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OFFICIAL REPORT
(HANSARD)

Tuesday, March 28, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Tuesday, March 28, 2017

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

Prayers.

[*Translation*]

VICTIMS OF TRAGEDY

LONDON, UNITED KINGDOM—
SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, I would like to take a moment to mark last week's tragic and senseless attack in London.

[*English*]

Four people, including a police officer protecting Parliament, were killed and still so many others injured and affected.

I know we all stand together with our colleagues in the British Parliament and with the people of the United Kingdom. We offer our deepest condolences to the families and friends of those who have died and those who were injured and affected by this shameful, senseless attack.

I now invite all honourable senators to rise and observe one minute of silence in memory of the victims and in solidarity with the people of the United Kingdom.

Honourable senators then stood in silent tribute.

SENATORS' STATEMENTS

SOCIAL WORK MONTH

Hon. Wanda Thomas Bernard: Honourable senators, March is National Social Work Month. Therefore, I rise today to congratulate and thank all social workers for the work they do every day in their various fields of practice, including my fellow social work colleagues here in the Senate.

I also want to take this opportunity to pay tribute to one of the founding members of the Association of Black Social Workers in Nova Scotia, Ms. Francis Mills-Clements.

Ms. Francis Rebecca Mills-Clements of Dartmouth, Nova Scotia, passed away on February 22, 2017, at the age of 90. She was a town councillor for many years and also served as Deputy Mayor in Bridgetown, Nova Scotia, for two terms. Upon retirement, a fund was established in her name to provide bursaries for African Nova Scotian women pursuing post-secondary education.

This year's theme for National Social Work Month is "The Power to Empower." When I think back to Ms. Francis Mills-Clements' life and career as a social service worker, she clearly embodied this theme. Her passion for volunteerism led to employment with the Black United Front as their prison liaison worker, a position she held for 20 years prior to retirement. Francis once stated that one of the highlights of her career was being part of the formation of the Association of Black Social Workers, as it enabled her to work in other areas such as the Children's Aid Society. This provided an opportunity to engage in prevention, which she found very empowering.

Francis' passion for justice and for Black children in care and her work with young Black men in prisons fuelled her drive to be part of the emergence of the Association of Black Social Workers. In the book *Still Fighting for Change*, Francis offers a valuable lesson to the next generation when she says:

> . . . get involved in your community and give back to the community that supports you even when you don't know you need support . . . know the past in order to be better prepared for the future.

Honourable colleagues, I am privileged today to say that Francis Mills-Clements was instrumental in my career by mentoring me because she used the power that she had to empower others. It is my hope that we continue to support the thousands of social workers across Canada who work to empower others and effect change as the late Francis Mills-Clements did.

PRINCE EDWARD ISLAND

JENNA BURKE

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, today I have the pleasure of rising to tell you about another exceptional young Islander who is using her skills and time to give back to her home province.

Jenna Burke is a fourth-year political science student at the University of Prince Edward Island and will graduate in May of this year. Throughout her time at UPEI, Jenna has been instrumental in raising awareness of indigenous issues and promoting indigenous inclusion on campus.

Jenna has been immersed in her indigenous culture from an early age and has carried her passion to share it with others in everything she puts her hand to. She started volunteering at an early age with her off-reserve indigenous organization, the Native Council of PEI, in numerous ways.

After receiving her Child and Youth Care Worker diploma from Holland College in 2006, Jenna created and led a successful youth program at the Native Council of PEI for six years before moving to Ottawa to work at the Congress of Aboriginal Peoples as the national youth policy coordinator. Her greatest achievement there was creating and overseeing the Find Your Voice youth program, which taught and promoted civic engagement to Aboriginal youth.

As a student at UPEI, Jenna volunteered at the Mawi'omi Aboriginal Student Centre on campus, serving as a mentor for Aboriginal students and organized numerous events on campus.

As well as maintaining her busy university schedule, Jenna volunteered as the lead organizer in a Mass Blanket Exercise in Charlottetown held in May of 2016. This event brought together over 30 volunteers and 100 participants to the front lawn of the provincial legislature to tell the story of Canada through an indigenous perspective. The exercise was held to honour the one-year anniversary of the Truth and Reconciliation Commission's calls to action. It was a huge success, bringing together indigenous and non-indigenous peoples from across the Maritime provinces.

A passionate advocate for all indigenous peoples, Jenna has been accepted in the Master of Arts in Indigenous Governance program at the University of Victoria in British Columbia. In fact, she was one of the top three candidates chosen for the program. Congratulations on this great accomplishment. Thank you for your ongoing investment in the indigenous and Island community.

• (1410)

TIM HORTONS BRIER 2017

CONGRATULATIONS TO TEAM GUSHUE

Hon. Norman E. Doyle: Honourable senators, it is with a great deal of pride that I rise to salute Newfoundland and Labrador's Team Gushue for winning the 2017 Canadian Tim Hortons Brier curling championship. The fact that the competition was held in St. John's in front of thousands of ardent and animated hometown fans only makes the victory all the sweeter. These days, skip Brad Gushue, third Mark Nichols, second Brett Gallant and lead Geoff Walker are the toast of the province and the nation, and deservedly so.

For Newfoundland skip Brad Gushue, the Brier win was a long time coming. He first won the Provincial Junior Curling Championships in 1995, and went on to win the contest five more years in a row. In 1999, his team won a bronze in the Canadian Junior Curling Championships and a silver in 2000. The following year, he took the Canadian Junior Curling Championships and the World Junior Curling Championship. Obviously, even as a youth, Brad Gushue displayed great talent as a curler and, equally as important, he showed he had both the heart and the mind for the game.

After his career as a junior, Gushue quickly became a competitive force in men's curling, placing well in the 2003 and 2004 Nokia Brier and the 2005 Tim Hortons Brier. In December 2005, Gushue and his team won the Canadian Olympic Trials, and represented Canada at the 2006 Olympic Winter Games in Turin, Italy.

To the amazement of the international community, to the sounds of boundless joy on the Rock, Team Gushue went on to win gold — becoming the first Newfoundland and Labrador team to win an Olympic gold medal.

Anyone one else might have been tempted to rest on his laurels and return to civilian life, but not Gushue. He continued to build and lead teams on the men's curling circuit. He has had seven grand slam victories. Gushue also participated in 13 Briers, losing a nail-biter just last year. However, Brier gold had eluded him. Indeed, so much so that winning the Brier had become an obsession on his bucket list — one he finally got to cross off with his recent victory in St. John's.

Winning the 2017 Brier is not the end for Brad Gushue; it is the beginning of a year as skip of Team Canada. Team Canada will represent our country at the 2017 World Curling Championships and will get an automatic slot at the 2018 Brier.

I'm sure all my colleagues will join me in offering congratulations to Team Gushue on winning the Brier and in wishing them all the best as they take up their responsibilities as Team Canada.

SUPPORT FOR VETERANS

Hon. Pamela Wallin: Recently we heard some very shocking testimony from the Veterans Ombudsman at the Veterans Affairs Subcommittee. He said that more than half of the 2,000 complaints he investigated last year relate to end-of-service transition; that is the transition from military to civilian life.

Clearly, this is a red flag about the treatment of the men and women who have served this country in uniform.

The ombudsman says the system is simply too complex and bureaucratic, and many departing CF members do not receive the advice or even the benefits they deserve.

He has recommended that no CF member be released until all information and veterans benefits are complete and in place. He also calls on Veterans Affairs to set up a so-called concierge system or buddy system so that veterans will have someone to turn to for help in dealing with the rules and bureaucracy.

He estimates that these improvements in resources and staffing would cost about $10 million. It's actually a small sum when you consider the difference this would make for our veterans and their families.

I want to commend the government budget document, which promises to provide an option for injured veterans to receive their disability award through a monthly payment for life rather than a one-time payment. But we need more clarity. Will it be the same disability pension that World War I and II and Korean veterans received, or will it be an entirely new system, or will it be the new Charter lump sum payment simply divided up?

So despite the government's commitment, there are many outstanding issues about service members transitioning to veteran status or even to successful civilian jobs in the public service or elsewhere.

Here is another troubling note on that point. A recent report says the total of 315 veterans, or less than 0.1 per cent of the public service, have been hired under the legislation promising preferential treatment to the ex-military applying for government work.

We owe our veterans more. Again, I will give the last word to Ombudsman Walbourne.

> . . . some of the struggles of releasing members of the Canadian Armed Forces have been brought to the attention of the public. There is no way you can sugarcoat them. They are stories of financial hardship, emotional stress and senseless frustration. We have members of the Canadian Armed Forces who have served this country for decades, with multiple deployments and citations under their belts, and who face the threat of eviction or are evicted from their homes and face financial ruin while awaiting their severance pay, first pension cheque or benefit adjudications. This is completely avoidable.

Mr. Speaker, it is avoidable, and it's our responsibility to fix it.

PLIGHT OF YAZIDI WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on the plight of the Yazidi women and the difference a few Canadian women can make in their lives.

As the battle against ISIS continues, the Yazidi, a small religious group from Sinjar, Iraq, still feel the horrific impacts from ISIS brutality. Some 3400 Yazidi women and children still remain in ISIS captivity as sex slaves or to be made into future fighters. Meanwhile, 90 per cent of the entire Yazidi population is displaced in refugee camps around the world.

As the plight of the Yazidi continues, many Canadians have taken action to help the Yazidi people. Last August, I joined Christine McDowell, who with others led the fight to convince our government to give asylum to Yazidi women.

On February 24, I joined Remember Our Sisters Everywhere for our discussion circle in Vancouver where we discussed a wide variety of issues related to the plight of the Yazidi women. Once again, I learned how a few Canadian women, such as Christine McDowell, Lianne Payne, Krista Marshall, Moira Simpson, Leslie Timmins, Elinor Warkentin, Mia Edbrooke and many others could change the lives of many women.

Honourable senators, what I saw there was a reflection of a great Canadian value. Compassionate Canadians do not turn their backs when they see people suffering worldwide. Instead, they take the initiative and help those in need. I am pleased to see this reflected by the government as it commits to accepting Yazidi refugees. Four hundred women and families are here and more to come soon.

This program will also aim to help keep families together, to assist their adjustment to Canada and heal from the trauma they have suffered.

Honourable senators, let me share with you what I heard from one young woman in my travels. I met a young woman who is a 14-year-old Yazidi girl. When I saw her, she had many physical injuries and, of course, emotional wounds. She was very fragile and her eyes were very sad.

This is what she said: One day, men had suddenly arrived at their home. They took her grandfather, father, uncles and brothers. They took them outside the house and killed them in front of all the women and children. Then the women and the very young children were taken away by these men. The young girls were then dragged into a van and driven away for many hours. The young girl I met was taken into a dark room where she was sexually assaulted once, twice, many times by many different men. This went on for days. Then she was taken to the market and sold to a man who was brutal to her. One day she escaped.

There is a lot more she said to me. When I met her she had lost her family and everything and had nowhere to go. She had no home to go.

Christine McDowell and other Canadian women cannot give back her family, but they are trying to give her a home. I thank our government, and I thank these women for standing up and speaking up for Yazidi girls. Thank you.

• (1420)

TIM HORTONS BRIER 2017

CONGRATULATIONS TO TEAM GUSHUE

Hon. Fabian Manning: Honourable senators, this is such a great Newfoundland and Labrador story I am going to tell it twice. Today I am pleased to present chapter 14 of "Telling Our Story."

When people think about Newfoundland and Labrador, the sport of curling may not be on the top of their list, but from March 4-12 of this year, curling was the number one topic of discussion in my province — even eclipsing the everlasting conversation about the weather this winter!

For the first time in 45 years, the Brier was held in Newfoundland and Labrador and was a story for the ages. Our province was represented by Team Gushue, consisting of lead Geoff Walker, second Brett Gallant, third Mark Nichols and skip Brad Gushue.

The Brad Gushue success story will be told and retold for generations to come in Newfoundland and Labrador. To say that the atmosphere in St. John's and throughout our province during

that week was electrifying and thrilling would be an understatement. Final attendance records released by Curling Canada show that 123,000 fans showed up at Mile One Stadium, which falls into the top 20 attendance records of all time in the history of the Brier.

Indeed, history was relived when Jack McDuff, the last man to skip our province to a Brier title in 1976, made a surprise appearance at the opening ceremonies, joined by his teammates from over 40 years ago. Jack, who is battling MS, could barely make the trip from his current home in New Brunswick, but found the strength. This gave Brad and his team a big shot of encouragement.

While hurricane winds howled outside during a major winter windstorm, the fans were howling inside as Team Gushue chased their dream — a dream that had eluded them for so long.

This was Gushue's fourteenth time participating in the Brier, making it to the finals in both 2007 and 2016, and he has tasted remarkable victories in the past. In 2001, Gushue and his team won the World Junior Curling Championship. He and his teammate Mark Nichols stood on the top of the podium when they won the gold medal at the 2006 Winter Olympics.

They have made an incredible mark on the sports history of Newfoundland and Labrador, but I doubt if any of these past victories were as sweet as winning the Canadian championship at the Tim Hortons 2017 Brier in St. John's earlier this month.

With 6,471 enthusiastic and animated fans in attendance for the final game on Sunday evening, the excitement is hard to explain in mere words. Provincial pride was through the roof and Team Gushue was not about to disappoint.

Team Gushue faced Team Canada, last year's Brier winner Kevin Koe and his team from Alberta. What a game it was! At the end of the ninth end the score was tied 6-6. Team Gushue had the hammer in the tenth end and it came down to the final rock. A collective hush fell over Mile One Stadium, and I believe even the howling winds outside subsided for a moment.

You could have heard a pin drop as Brad slid out of the hack and released his fingertips from the rock's handle. With teammates Mark, Brett and Geoff furiously sweeping Gushue's rock into the history books, the people in the stadium, the local bars and living rooms across Newfoundland and Labrador all came to their feet. It was the perfect shot, making for the perfect ending!

Brad Gushue and his team were realizing their dream and our province is proud of our 2017 Brier champions.

The roars of the crowd, just like the wind, have subsided, but the provincial pride will be around for a long time to come. What a wonderful chapter in the story of Newfoundland and Labrador.

Team Gushue will represent Canada in the World Curling Championships being held in Edmonton, Alberta, starting this coming weekend. I want to wish them the very best throughout this competition.

I ask all senators to join me in congratulating the champions of the 2017 Tim Hortons Brier, Team Gushue of Newfoundland and Labrador!

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CANADIAN HUMAN RIGHTS COMMISSION

2016 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Human Rights Commission for the year 2016, pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act.

[*Translation*]

CANADIAN HUMAN RIGHTS TRIBUNAL

2016 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Report of the Canadian Human Rights Tribunal for the year 2016, pursuant to the Canadian Human Rights Act.

BUDGET 2017

DOCUMENTS TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, Budget 2017 entitled *Building a Stronger Middle Class* and an accompanying document entitled *Tax Measures: Supplementary Information*.

[*English*]

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

INFORMATION IN REGARD TO INQUIRY REPORT AND TWO PRELIMINARY DETERMINATION LETTERS OF THE SENATE ETHICS OFFICER TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to advise the Senate that, pursuant to subsections 47(17) and 48(18) of the *Ethics and Conflict of Interest Code for Senators*,

on March 9, 2017, I caused to be deposited with the Clerk of the Senate an inquiry report of the Senate Ethics Officer and two preliminary determination letters of the Senate Ethics Officer. Pursuant to rule 14-1(6), documents deposited with the Clerk under rule, order or statute "shall then be considered tabled in the Senate," and under subsections 47(18) and 48(19) of the *Ethics and Conflict of Interest Code for Senators*, the documents became public documents when they were deposited.

[*Translation*]

CONSTITUTION ACT, 1867
PARLIAMENT OF CANADA ACT

BILL TO AMEND—ELEVENTH REPORT OF THE SPECIAL SENATE COMMITTEE ON SENATE MODERNIZATION PRESENTED

Hon. Serge Joyal, Deputy Chair of the Special Senate Committee on Senate Modernization, presented the following report:

Tuesday, March 28, 2017

The Special Senate Committee on Senate Modernization has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate), has, in obedience to the order of reference of Thursday, October 6, 2016, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

SERGE JOYAL
Deputy Chair

(*For text of observations, see today's* Journals of the Senate, *p. 1370*.)

