Canada's licensing process.

Your department issues licenses for these companies to operate in Canada and access data from satellites. The licensing process is — respectfully — slow, complex, the legislation is probably outdated. There are real frustrations, which we fear will risk foreign investment going to other more receptive jurisdictions in this fast-moving technological field.

I wonder if you could tell me, please, if you're aware of the satellite industry's frustrations, and are you intending to address this issue?

**Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs:** Thank you for the question. I am very much aware of this issue. I am aware of the role that Global Affairs play in licensing and I'm aware of the Senate's focus on it.

It would obviously be inappropriate for me to comment on specific licensing applications, so I won't do that, but let me say that I am a big believer that we need to get rid of unnecessary red tape. That doesn't help anybody. Actually, speaking about the Canada-U.S. relationship, one of the most effective areas of cooperation we have with the United States is a joint Canada-U.S. group that works on bringing our regulations together and not having duplicate of regulations. It's something that I'm very focused on. I think we can always do a better job at cutting red tape at home.

I also very much agree with your point, senator, that this is a fast-moving sector where a lot of innovation is happening and where, by virtue both of our technological prowess and our geography, there is a real opportunity for Canada to play a leading role. When it comes to stand-alone foreign applications, to have a presence in this area, there are obviously particular national interest concerns that need to be carefully taken into account.

I am sure everyone in this chamber would agree with that, but let me just conclude by saying I am very aware of the issue in general. I'm aware of the specific cases to which you have alluded. I am aware of the desire by many parties to get things going.

• (1620)

#### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired. I'm sure all honourable senators would like to join me in thanking Minister Freeland for being with us today.

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

**Ms. Freeland:** I'm sorry to leave. That was a pleasant conversation, with lots of ideas. Thank you.

## ORDERS OF THE DAY

### NATIONAL ANTHEM ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Petitcherc, for the third reading of Bill C-210, An Act to amend the National Anthem Act (gender).

**The Hon. the Speaker:** Resuming debate on Bill C-210, for the balance of your time, Senator Lankin.

**Hon. Francis Lankin:** Thank you, Your Honour. You will be pleased to know I used the time judiciously to cut out a lot of what I was going to say. I kept looking at Senator Wells and I got the sense he wanted me to get on with it, so I'm going to get on with it.

I had intended to highlight some of the arguments that have been made, but I don't need to do that. You have heard many of them. Many of you have been involved in these discussions. Let me say there have been strong, well-reasoned, honestly held points of view that have been put forward on both sides of this debate.

I have gone back and looked at debates over the last 15 years; I looked at the arguments that have been made. I want to assure you, senators, that new arguments are not being made. We have heard compelling arguments about respect for tradition and heritage, about the understanding of language as it was at the time when the words "thy sons" were brought into being in the national anthem and, at that point in time, the general understanding of using masculine words that included the feminine as well.

We have heard a very interesting debate about grammar. I have to pay tribute to Senator MacDonald. That was amazing. I have to pay tribute to Senator Tardif and her response to you. It was a very interesting give and take, and her response was in a question: Wouldn't you agree? I hasten to say that you very quickly said, no, you didn't agree with her.

There were various aspects raised, along with the arguments about the importance of equality, inclusion, gender neutrality and respect. These are all arguments that can stand alone and stand beside each other respectfully, and at a certain point in time, a decision must be taken. That's the point I want to make.

I'm not going through all the arguments, but I do want to touch on one point made by Senator Wells. I have great respect for all the senators who participated, but I have a lot of respect for Senator Wells. I had an opportunity to talk to him at different times about things. I listened when he spoke. This was at second reading, so I think it was in December, and he said:

The challenge that this proposed legislation offers is neither sought nor required in order to make our country more free, more equal or more fair. The change is minimal, that is true,

but you simply cannot minimize a change to a long-held tradition like our revered national anthem.

I think there is wisdom in those words. I would argue, however, that you can't underestimate the impact our national symbols have on Canada's youth, for example. This may not be, in your view, something that is needed to make us more free or more equal. It is something that will make our national anthem more inclusive. This change might be small, but it may very well have a major impact on how the next generation views our evolving history, our inclusivity of change and their place in that history.

We are in the one hundred and fiftieth anniversary of our country. I want to ask honourable senators in the very near future to simply take a decision on this question before us. Whether it is yea or nay at the end of the day, let's take a decision.

I will make one argument about evolving language. Doug Saunders in *The Globe and Mail* wrote a piece recently that was really compelling. He said:

After the centennial, we started to confront seriously the schisms and divisions and gross inequities that had been masked before beneath a patina of colonial gloss.

... these were the struggles of becoming a real country, of finding a governing mechanism and a common culture to bring together Canadians from far and wide.

He went on to say that:

Canada was not remade by the decisions of 1967; it was reflected by them, for the first time. What began in 1967 was official Canada beginning to catch up with the real Canada. And that is also the lesson to be carried forward to 2017: Canadians tend to be ahead of their institutions, and every few decades it is time for a dramatic catching up, like the explosion of adjustment we saw in '67.

In 1967, I was in elementary school. I used words like "fireman," "mailman" and "chairman." As I grew older and engaged with the debate about feminism, inclusivity and language changing, I began to use words like "firefighter," "letter-carrier" and "chair." Believe me, "chair" was just the most awful, brutal debate because of its Latin roots and what it really meant. People who argued that were correct, but here we are today, and we regularly most often use "chair."

My great granddaughter does not know the words "fireman," "mailman" or "chairman." She knows "firefighter," "letter-carrier" and "chair." Dare I say that this will happen — I hope not for a long time hence — but at a certain point we will need to readapt ourselves to a new royal anthem when we sing the words "God save the king."

I just want to reiterate a few numbers in a different format. The number nine equals the number of months since it was first read in the Senate; 14 equals the number of months since it was first read in the House of Commons; 62 per cent equals the number of Canadians that support the change; 19 per cent equals the number opposed; another 19 per cent are undecided; 225 are the number of votes in favour of Bill C-210 at the House of Commons; 74 are the number of votes against; 11 is the number of times a bill has been introduced to change the second line of

the English version of the anthem to include all genders and all Canadians; five is the number of times in the past 15 years alone that this specific amendment has been introduced before the house and/or Senate; 23 is the number of individual senators who have spoken to these bills; 28 is the number of adjournments on similar bills; two is the number of times this amendment to the national anthem has been reviewed by a Senate committee and reported back without amendment; and zero is the number of times the Senate has voted on this amendment.

I hope that together, honourable senators, we will change that last stat in the very near future. This bill is an opportunity to make a real and important change to Canada's national anthem — or not. That depends on how the vote goes. I hope it is to make the change to reflect the work all of us have done in building on and improving our country, from our centennial until today. Canadians, however, deserve a decision one way or the other from Canada's Senate. My honourable colleagues, Canadians deserve a decision one way or the other from Canada's senators.

**Hon. David M. Wells:** I have a question for Senator Lankin, if she would take it.

**Senator Lankin:** Absolutely.

**Senator Wells:** Thank you for your excellent speech. You talked about the amount of minimal debate earlier on in your speech. I think it's important, because you talked about minimal debate as a reason that the anthem hasn't changed — prorogations and adjournments that were never re-entered.

I was also pleased to hear — you mentioned it to me the other day and alluded to it in your speech — that you've lined up other speakers, both for and against. I look forward to hearing from them. You obviously read my second reading speech, so I've also given some consideration to how I might present my third reading speech. It's given me food for thought. I'm not yet convinced, but I still have an intervention to make. I'll base some of my comments on your speech, because I do agree with some of the points.

You speak about a poll that mentions 62 per cent of Canadians and a number of other statistics, which may have some validity. I represent Newfoundland and Labrador, and over 13,000 people in my province were polled. The vast majority said to keep the anthem the way it is. I have to represent those voices. In fact, I agree with those voices, so I'm not representing under duress.

• (1630)

Obviously, your statistics have validity but there is also some truth and maybe some mistruths behind those statistics. What would your comment be for me to go back to tell my fellow Newfoundlanders and Labradorians — when I speak at third reading — and for the vast majority that would like to keep our anthem the same and maintain our traditions?

**Senator Lankin:** Thank you very much for the question. May I correct the record to say that my reference to minimal debate was with respect to the 1980 passage of the National Anthem Act post the Quebec referendum? I made that reference in order to draw

the point out that at the time what was committed — even though we're having perhaps an accelerated debate — was a commitment to revisit and to particularly look at the gender-neutral language. That was my reference to minimal debate. I think what I said for the rest of it is there has been a lot of opportunity.

I respect the point that you make very much. I think there are probably various ways in which we could describe groups of people with common identity, whether it be regional or issues of heritage, ethno-racial; or where people are on a spectrum of values, of respect for heritage and history and respect for embracing the new. There are lots of pockets of opinions. I would argue that the one poll that I made reference to is 62 per cent right across the country and in all groups.

Any issue that comes before this body and gets the required thoughtful debate this has had over many, many years — and not just this one bill, Senator Wells — deserves a vote. You should represent your own perspective and view, and I respect that. You should represent the people of Newfoundland and Labrador and the majority who are in accord with your own personal point of view or you're in accord with their view. You should express that, both in your debate and in your vote, but let's have the vote.

As you know, I have been working and reaching out to consolidate an approach to this debate — recognizing it's not a government bill; it's a private member's bill from the House of Commons — to seek to have speakers, pro and con, from the independent Liberal caucus, from the Conservative caucus, from independent senators and any others. I have tried to organize that to come forward in a rational way. There will be three speakers this week. One of those speakers will be a con speaker. The first week we're back from the recess, I have offers from several speakers. I am attempting to get commitments from some people who I know wish to speak in opposition to the bill to speak in that week as well. However, there comes a time when the arguments have been made, when the sober second thought has been given, when the considerations are extensive, that we must decide.

I believe that with respect to this bill, and with respect to Canadians who hold strong views on either side of it and with respect to the fact that we're in the one hundred and fiftieth anniversary year of this country, we should be letting people know the official words to our national anthem when we stand to sing "O Canada" on Canada Day in 2017.

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

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I've been listening carefully and just in this exchange a thought has surfaced, so I'm going to pose a question.

When I first became a senator, I had a question posed to me. I should have answered, "I'm not quite ready; I'm not sure," but I answered "yes." That one word led me to a two-week effort to catch up to my answer because it triggered a whole series of events. I do know it's all about the word and in this case two words. As a senator who has been listening intently — and I say this with respect to the late Mauril Bélanger and with respect to our retired colleague Nancy Ruth — I'm still feeling that, as much as I have listened, want to listen to this debate and wish to intervene, we're not always ready for the question yet.

As I listen to the stats that you gave, senator, even if it's the eleventh time in 30 years, there are some items from what I have experienced and observed that some things do not always end with a question. We need to take some time. In Canada's one hundred and fiftieth year, it is all the more important to look at this very carefully because we're talking about tradition versus changing one or two words and what that will mean for a lot of people.

Have you looked at these stats as a reflection of how important this debate is to all of us and not necessarily that we have to get to this question right now just because it is the one hundred and fiftieth year?

**Senator Lankin:** I don't argue that we should get to this question just because it is the one hundred and fiftieth anniversary of our country. I think it is respectful for Canadians because it is that, but I think we should get to this question because over a number of years — right from the time the National Anthem Act was enacted in 1980 — Minister Francis Fox spoke to the issue of further considerations of amendments to the national anthem to include gender neutrality. This has been reviewed many times.

Senator, honestly, if you go back and look at the debates, there aren't new arguments but there are strongly held points of view. There are two strongly held points of view. I think that many things, including adjournments and prorogations, have gotten in the way. I think many things, in terms of not being ready to take a decision, have gotten in the way. I think, as in Doug Saunders' words, that Canadians have gotten ahead of our institutions at this point in time. In 1980, we may not have been ready; in 1990, we may not have been ready. In 2000, we may have started to think more that gender inclusivity was important. In 2010, there were stronger and more compelling argument and it continues.

I won't use the famous line "because it's 2015," or whatever it was, but I think it is a very real part of our culture in Canada today to reach out and to ensure inclusivity. It's not just because it's the one hundred and fiftieth anniversary. I recognize that for some there may be a discomfort that may never go away. There may be a sense of "I'm not sure how I will vote. I'm torn in both ways." You cannot continue to have a situation where the majority — whatever that majority is — is denied an opportunity to express itself. So I say, for a whole lot of reasons, it is time to vote on this.

[Translation]

**Hon. Renée Dupuis:** Senator Lankin, would you agree that, setting aside the personal position of each one of us, the issue before us today must be examined in light of the fact that not only has the opinion of Canadians changed, but the legal framework in which we must deal with this issue has radically changed?

When the Canadian Human Rights Act was passed, it stated that Canadians — including Canadian women, of course — could exercise their rights on an equal basis, and that there was recourse to ensure respect for their rights. In the early 1980s, work on repatriating the Constitution had already begun and would eventually lead to the enactment of the Charter of Rights and Freedoms, a charter that recognizes the right to equality for all with respect to any laws that are passed.

In this context, would you agree that, aside from my opinion —

[ Senator Martin ]

• (1640)

[English]

**Hon. Claudette Tardif (The Hon. the Acting Speaker):** Honourable senators, Senator Lankin's time has expired.

Senator Lankin, are you asking for more time in order to answer the question?

**Senator Lankin:** Yes, please.

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

**An Hon. Senator:** Five minutes.

**Senator Lankin:** Thank you very much, honourable senator. I agree with you; this must be looked at in the context of the legal landscape of our country. I made reference to the Commission on the Status of Women and many of the recommendations that have led to such things as the enshrinement of equality rights in the Charter.

