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OFFICIAL REPORT
(HANSARD)

Wednesday, June 7, 2017

The Honourable GEORGE J. FUREY
Speaker

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

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THE SENATE

Wednesday, June 7, 2017

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

Prayers.

SENATORS' STATEMENTS

TIANANMEN SQUARE MASSACRE

TWENTY-EIGHTH ANNIVERSARY

Hon. Jim Munson: Honourable senators, sometimes there are images that never leave your mind. This is an image of Tiananmen Square on June 4 and 5, 28 years ago.

One of the images in my mind as a reporter at that time is protesters on a bridge leading to Tiananmen Square yelling "Minzhu wansui," — "long live democracy." In a matter of seconds, the person standing beside me was flattened by an armoured personnel carrier, along with many others. Those are the kind of pictures that never leave you when you talk about human rights and look at human rights in the rest of the world.

I recognize that Canada must work with China on economics, but we can't forget the fact that, 28 years ago last week, hundreds were killed. Parents lost their children, students, in Tiananmen. I owe it to their families to keep speaking each year in June about what happened in Tiananmen at that time.

Honourable senators, not a lot has changed. If you take a look at a number of reports from Human Rights Watch to Amnesty International, the Chinese government is still detaining activists from that time. In fact, a gentleman was just released a few months ago after 27 years in prison.

I think that each and every day, as we get up in the morning and think of our democracy, we have to think of those like Liu Xiaobo, who is a Nobel Peace Prize winner, who is in prison today serving an 11-year sentence for simply talking about freedom of expression. Under the present government with President Xi, freedom of expression has been restricted even more.

On a personal level, in the work that we all do, and I do, on disability rights, you can imagine persons with disabilities face discrimination in education and employment.

Recently, there has been a nationwide crackdown on human rights lawyers and activists that continues throughout 2016-17. Activists and human rights defenders continue to be systematically subjected to monitoring, harassment, intimidation, arrest and detention. There has been more power given to the national government in dealing with security laws and regulations. The ultimate freedom of expression in these days, of course, is the Internet. There has been censorship and new laws passed intercepting the Internet and things that went on there.

Honourable senators, I know that we can't live in the past, and we must live in the present and pay attention to the future, but all our paths have been important and they have shaped who we are and why we are here, whether it's human rights or dealing with other issues, such as trade.

Thinking of media surveillances going on in China today, I'll close with the thought of let's just pause for a second every once in a while in our lives to think about those people who simply wanted to have the right to the free speech that I have today.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of volunteers from Samaritan's Purse team for the Ottawa and Quebec flood response: Greg Schmidt, Stephen Joudry, Mae Joudry, Tim Kikkert and Sheila Vicic. They are the guests of the Honourable Senator Tkachuk.

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

Hon. Senators: Hear, hear!

SAMARITAN'S PURSE

Hon. David Tkachuk: Honourable senators, given our proximity to the river in this chamber, few of you are unaware of the devastating floods this spring that forced thousands from their homes in the Ottawa-Gatineau area. Some of those homes were within viewing distance of the Hill.

Fortunately, it is times like these that bring out the best in people and organizations that pitch in to help not just their friends but complete strangers. Samaritan's Purse is one of these organizations, and Sheila Vicic, Mae and Stephen Joudry, Greg Schmidt and Tim Kikkert are some of these people who were introduced by the Speaker.

Samaritan's Purse is a Christian relief and development organization that takes its name from the bible story of the Good Samaritan. Like the Good Samaritan, the people of Samaritan's Purse provide aid to victims of war and disease, disaster, poverty, famine and persecution, wherever that may be. They do it regardless of their religious faith, race, gender or socio-economic standing.

They spent a good part of last year in Fort McMurray. They also get their hands dirty driving tractors, running generators, using pumps and hand tools.

This spring they put these tools and hands to work providing flood relief in the NCR. They spent long days removing contaminated furniture, belongings and debris from flooded homes, then washed and sanitized each home to prevent further contamination, all at no cost to the homeowner.

Last but not least, they provide emotional support to the many victims of the flood, working alongside chaplains from the Billy Graham Evangelistic Association.

Honourable senators, this is the true meaning of charity. Join me in thanking the selfless members of Samaritan's Purse who are with us here today.

CHARLES DOUCETTE

Hon. Daniel Christmas: Honourable senators, I rise today in commemoration of the valiant Canadian contribution to the allied invasion of France, which occurred on D-day, June 6, 1944, when Canadian, American and British forces began the liberation of Western Europe from German occupation.

D-day reignited what FDR called “the great flame of democracy” amid “the blackout of barbarism” invoked by Hitler's Nazis. The invasion marked the start of a nearly three-month campaign to defeat the immediate German forces opposing them, before turning east towards Belgium, Holland and the German frontier.

• (1410)

But there are other stories of untold bravery and sacrifice in the face of tyranny that I am compelled to share with you today.

The day after D-Day, June 7, 1944, dozens of Canadians with the North Nova Scotia Highlanders and the 27th Canadian Armoured Regiment, surrendered following heavy fighting around the village of Authie. The North Nova unit commander, a former RCMP officer, had convinced his brothers-in-arms to surrender, believing that they would be treated and held under terms of Geneva Convention as prisoners of war.

The Germans took their prisoners to nearby Abbaye d'Ardenne, an ancient stone church where Colonel Kurt Meyer, one of the 25th SS Panzer Grenadier Regiment commanders, had set up his headquarters after D-Day.

Later that night, 11 of the Canadian prisoners of war were taken into the Abbaye's garden and killed. The next morning, seven more POWs, all North Nova Scotia Highlanders, were taken outside the Abbaye and shot. Among them was a Mi'kmaq soldier from my community of Membertou, Nova Scotia, Private Charles Doucette.

The soldiers were interrogated and forced to dig their own graves. Some were shot in the head; others were beaten to death on the command of Nazi Officer Kurt Meyer. Private Doucette was both beaten and shot.

It has been said that when it was realized that Private Doucette was indigenous, he received an especially brutal beating. A witness also stated that the prisoners, after realizing what awaited them, showed courageous defiance, by shaking hands with each other and sharing pleasantries, despite knowing they were about to be executed.