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

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

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON OPPORTUNITIES FOR STRENGTHENING COOPERATION WITH MEXICO SINCE THE TABLING OF THE COMMITTEE REPORT ENTITLED *NORTH AMERICAN NEIGHBOURS: MAXIMIZING OPPORTUNITIES AND STRENGTHENING COOPERATION FOR A MORE PROSPEROUS FUTURE*—NINTH REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Tuesday, March 28, 2017

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

NINTH REPORT

Your committee was authorized by the Senate on Tuesday, March 22, 2016, to examine and report on opportunities for strengthening cooperation with Mexico since the tabling, in June 2015, of the committee report entitled *North American Neighbours: Maximizing Opportunities and Strengthening Cooperation for a more Prosperous Future*.

The committee budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* of April 14, 2016. On April 19, 2016, the Senate approved a partial release of $8,952 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix, p. 1390*.)

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

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

[*Translation*]

THE ESTIMATES, 2016-17

SUPPLEMENTARY ESTIMATES (C)—THIRTEENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Senator Larry W. Smith: Honourable senators, I have the honour to table, in both official languages, the thirteenth report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2017.

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

• (1430)

THE SENATE

MOTION TO AFFECT TODAY'S QUESTION PERIOD ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate, I move:

> That, notwithstanding the order adopted on March 9, 2017, Question Period today be held at its normal time.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

BUDGET 2017

NOTICE OF INQUIRY

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the budget entitled *Building a Strong Middle Class*, tabled in the House of Commons on March 22, 2017, by the Minister of Finance, the Honourable Bill Morneau, P.C., M.P., and in the Senate on March 28, 2017.

[*Translation*]

APPROPRIATION BILL NO. 5, 2016-17

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-40, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017.

(Bill read first time.)

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

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Some Hon. Senators: Agreed.

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

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

APPROPRIATION BILL NO. 1, 2017-18

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-41, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2018.

(Bill read first time.)

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

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

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

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FOURTH PART OF THE 2016 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE AND ITS PARLIAMENTARY MISSION TO MALTA, OCTOBER 10-19, 2016— REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Fourth Part of the 2016 Ordinary Session of the Parliamentary Assembly of the Council of Europe and its Parliamentary Mission to Malta, the next country to hold the rotating Presidency of the/ Council of the European Union, held in Strasbourg, France and Valletta, Malta, from October 10 to 19, 2016.

QUESTION PERIOD

JUSTICE

LEGALIZATION OF MARIJUANA

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate.

[*Translation*]

Leader of the Government in the Senate, it has been widely reported in the media this week that the Liberal government is getting ready to introduce a bill to legalize marijuana by July 1st, 2018. If that is so, I find it odd that the federal budget brought down last week makes only one mention of this important policy change.

In fact, the budget proposes allocating existing funding of $9.6 million over five years to help Health Canada support public education programs and oversight activities. That is all that was announced. No mention is made of research initiatives or additional funding for collecting data or procuring drug screening devices for dealing with cases of drug-impaired driving.

Could the Leader of the Government in the Senate tell us where the money will come from for conducting research into marijuana and the effects of this drug on young people, including with regard to impaired driving? Could he also tell us where the money will come from to help enforcement agencies prepare for the coming into force of this new policy?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Senators will recall that in the last session, just before the break, I thanked the honourable senator for his last question to me as Leader of the Opposition in the Senate. I guess I was premature, but I do want to acknowledge, as we all have, the contribution the senator has made, and at the same time welcome next week Senator Smith in his new role for which he has just been elected.

With respect to the question that has been asked about cannabis, let me simply reiterate it is the intention of the government, as the Minister of Health indicated when she was here for Question Period, to bring forward legislation in the spring of this year, and to have at that time a broad engagement with Parliament on the matter of legalization. It's a commitment that the government made in the last election and that, consequent to its deliberation and Parliament's consideration, the government will, should it be required, make other recommendations and funding allocations in respect of what has yet to be determined by Parliament. The issues the senator has raised are ones that, of course, would have to be looked at in the context of whatever program that the Parliament ultimately adopted.

FINANCE

FEDERAL FISCAL DEFICIT— ECONOMY

Hon. Richard Neufeld: My question is for the Leader of the Government in the Senate. During the 2015 federal election campaign, the Liberal Party promised Canadians they would run a "modest short-term deficit of less than $10 billion in each of the next two years."

After this, according to the Liberals, the deficit would decline and Canada would return to a balance in 2019. Instead, the Liberal deficit is almost triple of what they pledged. The budget also contains absolutely no plan, not even a hint of a plan, as to how the Liberal government plans to return to balance.

Could the government leader please confirm that this Liberal government has completely abandoned any plans to present a balanced budget to Canadians?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and would want to point to the budget documents, which make two observations in the material, and that is that the deficit of 2017-18 is expected to be $28.5 billion, declining in the course of the projected period to 2021 down to $18.8 billion, so in that sense the projections reflect the government's expectations. I would also point to the important anchor of debt-to-GDP ratio, which is projected to be 31.6 in 2017-18, declining to 30.9 in the projected 2021 budget.

Senator Neufeld: Canadians were told by the Liberals that we could spend our way to growth. Instead, the budget projects weak

GDP figures for the years to come, and all the while the annual deficit remains well above the promised $10 billion.

• (1440)

Where is the economic growth that Canadians were promised in exchange for large Liberal deficits?

Senator Harder: I should point out, again in the budget documents, that real GDP forecasted growth picks up 1.9 per cent in 2017 to 2 per cent in 2018. I'd also remind all senators that the unemployment rate has fallen from 7.1 to 6.6. I would also reference for the Senate's consideration a recent IMF report that said:

> Look at Canada. . . . They're using all possible levers to move the needle towards positive and more growth. That is what all countries can do.

PUBLIC SAFETY

LEGISLATIVE REVIEW—HUMAN RIGHTS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the leader in the Senate.

Leader, one of the things during the last election that many of us were very appreciative of was the focus that with the security agenda would come human rights. Perhaps wrongly, but I was under the impression that Bill C-51 would definitely be on the government's agenda. We're almost hitting two years, and we do not see much happening on the security agenda.

On March 20, Minister Goodale released a commentary on Bill C-22, which will establish a national security and intelligence committee for parliamentarians. This is just an oversight committee; it does not look at issues of Bill C-51 directly.

But in this commentary, the minister said he outlined several changes to the bill made because of the feedback during consultations; that is, Bill C-22. I am glad to say that the minister is willing to accept feedback on this bill. The committee of parliamentarians must have the tools needed to balance the need for security with respect for human rights. It is all well and good that we should have an oversight committee.

Leader, I get phone calls on a regular basis from people who are still arrested, interrupted and harassed under Bill C-51, two years later. When is the government going to look after this issue?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. She raises an important matter that has been the subject of public debate and indeed, as she referenced, in the last election as well.

With respect to the precise timing of the government's legislative intentions, I will inquire and report back to the Senate.

Senator Jaffer: Thank you. I appreciate that, leader. I do appreciate that you understand the challenges the communities face.

But another bill is not being given enough attention, and that's Bill C-13, regarding lawful access, which the Privacy Commissioner of Canada has suggested also needs to be reviewed.

When you are inquiring, may I please ask that you find out what the status is? When is the government going to bring forward legislation to balance human rights and security under Bill C-51? And when will it look at reviewing Bill C-13?

Senator Harder: I will do so.

Senator Jaffer: Thank you.

FINANCE

BUDGET 2017—MILITARY EQUIPMENT

Hon. Daniel Lang: Colleagues, I'd like to direct a question to the government leader in respect to the budget that was tabled last week.

Mr. Morneau, the Minister of Finance, defended the lack of defence spending in the 2017-18 budget by stating that his government believes our military is "appropriately provisioned." I want to say, colleagues, that this is a very troubling statement, given the significant capability gaps and the shortfall in equipment requirements that are needed by the military yet are not being provided.

It is also troubling that we in Canada are becoming more and more dependent on the United States for our security and defence. Today, Canada ranks twenty-third out of 28 when it comes to defence spending as a member of the NATO alliance.

Colleagues, your National Security and Defence Committee has been conducting, over the past 10 months, a detailed look at the needs of the Canadian Armed Forces. Our committee has heard evidence from numerous experts, including the Parliamentary Budget Officer and defence analysts such as David Perry, who have testified before the committee that the military is in need of an additional $2 billion of new money just to maintain current operations.

Can the government leader tell us, is it really the position of the present Government of Canada that our military is appropriately provisioned, when we all know the fact that the military is in need of an additional minimum $2 billion just to meet their day-to-day operations?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I would want to point out that the 2017 Budget continues, for the near term, the defence spending track that was in place when this government took office, with the same planned increases as the budget forecasted.

For the longer term, the government will soon be adopting a defence policy that, as the budget itself stated, will be rigorously costed and will put the Canadian Armed Forces on sustainable footing over the years ahead. That is the commitment of the government, that is what is in the budget, and the government stands by that.

Senator Lang: Colleagues, I'd like to follow up on another area of the budget that I think needs clarification. If you read the comments being made by experts in the area of the military and military spending, a number of very disappointed people have been sadly misdirected as far as this budget is concerned when it comes to our public security.

What the budget did offer, and I want to quote from the budget itself:

> The reallocation of $8.48 billion of funding from the 2015-16 to 2035-36 period to future years is required to accommodate two key capital projects: the procurement of fixed-wing search and rescue aircraft, and the modernization of light armoured vehicles . . . .

Can the government leader explain what this reference means when it states that this deferral of $8.48 billion is based on the fixed-wing search and rescue aircraft replacement and LAV modernization projects in reference to the 2035-36 period?

Senator Harder: I would be happy to do so. The spending in this budget with respect to the $8.48 billion is aligned with actual project delivery; that is, when we actually pay for those projects and demonstrate sound fiscal management, which this government has applied to all spending.

TAX DEFERRAL FOR PRODUCERS OF CERTAIN GRAINS

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

Leader, the federal budget announced a public consultation of the utility of the income tax deferral for producers of certain listed grains with respect to grain transactions and deliveries. The Western Canadian Wheat Growers Association said in response that eliminating this income tax deferral would ". . . fundamentally change the way western grain farms operate their business cycles and would be a huge financial hit to many farmers . . . ."

Has the Liberal government made up its mind on this matter, and will this be a genuine consultation, or will it merely be a cover for going ahead with what the government has already decided to do?

Senator Harder: I want to assure the honourable senator that government consultations are always with respect to hearing, in the process of those consultations, from all stakeholders affected.

Senator Plett: Well, someday we'll get an answer here. That, in fact, is not what their consultation was about, even on electoral reform.

I have a supplementary question, leader. Other measures in the budget have caused concern to farmers on top of the worry about the impact of the Prime Minister's carbon tax. For example, the budget eliminates the income tax exemption for insurers of farming and fishing property. This could very well lead to insurance companies increasing the cost of insurance premiums for farmers.

As well, the budget provides no details on the next agricultural policy framework and nothing about the government's plans regarding rail service for Western Canadian grain farmers.

• (1450)

There is also no new money for business risk management for farmers. The only certainty that this budget provides farmers is increased costs and is silent on several issues that impact their daily work. Why has this Liberal government forgotten about the average needs of the average working farmer in this country?

Senator Harder: I thank the honourable senator for his question. I would have a different view with respect to this budget than the agricultural sector because this budget has as one of its central thrusts the agriculture and agri-food sector as a key driver of the Canadian economy. Let me just outline some of the provisions of the budget that speak to that.

The budget will help the sector to meet its potential to an even stronger economic engine for Canadian growth as it sets ambitious targets for agri-food exports of at least $75 billion annually by 2025; an investment of $70 million to support agricultural discovery, science and innovation; the creation of a new $1.26 billion strategic innovation fund which will improve support for agri-food value-added processors; investing $950 million in innovation superclusters with a focus on innovative industries such as agri-food; investment of $200 million over four years to support clean technology; an investment of $2 billion to support a national trade corridors fund; an investment of $2 billion to support rural infrastructure, including bridges and roads, making it easier for Canadian agri-food producers to connect to markets in Canada and internationally; and an investment of $80 million for a new world-class plant health research facility; indeed significant investments for a very important sector.

SMALL BUSINESS TAX REGIME

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate. In a September 2015 interview with the CBC during the last federal election campaign, Liberal leader Justin Trudeau stated:

> We have to know that a large percentage of small businesses are actually just ways for wealthier Canadians to save on their taxes. . . .

This dismissive attitude towards small business in our country was found in the 2017 budget as the Liberal government announced the elimination of billed-basis accounting for income tax purposes. This method of accounting is used by accountants, chiropractors, dentists and veterinarians, and it allows them to exclude the value of work-in-progress when calculating their income.

Does the Liberal government have any concern that this decision will lead to businesses moving to a lower tax environment, such as President Trump has promised to create in the United States?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I think that he would agree that fairness in the tax structure is important for all Canadians, including those who are a small business, self-employed.

With respect to the latter part of the question and the suggestion that small business people will move outside of Canada to a lower tax regime, I think that's rushing the conclusion quickly. That is not to say that governments, not only in Canada but elsewhere, do not have to look at competitive tax rates, and this government is vigilant to do just that.

Senator Enverga: Small business owners are also taking a hit in the federal budget through increased payroll taxes, as Employment Insurance premiums will rise next year. This is in addition to increased CPP premium hikes, which will come into effect beginning in 2019, and the Prime Minister's carbon tax, which will lead to higher energy costs for all Canadians, including small businesses. Small business owners also remember last year's budget when the Liberals broke their election promise to lower their tax rate and to create a youth hiring credit.

Why is this Liberal government intent on taxing small enterprises out of business?

Senator Harder: That is not the intent of the government, nor is it at all evident in any of the actions of the government, quite the opposite. Small- and medium-sized businesses are the life bone of the Canadian economy. All senators would acknowledge that. The objective of the Government of Canada is to ensure that businesses are better equipped to have a more skilled workforce that are better equipped to compete in the global economy and have the support mechanisms in place to do just that.

[*Translation*]

INTERNATIONAL DEVELOPMENT

FUNDING FOR UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINIAN REFUGEES

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate. In November, the Liberal government announced that it would restore funding for the United Nations Relief and Works Agency, known by the acronym UNRWA.

In 2010, the previous Conservative government withdrew its permanent funding for the UN Relief and Works Agency because of its ties to Hamas, which is on Canada's list of terrorist organizations.

In February, the Agency suspended an employee when it learned that the individual had been elected to a Hamas leadership position.

Then in early March, we learned that another senior manager at the Office had also been elected to a position at the Hamas politburo.

Since other ties between the Office and Hamas have come to light, does the Liberal government intend to reconsider its decision to grant $25 million of taxpayers' money to the agency?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Canada views that the UNRWA is a very important organization in support of the Palestinian territory and programs to Palestinians. You referenced appropriately the funding that was committed. The government indicated at the time of that funding that it would be reviewing regularly the disposition of those funds to ensure appropriate fund distribution.

[*Translation*]

Senator Ngo: I have a supplementary question. It should come as no surprise to anyone in the federal government that there continue to be contacts between the agency and Hamas. One of the employees recently suspended was also suspended in 2011 for participating in activities organized by Hamas.

In 2015, the United Nations suspended a number of the UNRWA's employees who had supported anti-Israel and anti-Semitic violence on social media. The Liberal government announced that a proportion of Canadian taxpayer dollars would be used to expand staff training on the proper and neutral use of social media; these are employees of a UN agency we are talking about.

Israel's ambassador to the United Nations recently wrote to UNRWA donor countries to request an investigation of this agency's operations. Did Canada receive this request? If so, what was its response?

[*English*]

Senator Harder: With respect to the question that the honourable senator has asked, I'm unaware of the letter having been received. I'll make inquiries and be happy to report back.

FISHERIES AND OCEANS

ARCTIC FISHERIES

Hon. Dennis Glen Patterson: My question is to the Government Representative in the Senate. I was pleased to note that Budget 2017 talks about creating jobs in the fishery and coastal and remote indigenous communities, and it proposes $250 million over five years and $62.2 million ongoing to Fisheries and Oceans Canada, among other things, to augment indigenous collaborative management programming.

My question is about whether these welcome initiatives to support opportunities for developing the indigenous fishery will finally be accessible to Inuit in developing their growing fishery along Canada's largest coastline.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing interest in this matter. We've had discussions outside of this

chamber. I will make inquiries with respect to the precise question that you are asking and be happy to report back.

Senator Patterson: Thank you. I appreciate that commitment. I'd like to note that the budget document talks about renewing and expanding the successful Pacific and Atlantic Integrated Commercial Fisheries Initiatives for indigenous persons.

• (1500)

I would like to ask the Government Representative if he would also acknowledge that there is also, in addition to a Pacific and Atlantic coast, an Arctic coast, which is actually longer than the Pacific and Atlantic coasts combined.