I distinguish the actual wording of the national anthem from one of being a legal imperative to one of being reflective of the Canada we are today, including a view of the legal context that we are in. There have been senators who have argued in opposition to this bill, saying we need not change the language because we have the Charter of Rights. I think we need to change the language because we are a country that has moved to accept inclusivity as a high priority for our civil discourse with each other and for our way of building a sense of community together as Canadians.

**Hon. Anne C. Cools:** Would Senator Lankin entertain a question or two? Thank you.

I understood Senator Lankin to say that the words of the national anthem have been changed many times. I have always understood that we didn't have a national anthem until 1980; and when these words were adopted in 1980, they have not been changed subsequently. Am I correct or am I wrong?

**Senator Lankin:** You're correct.

**Senator Cools:** But I am not mistaken; you did say it has been changed many times?

**Senator Lankin:** If I may, I made reference to dates such as 1968 and the reference of Senator Raine. You're quite right; I may have said "the national anthem" as opposed to "the song 'O Canada.'" I meant the song "O Canada."

**Senator Cools:** You did say that.

**Senator Lankin:** I appreciate your correcting me on that.

What I will also repeat is that on the introduction and passage of the National Anthem Act —

**Senator Cools:** I thought I had the floor, Your Honour.

**Senator Lankin:** I'm answering the question.

**Senator Cools:** But I have another question. When I rose, I said I had a question or two.

**Senator Lankin:** That's fine.

**The Hon. the Acting Speaker:** Senator Cools, are you finished your question?

**Senator Cools:** Thank you. It is standard practice that when one has the floor, another one doesn't stand and take it back, even though that person may have had it before.

There is a process of deference that is owed to creators and artistic individuals, and the words of that anthem are the artistic creation of the Honourable Judge Weir. It has always been a principle that you do not alter other people's artistic creations lightly, because there is a privilege accorded to artists, writers, painters and so on.

I wonder whether or not Senator Lankin thinks there is such a privilege and respect owed to Justice Weir, even though he is long dead.

**Senator Lankin:** It is his work that —

**Senator Cools:** It is his work that was adopted as the anthem. There is something owed to that man.

**Senator Lankin:** Thank you very much.

Senator Cools, my apology. I understood you to put your first question forward and to say, "Am I not correct?" which I thought meant you wanted an answer, so I stood up to answer that.

Now let me finish my answer to your first question and then answer your second question.

With respect to the first question, you are correct. If I used the words "national anthem" as opposed to "the song 'O Canada'" in referencing the changes, my apologies for that. A correction of the record is a worthy thing for you to do, so it is appreciated.

What I want to stress is that in 1980, when the National Anthem Act was passed, it was passed with the assurance of the then minister that this issue would be revisited in the next session, with a view to further amendments to express gender neutrality. That commitment has been made subsequently and it has been part of the discourse. Far from the hesitancy to say this should never be changed, the intent in public discourse in Parliament has been to consider changes.

With respect to the point you make about respect of artistic works, I think that is, of course, an important principle. I would argue that, in balance with that, the song "O Canada," as opposed to the national anthem, has been changed over six times since the language of Mr. Weir, and it has never been called out or stopped as being disrespectful to the licensed work.

Now that this is the national anthem, it is not a copyrighted piece of work. It is in the public domain. It is with the opportunity of public will to address a fundamental problem with one of our

national symbols that many Canadians feel should be rectified. That is the point of view I hold. I know that others, like you, have a different point of view, and I respect that. I think we should simply get to the point of having a vote to see what the numbers are on both sides —

**The Hon. the Acting Speaker:** I am sorry, Senator Lankin. Your time has expired.

On debate, Senator Munson.

**Hon. Jim Munson:** Honourable senators, first I want to thank Senator Lankin for taking all the tough questions.

**An Hon. Senator:** We have more.

**Senator Munson:** I am sure you do, but I don't have to say yes.

I was thinking about Senator Lankin saying that she was in elementary school in 1967. I was at Expo. I was 21 years old and full of national pride at that particular time. I was thinking that two years before that, we had a new flag, a brand new flag. Talk about pride at that time, being a 21-year-old and seeing the maple leaf and a new flag.

We will have a continuing and longer debate here, and I respect the views of my colleagues, the great hockey players Senator Michael MacDonald and Senator Wells. I respect their views because they are important to have in this particular debate.

In case you missed what Senator Lankin said, I will say it all over again, with a few different words.

Honourable senators, it has been close to a year since I first spoke in support of Bill C-210, An Act to amend the National Anthem Act (gender). Since then, many of us have heard other presentations and arguments about the significance and potential impact of the bill.

As we all know, Bill C-210 calls for a change to only two words in our national anthem — from "in all thy sons command" to "in all of us command." Whatever side of the matter we are on, our opinions are heartfelt. We recognize the anthem as an important symbol of our country.

Believing as I do that this change would demonstrate respect for the role of all Canadians in events that have shaped this country, I will not be swayed by any arguments to keep the anthem as it is. The power of language to affect beliefs and sentiments, and the value of social inclusion — these are among my strongest beliefs.

The late Mauril Bélanger described the objective of this bill as I see it too: "... to underscore that all of us, regardless of our gender or our origins, contribute to our unique country."

Even when "O Canada" officially became our national anthem in 1980, legislators intended to revisit this section of the English lyrics. It is not for lack of trying that this portion of the anthem remains unchanged today. In fact, in the last 35 years, Parliament has considered 11 bills with this purpose. One of these, as mentioned by Senator Lankin, was sponsored by our colleague

Vivienne Poy — she was sitting on the other side — and another is this one, Bill C-210. In the words of our former colleague Senator Nancy Ruth:

The bills have come from men and from women, from parliamentarians in different parts of the country and from parliamentarians of different origins. Taken together, they show all of us a way forward, a way to include all Canadians within the embrace of the song.

It is one of our roles as parliamentarians to represent the diversity of the Canadian population — the languages, the experiences and cultural backgrounds of everyone who calls this nation home.

• (1650)

Diversity is not something that simply happens. It is the outcome of a national will to remove barriers and build bridges.

“Of us” or “thy sons.” Reflecting on the choice has stirred up arguments for and against passing Bill C-210. It boxes our reflections and prevents us from fully exploring possibilities.

Honourable senators, we need to focus instead on the values expressed in the arguments — tradition and inclusion — and which of them will strengthen this country.

In her previous speech on Bill C-210, Senator Petitclerc posed the precise questions we must answer. She said:

Is the reason for sticking to the past for tradition or history or not wanting to change? In my view, the gift of inclusion is something we can give to all Canadians, present and future. Why would the past be more important than the present and the future?

In the interest of tradition, some people say that changing our anthem will not make it more inclusive. People already hear what they want to hear in our anthem's lyrics.

Others think differently. Olympic and Paralympic rower Kristen Kit has described to the Standing Senate Committee on Social Affairs, Science and Technology the experience of athletes in regard to the national anthem. Like most of us, athletes recognize the national anthem as a symbol of our cultural identity. Because athletes hear and sing the anthem when they win gold, silver or bronze, they also regard it as a symbol of achievement. Ms. Kit is as Canadian as any male counterpart in the country, but the reference to “our sons” falls short of acknowledging the contribution of female athletes like her to the country.

She has said that women and men within the sport community would celebrate the passage of this bill. As she describes it, “. . . for my generation, to have a change like this installed would show that Canada is moving forward, that we are living in the present and moving toward the future.”

Ramona Lumpkin, President and Vice-Chancellor of Mount Saint Vincent University in Halifax, also told the Senate committee that this bill gives us an opportunity to modernize an anthem that is out of step with how things really are. She told committee members that the change should be treated as “a

teachable moment.” It would present us with a chance to teach school children about history, changes in language and how important it is for girls as well as boys to see themselves in our songs, our words and poems, our cultural productions. It would create a point of meaningful reference for understanding what it is to use “the right language” to express the right values.

Choosing to alter the lyrics to better reflect the composition of our society and show respect to as wide a spectrum of Canadians as possible, that's what this is about. This is not in conflict with our national traditions. Rather, it is thoroughly in keeping with this country's history, the beliefs and values inherent in a democratic and rights-driven society.

Senator Nancy Ruth was an eloquent and passionate sponsor of this bill, and she said:

The principle of this bill is respect — respect for both our cultural heritage and its ongoing evolution; respect for the service of Canadians, past and present, at home and abroad; and respect for the men and women, whatever their origin, whose rights are protected by Canada's Charter.

Honourable senators, the time has come for our national anthem to better reflect who and what Canada is. It is in our hands to decide if Bill C-210, An Act to amend the National Anthem Act, will be passed and its purpose fulfilled.

Honourable senators, we are a country of human beings willing to accommodate and demonstrate respect for one another. As parliamentarians, it is up to us to make the call, to act with respect to the people of Canada. They have done their part and spoken to us of inclusion and progress and their hopes for the future.

Not putting a timetable, as has been said here, what is the rush? Of course all senators should be heard in this debate and want to speak. We went through a gut-wrenching exercise on physician-assisted dying in this chamber, and the pressures around us, even within our caucus, of which way you should go and how should you vote, was very emotional and difficult to do. We saw the individual nature of senators during that particular debate.

Well, this is another debate, and it is Canada's one hundred and fiftieth anniversary, and over the next couple of months we will have an opportunity to settle it this time. I hope you will all join those of us who support this bill in the affirmative.

(On motion of Senator Fraser, 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:** Honourable senators, I am pleased to speak to Bill S-206, an act to repeal section 43 of the Criminal Code.

I support this bill and have agreed, on the retirement of Senator Hervieux-Payette, to become the new sponsor, because I believe in the right of children not to be assaulted and in the need for the law to recognize that right as fully as it does for every person in this country. You must keep in mind that section 43 only applies to situations where a child has been assaulted, and accordingly it has limited application.

As we grow as a society, every generation will do things differently because societies change as more information is available to us. On its website, Justice Canada has observed the following:

In the past, it was acceptable to hit people to make them obey. . . . children, students, servants, and employees might, for example, be whipped to punish them or force them to do certain tasks. . . .

Over the last century, society has changed and the law has changed too. Employers are no longer allowed to history employees - ever. School boards have banned teachers —

— throughout Canada —

— from hitting students . . . .

In 1991, Canada committed to protecting children from all forms of violence and to act in the best interests of children when we signed on to the UN Convention on the Rights of the Child. Since then, the UN has called for the repeal of section 43 of our Criminal Code three times and has expressed “grave concern” about our inaction as a country on this issue.

In 2006, the UN Secretary-General’s Study on Violence against Children concluded that all governments are ultimately responsible for the protection of children and to fulfill their human rights obligation. States were called upon to end justification of violence against children, whether it be accepted as a tradition or disguised as a discipline.

In 2007, the Senate itself recommended the repeal of section 43 by April of 2009.

In 2015, the Truth and Reconciliation Commission called for the same action.

It’s now time for us to actually do something about it.

Sweden was the first country to prohibit the use of physical correction of children 37 years ago. The last time this subject came up in the upper chamber in 2013, 33 other countries had banned this practice. Now, in 2017, only 4 years later, 52 countries have prohibited the use of force for the purpose of correction on children, and 54 additional countries have committed to doing so.

The growing body of research tells us that 75 per cent of physical abuse cases involving children in Canada arose from incidents of physical punishment by parents. People who believe

they have the right to hit children clearly have trouble controlling themselves when doing so.

In addition, the Law Commission of Canada estimated that physical abuse of children cost the economy of Canada billions of dollars annually.

Research shows that even mild physical punishment of children predicts poorer mental health, negative parent-child relationships, increased antisocial behaviour and increased risk of violence toward intimate partners and children in adulthood. The Public Health Agency of Canada, the Department of Justice and provincial governments all agree.

• (1700)

In a Global News poll conducted in 2016, more than 60 per cent of Canadians agreed that spanking should be illegal. The Children’s Hospital of Eastern Ontario leads a coalition of over 580 national organizations and advocates. That coalition released a Joint Statement on Physical Punishment of Children and Youth and also called for the repeal of section 43.

Canadian attitudes are changing, honourable senators. Research evidence, the voices of experts and child advocates, as well as public opinion, affirm that the physical correction of children, which section 43 protects, is no longer appropriate and represents a more archaic time when we were unaware of the damage that it caused.

For those concerned about protecting parents, even without section 43, the law still provides sufficient protection for them, for teachers and for guardians who have to apply physical force to children in minor cases or when socially acceptable and legally necessary. It will not allow them to hit kids under the guise of correcting them, however, and it never should do so.

Honourable senators, you and I and everyone else in this country, except children, have the right not to be assaulted. No one has the right to hit us or to push us or to twist our arms or to lock us in a room or to tie us to a chair. Yet, we allow people to do that to children. The damage to children is immeasurable. I have heard their stories.

At one Indian residential school in Alberta, a teacher was charged with assaulting a student by punching him three times in the face, causing serious injury. The teacher had been convicted of assault at trial but was acquitted on appeal by a court which held that the degree of force that he used was reasonable. That case set the tone for how all children in residential schools were treated thereafter.

In the Fort Albany Indian residential school, I was told of children who when caught speaking their language or misbehaving in any way were tied to an electric chair and had an electric current run through their bodies until they twisted and screamed. I heard stories of children who ran away from the schools being stripped naked and whipped, in a room filled with other students, to teach them all a lesson. Some ended up in school-run infirmaries because of their injuries, with no one standing up for them.