As many as 156 Canadian soldiers, taken prisoner by German forces, were executed by their Nazi captors, headquartered at Abbaye d'Ardenne, in the lush Normandy region of the country they were fighting to liberate.

After the war in 1945, the murders were examined by United States military investigators, who recommended that five former officers of the 12th SS be tried for failing to prevent crimes against prisoners of war.

Private Doucette was in his 30s and a family man, a father of four young girls. He had volunteered for military service to make a better life for his family and to fight for his country.

Today, 73 years later to the day after his life was ended, we salute his sacrifice, we give profound thanks for his courage in the face of evil, and we pledge that we shall always remember. We shall remember at home, in Membertou, where his memory is still kept alive in the hearts and minds of his family, across Nova Scotia, as well as here in this chamber, itself a symbol of the freedom Private Charles Doucette so valiantly paid with his life to protect.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators I wish to draw your attention to the presence in the gallery of the grandchildren of Private Charles Doucette: Mr. John G. Paul and Ms. Sharon Rudderham, both of Cape Breton, Nova Scotia. They are the guests of the Honourable Senator Christmas.

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

Hon. Senators: Hear, hear!

INDIGENOUS YOUTH LEADERS

Hon. Lillian Eva Dyck: Honourable senators, in celebration of Aboriginal History Month, the Standing Senate Committee on Aboriginal Peoples has invited nine extraordinary indigenous youth as witnesses to testify this evening on our current study on a new relationship between Canada and First Nations, Metis and Inuit peoples. As chair of the committee, I wish to welcome all nine participants to Ottawa and to the Senate of Canada.

I have the honour of acknowledging the first three participants, Senator Patterson will honour the next three and Senator Sinclair will conclude and honour the last three.

Honourable senators, I would like to acknowledge Modeste McKenzie. Modeste is a 22-year-old Dene Metis from La Ronge, Saskatchewan, who now lives in the northern village of Air Ronge, Saskatchewan. Following the suicide deaths of four teenagers in his region in the fall of 2016, Modeste was hired by the Lac La Ronge Indian band as a youth support worker. He has worked tirelessly to set up after-school programs, chemical-free dances, traditional hand game nights and a family carnival, to help youth in that community begin to heal.

Second, I would like to acknowledge Jennifer O'Bomsawin. Jennifer is a 22-year-old Wendat and Abenaki from Odanak, Quebec. A political science major at the University of Sherbrooke, she was elected Female Spokesperson for the Quebec and Labrador First Nations Youth Network in August 2015 and is a representative on the Assembly of First Nations Youth Council. Since joining the council, she has focused her energy on finding solutions to the suicide crisis that has gripped many First Nations communities. Her leadership was of particular note in the development and roll out of the "AFN NYC Calls to Action on Life Promotion in First Nations communities."

Lastly, I would like to acknowledge Holly Jane Sock. Holly is a 26-year-old Mi'kmaq RCMP officer from Elsipogtog First Nation who is stationed in Tobique First Nation, New Brunswick. Holly has used the gift of her beautiful voice to help revitalize her Mi'kmaq language. She has sung traditional and contemporary songs translated into the Mi'kmaq language at sports and graduation events. She has recorded an album of nursery rhymes in Mi'kmaq which is used in Aboriginal Headstart programs to help young Mi'kmaq learn their language. In 2014, Holly continued to volunteer her time with the youth by becoming an assistant coach for the Elsipogtog Minor Baseball.

Honourable senators, please join me in welcoming these youth leaders. We look forward to hearing your thoughts and experiences at this evening's meeting of the Standing Senate Committee on Aboriginal Peoples.

Hon. Senators: Hear, hear!

Hon. Dennis Glen Patterson: Honourable senators, I rise today, following Senator Dyck, to pay tribute to three of the nine inspiring indigenous youth that are joining us here today. This morning, I had the distinct pleasure of meeting these youth, and I'm struck by the passion they possess at such a young age. As well, I'm so proud of how they have used their experiences and abilities to promote their culture and improve their communities.

Andrea Andersen is a 25-year-old Inuk from Makkovik Nunatsiavut who now lives in my home community of Iqaluit, Nunavut, where she is working as a physiotherapist and is working on her master's degree at Dalhousie University. Growing up, her home was always full of foster children. She learned at a young age about the importance of giving back and the positive changes that result. This past year, Andrea joined protesters at a hydroelectric dam site in Labrador to force the provincial government to listen to indigenous people's concerns. She is also working on a series of children's books in Inuktitut to keep the language strong and vibrant among the next generation of Inuit.

Steven Puskas is a 34-year-old Inuk from Yellowknife, Northwest Territories who now lives in Montreal, Quebec. He has been creating bridges between indigenous and non-indigenous communities ever since moving to the south, including organizing the first ever Inuit film festival in Montreal and hosting panel discussions and talks at the universities of Concordia and McGill. His work in this area has encouraged new approaches to indigenous representation in Quebec and Canadian cultural institutions. He has worked with the Montreal Urban

Aboriginal Network and *Vigie Autochtone*, a partnership between Montreal police and the city's indigenous community.

Chris Tait is a 25-year-old from Gitksan Nation, B.C. He now lives in Vancouver. As a former youth in care, Chris began to investigate how to improve Canada's foster care system at the age of 15. His work focuses on helping inner city youth through initiatives like Fostering Change, SafeTeen and the RISE program. He has also advised British Columbia's Ministry of Children and Family Development on its youth engagement toolkit.

Colleagues, this chamber is a testament to Canada's European roots. It's the history that everyone learns in school. But today, every activity has been designed to bring a new and fresh perspective meant to evolve how we approach policy and legislative decisions, which is integral to moving us forward toward true reconciliation.

• (1420)

I would like to congratulate the youth that we are honouring here today and welcome them to the Senate of Canada.

Hon. Murray Sinclair: Honourable senators, I have the pleasure and the honour to introduce to you the next three inspiring leaders in the gallery who are nominated to participate this year in the work of the Senate Aboriginal Peoples Committee on the new relationship. They are here because of the impact of their work in their communities, and I look forward to hearing their advice to us tonight when the committee holds its hearings.