Senator Harder: I will indeed confirm my understanding of geography and that we do move sea to sea to sea and, of course, in the context of my earlier commitment, I will raise that with the minister.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HEALTH—PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—JUSTICE—IMPLEMENTATION COSTS ESTIMATED BY THE FEDERAL GOVERNMENT FOR A SYSTEM TO LEGALIZE MARIJUANA

Hon. Peter Harder (Government Representative in the Senate) tabled the answers to Question No. 31 on the Order Paper by Senator Carignan.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS—JUSTICE—GOVERNMENT'S PROJECTIONS CONCERNING THE NUMBER OF DEATHS CAUSED BY MARIJUANA-IMPAIRED DRIVING FOR EACH OF THE FIRST THREE YEARS FOLLOWING LEGALIZATION

Hon. Peter Harder (Government Representative in the Senate) tabled the answers to Question No. 32 on the Order Paper by Senator Carignan.

HEALTH—JUSTICE—ORGANIZATIONS AND INDIVIDUALS CONSULTED CONCERNING THE LEGALIZATION OF MARIJUANA

Hon. Peter Harder (Government Representative in the Senate) tabled the answers to Question No. 33 on the Order Paper by Senator Carignan.

FINANCE—OVERPAYMENT OF HST REVENUES TO THE ATLANTIC PROVINCES

Hon. Peter Harder (Government Representative in the Senate) tabled the answer to Question No. 40 on the Order Paper by Senator Griffin.

ORDERS OF THE DAY

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gagné, for the third reading of Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act.

And on the motion in amendment of the Honourable Senator McCoy, seconded by the Honourable Senator Ringuette:

That Bill C-6 be not now read a third time, but that it be amended,

(*a*) in clause 3, on page 4, by replacing line 1 with the following:

"3 (1)Subsection 10(2) of the Act is repealed.

(2) Subsection 10(3) of the Act is replaced by the following:

(3) Before revoking a person's citizenship or renunciation of citizenship, the Minister shall provide the person with a written notice that

(a) advises the person of his or her right to make written representations;

(b) specifies the form and manner in which the representations must be made;

(c) sets out the specific grounds and reasons, including reference to materials, on which the Minister is relying to make his or her decision; and

(d) advises the person of his or her right to request that the case be referred to the Court.

(3.1) The person may, within 60 days after the day on which the notice is received,

(a) make written representations with respect to the matters set out in the notice, including any humanitarian and compassionate considerations — such as the best interests of a child directly affected — that warrant special relief in light of all the circumstances and whether the Minister's decision will render the person stateless; and

(b) request that the case be referred to the Court.

(3.2) The Minister shall consider any representations received from the person pursuant to paragraph (3.1)(a) before making a decision.

(3) The Act is amended by adding the following after subsection 10(4):

(4.1) The Minister shall refer the case to the Court under subsection 10.1(1) if the person has made a request pursuant to paragraph (3.1)(b) unless the person has made written representations pursuant to paragraph (3.1)(a) and the Minister is satisfied

(a) on a balance of probabilities that the person has not obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances; or

(b) that sufficient humanitarian and compassionate grounds warrant special relief in light of all the circumstances of the case.

(4) The Act is amended by adding the following after subsection 10(5):

(5.1) The Minister shall provide a notice under subsection (3) or a written decision under subsection (5) by personally serving the person. If personal service is not practicable, the Minister may apply to the Court for an order for substituted service or for dispensing with service.

(5.2) The Minister's decision to revoke citizenship or renunciation of citizenship is final and is not subject to judicial review under this Act or the *Federal Courts Act*.";

(*b*) in clause 4, on page 4,

(i) by replacing line 2 with the following:

"4 (1) Subsection 10.1(1) of the Act is replaced by the following:

10.1 (1) If a person makes a request under paragraph 10(3.1)(b), the person's citizenship or renunciation of citizenship may be revoked only if the Minister seeks a declaration, in an action that the Minister commences, that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances and the Court makes such a declaration.

(2) Subsections 10.1(2) and (3) of the Act are re-", and

(ii) by adding after line 6 the following:

"(3) Subsection 10.1(4) of the Act is replaced by the following:

(4) If the Minister seeks a declaration, he or she must prove on a balance of probabilities that the person has obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances.

(5) In an action for a declaration, the Court

(a) shall assess, on a balance of probabilities, whether the facts — acts or omissions — alleged in support of the declaration have occurred, are occurring or may occur; and

(b) with respect to any evidence, is not bound by any legal or technical rules of evidence and may receive and base its decision on any evidence adduced in the proceedings that it considers credible or trustworthy in the circumstances.";

(*c*) on page 4, by adding after line 7 the following:

"5.1 Subsection 10.5(1) of the Act is replaced by the following:

10.5(1) On the request of the Minister of Public Safety and Emergency Preparedness, the Minister shall — in the originating document that commences an action under subsection 10.1(1) on the basis that the person obtained, retained, renounced or resumed his or her citizenship by false representation or fraud or by knowingly concealing material circumstances, with respect to a fact described in section 34, 35 or 37 of the *Immigration and Refugee Protection Act* other than a fact that is also described in paragraph 36(1)(a)or (b) or (2)(a) or (b) of that Act — seek a declaration that the person who is the subject of the action is inadmissible on security grounds, on grounds of violating human or international rights or on grounds of organized criminality under, respectively, subsection 34(1), paragraph 35(1)(a)or (b) or subsection 37(1) of the *Immigration and Refugee Protection Act*.";

(*d*) on page 7,

(i) by adding after line 16 the following:

"19.1 A person whose citizenship or renunciation of citizenship was revoked under subsection 10(1) of the *Citizenship Act* after the day on which this Act receives royal assent but before the day on which all of subsections 3(2)to (4) come into force, is deemed never to have had their citizenship revoked.", and

(ii) by adding after line 21 the following:

"20.1 If, immediately before the coming into force of section 4, a notice has been given to a person under subsection 10(3) of the *Citizenship Act* and the matter was not finally disposed of before the coming into force of that section, the person may, within 30 days after the day on which that section comes into force, elect to have the matter dealt with and disposed of as if the notice had been given under subsection 10(3) of the *Citizenship Act*, as enacted by subsection 3(2).";

(*e*) on page 8, by replacing lines 16 to 25 with the following:

"25 Subparagraphs 40(1)(d)(ii) and (iii) of the *Immigration and Refugee Protection Act* are replaced by the following:

(ii) subsection 10(1) of the *Citizenship Act* in the circumstances set out in section 10.2 of that Act before the coming into force of paragraphs 46(2)(b) and (c), as enacted by *An Act to amend the Citizenship Act and to make consequential amendments to another Act*, or

(iii) subsection 10.1(3) of the *Citizenship Act* in the circumstances set out in section 10.2 of the *Citizenship* Act before the coming into force of paragraphs 46(2)(b)and (c), as enacted by *An Act to amend the Citizenship Act and to make consequential amendments to another Act*.

26 Paragraphs 46(2)(b) and (c) of the Act are replaced by the following:

(b) subsection 10(1) of the *Citizenship Act*; or

(c) subsection 10.1(3) of the *Citizenship Act*."; and

(*f*) in clause 27, on page 9, by adding after line 9 the following:

"(3.1) Subsections 3(2) to (4), subsections 4(1) and (3) and section 5.1 come into force one year after the day on which this Act receives royal assent or on any earlier day or days that may be fixed by order of the Governor in Council.".

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today in support of Senator McCoy's amendment to Bill C-6. I thank her for this amendment and I thank Senator Omidvar for all her work on this bill.

I will not explain the technicalities of the bill, as they were well explained by Senator McCoy, Senator Pratte and Senator Omidvar. Instead, I will speak to the fundamental values of this amendment and why it is necessary to restore the integrity of Canadian values.

I rise in favour of this amendment as, while studying this bill in committee, I was able to see several Canadian values embodied in Bill C-6: the rule of law, fundamental justice and equality among all Canadians.

This amendment is in line with the very values that Bill C-6 represents. By addressing a problematic section of our citizenship laws, the amendment will restore the integrity of our system. To understand why this change is so important, it's important to first understand what makes the amendment necessary in the first place.

As Canadians, our citizenship is one of our most valuable rights. Prior to Bill C-24, there were many safeguards that surrounded the revocation process. If the Minister of Immigration had reasonable grounds to believe that a person obtained his or her citizenship by misrepresentation or fraud or by knowingly concealing material circumstances, the person would be protected by a system of safeguards.

Before Bill C-24, the person's case would first have to go through the minister or someone acting on his or her behalf, then be reviewed by the Federal Court before finally being sent to the Governor-in-Council. These checks and balances reflected the integrity of our system. It recognizes that citizenship is one of Canada's most important rights.

All of this changed with the passing of Bill C-24. The bill changed the system so that only the minister or an official representing them would have to make the decision to revoke citizenship. There is no appeal process. There is no consideration for circumstances such as compassionate and humanitarian grounds. There is no due process under this system. Therefore, there is no recognition of the integrity and fundamental justice for Canadians.

Now, Canadians are faced with no right to appeal.

Honourable senators, this is not the first time that we find ourselves faced with a situation where people are denied an oral hearing or due process. Thirty years ago, in 1985, we found ourselves faced with the same situation with a landmark case that appeared before the Supreme Court, known as *Singh v. Canada*.

At that time, Harbhajan Singh had come to Canada with several other refugees seeking to obtain landed status, having fled persecution in his home. The Minister of Employment and Immigration at the time denied his claim to permanent status and told them that they had no right to a hearing.

The court was very clear in its ruling on this subject. Section 7 of the Canadian Charter of Rights and Freedoms provides all people with a right to what is known as fundamental justice. For *Singh*, fundamental justice meant that he had the inalienable right to both state his case and know what case he had to meet. In this instance, the court ruled that he had the right to an oral hearing based " . . . on the nature of the legal rights at issue and on the severity of the consequences to the individuals concerned."

Senator Harder, our Government Leader in the Senate, could tell us a lot as he was the architect of the Immigration and Refugee Board. He can vouch for how important it was to have an oral hearing in front of an independent tribunal.

With the *Singh* decision, the entire refugee system came to a standstill because the courts held that we had to have oral hearings. For us, the *Singh* decision was a lesson that would have impacts for many years to come. I know this well because I was very much involved in the process both pre- and post-*Singh* as a refugee lawyer. For example, Citizenship and Immigration Canada now uses the principle of natural law, a part of fundamental justice in the procedural guidelines for their day-to-day operations. They state:

> The principles of natural justice exist as a safeguard for individuals in their interactions with the state. These principles stipulate that whenever a person's "rights, privileges or interests" are at stake, there is a duty to act in a procedurally fair manner.

These ideas of fundamental justice and natural justice have even affected the courts in the context of Bill C-24. During a recent case before the Federal Court, *Monla v. Canada (Minister of Citizenship and Immigration)*, Justice Zinn ruled in favour of Mohamad Raafat Monla, who argued that the revocation of citizenship on the basis of misrepresentation was unconstitutional without due process.

Despite the impact of the *Singh* decision and the recognition that following cases and governments have shown it, we find ourselves once again faced with the situation where Canadians do not have the right to fundamental justice and natural justice. In fact, the legal rights put at risk because of Bill C-24 and, now, Bill C-6 go beyond those considered during the *Singh* case. Rather than simply denying access to Canadian citizenship, Bill C-24 goes as far as to strip Canadian citizenship without any form of due process.

Honourable senators, we should remember the lessons of the *Singh* case as we consider this amendment.

Presently, a permanent resident is entitled to an oral hearing, a refugee is entitled to an oral hearing, but a Canadian citizen is not entitled to an oral hearing. He is denied due process.

Honourable senators, section 15 of the Charter states that all people are equal before and under the law and are subject to the same due process regardless of their origins or how they become citizens. On this subject, Professor Errol Mendes of the University of Ottawa said:

> Given that citizens have entrenched rights that permanent residents and refugees don't have, such as the Section 6 mobility rights to stay in and exit Canada, and the most fundamental democratic rights of Section 3, they have a far more profound right to procedural justice than any other group.
>
> In fact, these rights are not even subject to the notwithstanding provision. How can we justify granting citizens the least rights among Canadians in this case?

Allowing for a revocation without an oral court hearing instead makes some Canadian citizens more vulnerable than other Canadians. Honourable senators, Bill C-6 in its current form does not fully restore the integrity and the constitutionality of our immigration system, as pressing constitutional issues still remain.

I believe that Senator McCoy's amendment will complete this process. I thank her for introducing this amendment. This will give Bill C-6 the integrity that all Canadians expect. The amendment will ensure that Canadians have due process when their citizenship is threatened by providing Canadians with a right to appeal their case before the Federal Court.

The choice of the Federal Court is an important one. Apart from the Immigration and Refugee Board of Canada, it is one of the only places where individuals can be sure to have an independent hearing. Lorne Waldman, a lawyer who appeared before the Standing Senate Committee on Social Affairs, Science and Technology, said:

> . . . the best way would be to have an independent tribunal, the IRB, do that, but we can't do that in an amendment. We have to have an oral hearing. The only place we can have an independent oral hearing, given the current state of affairs, is in the Federal Court.

• (1510)

Josh Patterson, Executive Director of the B.C. Civil Liberties Association, similarly stated:

> From our perspective, there simply must be a right to a hearing with an independent decision maker. The minister alone cannot be the entity that makes such a monumentous decision, that so deeply affects the rights of individuals — indeed, their very belonging to this country."

This amendment also ensures that this process is fair by having the minister provide citizens with the grounds and reasons for their revocation. Thus, citizens will know what they will have to respond to in court.

Honourable senators, the other very disturbing thing about Bill C-6 is that it does not enable people to put in a humanitarian and compassionate reason for why their citizenship should not be revoked. In the refugee process, there is a very lengthy humanitarian and compassionate process, where the refugee, even a failed refugee, can justify why they should live in this country.

The minister does not have to consider, under Bill C-6, humanitarian and compassionate grounds, and we have already had cases under Bill C-24 where the person that the minister designates to look at these cases says that they do not have to study humanitarian and compassionate grounds.

Honourable senators, I would like to share a story with you to emphasize why this is so important. Not considering compassionate and human rights grounds can have devastating effects on people's lives, people who really, for all intents and purposes, believe that they are Canadians.

When we were studying this bill in committee, we heard the story of two children who had their citizenship revoked through no fault of their own. When applying for citizenship, their parents had misrepresented in their application. However, as children, they had no idea what their parents had done. These children, 15 years later, lost their citizenship. They, for all intents and purposes, were Canadians. They had grown up here in Canada.

They went to school in Canada. They went to university in Canada. They were actually Canadian children. They had settled in Canada, and they had very good jobs in Canada.

The citizenship revocation was devastating for both of them. Both siblings lost very good jobs as they no longer had the right to travel with a Canadian passport, and they used to travel for their work. Both of them had jobs that required international travel.

Both siblings also found themselves with almost no opportunities to work in their field afterwards, since the revocation also barred them from obtaining any kind of citizenship for 10 years.

While these children were completely innocent and grew up in Canada while working hard in their respective roles, this is the kind of case that is dealt with when considering humanitarian and compassionate grounds, and I believe that if their case had gone to the courts, the courts would have restored their citizenship. However, our current laws, under Bill C-24 and under Bill C-6 that we are studying, leave no way to deal with the case on humanitarian and compassionate grounds.

Honourable senators, consideration for humanitarian and compassionate grounds will prevent cases like this, where people lose their citizenship despite being innocent, from ever happening again.

This is why Senator McCoy's amendment is important. Honourable senators, let us come together to improve Bill C-6 and to have the amendment go through. We, as senators, are the keepers of our Constitution. In our Constitution, the importance of fundamental and natural justice has been enshrined, and it explicitly states that all Canadians should be equal before and under the law. I therefore welcome this amendment and an opportunity to restore the integrity and constitutionality of our citizenship law.

Hon. Linda Frum: Honourable senators, I rise to speak to an amendment to Bill C-6 put forward by Senator McCoy on March 9.

After the committee hearings on the Liberals' immigration reform bill, Bill C-6, I remain as opposed to its cynical and ill-considered measures as ever. No doubt the Liberals' promises of fast-tracked access to Canadian citizenship and relaxed language requirements were real vote-getters in urban areas in the election of 2015. Whether or not these measures are in the best interests of Canada, however, is an entirely different matter that I will address in my remarks at third reading. For now, I will limit myself, in my comments, to the amendment that is before us.

Senator McCoy is attempting not only to amend Bill C-6 but to amend the Canadian Citizenship Act itself. When a similar attempt was made in the House of Commons to make amendments to section 10 of the Canadian Citizenship Act, they were ruled out of scope. I question whether we can consider a legislative proposal that seeks to amend an area of legislation that was not included in the bill itself. However, I will leave it to others to determine the procedural validity of this amendment.