The violence that indigenous children experienced at the hands of their guardians at those schools became so much a part of their lives that it is often reflected in the way that they came to treat

their own children. Residential schools in this country are clear evidence that child violence begets parental violence. Hitting children to change their behaviour simply does not work.

It is easy for us to agree that such excessive violence as I have told you about is unacceptable, but some think that something less might be okay. It is true that not all assaults that children experience are of the magnitude that we heard about in Fort Albany. "Assault" is, after all, simply the application of force, no matter how small, to another person without their consent, but we must not forget that minor touching is not criminalized anyway, on the principal of *de minimis*. If it is something so minor, it is unworthy of the criminal law's attention and sanction.

The law also recognizes that some applications of force are socially and legally acceptable. In order to get someone's attention, for example, sometimes you have to touch them on the shoulder or on an arm. Engaging in a boxing match or body checking in hockey are not assaults on the basis of consent. Accidental touching is not illegal, nor is the use of reasonable force to defend or protect yourself or another person or even your property.

Section 43 says that if you assault a child for the purpose of correcting a child's behaviour, you have a special defence if you use reasonable force. Society is beginning to accept that no amount of force is reasonable.

Children are the most vulnerable people in our society. They don't vote. They cannot influence political, social, legal or economic change. They are not recognized as citizens with equal human rights and civil rights to adults. They are considered legally incompetent.

We agree that children need to be protected from strangers. Why do we think, therefore, that they do not need to be protected from their own parents or teachers or guardians or from foster parents or social workers or jail guards? The fact is that they do. It is up to us, as grandfathers and grandmothers, as aunts and uncles and as the guardians of wisdom in this society, to do this by amending this law.

It is time for us to recognize that children are totally dependent on adults for their basic needs. When their rights are violated, their lack of power renders them incapable of resistance or of taking action. Their vulnerability also causes them significant emotional and mental harm, precisely because correctional assaults are inflicted on them by adults that they depend on for protection, for love and for emotional well-being.

The TRC found that the use of force for the purpose of correction in residential schools caused profound and long-lasting impacts that continue to reverberate within indigenous families and communities today. This cycle of violence has been linked to high rates of children in the child welfare system, the over-incarceration of indigenous people and to high rates of violence within communities, including unconscionably high suicide rates.

In 2004, the Supreme Court of Canada ruled on section 43. Unfortunately, their reasoning has to be discerned by reading four different judgments involving nine different judges. That's another reason why Parliament needs to act. The question of whether or not children have a lower protection from assault

should not be left to the general public to parse and to understand four separate Supreme Court of Canada reasons. To guide how force can be used to correct a child, the Department of Justice has summarized that Supreme Court ruling with the following principles:

One, the use of force to correct a child is only allowed to help the child learn and can never be used in anger.

Two, the child must be between 2 years of age and 12 years of age. In other words, section 43 is not available if the child is under 2 because they don't understand or over 12 years of age because there are better means of correcting them. That means, for example, that you can never hit a teenager.

Three, the force used must be reasonable, and its impact can only be transitory and trifling. If you actually hurt the child, section 43 is not available to you.

Four, even if the amount of force used is reasonable, it cannot be inhumane or degrading.

Five, the assailant must not use an object, such as a ruler or a belt, when assaulting a child.

Six, the assailant must not slap or hit the child on the face or in the head.

Seven, the seriousness of what caused the action by the parent or what the child did is never an excuse. It is absolutely irrelevant.

Eight, using reasonable force to restrain a child between 2 and 12 may be acceptable in some circumstances.

Nine, hitting a child in anger or in retaliation for something a child did is not considered reasonable and is against the law.

Finally, teachers cannot strike a child. However, they can use reasonable force to remove children from a classroom and guide them to where they have to go or be taken.

All of this points to one very clear conclusion: The law of hitting children is in a mess, and it calls out for reform.

This bill is not without opponents, as the previous failures of it to pass attest, despite its widespread public and professional acceptance. Some groups oppose the ban on physical punishment, such as Family First, out of New Zealand, because they say, since similar laws prohibiting the striking of children were introduced in 2007 in that country, there has been an increase in children diagnosed with emotional and behavioural problems. Law-abiding parents have been targeted as criminals, and levels of abuse have not declined.

• (1710)

No evidence has ever been found showing any long-term, positive benefits of hitting children. More reliable research shows that emotional and behavioural problems increase when children are hit, not when they aren't.

Contrary to Family First's assertion, a 2013 New Zealand report by police authorities showed that there had only been eight



prosecutions of a parent in the six years after the law had been reformed.

Other groups claim that section 43 provides a defence to parents, caregivers and teachers against the charge of assault. If that ever happened it would be by sheer luck, given the vague and confusing state of the law of assaulting children. Three judges in a 2004 Supreme Court decision ruled that section 43 should be struck down because it violated the equality of children, and because the defence of hitting children where it is “reasonable under the circumstances” is constitutionally vague. They found there are other alternative and sufficient defences available to protect parents.

**The Hon. the Acting Speaker:** Senator Sinclair, I’m sorry, but your time has expired. Are you asking for more time?

**Senator Sinclair:** May I have two more minutes, please?

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

**Hon. Senators:** Agreed.

**Senator Sinclair:** It is not only the law that needs to change to protect all children. If parents are using corrective force to discipline children, then those parenting practices need to change, too.

In 2012, Dr. John Fletcher, editor-in-chief in the Canadian Medical Association Journal, called section 43 an “anachronistic excuse for poor parenting.” He wrote:

Parents need to be re-educated as to how to discipline their children. To have a specific code provision excusing parents is to suggest that assault by a parent is a normal and accepted part of bringing up children.

He added that section 43 is “. . . a constant excuse for parents to cling to an ineffective method of child discipline.

There are alternative methods to teach and discipline that do not involve physical violence. Parenting programs have been successful at teaching positive parenting techniques and improving the behaviour of children. These programs need to be widely available to Canadian families.

Section 43 sends a message that we in Canada approve of the assault of children. The United Nations has told us three times to do something about it. Over 60 per cent of Canadians want us to do something about it. More importantly, children need us to do something about it.

Do we want to live in a country that does not prohibit but only defines how we can assault children? I don’t think so. Remember, we tell everyone with pride that this is a place that protects the vulnerable. We are the ones that must show leadership here, because if not us, then who?

(On motion of Senator Martin, debate adjourned.)

## PARLIAMENT OF CANADA ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate).

**The Hon. the Acting Speaker:** On debate, Senator Bovey.

**Hon. Patricia Bovey:** Your Honour, I am not quite ready to speak to this item. I will be ready on Thursday.

(On motion of Senator Bovey, debate adjourned.)

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

#### FIFTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Cordy:

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

**Hon. Salma Atallahjan:** Honourable senators, welcoming over 25,000 Syrian refugees to Canada as of December 2016 was a tremendous effort of which our country should be very proud. From pre-arrival to resettlement, we witnessed the generosity of Canadians in the ways they welcomed Syrian refugees into their lives, their communities and their hearts.

As Deputy Chair of the Standing Senate Committee on Human Rights Committee, I wanted to take a few minutes to speak to you about the report entitled *Finding Refuge in Canada: A Syrian Resettlement Story*.

In May of 2016, the committee began its study on steps being taken to facilitate the integration of newly arrived Syrian refugees, and to address the challenges they are facing. As part of the study, the committee heard on two separate occasions from government

officials, including the Minister of Immigration, Refugees and Citizenship Canada, the Office of the United Nations High Commissioner for Refugees, medical and mental health professionals, a school board, government-assisted refugees, privately sponsored refugees, private refugee sponsors and sponsor organizations.

We also heard testimony from numerous refugee service providing organizations who gave evidence about their experiences on the ground as front-line service providers in the resettlement process of such a large number of refugees in such a short period of time.

In addition to hearings in Ottawa, members of the committee travelled to Toronto and Montreal for hearings, fact-finding meetings and site visits.

In Toronto, public and in camera hearings were held to allow for vulnerable refugees to give evidence before the committee. It was then that we heard some of the most difficult and traumatic testimony from refugee women about experiences they had endured before arriving and the challenges they had been dealing with since their arrival in Canada.

Senators, I can tell you that I had trouble sleeping in the weeks following, as their heart-rending stories impacted me so deeply.

While in Toronto, members of the committee also visited COSTI Immigrant Services, where we were given a tour of the facilities and information about the various services provided to Syrian refugees. We also had the opportunity to hear from COSTI's executive director, as well as Syrian refugees themselves, while on site.

Members of the committee then travelled to Montreal for fact-finding meetings with a cross-section of stakeholders and attended a site visit and reception at CARI St-Laurent Economic and Social Resource Centre for Immigrants. There we were given a tour of the facilities, information about the numerous services provided, and had the opportunity to meet and speak with a group of approximately 30 Syrian refugees.

In his speech, Senator Munson spoke about the study, the committee's findings and our 12 recommendations to the government. I echo his call for the government to do what needs to be done to help the Syrian refugees and new Canadians lay down roots and flourish so we as a society can also grow stronger.

Senators, in testifying before the committee, most if not all Syrian refugees expressed their profound gratitude for being welcomed to Canada, as well as a strong desire to be able to fully participate in and give back to Canadian society as quickly as possible.

• (1720)

Today, I will speak briefly to some of what the committee heard about barriers to successful integration for Syrian refugees and recommendations the committee has made in this regard.

The ability to communicate in one of Canada's official languages is the first step to a successful integration process. Yet, we heard a great deal of testimony regarding the lack of

available language classes, and even fewer language classes available with child care services. In some instances, language classes had been cancelled altogether.

Many Syrian refugees with young children have arrived in Canada, and without child care attached to language training, it is predominantly women who are at risk of being negatively impacted as they will be the ones staying home with their children while their husbands attend language classes. To ensure that Syrian refugee women do not get left behind in their ability to seek employment or attend school and participate fully in their communities, it is critical that sufficient language classes are available with child care.

The committee therefore recommends that the government increase funding for language training and intensify cooperation with settlement agencies and provincial and territorial governments so that language classes with child care are immediately available to refugees upon their arrival. Without obtaining the requisite language skills, Syrian refugees will not be able to move forward in a meaningful way with their lives in Canada.

Mental health issues and lack of mental health services are also barriers to successful integration for Syrian refugees. Dr. Rashid, the medical director of a refugee-serving clinic in Toronto, testified that mental health issues do not often surface for refugees right away. Immediately upon migration, there is an overwhelming sense of relief and focus on getting settled; thus, it may take months before mental health issues come to the forefront. Consequently, we are likely to see an increase in cases of refugees struggling with mental health issues over the next year to 18 months.

Other witnesses indicated a shortage of mental health resources and psychiatrists, as well as language barriers, as factors that are impeding access to mental health care for refugees. As such, the committee recommends that the government coordinate with provincial, territorial and municipal partners to ensure that mental health providers establish a comprehensive plan which includes culturally appropriate interventions that address various mental illnesses, including PTSD, to help Syrian refugees suffering from mental health issues.

Another important aspect of successful integration is family reunification. Many Syrian refugees have loved ones who remain in a war zone or are residing in unstable situations inside or outside refugee camps. While they are working hard to build their new lives in Canada, many of them are, at the same time, dealing emotionally and mentally with the fact that members of their family are struggling to survive each day. In this regard, the committee recommends that the government review the refugee resettlement program to identify possible changes to facilitate the timely reunification of refugees already in Canada with members of their families who remain abroad and may face persecution and other serious risks to their safety.

Finally, I would like to take this opportunity to thank and commend members of the committee and the staff for their work on the study and report. I thank the chair and members who attended the hearings, fact-finding missions and site visits in Toronto and Montreal. I would like to thank the clerk of the

committee, committee analysts and the staff of the senators who sit on the steering committee for their hard work and dedication in the production of this report.

Moreover, I wish to thank all the witnesses who testified before the committee, in particular the Syrian refugees who bravely shared their stories, bore their hearts and souls, as well as their hopes and dreams for their futures in Canada.

As Louisa Taylor, Director of Refugee 613, said in her testimony:

This refugee resettlement exercise is not a sprint or a marathon. It's a multi-year, generational-long, ultra-marathon in nation-building. I believe it will be a positive impact for years to come if we invest in innovation and learn from past mistakes.

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

**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 AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the 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*, deposited with the Clerk of the Senate on December 7, 2016.

**Hon. Michael L. MacDonald** moved:

That the sixth report of the Standing Senate Committee on Transport and Communications, entitled *Pipelines for Oil: Protecting our Economy, Respecting our Environment*, deposited with the Clerk of the Senate on December 7, 2016 be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Natural Resources being identified as minister responsible for responding to the report, in consultation with the Ministers of Transport and Fisheries, Oceans and the Canadian Coast Guard.

He said: Honourable senators, I don't have a lot to add from what we previously said when this report was introduced in the Senate. The interim report came out in December. We wanted to get that report out for the benefit of the government, in case they wanted to refer to it before they made some decision with regard to the pipelines.

We had a few witnesses who were remaining in the queue that we wanted to interview. We did have them in. We came to the conclusion that it wasn't anything particularly new that we could

add to the report, so the interim report has been determined to be the final report and is presented as such.

(On motion of Senator Day, for Senator Mercer, debate adjourned.)