First, I would introduce to you Jacquelyn Cardinal. Jacquelyn is from Treaty 8 territory in Alberta, the granddaughter of Harold Cardinal, and now resides in Edmonton. Jacquelyn recently founded a reconciliation initiative, based in Edmonton, which focuses on creating safe spaces that honour and bridge the divide between indigenous and non-indigenous people and their businesses, by aiming to achieve the Truth and Reconciliation Commission's calls to action. This initiative is known as Tatatwaw, which is Plains Cree for "There is room for you here — Welcome."

Perry Kootenhayoo is from Alexis Nakota Sioux First Nation in Alberta and now resides in Edmonton. After a life-changing spinal cord injury, Perry was awarded provincial recognition for his volunteer work at Spinal Cord Injury Alberta and remains an example of what one active member can do for a community.

Before his injury, he was involved with the YOUCAN - Youth Canada Association event, where he took workshops on facilitation, conflict resolution, cross-cultural conflict resolution, mediation and peer support. As a teenager he helped create the first "for youth, by youth" council. "A troubled youth," he says, "can still make a difference in life, and I am proof of that."

Thank you, Perry.

Tiffany Monkman is from Winnipeg, Manitoba — Stony Point, to be precise. She has dedicated her career to working in the indigenous community. She was President of the Association

of Aboriginal Commerce Students in her last year at Asper School of Business, where she went on to work at the First Nations Bank of Canada — my bank; she took good care of my money. She helped to advise First Nations communities and businesses on financial matters to help them grow.

After that, she took on the Purdy Crawford Chair in Aboriginal Business, where she mentors indigenous high school youth from Manitoba and Saskatchewan. What drives her each and every day is seeing indigenous youth achieve their goals. Her favourite part is seeing when a youth is able to find their passion in life, because once that is achieved, they develop inner confidence and continue to flourish throughout their endeavours.

Ladies and gentlemen, fellow senators, colleagues, I encourage you to welcome our guests for the Aboriginal Peoples Committee who are with us today.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Amanda George, from Melbourne, Australia, from the organization Flat Out; and Debbie Kilroy, of Sisters Inside Inc., from Brisbane, Australia. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, I wish again today to pay tribute to two of our pages who will be leaving.

[*Translation*]

Ariane Calvert is starting her third year at the University of Ottawa in conflict studies and human rights, with a minor in law.

It was a great honour for Ariane to represent her Franco-Columbian community in the Senate as a page these past two years. She sends her best regards to all senators and to everyone who made this unforgettable experience possible.

[*English*]

Iain Sellers is from New Glasgow, Nova Scotia. Next year, Iain will take part in a two-semester exchange in Galway, to the National University of Ireland, where he will be completing his

third year of university. Upon the completion of his studies, Iain hopes to pursue journalism throughout Canada and abroad.

Iain has found that his time at the Senate has been an invaluable learning experience, and he would like to thank all senators and staff for shaping his time here.

Thank you, Iain.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

NATIONAL DEFENCE

CANADA'S DEFENCE POLICY—DOCUMENT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, a document entitled *Strong, Secure, Engaged: Canada's Defence Policy*.

[*English*]

BUDGET IMPLEMENTATION BILL, 2017, NO. 1

FOURTEENTH REPORT OF STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the fourteenth report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the subject matter of those elements contained in Divisions 3, 8, 18 and 20 of Part 4 of Bill C-44, An Act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

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

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

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 13, 2017, at 2 p.m.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

STANDING COMMITTEE MEETING, MARCH 31-
APRIL 1, 2017—REPORT TABLED

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association regarding its participation at the Standing Committee Meeting, held in Berlin, Germany, on March 31 and April 1, 2017.

• (1430)

[*English*]

QUESTION PERIOD

COMMISSIONER OF OFFICIAL LANGUAGES

CANDIDATE REVIEW PROCESS FOR COMMISSIONER

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. I was just tapped on my shoulder about two minutes ago and have been alerted that Ms. Meilleur has withdrawn her candidacy for the position of Commissioner of Official Languages.

In view of the latest developments, leader, I will ask that real consultation take place with each of the leaders of the Senate, caucuses and Senate parliamentary groups; that the Senate and its members receive an outline of the process to be used not only for the Commissioner of Official Languages but for other parliamentary agents that will be appointed, because there are seven other individuals; and that the candidate review process not be completed and communicated to the Senate leadership, including yourself, Senator McCoy, Senator Day and myself, before real consultation and feedback has taken place between the Prime Minister's Office and the Senate leadership so that a fair, equitable and transparent process can take place for all parliamentarians and all hard-working Canadians.

This is a request that's off the cuff, but I think it's important in view of what we have experienced. This is not a victory for anybody because this is a process that I think we can agree had some challenges and issues. The objective here is to try to make it better for parliamentarians and Canadians. If you could assist with that request, that would be most appreciated.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I want to begin my response by thanking Ms. Meilleur for putting her candidacy forward and for going through the process, which she described as rigorous and independent. Her testimony here has been part of that process.

She concluded that advancing her candidacy at this point would be a distraction to the important work of the Commissioner of Official Languages, and I am grateful to her for the decision she has taken.

With respect to the process and the way forward, I want to assure the honourable senator of two things: I will convey to the government the issues that he has raised, but I also want to reiterate that the government has made a commitment to more transparent processes for appointments such as this, and it is in that spirit that I will convey the recommendations and comments of the honourable senator.

Hon. David Tkachuk: I was going to ask a question on the appointment of the Commissioner of Official Languages and the consultation process as well. I, too, have received information that Ms. Meilleur has withdrawn.

I don't usually disagree with my leader, but I think this was a flawed and arrogant process and that's why she has withdrawn.

Senator Harder, as you claim to be a representative of the Senate and a representative of the government in the Senate, I ask that the consultation process that the legislation and good practice requires be followed in the next round that we're going to have — we will have, obviously, another nominee — and that it not be a done deal before letters go out to all four leaders saying, "This is who you're going to get."

Senator Harder: I thank the honourable senator for his commitment to open and transparent processes and will pass on his concerns. I want to assure all senators that I share the objective of having the process yield a candidate who has the confidence of both chambers.