I will note that this amendment is much broader than its stated purpose, which is to legislate that ministers must send revocation cases to court upon request. In addition to that measure, Senator McCoy's amendment imposes a 60-day time frame for a person to respond to their notice of revocation. Further, it legislates that the notice of decision must be personally served to the individual or that there must be an application to the court to dispense of this service.

When we consider this amendment, which seeks to add a layered and complex appeals process to the existing decision-making process, let us remind ourselves why the prior government, through Bill C-24, chose to streamline the appeals process for those found to have obtained their Canadian citizenship fraudulently.

The case of Helmut Oberlander, a Nazi war criminal, serves as a useful example. Oberlander entered Canada in 1954 and fraudulently obtained citizenship in 1960 by lying about his past as a member of a Nazi death squad. When Oberlander's true war record was exposed in 1995, Oberlander exercised his various rights to appeal to avoid deportation.

Today, over 20 years later, he continues to reside in Waterloo, Ontario, having pursued his bad-faith case all the way to the Supreme Court of Canada.

Honourable senators, this degree of abuse of an inexhaustible appeals process may be an extreme example, but it helps to illustrate what can and does happen when criminals and fraudsters — and that is the category of individual we are dealing with here — earn access to an excessively elastic appeals process.

It is also useful to remember in this context the catalyst for the measures contained in the Conservative's Bill C-24 that lead to the streamlining of the appeals process in cases of fraud.

In 2010, it was discovered by the Department of Citizenship and Immigration that over 300 individuals claimed as their permanent residence an address in Canada, that of Palestine House, which is an office building in Mississauga, Ontario.

Of course, those 300 people did not live in that office building, nor for that matter did they live in Canada at all, though it should be acknowledged that they did receive their government-issued child benefit cheques there. In a separate case in 2012, 1,000 individuals claimed to live at the same office building in Montreal. These cases of fraud and others like them led to the government identifying 3,100 cases of phony citizenships and marking them for revocation.

Honourable senators, prior to Bill C-24, those 3,100 individuals, caught in very clear cases of fraud, had the right to an inexhaustible appeals process, and, to the best of my knowledge, these cases still remain under appeal.

I'm not in any way suggesting that there should never be a right of appeal, but I do accept the explanation from Citizenship and Immigration Minister Ahmed Hussen, when he spoke at our committee hearing, that the appeals process that is currently in place is sufficient and just. For the benefit of those who did not attend the committee meeting, please allow me to outline the current process as detailed by the minister and his officials.

Upon discovering a potential case of fraud, a division of the Department of Citizenship and Immigration investigates to determine if there is sufficient evidence to warrant consideration

of revocation. If it is deemed that there is sufficient evidence, the file is then transferred to a different division of the department to determine whether a notice of intent to revoke should be sent out.

• (1520)

If such a determination is made, a notice is sent to the affected individual. The notice includes all of the evidence that the decision maker has relied on.

The notice to the individual is not simply a letter stating that citizenship will be revoked. The notice invites the individual to respond with any additional information or factors that should be taken into account, including personal circumstances such as the length of time in Canada, age upon acquiring citizenship, extent of ties to Canada, and other such compassionate grounds for consideration. Once the response is received, the department then decides whether or not to move forward with the revocation.

So to recap, contrary to what we have heard in this chamber, first, all of the evidence related to citizenship revocation is provided to the citizen who is facing potential revocation.

Second, citizens are afforded an opportunity to provide all information related to their personal circumstances, which includes humanitarian and compassionate grounds. In fact, the minister went so far as to say that the entire point of issuing the revocation notice is to allow for this exchange of information.

Third, the affected party has a right to counsel.

And fourth, the affected party has a right to judicial review with leave.

I think we can all agree that what I've just outlined is what can only be described as "due process."

Honourable senators, during my second reading speech on Bill C-6, I observed that much of what is contained in the bill appears to exist for the simple partisan purpose of being the opposite of what was contained in the Conservative's Bill C-24.

A more politically motivated piece of legislation has yet to arrive in this chamber from this government. However, it is worth noting that of all the measures in Bill C-6 that have been proposed, not due to any public policy evidence but simply for the sake of Liberal electoral gain, the streamlining of the appeals process for fraud was not among them. In fact, at our committee hearings the minister stated that at no point during the drafting of this legislation was the issue of adding steps to the appeals process even considered.

So how telling is that? A Liberal bill that seeks to repeal vast swaths of legislation simply because it was Conservative legislation that left intact the Conservative's streamlined appeals process. In other words, the current process of appeal which was created by one government has now been endorsed by a second, different government. Given that two successive rival governments agree that the system of appeal we have in place today is sufficient, I see no reason to adopt the amendment that is before us.

Hon. Art Eggleton: Honourable senators, I rise today to support Bill C-6, and while I support the bill I'm afraid there is one crucial omission. This is where Senator McCoy's amendment comes into play. Having heard testimony from witnesses at committee I'm in full support of the change our colleague has suggested, as it honours the spirit of equal treatment before the law.

This amendment deals with the powers surrounding citizenship revocation on the basis of misrepresentation or fraud, granted to the Minister of Immigration, Refugees and Citizenship. As Senator McCoy has pointed out, this authority is delegated to an employee in the department. This person will ultimately decide if an individual will or will not remain a Canadian. I'm not here to deride the good work done by our public service, but that's an awesome power to bestow on civil servants.

Currently, when someone receives that type of revocation notice, they are denied the right to due process. I totally disagree with what Senator Frum has said in her suggestion that it is in fact provided. It's not provided. The only recourse afforded them is to reply in writing to their accuser within 60 days. They can argue that there has been a mistake or they can plead for clemency on humanitarian and compassionate grounds and that is it. If the argument is unconvincing to the individual, who has already decided that a fraud or misrepresentation has occurred, citizenship is revoked, case closed.

Adding to the absurdity of all of this, a naturalized Canadian citizen actually has fewer rights than if they had remained a permanent resident. If accused of fraud or misrepresentation in their application, a permanent resident can receive a hearing at the Immigration and Refugee Board and even an appeal at the Immigration Appeal Division. This is how the right to due process works, and yet in Canada this fundamental right is denied to you if you've become a citizen.

Honourable senators, there are few penalties with more consequence than having your citizenship revoked. Yet as Senator Pratte noted at the last sitting, someone who faces a $35 fine for a parking infraction has more recourse than someone who is being stripped of their citizenship. That is fundamentally wrong.

During earlier debate, Senator Omidvar expressed bewilderment as to why this matter was not addressed by Bill C-6 in the first place. I share those feelings. By not fixing this revocation procedure, naturalized Canadians will continue to be denied due process — a right granted to every citizen who is a Canadian by birth. I oppose having two classes of Canadian citizenship.

The government has even acknowledged this omission. When the former Minister of Citizenship and Immigration, John McCallum, appeared in this chamber I pressed him on this. He conceded that every citizen should have the right — right, not leave — to an appeal and said that he and his government would welcome an amendment to Bill C-6 to ensure this.

Admittedly, his successor, Minister Hussen, was somewhat hesitant when I questioned him on the matter in the Social Affairs Committee where we studied this bill. And yet, while he defended the current system he said, "We are always open to measures to

improve and increase procedural fairness. . . . I can commit to you that we will examine them very closely and work with you to see what we can do in that regard."

Well, that gives us an opportunity to fix this through an amendment. Fortunately, such an exercise is what this chamber excels at. One of our fundamental roles as senators is to study legislation in depth. When we see a flaw, we attempt to correct it. And there are few better examples of this than the amendment that is now before us.

This amendment strikes a fair balance. It will not remove revocation as a punishment for fraud or misrepresentation. It doesn't remove it. It will simply give Canadian citizens the right to have their hearing, their day in court, the right to a hearing before an independent tribunal. This is how the justice system works in this country.

I have heard arguments that some individuals will not be able to afford to take this matter to court. Well, I agree. This is the case when many people go through the justice system and I welcome wholeheartedly any attempts to make our system of legal aid more effective, but that has never been a reason to sidestep due process in this country and it never should be. We cannot deny this right to a particular set of Canadians because of the cost.

I've also heard arguments on the other end of the spectrum. An individual with means could draw out his or her appeal process, abusing the system and prolonging a verdict. Again, this is the case throughout our justice system and reforms are needed to provide timely decision making. But again, when has this ever been used as an argument to remove due process altogether? It hasn't. And this instance is no exception.

Honourable senators, it has been said that citizenship is the right to all other rights. And yet under this circumstance an individual actually loses the right to due process when they become a citizen. That's wrong and the amendment before us would correct this.

When viewed through the lens of sober second thought, it is clear to me that this amendment to Bill C-6 is needed. While the amendment before us was not ready in time for a vote at committee, senators will note that our report in this chamber included three observations — observations which I also support. One such observation dealt with the rising cost of obtaining Canadian citizenship. In the last three years, citizenship application fees have risen by over 500 per cent — that's right, over 500 per cent.

When you factor in a $100 right of citizenship fee, the cost to acquire citizenship for a family of four with two minor children is $1,460. When extra costs such as language training and testing are taken into consideration, the costs go even higher. High costs can act as a barrier for low income people. These people should not be barred from citizenship because they cannot afford it. And yet we heard in testimony before the subcommittee that citizenship applications have been dropping by as much as 50 per cent.

• (1530)

Historically, there have been around 200,000 applications a year. In 2015, that number fell to 130,000, and that was the first year of the new fee schedule. Now in 2016, the figure is forecasted to be about 100,000, which is about a 50 per cent drop.

Before I conclude, honourable senators, there is one other item I would like to mention briefly and that is the matter of second generation Canadians born abroad. They fall into a category of individuals who have been called "Lost Canadians."

Since Bill C-6 arrived in this chamber, I have been contacted by a number of citizens who are worried about the effects our current citizenship laws will have on their grandchildren. I will use an example to illustrate what I mean. I was contacted by one family who recently adopted their daughter from another country. Their daughter will be raised here. She will go to a Canadian school, she will work here, pay taxes. She is a Canadian. Yet, if later in life she starts a family and gives birth abroad, there's a chance her child will not be Canadian. This is despite the fact that Canada is her home.

In today's increasingly globalized world, I think this is an unreasonable limit to place on our citizens. Canada is a multilingual, cosmopolitan and educated society. Canadians are in demand. More and more education and employment opportunities will take Canadians abroad for any length of time. They should not be punished for this. This is a strength and benefit to our country. We should be encouraging Canadians to export our values and economic interests, not placing arbitrary limits on them. Their attachment to this country is what is most important.

In the coming months, it is my intention to introduce legislation to address this issue. A bill will provide this chamber with an opportunity to address the numerous and technical issues related to this, and I look forward to working with honourable senators in this regard.

In the meantime, we have before us Bill C-6. It's a good bill, but one that remains incomplete without the amendment that is before us that was put by Senator McCoy. I encourage this chamber to adopt this amendment and send it back to the other place for consideration.

(On motion of Senator Harder, debate adjourned.)

BUDGET 2016

INQUIRY WITHDRAWN

On Government Business, Inquiries, Order No. 1, by the Honourable Peter Harder:

> That he will call the attention of the Senate to the budget entitled *Growing the Middle Class*, tabled in the House of Commons on March 22, 2016, by the Minister of Finance, the Honourable Bill Morneau, P.C., M.P., and in the Senate on March 24, 2016.

(Inquiry withdrawn.)

GENETIC NON-DISCRIMINATION BILL

MESSAGE FROM COMMONS—AMENDMENT FROM COMMONS—DEBATE ADJOURNED

The Senate proceeded to consideration of the amendment by the House of Commons to Bill S-201, An Act to prohibit and prevent genetic discrimination:

Page 6, after line 32, the following new clause:

"COORDINATING AMENDMENTS

11 (1) Subsections (2) and (3) apply if Bill C-16, introduced in the 1st session of the 42nd Parliament and entitled An Act to amend the Canadian Human Rights Act and the Criminal Code (in this section referred to as the "other Act"), receives royal assent.

(2) On the first day on which both section 1 of the other Act and section 9 of this Act are in force, section 2 of the Canadian Human Rights act is replaced by the following:

2 The purpose of this Act is to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

(3) On the first day on which both section 2 of the other Act and subsection 10(1) of this Act are in force, subsection 3(1) of the Canadian Human Rights Act is replaced by the following:

3 (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered."

Hon. Art Eggleton moved that the Senate concur in the amendment made by the House of Commons to Bill S-201, An Act to prohibit and prevent genetic discrimination, and that a message be sent to the House of Commons to acquaint that house accordingly.

He said: Honourable senators, I am pleased to rise and speak on the motion I've just placed. It concerns a technical amendment, which I'll explain in a moment, to a bill that I think all of us in this chamber can rightly be very proud of.

Bill S-201 is a Senate bill, a private member's bill, proposed by our former colleague Senator Jim Cowan, which will prohibit and prevent genetic discrimination, ensuring that individuals have control over their personal genetic information.

This bill was studied at great length, first here in our chamber where, because of a prorogation and the 2015 election, it was studied not only once but twice by our Human Rights Committee. Then it was studied again in the other place, where the House of Commons Justice and Human Rights Committee considered the bill over some five meetings, hearing from 28 witnesses.

The bill received overwhelming support in both houses. On April 14, 2016, almost a year ago, this chamber passed the bill unanimously in a voice vote.

The bill then moved to the other place, where it passed second reading with a rare unanimous standing vote. MPs from all parties in the other place rose to support the bill, as did the Prime Minister and all members of his cabinet who were in attendance.

The members of the House of Commons Justice and Human Rights Committee were similarly impressed. They too passed the bill unanimously, simply adding the technical amendment that is before us today.

On March 8, the bill passed at third reading in the House of Commons and again it was an overwhelming endorsement, the final vote being 222 to 60. This is a real accomplishment, honourable senators, and it reflects so very well on what we can do as individual senators, and collectively as the Senate of Canada.

Of course, I would be pleased to answer any questions honourable senators may have about the bill, and explain the critical needs that it fills, which is why it has been so enthusiastically supported by parliamentarians in both houses and Canadians from coast to coast to coast. But in fact, the only issue before us today is the technical amendment contained in the message from the House of Commons. The bill has been adopted by both houses. It's ready for Royal Assent. It's just this technical amendment that needs to be dealt with. All the provisions of the bill have been passed. All that is before us is this additional provision, which the House of Commons would like us to add to Bill S-201.

The amendment is what is called a coordinating amendment. It is required because of the unusual circumstances that right now, Parliament has two bills before it that both amend the same provisions of the same statute, namely, the Canadian Human Rights Act. Bill S-201 adds "genetic characteristics" as a prohibited ground of discrimination under the act, and Bill C-16, which is also before us, would add "gender identity or expression" to the same provisions of the act.

If you read the two bills, Bill S-201 and Bill C-16, you will see that each of them sets out the relevant sections of the Canadian Human Rights Act. They spell out all of the current measures under which discrimination is prohibited, race, colour, religion, et cetera, and each of them puts in the provision relevant to the respective bill.

The coordinating amendment before us now ensures that in the event Parliament passes both bills, then both amendments can take effect. Without this amendment, if Bill S-201 passed first, it would see its amendment to the Canadian Human Rights Act concerning genetic discrimination inadvertently wiped out by Bill C-16, if that bill is also passed.

Honourable senators, I want to stress that nothing in this amendment requires or presumes what we will decide to do with Bill C-16. It is neutral on that. If Bill C-16 never passes, this new provision will never have any effect on impact. But if Bill C-16 does pass, it will not inadvertently remove the protections we give Canadians against genetic discrimination in the Canadian Human Rights Act.

In that regard, you will see that the amendment begins with the following clause:

> 11 (1) Subsections (2) and (3) apply if Bill C-16, introduced in the 1st session of the 42nd Parliament and entitled An Act to amend the Canadian Human Rights Act and the Criminal Code (in this section referred to as the "other Act"), receives royal assent.

Colleagues, this is not a controversial amendment. It was adopted unanimously by the Justice and Human Rights Committee in the other place, and it has the full support of both former Senator Cowan and the sponsor of the bill in the House of Commons, MP Rob Oliphant.

It's as technical an amendment that we will ever see in this chamber, and I submit it can be adopted by the Senate quickly.

• (1540)

Before I conclude, I would like to pause and let the members of this chamber know the kind of response this bill has evoked among Canadians. It can be easy to get caught up in our work and perhaps miss the impact that is our privilege to have on the lives of Canadians. This bill, which is absolutely the work of this chamber, it being a Senate private member's bill, has been cheered by many Canadians across the country. Let me read a few excerpts from emails sent to Senator Cowan in his office after the bill passed third reading in the House of Commons earlier this month.