**STUDY ON THE DESIGN AND DELIVERY OF THE FEDERAL GOVERNMENT'S MULTI-BILLION DOLLAR INFRASTRUCTURE FUNDING PROGRAM**

TWELFTH REPORT OF NATIONAL FINANCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report (interim) of the Standing Senate Committee on National Finance, entitled *Smarter Planning, Smarter Spending: Achieving infrastructure success*, deposited with the Clerk of the Senate on February 28, 2017.

**Hon. Larry W. Smith** moved:

That the twelfth report of the Standing Senate Committee on National Finance entitled *Smarter Planning, Smarter Spending: Achieving infrastructure success*, tabled with the Clerk of the Senate on February 28, 2017 be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Infrastructure and Communities being identified as minister responsible for responding to the report.

He said: Honourable senators, on Tuesday, February 28, the Standing Senate Committee on National Finance released our first interim report on infrastructure spending in which we outlined six key recommendations. We will continue to study and report on the topic as the government continues phase 1 and moves into phase 2 of its plan to roll out \$186 billion over the next 10 years.

[Translation]

We strongly suggest that the government develop a long-term national infrastructure strategy, a strategy that will set concrete, measurable priorities that parliamentarians can use to assess performance, how well the objectives have been met.

[English]

Our most important recommendation asks that the government consider building a long-term national strategy, a plan that will align the federal, provincial and municipal priorities to create a well-connected plan that will consider the future needs of the country to improve the overall productivity and quality of life for Canadians.

Currently, the \$186 billion earmarked for infrastructure is disbursed and managed by 31 different departments, 10 of which have not provided any method of transparent reporting to verify this spending.

[Translation]

Over 31 different departments have their own infrastructure support program. That creates a bureaucratic maze that makes rigorous monitoring of funds difficult.

[English]

We recommend that Infrastructure Canada alone be the department that manages all infrastructure spending. They have a solid track record of managing and reporting on infrastructure, and we are asking for simplified yet sufficient reporting on performance measurements.

We also ask that the programs be simplified to allow for a single window access to funding and flexibility in the program, similar to the gas tax criteria, with adjustments for inflation, not just 2 per cent indexation.

Our report recommends better coordination and respect for priorities between federal, provincial and municipal governments, a national plan which would improve this coordination.

• (1730)

For everyone's understanding, when we asked if there was a strategic plan, the answer came back "yes." When we asked, "How do you develop the plan?" the senior members from infrastructure said, "We listen to what the provinces have to say." Wrong answer, because if you listened to what the provinces had to say, then basically you have not determined from a national basis what your priorities are.

It's evident there is a great opportunity for the infrastructure department to really take a lead in this. I think they took it in a positive way. We weren't condescending. I thought we were practical and supportive in our approach.

Finally, our report recommends the government look at previous gateways and corridor programs recognized as an excellent example for the trade infrastructure that viewed the full scope of needs in a start-to-end perspective. Experts told us that trade infrastructure would have the largest impact on the productivity of our nation if it is done well. Currently, only 10.6 per cent of the \$186 billion is planned to go towards highways, bridge, railways and ports.

I am proud to report to you that we had excellent media coverage of our report, across the nation. This topic is of keen interest to all Canadians. Articles appeared in all major newspapers and in online news outlets. In addition, we had feedback from experts in the study of infrastructure. For example, Ryan Greer, Director, Transportation and Infrastructure Policy for the Canadian Chamber of Commerce stated that he was pleased to see recommendations from its study of infrastructure that matters most reflected in our report. Another example is from the U.S.A. infrastructure specialist Ms. Anne Jackson from the American Public Works Association, who tweeted to followers to watch the press conference on the release of our report and then tweeted further details.

As parliamentarians, we want the best possible outcomes for Canadians. We have released this report as the government moves between phase 1 and phase 2 of its plan. Our report is a positive

[ Senator Smith ]

tool to assist the government in making sure we get our infrastructure spending done most effectively.

We sent out a link to every senator. Hopefully, you have had a chance to take a look at it in English and/or in French. The other thing that's interesting is we developed an IT capability. We now have 10,000 inputs. We can get every project that is started or in production in every city, in every province. We're really excited about having the ability to track. We have 10,000 pieces of information that give us tremendous ability to update you parliamentarians as we go forward.

As you look at the report, you will see just from the federal side over 22 different programs. We have too many programs. It's too complex. This is one of the reasons we want to try to simplify it.

I'm really pleased with the work our committee has done. I want to thank members of our committee. Senator Marshall has done a great job. Senator Neufeld, who is not here, has done a great job. Senator Woo, as a new colleague, has done a great job. Senator Moncion and Senator Forest have done great jobs. Senator Ataullahjan has done a great job, as has Senator Pratte. I would like to thank everyone who has participated.

We're now going on to phase 2. You have done a great job and been very supportive, energetic and respectful to all the people involved in infrastructure.

[Translation]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Before adjourning the debate in my name, I would like to ask a question, since it is very difficult to determine what the principles of the government's long-term plan are. What were the principles of the previous government's strategic plan for infrastructure?

**Senator Smith:** Senator, that is an excellent question. One thing we used as a reference point is the fact that Infrastructure Canada has officially existed since about 2002. Between 1960 and 2000, Canada's infrastructure was deteriorating and very little was invested to improve our assets. The first thing that we said in committee is that this is not about blaming the new Liberal government or the previous Conservative government. This problem is related to bureaucracy and the way things are done, and we need to determine how we can really help people to improve their performance. That was the basis of our analysis. That is why, when we have a question, we should not approach it by finding fault and laying blame. We need to find the best way to get the work done.

I think that we are on the right track. It is very complex. The next challenge will be to determine how Canada's infrastructure bank will work because it offers a lot of opportunities for large pension funds, deposit and investment funds, and so on. However, it remains to be seen what the difference will be between the projects chosen by these funds and those deemed a priority by the government.

(On motion of Senator Bellemare, debate adjourned.)

[English]

**STUDY ON BEST PRACTICES AND ON-GOING  
CHALLENGES RELATING TO HOUSING IN  
FIRST NATION AND INUIT COMMUNITIES  
IN NUNAVUT, NUNAVIK, NUNATSIAVUT  
AND THE NORTHWEST TERRITORIES**

**FIFTH REPORT OF ABORIGINAL PEOPLES COMMITTEE  
AND REQUEST FOR GOVERNMENT RESPONSE—  
DEBATE ADJOURNED**

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Aboriginal Peoples, entitled *We can do better: Housing in Inuit Nunangat*, deposited with the Clerk of the Senate on March 1, 2017.

**Hon. Lillian Eva Dyck** moved:

That the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled *We can do Better: Housing in Inuit Nunangat*, deposited with the Clerk of the Senate on Wednesday, March 1, 2017 be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Families, Children and Social Development (Minister responsible for the Canada Mortgage and Housing Corporation) being identified as minister responsible for responding to the report, in consultation with the Ministers of Indigenous and Northern Affairs, Fisheries, Oceans and the Canadian Coast Guard, Innovation, Science and Economic Development, and the President of the Treasury Board.

She said: Honourable senators, it's my privilege and honour to rise today as the chair of the Standing Senate Committee on Aboriginal Peoples to put a few remarks on the record with regard to our report entitled *We can do Better: Housing in Inuit Nunangat*.

First, I would like to thank the Deputy Chair, Senator Dennis Patterson, and to all the other committee members who, either here in Ottawa listened to our witnesses or those who were able to come with us when we went on a tour up North, which was very memorable. I would also like to extend thanks to our clerk, Mark Palmer; to our analysts, Brittany Collier and Alexandre Lavoie; and to Tony Spears, the writer from Senate Communications who accompanied us on our trip and wrote a daily blog, which was widely read. I think we received a lot of attention because of that.

I would also like to thank Senator Patterson, who hosted us when the committee was in Iqaluit. He and his wife treated us to dinner and entertainment one night. It was very much appreciated. I also want to thank Senator Watt. When we visited Kuujuaq, he ensured we met with the right people and ensured everything went well there.

The report outlines the committee's observations, findings and recommendations from the study on northern housing, which took place between February and June 2016. It looked at the best practices and ongoing challenges relating to housing in Inuit Nunangat, which means "the place where Inuit live," in Inuktitut.

One of the wonderful things about our report is that we had it translated into Inuktitut, because the report really is for the people who live there and the first language of the people who live there is Inuktitut. If you go to the website you'll be able to click on it and see the report in Inuktitut in syllabics. I think that was one of the best things we did. We did that to honour the people and also so that people could more easily access it. I think that's a good thing.

The committee's report was informed by testimony heard here in Ottawa and also during our community site visits. Here in Ottawa we heard over 50 witnesses, including Inuit government representatives, northern housing authorities, youth representatives and various academics who studied housing in the North.

• (1740)

In April 2016, some of the committee members travelled to communities in Nunavut and Nunavik to see the situation first-hand. The communities we visited included Iqaluit, Igloolik, Kuujuaq, Inukjuak and Sanikiluaq. We had planned to visit Nain in Nunatsiavut as well, but unfortunately bad weather prevented us from going there. We would have been able to fly there, but we wouldn't have been able to get back. So we decided that we had better not do that.

I would like to say that the trip was quite memorable in terms of the types of aircraft we were on. Being able to fly over the Arctic, especially when we went above the Arctic Circle to visit Igloolik, was quite an eye-opener, because it's how everyone imagines the North to look — totally flat, white snow and ice everywhere, no trees, cold and barren.

In Igloolik there was a scientific research station which I believe was constructed in the 1950s. Senator Patterson is agreeing with me. It looks like a UFO, an unidentified flying object. So it was quite memorable.

I would also like to thank the various community members who live in these small towns and cities who actually opened their homes to us and allowed us to walk in to see what the homes looked like. We very much appreciated that.

We were able to see first-hand what the housing crisis in Inuit Nunangat actually looks like. For instance, one of the things that struck me is that we're used to having houses with basements. They have no basements. We're used to houses that, if they don't have a basement, it's built on a foundation that's flat on the ground. But there, the houses were built on stilts. Part of the reason they are up in the air is so when the wind comes, the snow doesn't build up and engulf the houses in snowbanks. That was quite a shock to me to see the houses built in that way.

What we did see is that the houses were built mostly according to southern building code standards, and those standards are not appropriate for the North. We did see a number of houses that were built that way. The lifetime of the house is much shorter because of the climate. The wood deteriorates because it shrinks and expands. The windows weren't properly insulated; they were only double-pane windows, and there was poor insulation.

Consequently, the homes would have a lot of humidity problems where the humidity in the house would create frost and you would get ice buildup.

One of the worst things is that in some of these homes the front door, which may have been the only door, would face north so you would get the cold north wind blowing right into the house. Because of the humidity problems, the door would sometimes freeze shut. This created a safety problem. If there were a fire and the door is frozen shut, it would be difficult to get out of the house quickly. In addition, if there were incidents of family violence where you needed to get out of the house, it would also impede your ability to do so. Those are some of the safety issues.

In addition, in one case we saw 15 people living in a small three-bedroom house. No basement, remember, and it's a small house. Can you imagine living year-long, in the dead of winter, when there is no light outside? It's like having all of your relatives with you at Christmastime all year long. There were no lights, inadequate heating, one bathroom, and humidity problems. It is a situation that should not happen and should not continue to happen.

The humidity creates a lot of mould, so you get diseases and respiratory problems associated with the mould.

There were also reports of tuberculosis. That has to change.

As we say in Southern Canada, housing has to come first, and certainly that needs to happen up North.

A severe housing shortage is compounded by the high rates of overcrowding. Many Inuit are basically on the brink of homelessness in one of the harshest climates in the world. In Nunavik, about half of Inuit families live in overcrowded homes. As I said before, we saw one example where 15 people were living in a small house. In the back of the house there was a shack where there was a younger couple with a small baby, and their only source of heat was the traditional seal oil lamp. That clearly has to end.

Up North, of course, climate change is also occurring. In one community — I think it was Inukjuak — the permafrost was starting to melt. When the permafrost melts, the foundation of the house starts to shift. We would see examples where there would be cracks along the ceiling where the walls had moved, cracks around the doors and along the walls at the floor level. The house was shifting because of the melting permafrost.

Now, in conjunction with researchers from Université Laval, they are trying to find areas nearby where they can move, where there is bedrock as opposed to permafrost. Interestingly, in Iqaluit, we found that the limiting factor was the hard rock or flat areas of land where houses can be built. They're running out of areas suitable for development. They can't spread out much horizontally, so they might have to spread out vertically. Those are the kinds of things we saw.

The housing crisis is only getting worse over time. We have known about this for decades. Now, because the Inuit population is young and rapidly growing, it's only going to get worse. There's already significant pressure on the limited number of houses, and half the population of the Inuit are age 25 and younger. It's critical that we act now.

I will now talk about the Inuit youth. We were fortunate to hear from two Inuit youth in Kuujuaq who explained to us very well what the situation was for them. They talked about youth health issues. For instance, one witness told us about the need to have a safe house where you could go if there was violence in the home or if you didn't feel safe sleeping at home and you needed to find a place where you could go. If everyone's home is crowded, there is no space for you there, so you need to have a transitional space that is safe.

We didn't make a big issue of this, but we also noted that the rate of suicide up North is seven to eight times higher than it is for the rest of Canada. We had two witnesses — Natan Obed from ITK, and Dr. Riva, a researcher from Université Laval — who said that the inadequate housing that the Inuit live in is one of the predictors of suicide. So if, as a child, you live in a house with 15 people, you have no place to study, you probably have no place to sleep, and you probably have to line up to go to the bathroom. If there is family violence, what are you going to do?