HUMAN RIGHTS

BURMA—PERSECUTION OF ROHINGYA MUSLIMS

Hon. Salma Atallahjan: Senator Harder, the Prime Minister is meeting with Aung San Suu Kyi, State Counsellor of the Republic of the Union of Myanmar, later today in Ottawa. Can you tell me if the Prime Minister intends on pressing her to bring an end to the systematic brutality being carried out against the Rohingya Muslims of her country, the rape of women and girls, and the forced displacement and killing of men, women and children? Can we expect the Prime Minister to stand up for the Rohingya today?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and her ongoing interest in the well-being of the Rohingya people.

It would be inappropriate for me to describe how the Prime Minister intends to pursue a conversation, except to reinforce the desire of the Prime Minister to meet personally this afternoon. I can assure the honourable senator that the Prime Minister uses all occasions, where appropriate, to raise matters of concern such as the one that she has raised.

TRANSPORT

NUNAVUT—CIVIL AVIATION INFRASTRUCTURE

Hon. Dennis Glen Patterson: Your Honour, my question to the Government Representative is about the report tabled on May 17 in regard to remote northern airports. This is where air travel is the only year-round form of transportation, as found by the Auditor General of Canada. He found that Transport Canada has failed in its duty to promote safe and secure transportation for civil aviation and that the department did not lead coordinated efforts to address the unique challenge these airports faced.

You know, leader, all of Nunavut's communities are remote. Therefore, the airports are essential for health, safety and quality of life. They are all in need of improvements. The needs assessment of the Government of Nunavut in 2014 estimated the cost to address the infrastructure needs of its 24 airports was over \$400 million. However, the government's Airport Capital Assistance Program only funded \$15 million for northern and remote airports in the 2016-17 fiscal year.

Especially in light of the Auditor General's very critical report, will the government be establishing a funding mechanism that properly addresses the civil aviation infrastructure deficits of the North, and will there be a specific allocation for Nunavut, recognizing its unique needs and remoteness?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his advocacy for Nunavut. I want to convey to the Senate and to the senator the government's priority in maintaining safe and efficient air services in the North.

The Minister of Transport, on the day the AG's report was released, welcomed that report and indicated that that report would go some distance in informing the government on its actions going forward and, indeed, that the government agrees with the Auditor General's recommendations and has committed itself to collaborating with territorial governments, including that of Nunavut, indigenous groups and northern communities to identify priorities for northern infrastructure transportation and to determine the priority investments.

I would also reference for the honourable senator's attention the government's Budget 2017, which addressed critical transportation needs in Canada's North, including improving northern airport infrastructure through a \$2 billion allocation over 11 years through the National Trade Corridors Fund in addition to a \$2 billion fund for rural and northern communities.

Again, I want to thank the honourable senator for his interest in these matters.

IMMIGRATION, REFUGEES AND CITIZENSHIP

VEGREVILLE CASE PROCESSING CENTRE

Hon. Betty Unger: Senator Harder, I was disappointed with the replies that you gave to my questions last week about closing the Vegreville immigration Case Processing Centre. Your reply was, with all respect, nothing more than recycled Liberal talking points.

You said that 20 per cent of available positions are currently vacant, and yet in three hiring drives, over 600 applications were received.

You claimed that the current location does not have space for expansion. The Town of Vegreville strongly disagrees with this analysis.

You claimed that moving the centre to Edmonton would be cost efficient, and yet we know that it's going to cost over \$40 million to move the centre, and office space in Edmonton is far more expensive per square foot than it is in Vegreville.

• (1440)

You implied that there was a problem with productivity at the centre and yet, according to the immigration department's own 2016 performance report, the centre is extremely efficient, exceeding departmental targets. The government's excuses for closing the centre are not adding up.

Why is the government intent on devastating Vegreville by removing its livelihood when the facts do not support the decision? Will you commit to speaking to the minister about reversing this devastating decision?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It shouldn't surprise anyone that my lines are the lines of the Government of Canada. After all, that is my role on this as well as other issues on which questions are asked.

I want to repeat, therefore, that the government is making every effort to minimize the impact on staff and families. All employees, as the minister assured senators when he was here, can retain their jobs at the new location which is about one hour away.

I am told the reality is that approximately 20 per cent of available positions are currently vacant and the government feels it must address the long-standing recruitment challenges, including the need for bilingual capacity, and the new location will allow the facility to expand its operations in Alberta to meet the growing demand to improve the quality of immigration services and address long processing times.

As honourable senators will know, the minister is engaged in meetings with the community, certainly the mayor, the local union representatives and the Member of Parliament for

Lakeland to discuss the government's relocation case and would make the following point: The new case processing centre in Edmonton will allow the centre to double its capacity. This new location will allow the government to recruit and retain more employees as they expand the IRCC operations to meet the growing demand and address processing times. The relocation will also save money as the new office will be located within the Government of Canada's existing property inventory.

The cost of remaining in the current location would be at least \$35.8 million over a 25-year life cycle in a location that does not meet current and future business requirements. This amount does not include the possible cost of increase to lease in Vegreville, nor does it take into account additional cost of bringing the current building to the required standard with increased capacity. In addition, remaining at the current location would require up to \$3 million in necessary infrastructure upgrades to the facility.

I want to underscore that workforce recruitment is an added impetus for this decision and point out that, from October 2015 to September 2016, 17 per cent of staff at the Vegreville centre have left the workforce. Additionally, 42 per cent of the remaining workforce at CPC Vegreville will reach retirement age within the next five years. To date, recruitment efforts have been unsuccessful in filling the job vacancies and this has posed significant challenges, as one would expect, to maintaining operational standards in the facility.

These business reasons have led the government to this conclusion and I share them with you so that the obvious business drivers of this decision can be understood by all.

EXPRESS ENTRY IMMIGRATION PROGRAM

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate.

Every year, Canada accepts thousands of people from all over the world, people with different mother tongues such as Spanish, Portuguese, Filipino, Arabic, Chinese, German and many other languages.

Earlier this week, Minister of Immigration Ahmed Hussen announced troubling changes to the Express Entry immigration program. It is largely through this program that Canada attracts highly skilled foreign workers who want to live and work permanently in Canada.