This is from an email sent by a senior geneticist at CHEO, the Children's Hospital for Eastern Ontario:

> It's enough to make you believe that anything is possible. I'm jumping for joy. Can't wait to be able to reassure my patients. This is huge! . . . you've all made a significant difference today.

Here is a brief excerpt from an email sent on behalf of ALS Canada:

> What amazing news for all our patients and their families.

From The Foundation Fighting Blindness:

> Tonight was the realization of a 10-year dream to end genetic discrimination. . . . I am so very, very happy for our communities and proud of all those who have been so courageous to speak out. It takes a village. What a remarkable legacy you have all created. We have made history! I can barely talk, I am so happy.

There were literally celebrations at many hospitals. At SickKids in Toronto, an email went out the morning after the vote with a subject line that read, "Last night was genetics history." Here's part of what was said:

> Last night, Bill S-201 passed intact. This is very important to all Canadians and notably for our research. There will be pizza and drinks —

I don't know about this food content here, given the report we did on obesity, but anyway.

> There will be pizza and drinks from 12:00-12:30ish (food ordered for about 100 people). Feel free to bring your own lunch. We really just want people to mix and acknowledge the vote. . . . Democracy worked.

That is just a sampling of email that Senator Cowan's office received.

It's nice to receive some good news about what goes on here in the Senate. You know we don't always get it.

This bill means a great deal to many Canadians, colleagues. It's an example of the Senate at its best. Senator Cowan saw a need and set out to address it. Nothing about this is partisan; it was an issue about the health of Canadians. Reflecting that, the bill received overwhelming support from parliamentarians of all parties in both chambers.

It's a great legacy for a truly honourable senator as he left this chamber. It's one I am so proud to have joined in studying in committee and in this chamber, and in supporting. Now that law is poised to come into force.

I hope you will join me so that we can quickly send a message back to the House of Commons declaring that we have concurred in their amendment so this much-needed bill can proceed to Royal Assent and become the law of the country.

(On motion of Senator Housakos, debate adjourned.)

[*Translation*]

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

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

Hon. René Cormier: Honourable senators, I rise today to support Bill C-210, which would replace the words "true patriot love in all thy sons command" with "true patriot love in all of us command" in the English version of Canada's national anthem.

First of all, I would like to say that I have learned a few things from the very enlightening speeches given in this chamber by some of you over the past few months. I will also say that I have carefully read what has been written about this bill and that the arguments put forward by both sides are quite valid and pertinent. With that in mind, I will make my arguments as a young senator who, above all, admires the rigour of the arguments expressed and the conviction of those who expressed them.

[*English*]

In your statements, you spoke movingly and with conviction on many subjects: respect for our heritage and history, diversity and inclusiveness, equality between men and women, respect for artists and their work, the power of our symbols, respect for language and grammar, and our country's development and our ability to adapt as a result.

I found all of these topics to be thought-provoking, and I would like to share some of my thoughts with you today in what I consider to be my maiden speech in this august chamber.

[*Translation*]

In order to clarify my position on this bill, allow me first of all, honourable colleagues, to tell you what I felt and thought on November 15, 2016, when I had the privilege of entering this place for the first time as a senator.

On that day, I felt a great pride and a clear sense of responsibility associated with this new office. With each step, I felt the presence of the honourable Acadian senators who had preceded me, especially that of Pascal Poirier, writer, lawyer, man of the theatre and president of the Société Nationale de l'Assomption, who exactly 132 years ago this month became the first Acadian to sit in the Senate of Canada. He was a senator for 17,732 days, a little over 48 years, making him to this day the longest sitting senator. I am obviously very proud of his commitment to our country, but I can assure you that my term of office will be shorter.

On entering this chamber, I also had the strong sense that I was representing all the generations of men and women who came before me, of whom I am a humble descendant. I am the son of Livin, Adolphe, Michel, Charles, Thomas, Jean, Jean-Baptiste, Alexis, Thomas and Robert Cormier, master carpenter from Louisbourg. I am also the son of Anita, Louisa, Marguerite, Marie-Marcelline, Marie-Françoise, Agathe, Anne and Marguerite.

[*English*]

I'm not going through my family history to convince you that I'm a noble descendant of Louis XIV — I obviously don't have the right hair for the job — but to emphasize how important heritage and history is to Acadians. I was taught to respect the past from an early age. Like my nine brothers and sisters, I probably knew I was Acadian before I knew my own name.

That's how much my parents respected our culture and heritage. It was as if the deportation of our people in the 18th century meant that we must always call to mind the generations that came before us so that we could re-weave the tapestry of our history, reaffirm our common cultural identity and demonstration our connection to this land.

[*Translation*]

I completely understand the concerns some of you have expressed over respect for heritage and history, and I am expressing mine. That said, the French writer Anatole France said:

> History is not a science, but an art. One only succeeds in it by the imagination.

Indeed, history is subject to interpretation and our reading of it is not immutable. It grows more refined with the knowledge and awareness that is gained over the generations. The evidence is that historians may have different perspectives of the same historical event. In Canada, have we not unfortunately failed to include some parts of our history in our textbooks? That is why in my eyes the proposed change has nothing to do with revisionism and everything to do with shedding light on the rich contribution that all Canadians have made to our history.

As I took my first steps into this chamber, I also carried a song in my heart, the national anthem of Acadia. Indeed, honourable colleagues, notwithstanding the respect the Acadian people had and continue to have for our country, the first Acadian leaders gave the political and cultural space that we call Acadia the first official symbols of its identity.

At the Acadian National Convention of 1881, the delegates chose August 15, the Feast of the Assumption, as the Acadian national holiday. In 1884 at the second convention, which was held in Prince Edward Island, the "birthplace of Confederation," they chose a flag, a motto, an insignia, and a national anthem, inspired by the social, cultural, and religious context of the time. The song that was chosen is a Latin Catholic hymn dedicated to the Virgin Mary: *Ave Maris Stella*.

• (1550)

[*English*]

This symbol has been changed over the years to keep it relevant as Acadian society has developed, and to make it meaningful to all generations. Some parts have been left in Latin, while French lyrics were introduced. Despite the resistance of some of my fellow Acadians, this version has become the standard, and I'm always moved when I hear young Acadians and newcomers sing the anthem proudly. The anthem remains a fundamental part of our collective identity because of these changes, and it inspires us to celebrate our past and carry Acadia into the future.

[*Translation*]

On entering this chamber that afternoon in November 2016, I was filled with a myriad of thoughts and deep emotions, as you all were, I imagine, when you were called here. I had a smile on my face to mask the anxiety I feel on such occasions when I am overcome by doubt. I questioned whether I would be accepted in this new environment and whether I would find my place as a poly-minority citizen: minority francophone living within the anglophone majority in Canada; minority francophone living

outside the francophone majority in Quebec; minority because I have been living with a partner of the same sex for 33 years; minority in this chamber because I am not affiliated with a political party; and, why not, a minority because I am a bald man surrounded by such fine heads of hair.

What struck me most as I entered this chamber was the cultural plurality of this place and how it reflects the diversity of our country, something which is not quite so manifest in the homogenous francophone population that I come from and never really made its way into the everyday lives of my fellow citizens in the Acadian peninsula.

[*English*]

I agree that this diversity involves a great deal of openness and compromise. But isn't that one of the things Canada is banking on? To those people who feel there is an excessive use of the notion of inclusiveness due to political correctness, I say I will agree, if all we do is pay lip service to inclusiveness and diversity, without rooting them in our common cultural references, our symbols, laws and actions.

[*Translation*]

In addition to the cultural diversity in this place, I was also pleased and reassured to see the high number of women here. Those who make up 52 per cent of the population in Canada are still not fully represented in this place, but the Senate is moving toward greater gender balance and that is reassuring in terms of the future of democracy and our country.

Throughout Canada's history, many women have contributed to the development of our society. All of us have women in our communities who transform our daily lives and contribute to our individual and collective well-being with their actions, whether small or large. They are artists, social workers — I pay tribute to them today — businesswomen, doctors, professors, scientists, politicians and senators. They are our sisters, wives, grandmothers, mothers, aunts, nieces and friends. Would it not be legitimate for such an important segment of the Canadian population to fully identify with all our collective symbols?

[*English*]

Among the many statements about Bill C-210, I was delighted to read remarks by one of our honourable senators who spoke knowledgeably and passionately about respecting artists and their work. Although Canada has important legislation on copyright and the status of artists, Canadian creators face many challenges when it comes to respect for their work.

[*Translation*]

We all remember the *Robinson* case, the legal saga of Quebec author and animator Claude Robinson and the audiovisual production house Cinar, which began in 1996 when Claude Robinson accused the producers of plagiarizing his animated series *Robinson Curiosité*. The owners of Cinar had used his concept in a similar work entitled *Robinson Sucroé*. A long series of suits and legal battles in the courts followed, in an effort to recognize Claude Robinson's copyright. He spent more than 18 years of his life battling for justice. The Supreme Court of Canada finally ruled in his favour in 2013.

[*English*]

Respect for intellectual property is absolutely non-negotiable, and the same must be true for the integrity of creative works. That is why this chamber will need to pay close attention to the review of the Copyright Act this coming fall.

[*Translation*]

Having said that, the work in question in Bill C-210 is today in the public domain and does not have the same requirements. Section 6 of Part I of the Copyright Act states the following:

> **6** The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author, the remainder of the calendar year in which the author dies, and a period of fifty years following the end of that calendar year.

After that, the work is in the public domain and can be used by anyone without authorization or payment of royalties. As the Department of Innovation, Science and Economic Development stipulates, in Canada we can even modify a work without authorization.

That is confirmed by the Society of Composers, Authors and Music Publishers of Canada, or SOCAN, a collective that handles the Canadian performing rights of more than 100,000 authors, composers, and editors.

In light of this information, we have to recognize that Bill C-210 in no way disrespects the integrity of Robert Stanley Weir's work, especially since it proposes reverting back to the original version of the piece, which used the words "of us".

[*English*]

"Us" and "nous" are words that resonate strongly in each official language. Their meaning today is so profound that this is, without a doubt, the reason why I will vote in favour of this bill.

Knowing, as we all know, the issues that are currently bombarding our country and the world, I don't think that changing two words in our national anthem is a top priority for our fellow citizens right now. However, I firmly and sincerely believe that the issue of "us," of our coexistence, is at the root of our current and future challenges.

[*Translation*]

To quote Anatole France, "Men more often feud over words. They are most willing to kill and to die for words." Some people on our planet know this all too well and use words as weapons to divide, instil fear, build walls between nations, and justify wars and conflicts.

Just a few days ago, we witnessed yet another act of unthinkable violence on the Westminster Bridge and in the

British Parliament. Is that not another clear example of the pervasive desire in western society to tear things apart, to divide? Allow me to offer our most sincere condolences to the families affected, to our parliamentary colleagues, and to the people of England.

[*English*]

Honourable colleagues, I recognize there are many arguments for keeping our national anthem the way it has been since 1980. But Canada is not the country it was in the 1980s. Of course, it still has two official languages that we must continually reaffirm, without detracting from the other languages spoken in this country, whether by indigenous peoples or other communities. But the Canada that is approaching its one hundred and fiftieth anniversary has been irreversibly and forever changed.

[*Translation*]

I believe we would be making a mistake, honourable senators, if we did not include cultural strategies in our laws and actions that strengthen our common cultural references and collective identity. This requires us to sometimes have the courage to make changes to some of our symbols so that they become even stronger, more meaningful, and more engaging.

To those who say that this change would open the door to other changes, I say that you are undoubtedly right. That said, we cannot foresee what future generations will want to do, but we can certainly take action in our time, knowing that our children and grandchildren will have the wisdom to make their own choices.

The Hon. the Speaker: Senator, your time has elapsed. Would you like five more minutes?

Senator Cormier: Please.

[*English*]

Senator Cormier: Therefore, given the challenges facing our society to unite Canadians around a common vision, given Canada's desire to be a leader in equality and inclusiveness, and given the oversights and omissions that rob our collective history of some of its richness, whether it be the contribution by women, First Nations or minorities to our country's growth, I believe that, collectively, we need the "us" proposed in this bill.

[*Translation*]

Let us say so in our national anthem as the author did originally. Let us sing this slightly altered anthem with the conviction that it will resonate even more with Canadians of any background and gender, and let us be proud of the leadership and vision that we, honourable senators, can demonstrate by passing this bill.

• (1600)

[*English*]

I am certainly not trying to speak on behalf of Robert Stanley Weir, but given his original lyrics and his desire to stay relevant, and given that he himself adapted his lyrics to reflect the major political and social changes of his time, I think he would be pleased today if the word "us" reappeared in the lyrics that he wrote with such love for his fellow citizens.

[*Translation*]

I think this would also be the case for the sponsor of the bill, the late Mauril Bélanger, to whom I pay tribute with a great deal of emotion and gratitude.

Honourable senators, I sincerely thank you for allowing me to express my opinion, and I leave you with this quote attributed to Voltaire: "I disapprove of what you say, but will defend to the death your right to say it."

Hon. Senators: Hear, hear!

Hon. Joan Fraser: Honourable senators, I would like to congratulate Senator Cormier on his speech, which presented a very broad vision and appeals to our noblest sentiments. However, he already knows that I do not agree with him.

An Hon. Senator: Nice try!

[*English*]

Senator Fraser: Colleagues, as I have had occasion to say in this chamber before and probably will say again, I am an ardent feminist, but I do not support this bill for several reasons.

Let me start with the one that is perhaps the least important. I think the wording proposed "in all of us command" is clunky, leaden and pedestrian. It's a fine example of what happens when you let politicians meddle. Politicians are not usually poets.

In addition to being remarkably clunky, this proposed change does nothing to address one of the ambiguous features of that line of our national anthem. Colleagues will recall the very interesting discussion we had when Senator MacDonald spoke at second reading about grammar and about the exact meaning of the phrase "in all of us command." What does "command" refer to? Whether it's "in all of us" or "in all thy sons," that ambiguity remains. If we were going to be meddling, why didn't we meddle to clarify things?

While I'm at it, this proposed amendment doesn't address another thing I have always found objectionable in the words that a parliamentary committee devised for our national anthem, and that is the phrase "from far and wide, O Canada, we stand on guard for thee."

I believe this was an attempt to acknowledge and honour newcomers to this country, who, heaven knows, deserve acknowledgement and honour. Without them, we would not be anything like as good and successful a country as we are. However, "from far and wide" indicates movement. "Standing on guard" indicates taking a stationary position. I don't know how you can "stand on guard" "from far and wide."

Maybe this kind of objection is what you might expect from an old copy editor. You can take the girl out of the newsroom, but you can't take the newsroom out of the girl. However, I would

suggest that if Parliament in its infinite wisdom is driven to rewrite the national anthem, we make use of the poet laureate's services, now that we have one, rather than the services of a bunch of parliamentarians who might be passionate and eloquent, but they're not poets.

More seriously, there is the matter of whether the national anthem should reflect in its entirety the values that Canadians today cherish and try to live up to. In theory, you can argue that that would be the right thing to do. Many in this chamber have argued it is the right thing to do — to acknowledge that Canada is not composed only of sons; it's composed of daughters as well.

But if we're going to be inclusive about women, what are we going to do about some of the other groups who may find themselves neglected or offended by the wording of our national anthem? For example, I wonder about the decision of that parliamentary committee to insert the words "God keep our land glorious and free." "God" was a parliamentary addition to the national anthem. And make no mistake about it, colleagues; we're talking about the Christian god here, not just anyone's god. This is definitely the Christian god. Should anyone doubt that, turn your attention to the French version, the original version, of "O Canada," which refers to "la croix," the cross; and the valor of Canada being steeped in faith — Christian faith for sure.

What about people who are not Christian? What about people who do not believe in any god or perhaps believe in many gods? How do they feel when they're obliged to stand and sing "God keep our land glorious and free"?

I find it unnecessary and potentially offensive to go around meddling with these things. In that case, I think the parliamentary committee should have left "God" to the conscience and the belief of individual citizens.

Our national anthem refers to "Our home and native land." This does not, I think, refer to the indigenous peoples of Canada. I believe it refers to European settlers who came a long time ago and whose descendants have been born and raised here. Again, if you go back to the original version, it talks about the "Terre de nos aïeux," the land of our ancestors.

In this chamber, I see around me people whose ancestors were, thank you very much, not born here. We're very lucky and glad to have them all. Why are we excluding them from our national anthem if we're trying to make it properly inclusive and reflective of our values?

The fact is that national anthems very rarely reflect today's values, or what "today's values" might be at any given point in time. National anthems all over the world have a marked tendency to be bloodthirsty, ethnocentric, focused on a single religion and otherwise not inclusive.