The housing is a very limiting feature, so it's important that this be addressed now. We are looking to our youth across Canada to lead us to a better future, so we need appropriate housing in order for that to happen.

In addition, two youth witnesses, Louisa Yeates and Olivia Ikey, talked about how they were trying to educate themselves to get out of this cycle. However, if they left the North and went south to get educated, when they came back and tried to find a house, they were no longer considered to be northerners. The housing policies were such that they were essentially discriminated against. They said that if they had not gone away and got educated, if they had stayed there and had babies — these were two young ladies — they likely would have got a house. But because they were single, educated, and were getting a reasonable salary, it was more difficult to get a house.

• (1750)

The incentive to get an education and a better-paying job was not there because the housing was not available to them. They really encouraged us to put that recommendation in to look at the housing policy so that no longer happens. In fact, when we were travelling through Iqaluit, we did drive down one road, and I remember seeing houses and saying, "Well, what are those?" They said that they were staff houses, but it was clear no one was living in them.

Inukjuak and Igloolik are very small communities. In Inukjuak there were 10 to 15 vacant homes. No one was living in them, sometimes for years. In Igloolik, there were 19 vacant homes, and these were all considered government houses. They are vacant. The witnesses told us that quite likely those staff houses were built to a better or higher standard than what was available to the local residents.

It's a great source of frustration for the young people, who recognize that it's unfair to them that they're not able to live in those homes. Can you imagine you're living in terrible conditions, you don't have any place, and there is an empty house right there that you could occupy if the policy had been changed? So we recommended that those policies be changed.

Our report contains 13 recommendations that we believe can begin to alleviate the housing situation in Inuit Nunangat and I went over the last ones with regard to the youth.

The first one is that you need funding. Our first recommendation was that a federal funding strategy that will provide adequate, stable and predictable funding for housing in Inuit Nunangat be initiated. You can't just go year by year and rely upon, we'll give you this much money this year but then the materials may not get there until it's too late in the season so they can't begin to build until the spring and then the budget cycle starts all over again.

Could I have five more minutes?

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

**Hon. Senators:** Agreed.

**Senator Dyck:** Funding strategy was number one in the list, and we recognize that stable, long-term funding is required to replace — and this is important — the declining CMHC funding contributions.

Now, CMHC has contributed the bulk of money in the beginning, which provides money for social housing, and that will be at zero twenty years from now; so it's going down rapidly.

Now, the median income for an Inuit resident is only \$30,000 a year, and there is a high cost of living. There's a high cost of operating and maintaining homes. The operation and maintenance is about \$35,000 a year, which is more than the median income.

So you can see why home ownership is really not available for many residents. Therefore, having the social housing funding at this point in time is critical. If social housing funding isn't available, the situation becomes dire.

The key messages: The funding was number one; second, the housing crisis in Inuit Nunangat is a critical public health issue because of the prevalence of mould that creates respiratory diseases; the incidence of tuberculosis is rising. There could be violence in the homes. There's likely a link to the suicide epidemic up North, and the housing crisis decreases the chances of educational success for children and youth.

We really need to act immediately to address this because it just creates a terrible cycle where people will never get out of it until they have a decent place to live.

We are pleased to announce that while we were doing our report we wrote to the ministers of CMHC and Indigenous and Northern Affairs last May to ask them to transfer money directly to the Inuit housing organizations rather than the provincial government. The government did that, and we are recommending they do that, because the other major theme was that no one is listening to the Inuit or housing authorities. Unless you listen to them, you will not build a proper home. Unless you give them the money directly, you're not empowering them; you're not giving them the chance to create their own future.

**Hon. Pierrette Ringuette:** I would like to ask the honourable senator a few questions.

**The Hon. the Speaker:** She has a minute and a half left.

**Senator Ringuette:** First, I must congratulate the committee and the report and especially your very good resumé of the committee's findings and recommendations.

For the next decade, what would be the amount of money and the different quantity of one-bedroom, two-bedroom and three-bedroom housing that the committee has identified?

**Senator Dyck:** Thank you for that question, Senator Ringuette. The press asked us that same question. We didn't focus so much on the finances, but we were told there is a shortage of about 4,000 houses in at least two regions, and it cost about \$500,000 per house; so multiply that out and that gives us \$2 billion.

I don't have the numbers in front of me, but in the last budget there was increased funding of tens and twenties of millions of dollars geared directly to the North.

Fortunately, the total population of Inuit Nunangat is about 45,000 individuals; so it's not a huge number of people. Still, if we're building two- or three-bedroom houses, it costs about \$500,000 per house.

(On motion of Senator Patterson, debate adjourned.)

[Translation]

## THE SENATE

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

On the Order:

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

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

“Obligation to report bill

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

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

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

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

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

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

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

(e) whether the appropriate consultations have been conducted;

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

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

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

And on the motion in amendment of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Tkachuk:

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

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

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

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

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I will try to be brief because this is day 14, and it's the second time I'm adjourning debate.

I rise today to speak in favour of Senator Nancy Ruth's amendment to the motion that I moved in May 2016. Senator Nancy Ruth suggested adding a criterion for committees to take into account during their work on bills and their reports to the Senate. That criterion is substantive gender-based analysis. I support the amendment and thank the senator for proposing it.

[English]

This analysis is well known in English as a gender-based analysis plus, or GBA+. I support this amendment, but before explaining the nature of the amendment in more detail, let me explain the context and the substance of the initial motion.

[Translation]

The original motion, amended by Senator Nancy Ruth, proposed an amendment to the *Rules of the Senate* to facilitate debate at third reading of government, Senate and private members' bills. This motion is the outcome of a personal thought process that began with the Supreme Court's 2014 reference on Senate reform. This motion would answer the following question: when senators wish to have an independent and non-partisan look at bills, what criteria must they consider in order to justify their position to Canadians?

• (1800)

The Supreme Court reference states that the Senate is a complementary chamber rather than a rival to the House of Commons. It also states that it is not the role of the Senate to oppose —

[English]

**The Hon. the Speaker:** Honourable senators, it is now six o'clock. Pursuant to rule 3-3(1), I'm required to leave the chair unless it is agreed that we not see the clock. Is it agreed that we not see the clock, honourable senators?

**Hon. Senators:** Agreed.

[Translation]

**Senator Bellemare:** The reference states that it is not the role of the Senate to oppose for the sake of opposing, but rather to provide sober second thought on the legislation passed in the other place.

[English]

I quote the reference of the Supreme Court, quoting Sir John A. Macdonald:

An appointed Senate would be a body "calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people. . . ."

[Translation]

It would be difficult for a senator who wants to exercise his or her constitutional role, as indicated in this reference, to study in detail all the bills introduced in the Senate. Committees are responsible for the in-depth study of bills. They report their findings to all senators so that the bill can be debated at third reading.

The rule governing committee reports is not very restrictive. It allows the committee to append observations to the report. In practice, committee reports do not say much about the nature of the debates that took place. According to the Rules, a committee is required to append observations only when the committee makes amendments to the bill or if it rejects the bill.



Generally speaking, committee reports are very succinct. When a bill is studied in committee and no amendments are presented, the committee can simply submit a report to the Senate using the following wording:

Your committee, to which was referred Bill XYZ, has, in obedience to the order of reference, examined the said bill and now reports the same without amendment.

It is that simple. This simple phrase constitutes the committee report. The committee is not obligated to disclose the nature of its deliberations, including the questions raised by witnesses or even the amendments that were proposed and rejected.

For quite some time, for as long as I've been here, this single sentence constitutes the committee report for most of the bills studied in committee. However, committee reports could be very useful to the senators who were unable to take part in the study, and could give them some insight into the various elements that make a bill a good bill.

What, then, are the elements that make a bill that comes to us from the House of Commons a good bill? More specifically, what test should the Senate apply to bills under consideration to guarantee Canadians that the Senate has properly carried out its duty of sober second thought?

The Senate test should be non-partisan, that much we know. The Senate test should be different than that of the official opposition in the other place. We cannot simply transplant the questions from the other place, since they are often more ideological. The Senate test, in my view, should be a test of quality based on objective criteria. Indeed, the role of senators is similar to quality control. Senators must be able to set aside their personal preferences and partisan affinities in performing this role.

Motion No. 89, which I moved last year, identifies some of the essential aspects of this quality control. Should the motion be adopted, committees would be required to append to their reports the observations made by witnesses on matters that are essential to the study. This motion does not require the committees to conduct an in-depth study of each of the issues themselves. That would not be realistic, given the time we have to study bills. Rather, the purpose of the motion is to guide the committee members regarding the questions they ask witnesses and the information they report to the Senate.

Accordingly, Motion No. 89 seeks to amend rule 12-23 so that the following items are appended to the report:

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

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

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

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

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

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

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

(e) whether the appropriate consultations have been conducted;

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

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

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

Senator Nancy Ruth proposed adding to this list the following:

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

This addition proposed by Senator Nancy Ruth does not seek to require the committee to conduct a substantive gender-based analysis. It seeks to ask experts whether such an analysis was done and, if so, to find out the results of that analysis.

[English]

I want to talk now a little bit about gender-based analysis or GBA+. Let me start by defining GBA+, using the words of Status of Women Canada:

GBA+ is an analytical tool used to examine a policy, program or initiative for its varying impacts on diverse groups of women and men, girls and boys. It provides a snapshot in time by challenging assumptions and capturing the realities of women and men affected by a particular issue. It provides analysts, researchers, evaluators and decision makers with the means to improve the different interventions and to take account of unintended consequences.

In 1995, the federal government committed to using GBA+ as a means of advancing gender equality in Canada, as part of the ratification of the United Nations Beijing Platform for Action.

In 2009, at the request of the Standing Committee on the Status of Women, the Office of the Auditor General reported on the GBA+ practices of six departments and the three central

agencies. The main findings from the report showed, and I quote from the website of Status of Women Canada:

... little or no evidence of GBA plus frameworks implemented in departments; no evidence that GBA+ was considered or documented in decision making; and no record of the Privy Council Office and the Treasury Board of Canada Secretariat playing their challenge function with departments.

In response to the Auditor General's report, Status of Women Canada, the Treasury Board of Canada Secretariat and Privy Council Office created the Departmental Action Plan on Gender-Based Analysis in autumn 2009, and, recently, the government renewed its commitment to GBA+ and is working to strengthen its implementation across all federal departments.

[Translation]

*The Economist* recently reported on the importance of governments conducting substantive gender-based analyses. The article, which ran in the February 25, 2017 issue, goes on to explain how such an analysis is useful in drafting government budgets, since it helps effectively address the causes of gender inequality. Such analyses would allow for actions that are more effective than the current legislation, which is based on quotas. We also learned the following, and I quote:

[English]

Now the World Bank backs gender budgeting. The IMF used not to see promoting sexual equality as its job, but Christine Lagarde, its managing director, now wants gender-budgeting to play a role in the advice it gives to member countries.

[Translation]

I thank Senator Nancy Ruth for proposing this amendment. Again, it seeks to put pressure on the departments to undertake such analyses when they propose new legislation and not to have the committee studying a bill do the analysis itself.

I think this is an important addition to Motion No. 89. This new criterion improves my motion since gender-based analysis helps in assessing the potential effects of policies, programs, services, and other initiatives on women and men from diverse backgrounds. Naturally, gender is a factor in the analysis, along with other identity factors such as education, language and geography. Neither gender takes precedence in GBA+. Rather, it integrates a series of factors for a more complete analysis that reflects the diversity of Canada's population. On January 12, the Government of Ontario announced the creation of an independent ministry that will ensure gender is taken into consideration for policy and program development.

• (1810)

I believe that my motion, with Senator Nancy Ruth's amendment, will enhance the value of committee deliberations on bills, while promoting more transparent accountability for our work as we dutifully exercise our constitutional duty to provide sober second thought.

[ Senator Bellemare ]

I will conclude by pointing out that the essence of Motion No. 89 was presented in the Senate Modernization Committee. The following comments about it appear at the end of the Special Committee on Senate Modernization's first report:

[English]

The committee favours that all Senate committees, particularly when producing reports on bills, make use of appended observations. Observations are useful for all senators. They indicate, for the benefit of all senators, including those not sitting on specific committees, the key issues that were canvassed in the course of a committee's deliberations. Appended observations included in committee reports on bills generally do not have the effect of increasing a committee's workload. These observations are useful for all senators so that they can discuss in the Chamber the issues raised by the various bills that are studied in the Senate. Observations identify and provide an assessment of the relevant evidence gathered from witnesses during a committee's legislative work. These observations could take into account the regional, social economic, and constitutional effects of the studied bills. Observations could also provide a list of individuals or groups that met with a committee. They could also note the proposed amendments that were not adopted by the committee, providing senators with a useful source of the issues raised during committees' legislative work. This type of observation is especially useful when the Senate studies private members' bills emanating from the House of Commons or Senate public bills.

In this way, appended observations in committees reports on bills ensure that a committee's legislative work is given full account in a transparent and objective manner to all senators. Above all, appended observations on reports on bills showcase the work of Senate committees.

[Translation]

I will close with what Senator Nancy Ruth said:

[English]

In the interim, there is no need to wait. Senate committees have the power to ensure that our committee deliberations and reports follow this methodology. We can and should be doing our job. . .

(On motion of Senator Martin, debate adjourned.)

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

Leave having been given to revert to Other Business, Motions, Order No. 51:

On the Order:

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

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

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

That the motion be amended to read as follows:

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

**Hon. Kim Pate:** Honourable senators, I am honoured to have the opportunity to speak to the motion of our colleague, Senator Eggleton, who last year tabled a motion in this place urging that the Senate encourage the federal government to sponsor and evaluate the cost and impact of implementing a national basic income program for the purpose of assisting Canadians to escape poverty.