Under this Express Entry program, applicants can score up to 1,200 points, depending on their education, training, work experience and language skills. The newly announced and worrying changes to this program would see candidates receiving up to 30 additional points for those who possess strong French-language skills. Possessing strong English-language skills would not score you any additional points.

Could the government leader please make inquiries and let us know if Canada is a truly bilingual nation. Why is the Trudeau government only awarding additional points for those who

possess strong French-language skills and is not awarding additional points to those candidates who possess strong English-language skills?

Hon. Peter Harder (Government Representative in the Senate): I welcome the honourable senator's question and want to assure him — and, of course, I will be happy to convey the intent of his question to the minister — that the adjustments being made are to ensure that there is a reward given to French-language capacity in our immigration program so that it too is a useful tool of nation building.

Senator Enverga: Could the government leader please inform this chamber if the Trudeau government values the French language more than the English language, as this new policy's lack of equity and equality would seem to suggest?

Senator Harder: I think the honourable senator's question, by its own intemperament, is not conducive to language inter-communal relations in Canada.

Some Hon. Senators: Oh, oh!

Senator Harder: And I would suggest that a tool of ensuring that the immigration program can be supportive of official language capacity in Canada that is under-represented is an appropriate response.

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Percy E. Downe: Senator Harder, I'm wondering if you have been able to determine, as we were advised numerous times at the Foreign Affairs and International Trade Committee, that passing the CETA, and with Royal Assent, that we would likely be looking for implementation on July 1. Is that date still current?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. That is my expectation and I will confirm that I was seeking to do that and have not received a response to this point but I will make that a priority.

Senator Downe: The only reason I raise this question is that I continue to hear from numerous European sources, business leaders and others, that they have been advised, as the Foreign Affairs and International Trade Committee highlighted in their report on CETA, recommendation number three, about the lack of transparency. What is alleged is that the deal will be delayed because the Canadian government is not going to share the rules, procedures and regulations before they are published in the *Canada Gazette* and this has bogged down the deal.

I received a call at home last weekend from a business in Ontario. They saw my name as deputy chair of the committee. I guess they couldn't get hold of Senator Andreychuk so they went

to the second choice. In their case, the tariffs would be eliminated right away and they're ready to go. I told them I thought it was July 1 because that has been what I heard. If it's going to be different, I would like to know how long and what the target date is now.

Senator Harder: I would be happy to inquire and bring that to the attention of the honourable senator.

ORDERS OF THE DAY

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

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

Hon. Jim Munson: Honourable senators, I rise today to speak in support of Bill C-16. The proposed changes to the Canadian Human Rights Act and Criminal Code add necessary protections that will make real and tangible differences for trans people in this country. While we sit and debate whether a group of people should have their rights recognized, we seem to have lost sight of what this bill would actually do for Canadians. Bill C-16 would allow a trans person to come out in a federal workplace. They could change the way they express their gender and request to be referred to with a different name or pronoun without fearing for their job and safety.

• (1450)

If a trans person is discriminated against because of their decision to come out in a federal workplace, Bill C-16 provides complaint mechanisms that acknowledge gender identity and gender expression as prohibited grounds for discrimination.

Currently, honourable senators, trans people are not protected against discriminatory practices in federal workplaces. Although the provinces have led the way in recognizing the rights of trans people, there is an inconsistent gap at the federal level. Despite the fact that trans people are statistically a highly educated group, 13 per cent of people have been fired for being trans, 18 per cent have been turned down for jobs for being trans, and the median income of trans persons is \$15,000 a year. These statistics do not include the trans people who are discouraged from pursuing certain job opportunities because they fear unjust discrimination because of their gender identity or gender expression.

Bill C-16 would recognize gender identity and gender expression as prohibited grounds for discrimination under the Canadian Human Rights Act and set a federal standard about

how trans people should be treated in all Canadian workplaces. This is an important step towards making sure that all workplaces are trans-inclusive spaces. Canadian workplaces need to be safe spaces for anyone to express their gender as they would like without fear of discrimination.

Trans people and others who speak out for trans rights are often targets of both verbal and physical abuse. People are called derogatory terms and receive death threats simply for being advocates for trans rights or for visible trans persons.

Cartoonist Sophie Labelle gained public recognition for her web comic *Assigned Male* about a young transgender girl navigating life in Montreal. As a trans person herself, Labelle was no stranger to hate mail, threats and cyberbullying. But this May the Quebec comic book writer was forced to go into hiding after someone hacked her personal information and posted her personal address online. This, honourable senators, was followed by serious death threats.

Bill C-16 would make it a criminal offence to incite hatred against trans people. Currently, trans people do not have specific legal protection from hate speech and hate crimes as a person would have if the speech or violence was motivated by colour, race, religion, age, sex and sexual orientation, or mental or physical disability.

Trans people require protection from hate-motivated crimes. Trans people often cannot go out into public without being visible. This visibility can cause unequal treatment. They experience a spectrum of treatment from inquisitive scrutiny to violence. Trans people are treated differently once they start expressing their gender in a way that conflicts with traditional views.

They not only experience discriminatory treatment, but they often experience violence. Without the proposed changes to the Criminal Code, criminal sentencing cannot correctly acknowledge the true nature of a crime if gender identity or gender expression motivated the crime against a trans person. The proposed amendment to the Criminal Code recognizes the particularly egregious nature of violence against a trans person that is motivated because of their gender identity or how they express their gender.

Honourable senators, historically minority groups have always been met with resistance as they fight for their rights — their human rights — to be recognized. They often face discrimination, hatred and violence. Our children are often startled when they hear that the rights of ethnic minorities and women were ever in question, because when you grow up in a society where fair treatment is generally the norm, anything less is so obviously discriminatory. Hopefully, we have finally reached the threshold with trans rights where we can clearly see that trans persons deserve legal recognition of their rights and protection against hatred and discrimination.

Canadian society benefits when we acknowledge each other's rights and protect vulnerable communities. Trans persons have been fighting a long time, too long a time, for their voices to be heard, but their voices are often drowned out by misunderstanding and fear.