Let me give you some examples. The Brazilian national anthem includes the words, in translation, "a son of thine flees not from battle; nor do those who love thee fear their own death." That anthem also refers to the cross, incidentally.

The Russian anthem refers to "the land of my birth protected by God."

Pakistan's anthem refers to that country as a "citadel of faith." "This flag of the crescent and star," Muslim symbols, is referred to in that national anthem.

• (1610)

Italy talks about how Italians "are ready to die". I'm not quite sure where it came from, but it's been in the anthem for quite a long time.

Argentina says we "swear in glory to die." Ireland says "We'll sing a song, a soldier's song . . . impatient for the coming fight." Greece says "from the graves of our slain shall thy valour prevail."

As I said when I spoke on this subject some years ago, the overarching example of a national anthem that does not reflect today's values has to be "La Marseillaise," which was written late in the 18th century. Given the context, you can understand the references in the "La Marseillaise" to invading armies and tyranny, but under today's values, I think most of us have to blink hard when we get to the line that calls for impure blood to water the furrows of France.

The fact is that the value of those national anthems does not lie in the specific words they use. It lies in the fact that they have been sung by generations of the citizens of those countries.

"La Marseillaise" has been sung for more than 200 years, sung in times of war. As I understand it, the French were not allowed to sing it when France was occupied by the Nazis. To sing it at all was an act of immense heroism and dedication, and an affirmation of freedom. That's what makes "La Marseillaise" a sacred symbol, not the specific words about impure blood. The same is true for national anthems the world over. It is true for us as well, I would suggest, colleagues.

There have been times in this country when Canadian patriotism was not something to be taken for granted. There have been times in this country when to stand up and say, "I believe in this country," took a certain amount of courage. To sing "O Canada" was a statement of that belief and that loyalty and that patriotism. It was the singing, not the words, that mattered; it still is.

If we are to become engrossed in the idea that we must at all times be correctly modern, we lose a part of our heritage. It may not be a perfect heritage — I'm not suggesting it is — but it is ours. I suggest that it deserves respect and acceptance for what it is, imperfect but our own.

Therefore, I do not support this bill, although I have the greatest possible respect for those who do support it and for the intentions that lie behind it.

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

THE ESTIMATES, 2017-18

MAIN ESTIMATES—FOURTEENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Leave having been given to revert to Presenting or Tabling Reports from Committees:

Hon. Larry W. Smith: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Senate Committee on National Finance, our first interim report dealing with expenditures set out in the Main Estimates for the fiscal year ending March 31, 2018.

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

NATIONAL STRATEGY FOR ALZHEIMER'S DISEASE AND OTHER DEMENTIAS BILL

SECOND READING

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

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

In form and function, the bill is quite simple. It asks us to enact legislation that would encourage the government to form a coordinated approach to a disease that is ravaging our seniors' population.

Bill C-233 comes to us from the House of Commons, where it was introduced by my colleague, Conservative MP Rob Nicholson, and received support from both the Liberal Party and the NDP.

Generally, I'm very cautious about recommending national strategies, but this bill is quite precise in what it asks the government to do. It stipulates that the national strategy must focus on assisting the provinces in developing better treatment plans and helping to advance existing best practices across the country. It also calls for investment into Alzheimer's research and coordination with international bodies.

The national strategy is to be developed through a 15-member advisory board staffed with relevant experts, tasked with informing the health minister on any matter related to those who have any form of dementia. The government is kept accountable to the proposed national strategy by a requirement that the minister must prepare an annual report for tabling in Parliament on the effectiveness of this strategy and the actions taken by the government.

In the previous Parliament, an NDP member introduced a bill that was quite similar to this one and some have asked why this bill and not the other.

While there was agreement in principle on the previous bill, Bill C-356 had a drafting error, which turned it into a so-called money bill, meaning it would require government backing through a Royal Recommendation. Bill C-233, this bill, has no monetary consideration in it and in any case, Minister Philpott has noted her support for this legislation.

The bill before us is very timely, coinciding with a massive study done by the Senate Social Affairs Committee on dementia in Canada. It follows a direct recommendation from the Special Joint Committee on Physician Assisted Dying. As part of that study, we met with stakeholders from across the country. One thing that they all had in common was a great desire to see a national dementia strategy.

Bill C-233's guidelines for this proposed strategy match our committee's call for adequate federal investment and representation from provincial governments. As Canada's population ages or, rather, as more Canadians live longer, dementia will become an increasingly common illness.

Like most advanced nations, Canada has seen an incredible rise in life expectancy. This achievement means that there will be ever more seniors living amongst us in their 80s, 90s and even 100s. As we age, the incidence of dementia rises. However, while age is the biggest factor, it should not be taken to mean that dementia is a normal part of aging.

• (1620)

It is possible for someone to develop this disease in their 40s and 50s, during their most productive years. As of 2008, there were approximately 50,000 Canadians aged 50 and under living with dementia. As of 2011, there were 750,000 Canadians, in total, with dementia. By 2031, this number is projected to rise to 1.4 million. Those are very conservative estimates.

Anyone can be affected by this disease, and probably every senator here has a friend or relative living with dementia.

The news is not entirely bleak. There are areas of optimism. While there is no cure, nor any way to definitely prevent it, as with other illnesses, it is believed that a healthy lifestyle goes a long way towards reducing the risk.

People of all ages with dementia can live full and independent lives for a long time, with the right combination of resources and support. However, eventually, those with dementia usually end up living outside of their homes. The resources required to support this lifestyle are massive.

The economic burden is huge and will grow. Currently dementia takes $33 billion every year from our economy, and, by 2040, it will end up being more than $293 billion. The direct medical costs paid out by taxpayers are expected to double, from $8.3 billion in 2011 to $16.6 billion by 2031.

Our medical system is being overwhelmed in some areas by the scope of this challenge. Many patients do not have access to the information they need to become educated about the resources available to them. Consequently, many end up in emergency wards and occupying hospital beds needed elsewhere. Care facilities are understaffed, and those who do work there are often underpaid and overworked. Families become stretched to the limit as they struggle to provide round-the-clock care with inconsistent support.

Canada has not been quiet on this front. The government launched a national dementia research and prevention plan in 2014. Part of this included an investment of $183 million in dementia research. Private organizations have also developed support strategies like the memory café system. In New Brunswick, we have eight memory cafés. These provide a safe environment for people to gather and support each other in a way free from stigma.

Different provinces have developed home-care strategies to help dementia patients to access treatment without having to leave their homes. In New Brunswick, our Home First strategy has tried to remove internal barriers and offers a range of supports for seniors in an attempt to cut down on the need for hospital time.

There is a lot of good work being done, but, ultimately, given the nature of our health care system, centres of excellence and best practices end up as silos in different provinces or different departments and do not communicate.

Canada is one of the last advanced industrial economies not to have a national strategy for confronting dementia. Bill C-233 will go a long way toward solving this problem by forcing everyone to talk and share what they're doing, while at the same time encouraging the government to coordinate research and get international organizations involved.

Dementia, senators, is an issue that affects all Canadians, and with the passing of this bill we can ensure that our country has a world-class strategy for dealing with dementia, something we can all be proud of.

I urge you to support this bill and help us to move toward realizing a national approach for managing and treating dementia.

Hon. Frances Lankin: Would the senator take a question, please?

Senator Stewart Olsen: Of course.

Senator Lankin: Thank you very much. I appreciate your comments. I understand that this bill is going to be voted on today and referred to committee, so I am just going to ask a question and will hold my comments until third reading.

I support the intent of the bill and many of the comments that you have made. I notice that you stressed the point of the assistance of the federal government to the provinces, and I suspect you did that to reassure this chamber that, on issues such as division of powers and jurisdictional concerns, there are no issues that we should be concerned about. I assume that we will have that assurance again at committee.

That is my view of this from a provincial perspective. I just wondered if you would comment on that one item, please.

Senator Stewart Olsen: Thank you, senator. Yes, that's my understanding of the bill.

In this country, provinces have control of their health care systems, and I don't think any one of us wants to interfere with that. What we want to do is to provide assistance for each province. Each province, mind you, right now is struggling with this issue, struggling to find information, struggling to find the best way forward. I think this kind of legislation keeps it quite separate. It doesn't say, "You must do this." It says, "This is going to be the information on how you can proceed forward. This piece of excellence has come from this province or from Europe, or this is the way they do it there." That's what we need to get rid of the silos, and this is just one instance where we can overcome that.

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

Some 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 Stewart Olsen, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

NATIONAL STRATEGY FOR SAFE AND ENVIRONMENTALLY SOUND DISPOSAL OF LAMPS CONTAINING MERCURY BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Dawson, for the second reading of Bill C-238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury.

Hon. Michael L. MacDonald: Honourable senators, I am pleased to speak today at second reading of Bill C-238, An Act respecting the development of a national strategy for the safe and environmentally sound disposal of lamps containing mercury, which addresses an important issue affecting our environment and the health and safety of all Canadians. Who says it's not an exciting week to be in Ottawa?

The bill before us received widespread support in the other place, including that of the Conservative, Liberal, NDP and Green Parties.

I want to be clear that, although I am speaking today as the critic of the bill, I do so in full support of it. I believe this to be an important piece of legislation pertaining to an important issue.

The purpose of this bill is for the Minister of the Environment, in cooperation with the provinces and territories, as well as other interested governments and organizations, to create a national strategy for the safe disposal of lamps containing mercury. The strategy would include the identification of practices for the safe and environmentally sound disposal of fluorescent lights, the establishment of guidelines for facilities involved in the disposal of these lights and the development of a plan to promote public awareness on this issue.

The minister would be required to report to both the House of Commons and the Senate within two years of Royal Assent and subsequently conduct a review on the effectiveness of the strategy every five years.

Fluorescent lamps are very common light sources found in residential, commercial and industrial places across the country. These lamps, which we may also refer to as light bulbs, come in a variety of forms. Most common are fluorescent linear tubes, often found in commercial and office spaces, as well as small spiral-shaped compact fluorescent light bulbs, known as CFLs, that are now common in households.

The growing use of fluorescent bulbs can be attributed to the fact that they are far more energy-efficient than traditional incandescent bulbs and last much longer. CFL bulbs, for example, can last as long as 10 years while consuming only a fraction of the energy required to power an incandescent bulb.

• (1630)

That said, the efficiency of fluorescent bulbs is due to their unique chemistry, utilizing elemental mercury to produce ultraviolet light. Classified as a toxic substance under the Canadian Environmental Protection Act, mercury is a dangerous neurotoxin, which can have detrimental effects on the environment and human health. Although these lamps contain only a small amount of the substance, accumulation of these devices in our landfills should be of serious concern to all Canadians.

There is no alternative to mercury in fluorescent lamps: Its unique properties make it essential to the technology of these devices.

Although the severity of symptoms is dependent on a variety of factors, significant exposure to the substance can result in muscle impairment, loss of coordination, tremors, impaired vision and hearing, numbness and even death. Pregnant women and fetuses are considered particularly susceptible.

I do want to note that no mercury is emitted from these lamps during their use. The mercury is safely contained within the bulb, so long as the lamp remains unbroken. The issue that this bill seeks to address is the safe disposal of these lamps at the end of their life cycle. Unfortunately, a large portion of these bulbs are disposed of in the garbage, ultimately ending up in our local landfills, where they break and release the toxic element into our air and water.

Mercury released into the environment ultimately settles in our waters, forming methylmercury, at which point it enters our food chain via bioaccumulation in our fish stocks.

Unfortunately, we have seen the effects that mercury poisoning can have on a population right here in Canada, at Grassy Narrows, in Northern Ontario. Industrial waste deposited in the river in the 1960s and 1970s has had a devastating effect on the health of the local First Nation. According to recent reports, despite decades having passed, the area remains contaminated, with a large portion of the population still showing symptoms of mercury poisoning.

Perhaps the most severe case of poisoning among a population occurred in the Japanese town of Minamata. Much like Grassy Narrows, industrial waste from a nearby factory contaminated the local seafood supply. What is now referred to as Minamata disease, a neurological syndrome resulting from severe mercury poisoning, had a devastating and often fatal effect on the local population.

The disaster in Minamata and the situation in Grassy Narrows should serve as constant reminders that the release of mercury through human activity must be properly controlled and regulated.

I should note that, in 2013, our previous government signed on to the Minamata Convention on Mercury, a global treaty to protect human health and the environment from the adverse effects of the substance.

Colleagues, returning to fluorescent lamps, some may question why these devices should be permitted for use in Canada at all. In reality, however, operating fluorescent lamps can actually reduce total mercury emissions. Because of their energy efficiency, there is a reduced demand for electrical generation in areas dependent on coal power plants. Coal power generation, still utilized in my home province of Nova Scotia, for example, releases mercury into the environment. For this reason, the use of products such as CFL light bulbs, especially if disposed of and recycled safely, actually reduces mercury emissions, benefiting the environment.

Colleagues, we need to ensure that disposal programs are available throughout the country to keep these items out of our landfills. The development of a national strategy would provide the government the opportunity to collaborate with provincial, municipal and indigenous governments to increase the availability of disposal centres. Although most urban centres now have hazardous waste disposal options, or "take-back" programs operated by retailers, these programs are by no mean universally available throughout the country, especially in rural areas.

Additionally, many Canadians may not be aware that fluorescent lights contain mercury and that disposing of them in the garbage is damaging to our environment, or many may not be aware of how or where to dispose of them. In fact, a report from Statistics Canada has shown that half of households surveyed used an "uncontrolled" method when disposing of unwanted CFL bulbs: in other words, they end up in landfills.

I have no doubt that promoting public awareness will go a long way in managing the safe disposal of these lamps.

Likewise, as awareness grows, so too will demand for facilities capable of safely recycling these products. As a resident of Dartmouth, Nova Scotia, I would be remiss if I did not mention

the innovative facility in operation there by Dan-X Recycling Limited. Senator Cordy, the sponsor of this bill here in the Senate and fellow Dartmouth resident, has already mentioned the innovative way in which the facility recycles the entirety of fluorescent mercury-containing lamps, ensuring the toxin does not become an environmental contaminant.

I should also remind my colleagues that the sponsor of this bill in the other place is Darren Fisher, a former Halifax regional councillor, and currently Member of Parliament for Dartmouth—Cole Harbour. So you have here a completely Dartmouth initiative.

Colleagues, having outlined the serious consequences that uncontrolled mercury disposal can have on our environment and our health, it is clear to me that a national strategy for the safe disposal of fluorescent lamps is a necessary step in that direction.

The matter before us is a multi-jurisdictional issue, which is why it is so important that a strategy be a collaborative effort between the federal government, provinces and municipalities and other interested governments and organizations.

Mercury knows no boundaries, colleagues. Contaminants in our air and waterways affect all of us. It is time for a national strategy, and the federal government should lead the way.

I encourage my colleagues to support this bill here at second reading. Thank you.

[*Translation*]

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Senator MacDonald, would you agree to take a question? I assume you have already discussed the matter of Royal Assent, namely whether the bill has to be approved by a minister. I imagine that the answer is no. Can you explain why such a bill might be sponsored by an MP rather than a minister?

[*English*]

Senator MacDonald: I'm not sure why this was put forward by a member as opposed to a minister, but I will inquire and find out.

The Hon. the Speaker: Are honourable 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.)

[Senator MacDonald]

REFERRED TO COMMITTEE

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

(On motion of Senator Hubley, bill referred to the Standing Committee on Energy, the Environment and Natural Resources.)

SENATE MODERNIZATION

TENTH REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

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

Hon. Serge Joyal: Honourable senators, I will continue the address that I started a while ago. Considering that I sought the adjournment, and according to the *Rules of the Senate*, we can't seek the adjournment twice, today I am bound to complete my presentation.

I will certainly remind honourable senators that the issue of the tenth report is in relation to the consideration that the Special Committee on Modernization brought forward, asking the Committee on Rules, Procedures and the Rights of Parliament to review the *Rules of the Senate*, the administrative rules, and the practice of the Senate so that those rules better reflect the constitutional role of the Senate and the constitutional duty of each and every senator. But of course to review the rules, you have to have a certain number of objectives if you want to be able to conclude, on the analysis of those various rules that are in our books, in the standing rules, in the administrative rules, and in the practice of the Senate. So then the first question is: What is the role of the Senate? What is the role of a senator?

• (1640)

Honourable senators, we have had the benefit, contrary to the other place, of having the wisdom of the Supreme Court of Canada two times in the last 30 years. We had it following a Senate reference in 1980, and I had to remind myself that I was part of the discussion in those days in the other place that led to that reference. Because the government of the day introduced Bill C-60, and that was intended to totally revamp the institution; hence, the opposition of the provinces and of some of the constitutional lawyers that, in order to do that, the Parliament of Canada had to get the support of the provinces.