[Translation]

I am strongly advocating for adequate income, not just a basic income.

[English]

As Senator Lankin most ably and thoroughly pointed out last week, many have come before us in calling attention to the need to remedy economic inequality.

Honourable senators, despite our constitution and the Canadian Charter of Rights and Freedoms that guarantees equality of opportunity, as well as equality of access to resources and sharing of prosperity, these are not a reality for far too many in Canada.

In fact, in most communities, provinces and territories we see huge gaps between the most and the least privileged. These are gaps brought into sharp relief when we see them through intersectional lenses of race, sex and ability. According to Statistics Canada, there are currently one in seven Canadians living in poverty. Fifty-one per cent of First Nations children live in poverty, a rate rising to approximately 60 per cent for children who live with their equally poor families on reserves.

In 1966, with forward-looking intentions by the Canada Assistance Plan, the federal government created cost-sharing arrangements between Ottawa and the provinces and national standards for social assistance programs. However, in 1995, the Canada Assistance Plan was replaced by the Canada Health Transfer and Canada Social Transfer and the resulting evisceration of national standards for social assistance, health

care and education has permitted provinces and territories to reduce social assistance rates to levels that many consider criminally low.

Nowhere in this country can people survive on social assistance unless they are doing something for which, if discovered, they could be penalized and even criminalized — not because the behaviour itself is necessarily considered criminal, but because the omission in terms of reporting it is punishable. Let me take this province of Ontario as an example. If, as a single able-bodied person, I was suddenly not in this job but in need of social assistance, I would receive \$706 per month — \$330 for basic needs and only \$376 per month for shelter.

[Translation]

I invite you all to imagine trying to survive on that income alone.

[English]

By comparison, we are spending a minimum of \$10,000 — and for women as much as \$30,000 or more — per month to jail people. That's a lot of money. Most women are criminalized and jailed as a result of their responses to past trauma and their attempts to negotiate poverty.

By virtually eliminating the concept of social welfare and replacing it with inadequate financial assistance — monthly payments that are impossible to live on without supplementation, which by its very act amounts to breach of the assistance rules — we have effectively created groups of poor people who are infinitely criminalizable.

Honourable senators, the human, social and financial costs do not stop here. How many of you know the answer to this question: When is a loan considered income? The answer: When you are poor and on social assistance.

Professor Margaret Little of Queen's University has numerous examples of people, especially single moms, being criminalized for not reporting things like gifts of groceries from parents and grandparents. Imagine losing your basic income because you accept one bag of food valued at \$59 and you don't report it. There are many more examples in her book and I am happy to share it with any senators who are interested in it. These are actual decisions that have been taken against people trying to negotiate impossibly inadequate financial circumstances, and if you lose assistance, you can't feed yourself. If you cannot feed yourself, you cannot feed your children. And if you cannot feed your children, you will also likely lose your children. How on earth can this be seen as in any way being beneficial to any of us and how can we justify these decisions?

It may seem unfathomable to contemplate, but it is the reality for far too many. It is part of the reason that so many people struggle to extricate themselves from poverty and why we have now relegated far too many in this country to intergenerational poverty.

Honourable senators, add to this the reality that there are currently about 4 million people in Canada in need of decent affordable housing. And here I wish to thank the work of Senator

Dyck, Senator Patterson and all members of the Standing Senate Committee on Aboriginal Peoples for the report we just heard about, tellingly titled *We Can Do Better*. And in Canada we most certainly can, and we must.

Food banks, which were implemented as a temporary measure — and it must be stressed they were implemented as a temporary stopgap measure several decades ago — are now a necessity for most people on assistance. Last year in 2016 alone, nearly a million Canadians — 863,492 — were documented to have been assisted by food banks. Poverty is devastating to those who are poor and massively expensive to Canadian society.

• (1820)

What could a guaranteed livable annual income mean to Canadians? It could mean the difference between living with daily abuse and homelessness. It could be mean the difference between not having to sell your body to make the rent or feed the children. It could mean the difference between not having to carry packages across communities or across borders to make ends meet. It could mean the difference between furthering one's education to get a leg up and out of poverty. It could mean the difference between investing in people in our communities, instead of in prisons and other institutions. It could mean the difference between a country as rich as Canada stemming the tide and ensuring that every man, woman and child in this country is fed, housed, clothed, educated and supported to contribute to their communities in ways that enrich all of us.

Senator Eggleton spoke to us about the 1970s Mincome experiment in Dauphin, Manitoba, an experiment where people were given a guaranteed annual income. Naysayers predicted this would inspire laziness and a community of layabouts. In fact, the groups who most “chose” to accept the income, over work, were women with small children and young people who pursued an education, two groups who might otherwise have been denied either possibility, and two groups in whom the positive investment of a guaranteed income render multiple dividends in terms of how it can permit the recipients to further provide for themselves and their families in the future.

Even though it was limited to one community and for only a few years, the mincome experiment of the 1970s yielded an 8 per cent drop in hospital visits, reductions in incidents of domestic abuse and mental health-related hospitalizations and, in the view of then Senator Hugh Segal, a drop of at least 5 per cent in prison, criminal court and child welfare system costs.

To quote the Honourable Hugh Segal and the Social Affairs Committee's *In The Margins* report, a guaranteed and livable income benefits society by:

- 1) Improving mental and physical health and lowering health care costs;
- 2) Lowering crime rates, costs of courts, police and corrections and increasing public safety;
- 3) Reducing or even eliminating homelessness and poverty;

- 4) Improving the efficiency in processing applications and claims and thereby reducing bureaucracy and associated costs, and

- 5) Providing a strong social safety net that would be strengthened and centralized, thereby saving taxpayers millions of dollars every month.

Countries that have strong social safety nets and economic supports produce healthier children who thrive and grow to contribute to society, which also leads to less marginalization and victimization. Strong social, economic and educational safety nets hinged to guaranteed and livable ideal incomes could also eliminate bureaucratic morass and reduce reliance on other systems, such as the health care and criminal justice systems, which in turn could save us millions more dollars and benefit all Canadians.

Honourable senators, justice for the most marginalized, victimized, criminalized and institutionalized members of society demands that we interrupt injustice and discrimination and that we embark on clear and collective initiatives in the pursuit of justice and true reconciliation.

I applaud Senator Eggleton's efforts in bringing these issues to the floor of this upper chamber, and I'm pleased to join him, along with our colleagues both here and in the other place, in efforts aimed at addressing a problem that can and must be remedied. Thank you.

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

(On motion of Senator Ringette, for Senator Woo, debate adjourned.)

[Translation]

#### MOTION TO URGE GOVERNMENT TO ESTABLISH A NATIONAL PORTRAIT GALLERY— DEBATE CONTINUED

On the Order:

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

That with Canada celebrating 150 years as a nation and acknowledging the lasting contribution of the First Nations, early settlers, and the continuing immigration of peoples from around the world who have made and continue to make Canada the great nation that it is, the Senate urge the Government to commit to establishing a National Portrait Gallery using the former US Embassy across from Parliament Hill as a lasting legacy to mark this important milestone in Canada's history and in recognition of the people who contributed to its success.

**Hon. Paul E. McIntyre:** Honourable senators, I rise today to express my support for Motion. No. 139, sponsored by Senator Joyal.

[ Senator Pate ]

The purpose of this motion is to urge the federal government to establish a national portrait gallery in the former building of the American embassy, which is located directly in front of Parliament Hill.

As Senator Joyal has already mentioned, this project is not a new initiative. Debates on establishing such a gallery have been going on for over 20 years. It is up to us to make that idea a reality.

Canada's one hundred and fiftieth anniversary is the ideal opportunity to pay tribute to Canadians and the contributions they have made in building our country. July 1 will be the day where we remember the famous Canadians who played an important role in our country's history. Nevertheless, we must not overlook those who worked behind the scenes and whose efforts helped to build the Canada of today. We could never have become the great country that we are today without those thousands of people who, over the centuries, helped shape our national identity.

[English]

The federal government's collection of portraiture, which includes more than four million photographs, 20,000 paintings, drawings and prints and thousands of caricatures, has long been languishing in a warehouse in Gatineau, Quebec. Its buried treasures include portraits of 18<sup>th</sup> century British soldiers, 20<sup>th</sup> century musicians and the four Indian leaders who visited the court of Queen Anne in 1710, among many other heroes, rogues and folk.

[Translation]

All the splendour of our Canadian heritage could become even more visible to the public and could be exhibited in one place. A national portrait gallery would undoubtedly be the best place to do so.

In other countries, museums of this nature are located in their national capital. Every year, our federal capital welcomes many, many Canadian and international tourists. In my view, the site of the former American embassy, located directly across from Parliament Hill, is the perfect location for the gallery. It is in a prestigious location, it is large enough and it is easily accessible to the public. Once it is renovated, this heritage building could be the home of magnificent exhibition rooms where all Canadians would be welcome. People visiting Parliament Hill will certainly be happy to see images of Canadians from all walks of life.

As Senator Patricia Bovey mentioned in her speech on the importance of art in society as a whole, it is crucial that the Canadian government encourage cultural initiatives and ensure that our unique heritage is not forgotten. A country that doesn't recognize the importance of the arts in the formation of its national identity is a country without a soul, and Canada's national identity is defined by our cultural diversity. The best representation of this diversity should be in the form of portraits.

We are also wondering if a national portrait gallery will be well received by the Canadian public. If we take the example of other countries, it is clear that these kinds of museums have been very successful. The number of visitors often surpasses the number of people who visit other national museums.

[English]

In an article dated 2008 and entitled, *Canada's Homeless Portrait Gallery*, Charlotte Gray, author of seven best-selling books of history and biography and the winner of the Pierre Berton Award for popularizing Canadian history, wrote extensively on this subject. On the idea of a national portrait gallery taking international momentum, she writes:

... the idea of a national portrait gallery has international momentum. Portrait galleries elsewhere attract thousands of visitors each year. In 2005, the National Portrait Gallery in London was Britain's tenth most particular tourist attraction: one and a half billion people visited it. Washington's National Portrait Gallery shares a glorious mid nineteenth-century Greek Revival building with the Smithsonian American Art Museum; in the first two years after the building reopened in July 2006, after a \$6 million restoration, nearly 2 million people walked through its doors. A new building for Australia's National Portrait Gallery will open to great fanfare in Canberra this month. Why is Canada so reluctant to display its collection?

• (1830)

Support for the national portrait gallery appears to be strong. At least two newspapers, the *Toronto Star* and the *Ottawa Citizen*, already have published editorials in favour.

In an editorial dated August 10, 2016, *Star* columnist Heather Mallick wrote:

The gallery would be a fitting gift to the people of Canada, in honour of the country's 150<sup>th</sup> birthday in 2017. It's past time we pulled our portraits out of storage and put our history on display in the nation's capital.

[Translation]

The national portrait gallery will give Canadians the opportunity to discover the faces of their compatriots. It will tell the whole story of Canada through time in pictures.

People like looking at portraits. They see themselves in the faces of others. For centuries, people have been drawn to visual arts and their representations of different lifestyles, cultures, traditions and emotions. Who doesn't like identifying with other people, whether they are known to us or not? Who doesn't like admiring history's greats or imagining living in a time whose customs and lifestyles contrast so dramatically with our own?

Honourable senators, Motion No. 139 to establish a national portrait gallery has my unconditional support. We must keep our heritage alive and prevent it from sinking into oblivion. We are all proud of our history and diversity, and the national portrait gallery is one of the best ways to display the true face of Canada.

As Senator Joyal said, this is neither a government motion nor an opposition motion. It is a Senate motion. I therefore ask you to support it by urging the Minister of Canadian Heritage and the federal government to revive the proposal that the Senate championed over 20 years ago.

(On motion of Senator Martin, debate adjourned.)

[English]

## INCREASING OVERREPRESENTATION OF INDIGENOUS WOMEN IN CANADIAN PRISONS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Pate, calling the attention of the Senate to the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing overrepresentation of Indigenous women in Canadian prisons.

**Hon. Lynn Beyak:** Honourable senators, I rise today to address Inquiry No. 19 of Senator Kim Pate, the knowledgeable and thoughtful inquiry that she issued here a few weeks ago.

I want to present a somewhat different side of the residential school story. Far too many indigenous people, especially women, are incarcerated in Canada today and, like everyone in this chamber, I seek to find solutions.

Today I will take a broad look at several timely indigenous issues that are before us. I speak partly for the record, but mostly in memory of the kindly and well-intentioned men and women and their descendants — perhaps some of us here in this chamber — whose remarkable works, good deeds and historical tales in the residential schools go unacknowledged for the most part and are overshadowed by negative reports. Obviously, the negative issues must be addressed, but it is unfortunate that they are sometimes magnified and considered more newsworthy than the abundance of good.

It is because of the less partisan nature of the Senate that we have the ability to look at issues more objectively, to take that second sober look that sometimes gets missed in the theatrics of politics.

Honourable senators, I want to first acknowledge the excellent work undertaken by the Truth and Reconciliation Commission. Mistakes were made at residential schools — in many instances, horrible mistakes that overshadowed some good things that also happened at those schools.

Many of you may know the famous Cree storyteller Tomson Highway by his works and international media presence. You may not know that for several years he worked compassionately with indigenous inmates. He is an Order of Canada recipient and lauded by *Maclean's* magazine as one of the 100 most important people in Canadian history. Tomson Highway is an accomplished playwright, novelist and classical pianist. Of residential schools, Highway says this:

It's the same with the residential school issue.