It is long past time for the Senate to pass this bill and for senators to stand up for trans rights — for human rights.

It is truly a simple concept, honourable senators. Everyone in Canada should have the right to express their gender identity as they wish to do so. You and I and trans persons all should have this right. It is a human right. It does not harm other Canadians or infringe on their rights; however, it gives great validity and protection to many Canadians to live freely as to who they truly believe themselves to be.

Hon. Donald Neil Plett: Would the honourable senator entertain a question?

Provinces have had this legislation in place already for years, and it has had no impact — I have asked this question a number of times — on the issues that you mentioned with respect to violence, depression or discrimination. Why, in your opinion, will enshrining this legislation at the federal level suddenly make this problem go away? It hasn't provincially.

Senator Munson: Thank you for the question, Senator Plett. I don't think it will make the problem immediately go away, but from my perspective, this issue has not been addressed on a federal level, and on a federal level we have a collective national voice in dealing with rights. At the end of the day, when somebody does want to work in the federal government, some folks may be hesitant to bother applying because of the fear and ideas that are out there, the bullying that takes place, and that can be a very quiet bullying. It doesn't have to be as big as we see it in other spots. It is time; it is long overdue that the federal workplace will be the place where we can actually sit with each other and work with each other and understand and respect others' rights. Why not now?

Senator Plett: The Canadian Human Rights Commission has stated that trans people are already protected under the existing grounds. Why would you suggest that they are not already protected?

Senator Munson: They have said what they've said. I'm saying what I'm saying. If you want to have a double protection, you want to have it within this environment. Why should you be so opposed to it?

Hon. Kim Pate: Honourable senators, I rise today to speak at third reading of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

In addition to voting in support of this bill, I feel compelled to share my thoughts with this chamber, not only as a member of this chamber and the committee charged with studying the bill but as a woman who has spent the better part of 35 years working with, for and in an alliance with youth, men and women who are victims of violence, particularly those marginalized by sex, class, race and disability. This included walking with and advocating on behalf of the first trans-identified woman who entered the prison for women in Kingston three decades ago and includes continued advocacy with and on behalf of trans prisoners.

The Statistics Canada study released yesterday entitled *Women and the Criminal Justice System* reveals violence against women also acts as barrier to the advancement of gender equality in Canada and around the world. Women experience different types

of violence than men, making gender-based analysis important for the development of crime prevention measures. Despite requests for an analysis of the manner in which the new provisions might intersect with sex-based discrimination claims, and although a gender-based analysis of Bill C-16 was conducted, these requests were either ignored, dismissed or utilized for alternate political purposes, in my opinion.

• (1500)

This troubles me. In fact, I find it frankly inexcusable that some of those polarized in their arguments used the issue of violence against women and children to prop up their differing perspectives on the bill. Reviewing the evidence, it's clear that the issues of violence against women appear to be used as a proverbial political football by individuals who have not previously demonstrated willingness or do not have a demonstrated record of willingness to truly address the misogyny, racism, classist and ablest biases that allow violence against women to continue virtually unchecked.

It is our duty to contribute to legislation that protects the rights of those who are most marginalized and ensure the advancement of equality for all. As such, I encourage all of us to show similar enthusiasm and vigour to challenge this or any other legislation, should it ever be used to undermine the rights of those struggling to end violence against women. Thank you. *Meegwetch.*

Senator Plett: Honourable senators, I was planning on speaking to Bill C-16 today, but I would like to at least have the record indicate that the sponsor of the bill asked me not to speak to it today but rather to speak to it tomorrow, so I will take the adjournment.

(On motion of Senator Plett, debate adjourned.)

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

BILL TO AMEND—THIRD READING

On the Order:

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

Hon. Victor Oh: Honourable senators, as the critic for Bill C-18, An Act to amend the Rouge National Urban Park Act, the Parks Canada Agency Act and the Canada National Parks Act, I rise to speak on third reading in the Senate.

We are here to look at the best way to preserve Canada's parks and, in particular, Canada's first national urban park, Rouge

National Urban Park. People are very excited about it. Recently I have had many people ask me where it is, as they want to visit.

Located in the heart of the Greater Toronto Area, at 79.1 square kilometres, the Rouge National Urban Park stretches from the shores of Lake Ontario in the south to the hills of Oak Ridges Moraine in the north.

Since the industrial revolution, people have been swept up from their fields and farms and crammed into cities. Many today are born, live and die, all in this new urban environment. Without connection to nature, people are lost. To preserve this relationship, Canadians must protect their urban parks. But surprisingly, Rouge Park isn't just about nature conservation; it's about our agricultural heritage. It's about farming, too.

Honourable senators, this is precisely why Rouge National Urban Park is so dear to us. Rouge is a testament to our Canadian identity, to our nature, history, roots, cultures and collective spirit.

Honourable senators, Rouge Park is a people's park. It is a place where people and nature have been in existence over millennia. Indigenous peoples, nomadic hunters, early European explorers, 19th century shipbuilders and the farming community we see today are all indispensable parts of the Rouge.

We are here to protect the rare Carolinian forest, covering less than 1 per cent of Canada's land mass. We are here to protect the most fertile class 1 farmland as well. Only one ten-thousandth of the country's land mass is prime class 1 farmland. Rouge Park has approximately 30 square kilometres, or 7,500 acres, of class 1 farmland, which is under severe threat, unfortunately.

In 1871, the first census after Confederation, Ontario had 172,258 farms and 16.2 million acres of farmland. Between 1976 and 2011, 2.8 million acres of farmland, almost 20 per cent of the total farmland in the region, were taken out of production in the province.

According to the 2016 Census of Agriculture, there was a 6 per cent decrease of farms in Canada from the previous census in 2011. The total farm area in Ontario decreased by 2.5 per cent from 2011 to 2016, to 12.3 million acres. In 150 years, we lost almost 4 million acres of farmland in Ontario alone, so it is critical for us to take immediate measures, not only to protect our precious forests but also our endangered farmland. Limiting the rights of the remaining farmers or refusing to put out a forest fire right next to them and an entire city because of the need to apply conservation tactics is simply unrealistic and could even be seriously damaging.