There was a very animated debate at the Legal and Constitutional Affairs Committee in 1979, and the government of the day decided to refer the issue to the Supreme Court. We got the first ruling of the Supreme Court in 1980.

What did the Supreme Court say about the Senate in relation to the Commons in 1980? Because that was essentially the issue: What is the role of the Senate in comparison with the role of the House of Commons, since those two chambers make up Parliament? In fact, if you read section 17 of our Constitution, section 17 is pretty clear. It states:

> There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

So we are part of Parliament as much as the House of Commons.

In fact, if you read section 95 of the Constitution that calls upon the legislative authority of the Parliament of Canada. I quote section 91:

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

In other words, our advice and consent is as valid and as necessary to enact legislation as the House of Commons. We are a legislative chamber and a bicameral Parliament, enjoying exactly the same role and power in relation to legislation.

But do we have additional different characteristics? The answer is yes, again referring to the ruling of the Supreme Court of Canada in 1980. What is the essential characteristic that we enjoy as a chamber of Parliament that the other place doesn't? Well, it's very simple. We are the house of Parliament that embodies the federal principle.

You will remember that the Fathers of Confederation, now in the more feminist tone, "the framers," originally had to wrestle with this issue of how to reconcile the weight of an elected majority, that in 1867 lies in Ontario, with the lesser weight of smaller regions, i.e., New Brunswick, Nova Scotia; different linguistically and religiously, Quebec. How can you reconcile the weight of the majority Protestant in Ontario with the linguistic characteristics that are different in Quebec, and of course the different economic weight in the two Maritime provinces?

I open a parenthesis: By the way, Prince Edward Island was not part of the original deal; they refused to join Confederation. Prince Edward Island was not on the original flag, like the four other provinces were. Prince Edward Island was not on the original medal of 1867.

I know there is a bill about the birthplace of Confederation being studied, but I respectfully submit, Prince Edward Island was not among the original framers that led to the British North America Act, 1867. We might want to reflect on the role of Prince Edward Island, but we have to be historically correct when we want to recognize that. I say that with the greatest respect for Senator Hubley, our friend Senator Downe and the new senator from Prince Edward Island. I was not in the chamber. I was caught outside when that bill was debated. There will be another opportunity, but I will close the parenthesis.

In other words, when the framers originally had to wrestle with that idea of creating a united country with an elected majority, and provinces with different economical and financial weight, and provinces with different linguistic and religious characteristics, they thought and concluded that the only way to come to terms with that was to have a house divided proportionately in the Senate among the three regions, recognizing that there would be a representative of the Protestant minorities in Quebec in the chamber, with seats that were specifically allotted to maintain the rights of those minorities to drive within their identity. They thought the only chamber in Parliament that could represent and speak on behalf of the regions and the linguistic and religious minorities of the day was to create the Senate the way we have it.

We are very different from the other place, not only because we are not elected and they are, but because we are appointed, and we are appointed differently. We are appointed through a Royal Commission. In other words, we don't owe a democratic mandate. We owe a commission from the prerogative of the sovereign, represented in those days by Queen Victoria through the Governor General of Canada on the recommendation of the Prime Minister. But if we are a chamber structured differently with the same legislative power, how can we reconcile the use of that power with the democratic will of the other place? In other words, how can we use our powers?

The question is simply this: What are those powers? Well, those powers are simple. We have the power to, as they say, advise and consent. So when you consent, you say "yes," which is to approve, or you could say "no," to disapprove. If you say "no," at the limit, it could mean a veto. It could mean the bill falls or dies. It has happened, and I'll explain later how many times and for which purpose.

If we have the power to approve or say "no," we also have the power to negotiate. Because before saying "no," we can express the will that if a bill could be amended in such a way or if a minister of the Crown can commit himself or herself to bringing amendments, or if a minister can commit himself or herself to bringing forward a policy that would answer a specific need, then we have the power to obtain results.

The power to say "no" has, as a corollary, a power to negotiate. We've seen it in the last six months. We have exercised the power to say "yes" to some bills. I see the opposition, Senator Marshall, nodding. When we say "yes" to some budget bills, the opposition, who had the larger numbers at that time, could have said "no," but they said "yes," and they made that political decision for specific reasons.

Then we have the power to say "no" to a bill. When the bill contains some provisions in relation to the protection of consumers, we signal that we would say "no." Hence, what happened is the power to negotiate. If you don't have the power to say "no," you don't have the power to negotiate and you don't have the power to improve the bill. So all those who say that we should always yield to the elected will of the majority, it would mean that we would lose our power to negotiate.

• (1650)

And then we have a power to delay, which is a very effective power. In fact, in the previous Parliament, many of my colleagues will remember the sports betting bill. I see some senators nodding. What did we do with that bill? We didn't vote "yes" at third reading, we didn't vote "no" at third reading and we didn't negotiate amendments at any reading. We just remained sitting on

our bottoms and the bill failed. We didn't vote against it; we just had to delay it. When called on the Order Paper, we said "no" on both sides — I look at my friend Senator Mockler — and there was nobody on any side who wanted to debate the bill. So the bill remained on the Order Paper and at the end of the session the bill failed.

Honourable senators, the power to delay is a very effective power. Before we consider redefining the power of the Senate, we should be exercising our wisdom to realize how the power of the Senate can be exercised for the specific objective of protecting the regional interests for which we have a specific mandate, to protect linguistic minorities and the other minorities.

The Supreme Court, in its ruling in 2014, said very clearly, through the years, the role of the Senate to protect ethnic minorities, linguistic minorities, Aboriginal people, racial minorities, sexual minorities, any minorities, expanded. The court wisely recognized that in exercising our powers today it is in the context of our constitutional duty to speak for those minorities. And why do we have that specific role? Because in the other place they work on the simple rule that the majority takes all. You know those games; you have more cards, you win. You don't win on the basis of the aces or the king; you win on the basis of the number of cards you hold.

Two more minutes, honourable senators?

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

Hon. Senators: Agreed.

Senator Joyal: In other words, honourable senators, I want you to reflect on those because we are in the process of modernization. We are in the process of making sure our chamber exercises its judgment on a more independent basis. But we should not forget that in bringing our chamber into a more independent context of deliberation we would challenge our power. I have heard from some, "Oh, the Senate will become more independent. But of course they will not use their power. Of course they will not oppose the will of the elected majority in the other place." Well, if we are ready to accept that, we fail our constitutional duties to uphold the interests of the regions and the minorities for which we were appointed in this chamber and for which we're called by the Constitution to stand up for. It doesn't mean that after negotiation, after having obtained what we think is a proper compromise, we cannot yield, as we will do on Bill C-6 in relation to the appeal for the revocation of citizenship, as Senator Eggleton and Senator McCoy presented in this chamber. But because we can say no, we can have and we can obtain through negotiations and fair compromise improvement of legislation. But the day we will say no to our veto, to our capacity to say no, we will have lost our power to really negotiate. So think twice about those who tell you because we are more independent we won't use our power to veto or to refuse legislation.

Honourable senators, let me give you a last example. I know I have no more time than for that, and Senator Andreychuk is reminding me of the clock.

I hope you have read in the paper over the weekend that the Minister of Health of Quebec has decided to make a reference to the Court of Appeal of Quebec in relation to medical assistance in dying. It's not long ago that we were debating an amendment in this chamber to ask the government to refer the issue to the Supreme Court. Now, of course, we would be involved in a two-step approach. There will be a decision of the Court of Appeal of Quebec in reference to interpreting the concept of reasonable, foreseeable death; and then, of course, the party that will feel that the decision is not in relation to their position will appeal to the other place. If we had insisted in our amendments to refer that clause of the bill to the Supreme Court of Canada, we would have had a result that would have benefit at the end to Canadians.

To give you an example, when we take a stand in this chamber on an issue that pertains to minority rights, the rights of a person who suffers a grievous and irremediable condition, is in terrible pain, is able to give consent and is an adult, according to my reading that person has a right to medical assistance in dying. We decided, as a majority, to postpone the decision in relation to that. As I say to you, we have the capacity to negotiate. Hence, my suggestion to the chamber is to review 16-3 of our standing *Rules of the Senate* to better define the context in which we could negotiate resolutions of deadlock with the other place when we want to exercise our full power to have better legislation.

I commend to you, honourable senators, the tenth report, with one minor amendment.

MOTION IN AMENDMENT

Hon. Serge Joyal: Therefore, honourable senators, I move that:

> The report be amended by replacing the words "direct the Committee" by the words "invite the Committee".

This amendment to change the words that state that the Senate "directs" the Committee on Rules, Procedures and the Rights of Parliament to the Senate "invites" the Committee on Rules, Procedures and the Rights of Parliament bring it in sync with the other recommendation so we don't instruct a committee but we invite a committee. It's merely a technical practice of the committees to invite other committees to study issues.

With that, honourable senators, I seek your concurrence that we be able to amend the text of the tenth report. Thank you, honourable senators.

The Hon. the Speaker: Senator Joyal, are you moving an amendment?

Senator Joyal: I have moved the tenth report. I would be amending my own proposal. I would have to seek concurrence of the chamber to do that, so that it is done in that way.

I don't want to read the will of the chamber for you, but I see a consensus in the chamber.

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

Hon. Senators: Agreed.

(Motion in amendment agreed to.)

(On motion of Senator Carignan, debate adjourned.)

STUDY ON ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

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

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Free Trade Agreements: A Tool for Economic Prosperity*, deposited with the Clerk of the Senate on February 7, 2017.

Hon. A. Raynell Andreychuk moved:

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

She said: Honourable senators, I want to put on the record, on behalf of the committee, some of the important points we made in our seventh report on free trade agreements, as I think they will be helpful and instructive as we approach both the Canada-Europe Free Trade Agreement and the Canada-Ukraine Free Trade Agreement.

• (1700)

Canada's first trade agreement, the Canada-United States FTA, entered into force in 1989. At present, Canada has 11 FTAs in force, which provide preferential market access to 15 countries.

The Standing Senate Committee on Foreign Affairs and International Trade will soon undertake the study of implementation bills for two additional FTAs that Canada recently signed: the Comprehensive Economic and Trade Agreement with the European Union, and the Canada-Ukraine FTA. As well, Canada is currently negotiating — and exploring possibilities to undertake negotiations — with a number of other countries, including important economies of the Asia-Pacific region.

FTAs have become a key component of Canada's trade policy. However, recent negotiations have reignited debates throughout the country about the advantages and disadvantages of trade agreements for Canada. It is in that context that the committee undertook a broad study of FTAs in the course of which witnesses discussed the benefits and challenges for Canada that result from various aspects of these agreements.

The committee tabled its report entitled *Free Trade Agreements: A Tool for Economic Prosperity* on February 7, 2017. On behalf of the members of the committee, I want to communicate the main findings that my fellow senators made.

During the study, witnesses commented on the importance of international trade to Canada's economy and underscored that FTAs are critical tools for Canadian businesses to compete and succeed globally. They highlighted, for instance, that FTAs provide these businesses with expanded, diversified and more predictable market access and help to ensure the ability of businesses to compete on a level playing field with their international competitors. Witnesses also observed that FTAs help businesses to take advantage of global economic developments, including the rise of global value chains.

According to witnesses, the increased interconnectedness between trade, investment, services and intellectual property that is associated with these value chains requires the negotiation and implementation of FTAs that contain certain provisions on a wide range of trade-related issues.

During the study, the committee also heard about some of the challenges relating to the implementation of FTAs. For example, witnesses noted the increase in Canada's merchandise trade deficits with some FTA partners and the failure of some FTAs to lead to expanded growth in Canadian exports of value-added goods. Witnesses stated that the negotiation process for an FTA involves balancing offensive and defensive trade interests and that some sectors and workers can therefore be negatively affected by the economic adjustments resulting from the implementation of an FTA.

Our report outlines the committee's observations, as well as nine recommendations, based on testimony. Of note would be the following.

FTAs alone are not sufficient to help Canadian businesses maximize international trade-related opportunities. To foster Canada's economic and trade performance, the Government of Canada should ensure that coordinated policies in relation to international and internal trade, innovation, infrastructure, education and other relevant sectors provide the economic foundation required to maximize the potential benefits of an FTA, or in other words, a proper implementation strategy.

Moreover, officials who provide federal trade promotion services, such as the Trade Commissioner Service and Export Development Canada, should be ready to engage with Canadian businesses as soon as FTAs enter into force. To ensure the readiness, an FTA implementation strategy that would identify the federal measures designed to help Canadian businesses benefit from that specific agreement should be made public as soon as an agreement is signed. As well, such an FTA implementation strategy should also identify the federal measures aimed at mitigating the negative effects of an agreement on workers and specific sectors.

Finally, as current trade-related statistics do not accurately portray the trade flows occurring within global value chains, the Government of Canada should encourage initiatives that would provide a more comprehensive analysis of the participation of Canadian businesses in global value chains.

FTA negotiations that lack transparency may contribute to both a perception that such agreements are not necessarily negotiated in the public interest, as well as to skepticism about the economic benefits of FTAs.

A number of the committee's recommendations aim to enhance government consultations and transparency during the negotiations and implementation of FTAs. Some of these suggestions are the following.

The committee believes that the Government of Canada should establish a formal consultation process when defining a negotiating mandate in relation to a particular FTA. Consultations should continue throughout the negotiation process and be open to all relevant stakeholders, including the public. In the committee's opinion, increased consultation with parliamentarians about new and ongoing FTA negotiations, including negotiating mandates and progress made during negotiations, should be among the Government of Canada's efforts designed to enhance FTA-related transparency.

While recognizing the need to safeguard the confidentiality of some information, the committee feels that providing parliamentarians with timely information about progress made during negotiations could enable them to be more effective legislators.

Prior to the ratification of an FTA, the Government of Canada should publicly report the expected economic, labour, environmental, social and other outcomes in relation to the agreement. Moreover, five years after the ratification of such an agreement, the government should commission one or more independent evaluations to analyze the agreement's outcomes and should table a report in both the Senate and the House of Commons outlining these outcomes.

In conclusion, it is the committee's view that helping Canadians and Canadian businesses maximize the opportunities resulting from FTAs and responding appropriately to the challenges resulting from these agreements are two approaches that should, together, increase the benefits of trade for Canada.

The committee also believes that building public confidence in the importance of international trade for the country's prosperity should be a key priority for Canada.

Finally, it is important to note that hearings for this study took place from February 18 to November 3, 2016. Global events that occurred both during and following these hearings could have considerable implications for Canada's economy and international trade, as well as for global economic and trading systems. Nevertheless, the observations and recommendations outlined in the report remain relevant and should be used for future negotiations, as well as deliberations on ongoing trade related and trade negotiation related issues.

(On motion of Senator Bellemare, debate adjourned.)

• (1710)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled Sessional Order, presented in the Senate on March 7, 2017.

Hon. Joan Fraser moved the adoption of the report.

She said: Honourable senators, like Senator Eggleton before me, I apologize for getting to my feet twice in the same day, but I shall try to make this as brief as I can.

This report is the second part of the Rules Committee's response to the Modernization Committee's proposals for the way we handle the Order Paper. You may recall that the Rules Committee has already reported on and the Senate has adopted our proposals on how items are ordered on the Order Paper so that now bills, motions and inquiries are listed in numerical order instead of the previous, rather more confusing method of listing them — confusing not only in my view but in that of quite a number of people. That's been done.

The remainder of the Modernization Committee's proposals in this context had to do with stood items — the items where we say "stand" when we want the adjournment on that item to continue.

A reasonable number of senators find this practice perhaps Victorian. Regardless, they find it less than appropriate for a modern, soon-to-be-televised chamber. The Modernization Committee composed a relatively complicated process to handle the objections to the use of the procedure where we call "stand."

There have been quite a few debates in this chamber about how to do that. Some suggest the solution might be worse than the problem, or at least more confusing than the problem, involving giving advance notification of who was going to speak on that item and then at the end of the category or of the day, giving someone space to revert to a previous item on the Order Paper.

The fundamental difficulty was and is, of course, that we want to preserve the ability of any senator to speak to any item on the Order Paper on any day if that senator so wishes. It's one of the distinguishing features of this chamber, and it has on occasion produced some really excellent debates. No one wanted to lose that. At the same time, there was a view that just saying "stand, stand, stand" was not going to be conducive to respect for this institution, particularly once we have television cameras.