All we hear is the negative stuff; nobody's interested in the positive, the joy in that school. Nine of the happiest years of my life, I spent at that school. . .

You may have heard from 7,000 witnesses in the process that were negative, but what you haven't heard are the

7,000 reports that were positive stories. There are many very successful people today that went to those schools and have brilliant careers and are very functional people, very happy people like myself. I have a thriving international career, and it wouldn't have happened without that school.

Highway has had little negative feedback from the indigenous community, because he also takes seriously the trauma of the residential schools for others. He worked for many years after university as a social worker, with broken families and inmates, mixing the challenges they face with the humour and spirituality of Aboriginal culture.

To change the name of the Langevin Block here in Ottawa — as well as other legacy infrastructure in Calgary and across the country — is a good example of fiction getting in the way of fact. It concerns me that this call for a name change is based on factual misinformation.

It concerns me that the call for the name change is a distraction from the important matters being addressed by the Truth and Reconciliation Commission and will take valuable dollars away from more substantial indigenous needs, including the needs of incarcerated indigenous women.

Honourable senators, to help us appreciate the issue from a different perspective, I asked a prominent Canadian author, journalist and researcher, Robert MacBain, a long-time Liberal adviser, for his insights.

Toronto author Robert MacBain has kept watch on the Aboriginal file for more than 50 years — as a reporter for major Canadian newspapers in the 1960s; consultant to the Department of Indian Affairs in the early 1970s; and author of a recent book based on more than 100 hours of interviews with 32 Ojibways, Mohawks and Crees; and a considerable amount of research and personal experience.

I have read Mr. MacBain's book, *Their Home and Native Land*, and found it to be well-researched and informative. I was particularly struck by the manner in which he allowed the individual Ojibways, Mohawks and Crees to tell their story in their own words. His book is dedicated to the late Brian Tuesday, a native of Fort Frances in my northwestern Ontario area.

Early this month, I asked Mr. MacBain to comment on the push to rename the Langevin Block because of Sir Hector-Louis Langevin's involvement with the Indian residential school system and the long-lasting effects on indigenous people today.

I would now like to share some of his thoughts with my colleagues in this chamber. This is what Mr. MacBain wrote:

It has been suggested that the Langevin Block should be renamed because Sir Hector-Louis Langevin — a French nationalist who favoured uniting the British colonies rather than joining the Americans — was one of the "architects" of the Indian residential school system.

In fact, schools for Aboriginal children — day schools and residential — were in place decades before Langevin became one of Sir John A. Macdonald's senior cabinet ministers.

The Society for the Propagation of the Gospel in New England and Parts Adjacent in America (The New England Company) established a day school on the Six Nations of the Grand River reserve near Brantford, Ontario, in 1828.

Langevin was only two years old at that time.

By the time Langevin was four, the Methodists were operating eleven schools in southern Ontario attended by 400 Muncey, Ojibway and Oneida children — 150 of whom could read and write.

On July 17, 1849 — when Langevin was 23 — the Wesleyan Methodist Church in Canada laid the cornerstone for the Mount Elgin Indian Residential School at Muncey, Ontario.

According to a report in the *Christian Guardian*:

A deep interest was manifestly felt by the great body of Christianized Indians assembled for the occasion. Five or six hundred of the Red Men were assembled.

• (1840)

The ceremony was attended by Governor General James Bruce Elgin, after whom the school was named, and the chiefs of the Muncey, Ojibway and Oneida tribes.

During the negotiations the new Dominion of Canada entered into with the scattered bands living between Thunder Bay and the eastern slopes of the Rocky Mountains, a large number of Aboriginal people who had converted to Christianity requested schools and missionaries. Many of their children were already attending church-run residential schools.

Lieutenant-Governor Alexander Morris, who negotiated four of the seven treaties signed between 1871 and 1877, said:

The universal demand for teachers, and for some of the Indians for missionaries, is also very encouraging. The former, the Government can supply; for the latter they must rely on the churches, and I trust these will continue and extend their operations amongst them. The field is wide enough for all, and the cry of the Indian for help is a clamant one.

Among a list of items the chiefs presented to Lieutenant-Governor Morris was:

To supply us with a minister and school teacher of whatever denomination we belong to.

The Church Missionary Society had been operating schools for Cree children at The Pas and Cumberland House in northern Manitoba for quite some time before a treaty for that region was negotiated. A large school was nearing completion at Grand Rapids, and all the bands requested assistance for the maintenance of the church-run schools.

The Ojibways in the Manitoba Superintendency in 1877 wanted to be taught farming and building and some in the area of Fort Frances were already making progress with their farming

operating. The Ojibway at Lac Seul had built two villages in order to have the benefit of schools. The Indian agent in the Lake Manitoba district said that one band had built a good school, 19 new houses and had 140 acres under cultivation.

The Cree in the Athabasca region told treaty commissioners in June 1899 that they wanted education for their children “... but stipulated that in the matter of schools there should be no interference with their religious beliefs.” Catholic or Protestant.

The Commissioner’s report said the following:

All the Indians we met were with rare exceptions professing Christians, and showed evidences of the work which missionaries have carried on among them for many years. A few of them have had their children avail themselves of the advantages afforded by boarding schools established at different missions.

A large boarding school operated at Fort Albany by the Grey Nuns from the parent house in Ottawa accommodated 20 Cree pupils. Assistance was provided for the sick in the hospital ward and a number of elderly people who are unable to hunt with their relatives were supported every winter. The celebration of mass was well attended on Sunday.

The Church of England mission at Fort Albany was said to be in a flourishing condition. The large church was filled for all Sunday services and the Cree participated in their own language.

At one gathering, the Anglican bishop at Moosonee “. . . began with a prayer in Cree, the Indians making their responses and singing their hymns in the same language.”

The church at Moose Factory established by the Church Missionary Society was “. . . crowded every evening by interested Indians . . .” at the same time that the treaty was signed.

During treaty negotiations in northern Saskatchewan in August 1906:

. . . the chief of the English River band insisted that in the carrying out of the government’s Indian educational policy among them there should be no interference with the system of religious schools now conducted by the mission, but that public aid should be given for improvement and extension along the lines already followed.

A mission at Ile-a-la-Crosse in northern Saskatchewan that had been established around 1844, when Langevin was still in his teens, looked quite marked by age. The treaty commissioner said the school “. . . is cozy within and the children whom I had the pleasure of meeting there, evidenced the kindly care and careful training of the devoted women who have gone out from the comforts of civilization to work for the betterment of the natives of the north.”

A two-storey school had been built 48 kilometres south of the mission and the children were in the process of moving in when the treaty was negotiated.

Given the significant number of Aboriginals throughout Canada who had converted to Christianity and voluntarily placed their children in church-run residential schools decades

before Confederation, it cannot be said that Sir Hector-Louis Langevin was one of the architects of the Indian residential school.

Was he a racist as those urging that his name be removed from the Langevin Block claim that he was?

An 1883 statement Langevin made in the House of Commons is often cited as proof positive that he was.

Here is what he said:

The fact is, if you wish to educate these children you must separate them from their parents during the time they are being educated. If you leave them in the family they may know how to read and write, but they will remain savages, whereas by separating them in the way proposed, they acquire the habits and tastes — it is to be hoped only the good tastes — of civilized people.

That is basically the position that was taken as far back as 1847 by Egerton Ryerson, after whom Toronto's Ryerson University is named.

In a letter that he wrote when he was Upper Canada's Chief Superintendent of Education, he said:

... nothing can be done to improve and elevate his character and condition without the aid of religious feeling. This information must be superadded to all others to make the Indian a sober and industrious man.

Ryerson said numerous experiments had shown "... that the North American Indian cannot be civilized or preserved in a state of civilization (including habits of industry and sobriety) except in connection with, if not by the influence of, not only religious instruction and sentiment but of religious feelings."

As Robert MacBain goes on to say, in his insightful remarks:

Through today's eyes, both Ryerson and Langevin come across as racists. However, they were most definitely not the exceptions that proved the rule.

He goes on to say:

Those were different times and people of different times — such as Langevin — should be judged according to the values of those times.

With regard to Aboriginal children being separated from their parents while attending residential school, two things should be borne in mind.

First, fewer than one in three school-aged Aboriginal children ever stepped foot inside a residential school.

According to the final report of the Truth and Reconciliation Commission, there were 28,429 school-age Aboriginal children in the 1944-45 school year. Only 16,438, or 57 per cent, went to school. Of those, 8,865, or 53.9 per cent, attended a residential school, and 7,573, 46 per cent, attended day school.

The report says:

This meant that 31.1% of the school-aged Aboriginal children were in residential schools.

That also means that 68.9 per cent were not.

Most children were in day schools or boarding schools, located on their home reserve. The nomadic, tent-dwelling parents of many of those in the boarding schools on the reserves were most likely away hunting for months at a time, just as so many had been at the time that the numbered treaties of 1871 to 1921 were negotiated.

Second, the National Indian Brotherhood, forerunner to the Assembly of First Nations, proposed in 1971 that "... residence services [would] be contracted to Indian groups having the approval of the bands served by the respective residences."

In other words, the children from the isolated communities would continue to live hundreds of kilometres away from their parents but the schools would be administered by Aboriginal people.

One final word.

**The Hon. the Speaker:** I am sorry to interrupt, but I must advise that the honourable senator's time has expired. Are you asking for five more minutes?

**Senator Beyak:** If I may.

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

**Hon. Senators:** Agreed.

**Senator Beyak:** Mohawk Chief Joseph Brant — after whom the city of Brantford, Ontario is named — often wore nicely tailored English apparel. On top of that, he was a Mason and King George III himself gave him his ritual apron.

Brant had a good-sized farm with mixed crops, cattle, sheep and hogs. He built a fancy two-storey house and staffed it with 22 servants and slaves.

One of his slaves, by the name of Sophia Burthen Pooley, was purchased when she was seven and travelled with Brant and his family for many years until he sold her to an Englishman for \$100.

No one is suggesting that Chief Brant's name be removed from the city of Brantford, Brant County or the Joseph Brant Memorial Hospital in Burlington.

Nor is it being suggested that the Americans rename their capital city of Washington because first President George Washington owned 319 slaves at the time of his death on December 14, 1799.

Once again, honourable senators, it was different times and people of different times, and they should be judged according to the values of those times.



• (1850)

I would urge each of you to read Robert MacBain's excellent book. He speaks directly to people, and it's very enlightening. To read their own thoughts in their own words is very refreshing.

For my part, I've lived in Dryden, Fort Francis and Rainy River, and I travel through Thunder Bay or Winnipeg when I come to Ottawa as a senator. I live among Aboriginal people. They are my friends and advisers. Their concerns are our concerns, and their wisdom and spirituality is vast.

Every Sunday morning, I watch "Tribal Trails," a ministry of the Northern Canada Evangelical Mission and Spirit Alive Ministries from Thunder Bay, Christian Aboriginals filled with the same spirit of God and the love of Jesus that I and many others share. Whether we believe that Jesus was the son of God or a great preacher or have no religious belief at all, the stories of these Aboriginal Christians are inspiring and uplifting, and their lives are filled with joy, love and the peace that passes all understanding. They speak of forgiveness. Our forefathers who were involved with residential schools — some may even be related to you — were well-intentioned for the most part, and those who were not should be forgiven. As with everything in life, forgiveness will go a long way in the process of reconciliation.

Every government blames the previous government for the many problems we are talking about today, but in the case of indigenous people, both parties, Conservative and Liberal, are the past governments. What we have been doing for decades is not working. It is patently unacceptable that a teenager on a reserve in Canada has never tasted fresh, clear drinking water from his own kitchen tap and that our jails are filled with Aboriginal women or that they are missing or murdered.

After spending billions of taxpayer dollars over many decades, we must find something new. There are excellent calls to action in the Truth and Reconciliation Report, but, frankly, I did not see any new light shed on these issues.

I, too, have followed this file for 50 years. Prime Minister Pierre Elliott Trudeau and Indian Affairs Minister Jean Chrétien's white paper of 1969 was groundbreaking at the time. We cannot go back to it, and I am not suggesting we should. But most of the grassroots Natives were not aware of it, and many people I speak with would support something similar today.

The well-intentioned indigenous leaders of the day rejected the white paper at that time with a red paper of their own, but without much consultation with their ordinary folks. They claimed to have consulted widely, but if that were the case, why have so few Aboriginals heard of it? The status quo worked for the leaders, and they were reluctant to try something as unique as Trudeau's white paper.

The leaders of the day called it "forced assimilation," but I don't believe that was Trudeau's intent. I think he just wanted us to be Canadians together. His wise words still ring in my ears 48 years later, to the effect of "whose mountains, whose rivers, whose valleys?" He wanted us to enjoy them together as Canadians, with the freedom that the ability to make our own decisions and use our own money provides. Private property, home ownership, the choice of where to live and how to practise and enjoy our unique cultures are cherished values we all share.

I am simplifying the concept here, but basically the white paper was a one-time financial compensation of the treaties and land claims to be paid to every indigenous man, woman and child in Canada in an equal amount to each that would reflect the fair value of the day, to be calculated in consultation with everyone affected. The concept was to trade your status card for Canadian citizenship and all move forward together, sharing the same schools, hospitals, natural resources and social services and each of us preserving our own culture, in our own time, on our own dime, all with proper input from those involved. Details are still available at the Library of Parliament and on the Internet because it was brilliant and revolutionary.