I want to verify what will happen in the Rouge when we are faced with a choice like the following: Fire is burning and approaching the backyard of local residents; do we call the fire department or let the fire burn? River erosion is approaching a hiking trail and will soon make it too dangerous to use the trail; do we allow the erosion to close the trail or do we prevent this from happening?

I can go on and on with cases like this. If we are going to call the fire department and take remediation measures, we are not

following ecological integrity because ecological integrity, in essence, means letting nature run its course.

If we follow ecological integrity to the letter and fail to recognize this unique interaction of people and nature over thousands of years in the Rouge, we miss the point of creating an urban park with highways, pipelines, hydro corridors and farmland spotted all over.

Plowing fields, trimming back hedgerows, selling produce on the farm, installing drainage tiles to stop flooding, planting crops, et cetera, are not part of natural processes and, therefore, not part of ecological integrity. We have to make sure that farmers won't get into lawsuits by carrying out agricultural activities. I thus applaud the provision of greater certainty given to farming practice in Rouge Park. Farmland provides great habitats for biodiversity and wildlife, such as pollinators. Agriculture supports good land management.

The farmers, who have been responsible stewards of the economy for generations, must be allowed to remain in the park.

In my second reading speech, I listed many examples of how the environment and ecosystems are being ignored on the Ontario-controlled lands. Now it's up to the provincial government to keep its promise and complete the land transfer so that the Rouge can be protected properly as soon as possible.

As Canada celebrates its one hundred and fiftieth birthday, we should remember that our country is more than the history in its textbooks. First and foremost, Canada is this place we call home. We should stick up for it. Thank you. *Merçi*.

• (1510)

Hon. Art Eggleton: Would the senator take a question?

Senator Oh: Yes, with pleasure.

Senator Eggleton: You have both during this third reading speech and at second reading mentioned a concern about wildfires going out of control in such a circumstance where there are houses, farms, and threats to people and property. Are you aware that, at the committee, the Chief Executive Officer of Parks Canada, Daniel Watson, in addressing that issue, said:

For example, in Point Pelee, —

— which is another national park —

— we had a fire very recently. Almost the same if not identical language applies there, —

— in terms of ecological integrity —

and we were out fighting it the moment that we found it, as we do with the vast majority of fires, certainly all of them that would cause danger to any significant property or to people. So in those conditions, if they arose, we'd fight the fire.

Senator Oh: Thank you, Senator Eggleton, for the quick question. I have no complaints too much about ecological systems. The most important thing is I personally inspected the site of the national park for a whole day. I was taken by the Parks Canada. From south to north, I went to almost every area I could cover. This urban park is just very close to where subdivisions are; just across the street, you see a few hundred subdivisions already built. In some of them, people have moved in.

I have no complaints about the ecological integrity. So far, if there is a fire, we agree to put it out, so it does not harm the people who are living in the neighbourhood. This is an urban park. It's different from somewhere in Alberta.

Senator Eggleton: I also had an opportunity to inspect the area fully. I understand it's in close proximity of various properties.

You also mentioned the farmers. I appreciate the history you gave about farming on that territory, and the value and richness of the land. Your comments on that were very good.

I just want to ensure you are aware: The farmers support this bill. For the first time, they get 30-year leases, something that gives them some long-term opportunity. They support ecological integrity being a part of all of this. In fact, virtually all of the people who appeared at the committee did support this bill before us, which includes the definition of "ecological integrity."

Senator Oh: Thank you, senator, for the great question. Just like you, I went to the park, and I had a round table with many farmers. They are very happy that I showed up, as the critic. I inspected the place and got to understand their lives.

From a 1-year to 30-year deed, that is absolutely perfect. I agree, and the farmers are happy. Now they can plan. That is also good for the next generation of farmers. Now, the farmers can produce a lot of things in the heart of the city, with 7,500 acres or close to 30 square kilometres of class 1 farmland.

I fully support this. Hopefully, the Ontario Government will transfer the land as soon as possible. It is less than three weeks to go before it's the one hundred and fiftieth birthday for Canada.

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

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Eggleton, seconded by the Honourable Senator Baker, that this bill be read the third time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

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).

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That Bill C-210 be not now read a third time, but that it be amended in the schedule, on page 2, by replacing the words "in all of" with the words "thou dost in".

Honourable Kim Pate: Honourable senators, I rise today to speak to Senator Plett's proposed amendment to Bill C-210, An Act to amend the National Anthem Act (gender).

I cannot support this amendment. It isn't because I necessarily have an issue with the language of the amendment; rather, it's because of the use of the tactic that would in essence kill the bill by sending an amendment back to the House of Commons, where unanimous consent would be required to transfer the sponsorship of Bill C-210 to a new member before the amendment could be considered.

Last year, Conservative members in the House of Commons blocked a motion requiring unanimous consent to transfer sponsorship of Bill C-210 from the sponsor of the bill, the late Honourable Mauril Bélanger, to the Honourable Andrew Leslie, Member of Parliament for Orléans. This action adds certainty to the notion that Senator Plett's amendment, if supported, would have the effect of killing the bill, because the Conservatives in this chamber and in the other place have demonstrated, and the new leader of the Conservative Party, Andrew Scheer, admitted last year while he was Conservative house leader in the House of Commons, that their party is not willing to do anything to support the continuance of consideration of this legislation.

I disagree with my colleague who mentioned last week that he did not believe we should tamper with our national anthem in any artificial manner. This is simply not an artificial change to our national anthem, to a symbol of our national identity. Women's equality is simply not a passing fashion of our modern society, and I would argue that it does indeed shine new light for the future, a future where our national anthem reflects a more inclusive society for now and into the future.

We have heard in this chamber that Canada would not be the first to make its anthem more inclusive. Our efforts have been surpassed by Austria and Switzerland, two countries that have both chosen to progress to gender-neutral language.

It is for these reasons that I encourage and would like to propose to Senator Plett that he withdraw the amendment he has proposed in order that this chamber be given the opportunity to

do its job and vote on this bill in a timely fashion. Thank you.
Merci. Meegwetch.

Hon. Donald Neil Plett: Would the senator take a question?

The Hon. the Speaker *pro tempore*: Senator Pate, will you accept a question?