The Rules Committee is proposing a sessional order to tackle this by actually tackling the word "stand." Rather than getting into a further re-ordering of the Order Paper depending on who is giving advance notice about who is to speak. We're suggesting it might be appropriate — and we can try it for the duration of this session — simply to eliminate the use of the word "stand." The table would call, for example, second reading of Bill S-225, followed by Bill S-226, followed by Bill S-234. But when the clerk called Bill S-225, instead of the senator having to say "stand" and the Speaker then repeating "stand," there would be a brief pause. The clerk would pause for two or three seconds before going on to the next item, and it would be the responsibility of the senator who wished to speak to that item to pop to his or her feet right away and draw the Speaker's attention to the fact by saying, "Your Honour."

If we adopt this proposed sessional order, it will be necessary for senators to take the initiative and call upon the Speaker to recognize them, because there are times when the Speaker cannot see everyone. I'm told this is particularly true of senators who sit in that far corner of the chamber, because the clerk is standing and, unless we were to have a very short clerk, would be blocking the view of the speaker.

It would be the responsibility all senators, if you want to speak, as soon as the item is called, to get to your feet and say clearly, "Your Honour," and the Speaker would recognize you.

We would not therefore have this endless repetition of the word "stand," which bothers some people, and I can also appreciate it may be a bit mystifying to members of the public who do not understand the fine details of our Rules.

Almost all of this can be done on an experimental basis without a decision by the chamber, except for one wrinkle. That wrinkle is that for an adjournment of a debate to be continued, the Senate must have indicated a decision that an adjournment continue or that any other course of action be adopted.

That's what "stand" does. "Stand" indicates that the Senate is being asked to make a decision to let the adjournment continue, and if no one objects, the adjournment continues.

What we need is a sessional order to say that such authorization by the Senate for the adjournment to continue does not need to be stated out loud in words. This sessional order would say 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.

We don't know if this would work — if it would be deemed more agreeable than other approaches — but it seemed this would be worth a try as an attempt to square the circle of what we want to preserve and what a great many people want to improve.

Therefore, honourable senators, I hope that I have not made matters more confusing in my attempt to explain what this is all about. I commend this report for your favourable consideration.

(On motion of Senator Carignan, debate adjourned.)

THE SENATE

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson:
>
> That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.
>
> And on the motion in amendment of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C.:
>
> That the motion be amended to read as follows:
>
> That the Senate encourage the federal government, after appropriate consultations, to provide support to initiatives by Provinces/Territories, including the Aboriginal Communities, aimed at evaluating the cost and impact of implementing measures, programs and pilot projects for the purpose of helping Canadians to escape poverty, by way of a basic income program (such as a negative income tax) and to report on their relative efficiency.

Hon. Yuen Pau Woo: I rise to speak in support of Motion 51, originally proposed by Senator Eggleton and amended by Senator Bellemare. Previous speakers have been unanimous in their support for this motion, and they have made a number of excellent arguments with respect to the equity, efficiency and social justice grounds for a guaranteed basic income.

[*Translation*]

Today, I wish to speak briefly to a more fundamental matter, namely that a guaranteed basic income is a question of freedom and dignity.

• (1720)

[*English*]

I believe that freedom is not just about the right to act as one chooses, but is also about having the capability to do so. Freedom is an end in itself and therefore an important social value, but it is also a means for individuals to work towards other ends, such as a fulfilling career, acquiring goods or artistic pursuits.

Unfortunately, we are not born equally free, at least not in the sense that I describe freedom. Our intrinsic freedom as individuals is constrained by social arrangements, including the nature of markets, socio-cultural norms and values, and barriers to mobility based on history, tradition and, often, prejudice.

As the Nobel Laureate in economics, Amartya Sen, has explained, freedom has a "constitutive" role as well as an "instrumental" one. The constitutive role refers to substantive freedoms of elementary capabilities, such as being able to avoid starvation, undernourishment and premature mortality, as well as the freedoms that are associated with being literate, numerate and enjoying political participation. The instrumental role of freedom, on the other hand, has to do with the way that different rights, opportunities and entitlements contribute to the expansion of human freedom as a whole.

A guaranteed basic income can be an important plank in advancing an individual's freedom, both in the constitutive and the instrumental senses. Providing the means for individuals to address their basic needs is a way of giving them the freedom to develop and expand their capabilities for even more freedom.

We have heard other senators talk about the efficiency benefits of a guaranteed basic income. The proposed pilot projects envisaged by motion 51 will test the size and scope of these benefits, but we should not lose sight of the intrinsic value of a guaranteed income in supporting the freedoms of individuals.

For example, an individual on a guaranteed basic income who chooses to use that income security to further her education is, in effect, exercising a freedom that was not previously available to her. In this case, the efficiency gains from that choice will be found not in any reduction of social benefits during her time in school, but in the enhancement of her human capital that can be applied in future employment.

In the same way, colleagues, the advent of the gig economy, which employs a significant and increasing portion of workers, creates greater income insecurity for many people and, therefore, reduces their freedom. According to a 2016 report by the McKinsey Global Institute, as much as 30 per cent of the working age populations in the United States and Europe are engaged in what it calls independent work.

Statistics Canada reports have also highlighted a steady increase in the portion of self-employed workers over the past 25 years. In 2016, it stood at 2.8 million Canadians. This figure, of course, covers all types of self-employment, including that of affluent professionals. However, there can be little doubt about the growing number of Canadians in precarious employment.

A guaranteed basic income cannot only serve as a buffer for precarious employment, but can also be the very safety net that allows innovators, artists and other dreamers to pursue ventures that generate new economic opportunities to mitigate the precariousness of employment and to create meaning for themselves and for society.

If the gig economy is really the way of the future, as many people think it is, how can we make it not only less threatening for individuals but also more rewarding for them and for society? From the perspective of expanding freedoms, the gig economy may be precisely what many people are looking for, but only if their basic income insecurity can be overcome.

We should not, however, be misled by the view that a guaranteed income is a sufficient condition for the expansion of freedoms and hence is a panacea for addressing social inequities related to employment, health, education and so on. While a well-designed guaranteed basic income program could eliminate the need for many other forms of social assistance and the bureaucracy that comes with it, there will continue to be barriers to freedom that are based not on income adequacy but on social arrangements and cultural norms and values, as well as old-fashioned prejudice.

The state has an interest in ensuring that its citizens can exercise their most basic freedoms by providing a guaranteed income, but the state also has to ensure that other measures are in place to advance the instrumental freedoms of the population as a whole.

Insofar as a guaranteed basic income is about enhancing fundamental freedoms of individuals, it is also about giving them the dignity to function in society without stigma. As has been raised by a number of previous speakers, many of our social assistance programs are based on labelling individuals in one category of an underclass or another. It is difficult enough to be disabled, homeless or addicted. Why compound the difficulty by attaching benefits intended to be a form of basic income to one of those labels?

A further difficulty with many social assistance programs is the clawback that kicks in when recipients earn income, which, as we all know, creates a disincentive to work. Many previous speakers have flagged this issue, so I will not belabour it. My only point is that by removing this disincentive, a guaranteed basic income not only helps individuals expand their freedoms, but it also enhances their dignity.

[*Translation*]

There are many questions about how a guaranteed basic income program would work and how it would benefit individuals and society in general. That is what Motion No. 51 is about. It calls on the government to consider this idea more thoroughly, to conduct pilot projects and, in particular, to work with the provinces.

[*English*]

The focus of these pilot projects will undoubtedly be on equity and efficiency, including cost savings for social assistance and health care programs as a whole, and on the incentive or disincentive effects on recipients. These are critical considerations for the design of a more far-reaching, perhaps nation-wide, guaranteed basic income program, but they should not lose sight of why we are, or, at least, why I am, really interested in coming up with better ways of supporting the neediest in our society: because we want to enhance their freedoms and to allow them to exercise those freedoms with dignity.

(On motion of Senator Gagné, for Senator Dupuis, debate adjourned.)

• (1730)

PRINCE EDWARD ISLAND LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Elizabeth (Beth) Marshall: Honourable senators, I rise today in response to Senator Hubley's inquiry pursuant to her notice on September 28, which called the attention of the Senate to the current state of literacy and literacy programs on Prince Edward Island, including the need for federal support of the PEI Literacy Alliance. I would like to share the state of literacy in my own province of Newfoundland and Labrador.

As Senator Hubley mentioned, Atlantic Canada has some of the lowest literacy rates in the country. Canada has earned a "C" on inadequate literacy skills in the latest international comparison study. According to the Organisation for Economic Co-operation and Development, better known as OECD, 48 per cent of Canadian adults have low literacy rates. Comparatively,

45 per cent of adults in P.E.I. have low literacy skills; 50 per cent in Nova Scotia; 53 per cent in New Brunswick; and 57 per cent in Newfoundland and Labrador.

The results throughout Canada are mixed. Whereas Alberta, P.E.I., British Columbia, Ontario, Manitoba and Saskatchewan earn a "C" grade, the remaining provinces, including Newfoundland and Labrador, earn a "D" grade. In fact, Newfoundland and Labrador is the province whose literacy skills are the lowest.

Based on an initiative of the OECD, an international Survey of Adult Skills is being conducted in approximately 40 countries as part of the Programme for the International Assessment of Adult Competencies, by measuring adults' proficiency in literacy, numeracy and problem solving and by gathering information and data on how adults use their skills at home, work and in the community. Having three rounds, the survey goes from 2008 until 2019. Canada participated in the first round from 2008 to 2013, along with another 22 countries.

Statistics Canada, Employment and Social Development Canada, and the Council of Ministers of Education Canada completed a report in 2013 that presented the results of the survey of this program, which is an initiative of the OECD. This report provided a highly detailed survey of skills in literacy, numeracy and problem solving in technology-rich environments among adults 16 to 65 years of age in Canada as a whole, as well as for all of the provinces and territories.

Its key findings include the following: Canada ranks at the OECD average in literacy. However, Newfoundland and Labrador ranks below the Canadian average and also below the OECD average in literacy.

Canada also ranks below the OECD average in numeracy. However, Newfoundland ranks below Canada's score, and therefore the OECD average in numeracy. Newfoundland and Labrador's score in numeracy is the lowest of all of the provinces.

Canada ranks above the OECD average in problem solving in technology-rich environments. All provinces are at or above the OECD average, except for Newfoundland and Labrador. In other words, we are the only province with a score below the OECD average in problem solving in technology-rich environments.

Another recent survey that indicates the low literacy skills of Canadians from Newfoundland and Labrador is the survey issued by the OECD called the Programme for International Student Assessment. This survey is a triennial international survey that aims to evaluate education systems in 72 countries by testing the skills and knowledge of 15-year-old students in mathematics, reading and science.

With regard to the mathematical literacy skills, the results of this 2015 OECD survey indicated the following: Canadian students performed above average in mathematics. Of the 72 participating countries, only six countries performed better than Canada in the mathematics component of the study. However, at the provincial level, Newfoundland and Labrador performed below the Canadian average in mathematics.

With regard to reading and scientific literacy skills, the OECD study indicated that Canadian 15-year-olds had an average score well above the OECD average. Among the 72 countries that participated in the project, only one country outperformed Canada in reading, while six countries outperformed Canada in science.

However, Newfoundland and Labrador performed below the Canadian average in reading and also below the Canadian average in science.

These are very concerning facts from my province. Not only is Newfoundland and Labrador well below the national literacy average for working-aged adults aged 18 to 65, but also our school-aged youth are performing below average in reading, mathematics and science, compared to their Canadian counterparts.

Having low proficiency in literacy strongly correlated with higher rates of unemployment, lower levels of education and lower wages. Literacy skills directly affect both the social and economic well-being of our society.

Honourable senators, with all of the aforementioned statistics in mind, we should be alarmed that not-for-profit organizations promoting literacy are closing their doors across the country. In 2014, the federal government ceased funding to literacy groups across Canada, instead focusing on funding individual programs. However, literacy organizations have argued that core funding pays for office staff and that without those essential staff members, the programs that groups administer cannot be properly supported and, therefore, cannot be offered to our communities.

Literacy Newfoundland and Labrador permanently closed in July of 2015, after falling victim to the cuts, unable to raise enough funds to operate. The organization, which initiated and supported literacy projects and research throughout Newfoundland and Labrador, then applied for $1 million from the provincial government. Unfortunately, this too was rejected, and only a tenth of that funding was approved for one particular project. Literacy Newfoundland and Labrador had no choice but to close and cease its programming.

Without proper support for literacy programs in the province, children, youth and adults will not be encouraged to improve or enhance their literacy skills. Studies show that organizations that offer literacy intervention programs that target individuals at the lowest literacy rates help these individuals to gain the tools and skills they need to reach a job-standard rate of literacy.

Attaining a job-standard rate of literacy increases employment levels, helping these individuals reach their full potential and become contributing members of our communities. It has also been shown that children of adults who have higher literacy rates are more likely to have higher literacy rates as well and seek higher levels of education. In fact, it has been shown that a parent's level of literacy and education is especially important in predicting the literacy levels of their children.

Improving the literacy rates of those who have low literacy and numeracy levels has significant positive effects on both employers and employees. According to the OECD, improving literacy skills

to groups with low-level literacy skills has significant positive outcomes for employers and employees. Whereas it makes employers more productive and innovative, it provides employees with better work performance, salaries and quality of life.

Colleagues, low literacy and numeracy levels have major impacts in the labour market. Individuals with poor literacy skills are more likely to be out of work longer, and those at the lower levels of the literacy and numeracy scales are twice as likely to be unemployed for six or more months as those who have proficient literacy skills.

When considering that my province is already struggling with a 16 per cent unemployment rate compared to Canada's unemployment rate of 7 per cent, we have to consider how literacy rates are affecting the people of Newfoundland and Labrador and their employment opportunities and successes. We need to ensure that everyone has access to programs that can intervene and improve literacy rates for the social and economic well-being of our citizens, especially for those who live in Atlantic Canada.

Newfoundland and Labrador has so much to contribute on a national and international scale. I believe that supporting and improving literacy and numeracy rates is the key to improving employment opportunities for people of all ages. Increasing these opportunities will only have positive effects in our economy, our quality of life and the health of our vibrant communities.

On January 1 of this year, the provincial government imposed a 10 per cent tax on books, making Newfoundland and Labrador the only province to tax books. Community groups and individuals criticized the government's decision, arguing that the tax on books will further negatively impact literacy rates. Opponents of the tax also argue that those who are affluent will still purchase books, while those at the lower end of the socio-economic scale will be the most affected. We all know that there is a correlation between low literacy rates and those at the lower end of the socio-economic scale.

Last year, the Premier of Newfoundland and Labrador commissioned the Task Force on Improving Educational Outcomes, which commenced its work last November.

• (1740)

Recommendations from the premier's task force are expected this year and recommendations related to literacy are anticipated.

While the province's 2013 Literacy Plan is still in effect, it is anticipated that the plan will be impacted by the recommendations of the task force.

In closing, I would like to thank Senator Hubley for raising this important inquiry. I would also like to acknowledge Senator Demers' contribution in raising awareness of this issue which impacts all of us. Thank you.

(On motion of Senator Housakos, debate adjourned.)

[Senator Marshall]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

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

Hon. A. Raynell Andreychuk, pursuant to notice of March 2, 2017, moved:

> That, notwithstanding the order of the Senate adopted on Tuesday, March 22, 2016, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on opportunities for strengthening cooperation with Mexico be extended from March 31, 2017 to October 31, 2017.

She said: This is simply a continuation of a study that we had with Mexico, and in light of the recent developments and our trip to Mexico, we wanted to extend so that we could continue our study and complete it fully. It's merely an extension to continue our work and to have it on the Order Paper as part of our continuing work.

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

Hon. Senators: Question.

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

(Motion agreed to.)

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

Hon. A. Raynell Andreychuk, pursuant to notice of March 2, 2017, moved:

> That, notwithstanding the order of the Senate adopted on Tuesday, March 22, 2016, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on recent political and economic developments in Argentina be extended from May 31, 2017 to October 31, 2017.

She said: This is an issue of extending the date so we would have the opportunity to file our report to get an answer from the ministers and to deal with any round tables and public engagement that we might wish to have, and the order is therefore being requested to be extended to October.

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

Hon. Senators: Question.

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

(Motion agreed to.)

HUMAN RIGHTS

COMMITTEE AUTHORIZED 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, pursuant to notice of March 7, 2017, moved:

> 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.

He said: Honourable senators, this is our general order of reference. No money is being spent. It's used for one of our short studies. For example, we've used this for studies on North Korean defectors, gender-based analysis, meetings on Vietnam, amongst others. It's important for us to have this new order of reference so we can have timely meetings on important topics.

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

Hon. Senators: Question.

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

(Motion agreed to.)

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

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Tuesday, March 28, 2017

ORDERS OF THE DAY

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