**The Hon. the Speaker:** I am sorry to interrupt, senator, but your time has expired again. Do you need five more minutes?

**Senator Beyak:** Five will finish it if you don't mind.

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

**Hon. Senators:** Agreed.

**Senator Beyak:** We will never know if the white paper was right or wrong or if it would have worked, but, once again, it was well-intentioned.

Now, 48 years later, the challenge of a better life for indigenous people has not been met, and what governments of all stripes have done is obviously not working. In 48 years from now, I am counting on a better outcome, and I know you all are too.

For the past four years, it has been my honour and privilege to sit on the Senate Aboriginal Peoples Committee with distinguished colleagues and to listen to countless exceptional witnesses. The reports we have generated, as with all Senate committee reports, will become internationally renowned and quoted. Every single one of us in this chamber should feel incredibly proud of our work and our excellent intentions.

There is no monopoly on caring and compassion, and most human beings are well-intentioned. I have noted many recommendations over the four years, but two seem particularly germane to future success. We need a national audit on every single dollar coming and going out of the indigenous file. Although it is said to be a federal issue, there are agreements with provinces and municipalities, treaty language and settlement, land claims, trade and barter, business and commerce, natural resources, casino revenue, education, health and housing. The list is endless and the overlap is endless, and none of the witnesses, officials and bureaucrats we ask have been able to give us a total dollar figure. How can we know if we are funding adequately if we cannot measure it?

My second observation is the need for a national referendum of every single indigenous person over the age of 12 to ask them what they want for their future. Where do they want to live, and what do they want to do? Everyone involved is well-intentioned, as I said earlier, but we talk to each other and to the Indian industry, who also talk to one another but never to their people. Often these groups cannot come to any agreement, and the women and children suffer the most.

There are many examples to prove my point, and I urge everyone to read *The Toronto Star* article for a graphic look, called, "An Indian Industry has emerged amid the wreckage of

many Canadian reserves.” It will make you cry and it will make you angry.

What do we have to fear by trying something new? What governments of all stripes have been doing for decades, while spending billions of taxpayer dollars, is not working. Let’s calculate and account for the total dollars, and let’s talk with the people whose lives are actually affected.

In closing, senators, we all want the same things in life: loving companionship, something to do, something to look forward to. What we can’t do is rewrite history, but we should learn from the past so that we do not repeat the mistakes. And we should look forward to the future. The windshield is larger than the rear view mirror for a reason: A hopeful future is better than a troubled past, a bright future that has Canada’s native people thriving as victors, not victims.

**Hon. Murray Sinclair:** Is the senator willing to take a question?

**Senator Beyak:** Absolutely, senator, but I can’t imagine anything you could ask me that I would have the answer to.

**Senator Sinclair:** Thank you for the elucidation of your views with regard to the history of indigenous and non-indigenous people in this country, senator. I am a bit shocked, senator, that you still hold some views that have been proven to be incorrect over the years, but, nonetheless, I accept that you have the right to hold them.

I notice that you didn’t actually speak to the issues that were raised in the inquiry by Senator Pate, and that is the issue of incarceration of indigenous women and, particularly, the presentation that Senator Pate made with regard to the connection between the over-incarceration of indigenous women in the prisons of our country; and the connection of those incarceration rates to the history of oppression and violation that has come about because of residential school experiences; and the connection to the history of abuse that has gone on in the schools; and, in particular, the sexual violations that have occurred for indigenous women in the area of 50 per cent of those who have identified having compensation claims under the independent assessment process. Do you have a view with regard to whether or not those facts that have been disclosed by both the TRC report and Senator Pate are accurate, or do you have anything you wish to say about that?

**The Hon. the Speaker:** Excuse me, Senator Beyak, your time has expired again. Are you asking for time to respond to the question?

**Some Hon. Senators:** No.

**Senator Beyak:** I can answer later.

**The Hon. the Speaker:** Is no leave granted?

**Some Hon. Senators:** No.

(On motion of Senator Boniface, debate adjourned.)

• (1900)

## NATIONAL SECURITY AND DEFENCE

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

**Hon. Gwen Boniface,** for Senator Jaffer, pursuant to notice of March 2, 2017, moved:

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.

**Hon. Joan Fraser:** Would Senator Boniface take a question?

**Senator Boniface:** Yes.

**Senator Fraser:** I do this to everybody, so nothing personal.

When the Senate is asked to approve an order of reference like this, I think it’s appropriate for us to be given a little bit of information, not that the subject is not worthy, but in terms of use of Senate resources, particularly travel budgets.

I know you don’t have approval for a budget yet; you have to get the order of reference first. Are you planning, as a committee, to travel as part of this study?

**Senator Boniface:** Not to my knowledge.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

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

## CONTENTS

Tuesday, March 7, 2017

PAGE	PAGE
<b>SENATORS' STATEMENTS</b>	<b>QUESTION PERIOD</b>
<b>The Honourable Jacques Demers</b>	<b>Business of the Senate</b> . . . . . 2476
Hon. Larry W. Smith . . . . . 2472	<b>Delayed Answers to Oral Questions</b>
<b>Ontario Women in Law Enforcement</b>	Hon. Peter Harder . . . . . 2476
Congratulations on Twentieth Anniversary.	<b>Heritage Canada</b>
Hon. Gwen Boniface . . . . . 2472	Recognition of Korean War Veterans in Canada's One Hundred
<b>Visitors in the Gallery</b>	and Fiftieth Anniversary Celebrations.
The Hon. the Speaker. . . . . 2472	Question by Senator Martin.
<b>The Late Bernard (Ben) Tierney</b>	Hon. Peter Harder (Delayed Answer). . . . . 2477
Hon. Jim Munson . . . . . 2472	Sesquicentennial Events—Role of Korean War Veterans.
<b>Tom Myketyyn</b>	Question by Senator Martin.
Hon. Michael L. MacDonald . . . . . 2473	Hon. Peter Harder (Delayed Answer). . . . . 2477
<b>The Honourable Chantal Petitclerc, C.C., C.Q.</b>	<b>Privy Council Office</b>
Congratulations on Honourable David C. Onley Award.	Policy on Hiring Medically Released Veterans.
Hon. Yonah Martin . . . . . 2474	Question by Senator Downe.
	Hon. Peter Harder (Delayed Answer). . . . . 2477
	<b>Health</b>
	Animal Testing.
	Question by Senator Stewart Olsen.
	Hon. Peter Harder (Delayed Answer). . . . . 2478
	<b>Transport</b>
	Western Canadian Grain Transportation.
	Question by Senator Plett.
	Hon. Peter Harder (Delayed Answer). . . . . 2478
<b>ROUTINE PROCEEDINGS</b>	
<b>Citizenship Act (Bill C-6)</b>	
Bill to Amend—Tenth Report of Social Affairs, Science and	
Technology Committee Presented.	
Hon. Kelvin Kenneth Ogilvie . . . . . 2474	
<b>Study on the Effects of Transitioning to a Low Carbon Economy</b>	
Fifth Report of Energy, the Environment and Natural	
Resources Committee Tabled with Clerk during Adjournment	
of the Senate.	
Hon. Paul J. Massicotte . . . . . 2475	
<b>Rules, Procedures and the Rights of Parliament</b>	
Fourth Report of Committee Presented.	
Hon. Joan Fraser . . . . . 2475	
<b>Controlled Drugs and Substances Act (Bill C-224)</b>	
Bill to Amend—Twelfth Report of Legal and Constitutional	
Affairs Committee Presented.	
Hon. George Baker . . . . . 2475	
<b>Official Languages</b>	
Notice of Motion to Authorize Committee to Extend Date of	
Final Report on Study of the Challenges Associated with	
Access to French-Language Schools and French Immersion	
Programs in British Columbia.	
Hon. Claudette Tardif . . . . . 2476	
<b>Human Rights</b>	
Notice of Motion to Authorize Committee to Study International	
and National Human Rights Obligations and Refer Papers and	
Evidence since Beginning of First Session of Thirty-seventh	
Parliament.	
Hon. Jim Munson . . . . . 2476	
	<b>ORDERS OF THE DAY</b>
	<b>Canada Labour Code (Bill C-4)</b>
	Bill to Amend—Third Reading—Debate Continued.
	Hon. Elaine McCoy . . . . . 2478
	<b>Canada-European Union Comprehensive Economic and Trade</b>
	<b>Agreement Implementation Bill (Bill C-30)</b>
	Second Reading . . . . . 2480
	Referred to Committee . . . . . 2480
	<b>Canada-Ukraine Free Trade Agreement Implementation Bill</b>
	<b>(Bill C-31)</b>
	Second Reading.
	Hon. Leo Housakos . . . . . 2480
	Referred to Committee . . . . . 2481
	<b>Controlled Drugs and Substances Bill (Bill C-37)</b>
	Bill to Amend—Second Reading—Debate Continued.
	Hon. Peter Harder . . . . . 2481
	Hon. Vernon White . . . . . 2482
	Hon. Carolyn Stewart Olsen . . . . . 2483
	Hon. Larry W. Campbell . . . . . 2483
	Hon. Yonah Martin . . . . . 2483
	<b>National Anthem Act (Bill C-210)</b>
	Bill to Amend—Third Reading—Debate Suspended.
	Hon. Frances Lankin . . . . . 2484
	<b>Business of the Senate</b>
	The Hon. the Speaker. . . . . 2488

	PAGE
<b>Visitors in the Gallery</b>	
The Hon. the Speaker . . . . .	2488

## QUESTION PERIOD

### Ministry of Foreign Affairs

Legalization of Marijuana—Treaty Obligations.	
Hon. Claude Carignan . . . . .	2488
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2488
Burma—Persecution of Rohingya Muslims.	
Hon. Salma Ataullahjan . . . . .	2489
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2489
Asia-Pacific Economic Relations.	
Hon. Joseph A. Day . . . . .	2489
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2489
Safe Third Country Agreement.	
Hon. Pamela Wallin . . . . .	2490
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2490
Women, Peace and Security.	
Hon. Marilou McPhedran . . . . .	2491
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2491
North American Free Trade Agreement.	
Hon. Tobias C. Enverga, Jr. . . . .	2492
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2492
United Nations Security Council.	
Hon. Dennis Dawson . . . . .	2493
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2493
Hon. Claude Carignan . . . . .	2493
Satellite Licensing Framework.	
Hon. Dennis Glen Patterson . . . . .	2493
Hon. Chrystia Freeland, P.C., M.P., Minister of Foreign Affairs . .	2493
<b>Business of the Senate</b> . . . . .	2493

## ORDERS OF THE DAY

### National Anthem Act (Bill C-210)

Bill to Amend—Third Reading—Debate Adjourned.	
Hon. Francis Lankin . . . . .	2494
Hon. David M. Wells . . . . .	2495
Hon. Yonah Martin . . . . .	2495
Hon. Renée Dupuis . . . . .	2496
Hon. Claudette Tardif (The Hon. the Acting Speaker). . . . .	2496
Hon. Anne C. Cools . . . . .	2496
Hon. Jim Munson . . . . .	2497

### Criminal Code (Bill S-206)

Bill to Amend—Second Reading—Debate Continued.	
Hon. Murray Sinclair . . . . .	2499

	PAGE
<b>Parliament of Canada Act (Bill S-234)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Patricia Bovey . . . . .	2501

### Study on the Steps Being Taken to Facilitate the Integration of Newly-Arrived Syrian Refugees and to Address the Challenges They are Facing

Fifth Report of Human Rights Committee and Request for Government Response—Debate Continued.	
Hon. Salma Ataullahjan . . . . .	2501

### 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 and Request for Government Response—Debate Continued.	
Hon. Michael L. MacDonald . . . . .	2503

### Study on the Design and Delivery of the Federal Government's Multi-Billion Dollar Infrastructure Funding Program

Twelfth Report of National Finance Committee and Request for Government Response—Debate Adjourned.	
Hon. Larry W. Smith . . . . .	2503
Hon. Diane Bellemare . . . . .	2504

### Study on Best Practices and On-going Challenges Relating to Housing in First Nation and Inuit Communities in Nunavut, Nunavik, Nunatsiavut and the Northwest Territories

Fifth Report of Aboriginal Peoples Committee and Request for Government Response—Debate Adjourned.	
Hon. Lillian Eva Dyck . . . . .	2505
Hon. Pierrette Ringuette . . . . .	2507

### The Senate

Motion to Amend the <i>Rules of the Senate</i> to Ensure Legislative Reports of Senate Committees Follow a Transparent, Comprehensible and Non-Partisan Methodology—Motion in Amendment—Debate.	
Hon. Diane Bellemare . . . . .	2508
Motion to Encourage the Government to Evaluate the Cost and Impact of Implementing a National Basic Income Program—Motion in Amendment—Debate Continued.	
Hon. Kim Pate . . . . .	2511
Motion to Urge Government to Establish a National Portrait Gallery—Debate Continued.	
Hon. Paul E. McIntyre . . . . .	2512

### Increasing Overrepresentation of Indigenous Women in Canadian Prisons

Inquiry—Debate Continued.	
Hon. Lynn Beyak . . . . .	2514
Hon. Murray Sinclair . . . . .	2518

### National Security and Defence

Committee Authorized to Study Issues Relating to Creating a Defined, Professional and Consistent System for Veterans as they leave the Canadian Armed Forces.	
Hon. Gwen Boniface . . . . .	2518
Hon. Joan Fraser . . . . .	2518



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