Senator Pate: Yes, I will.

• (1520)

Senator Plett: Senator Pate, you started off your speech today with the comment that you could not support this, and you used the word, “tactic.” Clearly that has some connotations to it. You can explain what you meant by that if you wish. But my question is this: Are you aware that I had an in-depth conversation with the sponsor of the bill in the Senate, and she wasn’t aware of the rule, nor was I, that this would have the effect of killing the bill?

I take exception to the insinuation that somehow I was using a tactic when I presented the amendment. I absolutely know the problems right now, but when I presented the amendment I was ignorant of that particular rule, as was the sponsor of the bill. We had a conversation. She quite frankly said she might be able to support my amendment. This was on a Friday. On a Monday, she called me back, because over the weekend she had found out what the rule was. So before you use the word “tactic,” my question is: Did you discuss with Senator Lankin the conversation that we had, and would you like to withdraw the use of the word “tactic”?

Senator Pate: We all learn from education. I’m glad to be advised that you have now learned that that would have the effect of killing the bill. So I am happy to say that if you’re willing to withdraw the amendment that clearly it was not a tactic.

Hon. Tobias C. Enverga, Jr.: Honourable colleagues, I am pleased to rise today to speak on Bill C-210, An Act to amend the National Anthem Act (gender). I assure you, this is not a tactic. I just want to share my voice.

I am particularly pleased to speak in support of the amendment proposed by Senator Plett. While it would be my personal preference to maintain “O Canada” in its glorious and existing version, I support the wisdom of my honourable colleague who has brought forward this amendment as a means to reach a consensus. Consensus is the Canadian way. It is in our DNA as a nation and as a people. It is how we forged our great Confederation in the first place, how we manage to unite many diverse voices and interests in one common country. And we succeeded in doing so without the necessity for violence or armed revolution. We did it by talking about it, sharing our views and listening to each other.

That desire to reach a common understanding, a consensus, is what I believe is the intent of the amendment that I’m rising to support today. So far, we have done so with respect and consideration for each other. I want to thank all of my honourable colleagues who have spoken before me on this legislation for your calm and considered opinions. I may not fully agree with all of them, but I respect your right to raise them in this chamber.

Today, as we debate this legislation, I am reminded of the words of former Canadian Prime Minister John Diefenbaker, who once said:

I am a Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think right, free to oppose what I believe wrong, or free to choose those who shall govern our country. This heritage of freedom I pledge to uphold for myself and all mankind.

This spirit of free speech has been on fine display during debate on this legislation as my honourable colleagues brought forth their passion and convictions. I have heard the calls for inclusion that some senators have raised, and the desire to create new symbols and cultural traditions that they believe would more accurately reflect our modern society. They have claimed that some people or some voices were not being heard or that they could not see themselves in our existing national anthem without change.

I respect and honour those comments and note that the Senate has been open and respectful to hearing those views. But I would also suggest that as we near the end of debate on this legislation, the freedoms that Prime Minister Diefenbaker talked about, however, do not just apply to differing or minority voices. They also apply to the majority of Canadians who have a right to stand and defend their existing traditions and cultures without fear of being disrespected or ignored.

As some of my honourable colleagues have noted in their comments on this legislation, we sometimes rush too quickly towards the future without ensuring that we preserve what is important to us from our past. That includes our customs, our history and our traditions. Yes, we must change with the times, but we must also ensure that we never forget who we are, where we come from and what we share together as Canadians. That common history, the stories we tell and the songs we sing together are not just words on paper. They are not just symbols of who we are. They are the representation of who we are in our country, and around the world.

We wave our Maple Leaf flag proudly at international gatherings, on our luggage and on our children’s knapsacks. Just as we proudly sing “O Canada,” not just on Canada Day, but at sporting events and community celebrations from coast to coast.

Honourable senators, the minute we start to differentiate between Canadians, be it for gender, race or religion, we begin to weaken the chain that holds us together. You cannot lift one up by taking another down. There is no point in trying to build a strong future if you ignore or weaken the foundation on which it has been built.

The originally proposed change of this legislation does not guarantee one iota of extra representation or inclusion. But it does have the possibility of starting us down the slippery slope of political correctness at the expense of an honoured custom and tradition that has so far stood the test of time, politics, and political flavour. There is a good reason for that. It’s because our national anthem unites us, all of us, as Canadians, in a single chorus. We have too few of these customs and traditions to risk tampering with one that is so important to so many Canadians. I

believe that the vast majority of Canadians want to keep our beloved national anthem as it is today, with all of its alleged faults and foibles. They also want us, in this revered chamber, to honour and respect our past as we move forward confidently to the future.

• (1530)

One way to do both would be to maintain “O Canada” in its present and proud version. If that is not possible, we should seek to find a consensus on any possible changes.

In that, I agree with another former Canadian Prime Minister, Stephen Harper, on this. He said:

Having hit a wall, the next logical step is not to bang our heads against it.

That is wise advice. So, too, are the words from a great fighter for justice and equality, Dr. Martin Luther King, Jr. He said:

A genuine leader is not a searcher for consensus but a molder of consensus.

Honourable colleagues, let us mold another Canadian consensus, based on the leadership of Senator Plett’s amendment. Let us build something together that can allow our national anthem to continue to be a source of national pride that we share proudly with each other and with the world.

I urge you to support this amendment.

The Hon. the Speaker *pro tempore*: Senator Enverga, would you accept a question?

Senator Enverga: Of course.

Hon. Jane Cordy: First, I have to say that I don’t agree that having women in Canada included in our national anthem is political correctness. I believe that including all Canadians, men and women, in the national anthem is the right thing to do.

But my question is: You believe that Senator Plett’s amendment is a consensus. You also recognized — and it was discussed earlier — that this amendment will kill the bill. Do you believe that killing the bill is a consensus?

Senator Enverga: I thank the honourable senator for her question. With due respect, I do not want to kill the bill *per se*. This is just an amendment. It’s actually improving the bill. It’s making the bill better so that the national anthem more accurately reflects the call of the times.

Hon. Frances Lankin: Would the senator take another question?

Senator Enverga: Sure.

Senator Lankin: I appreciate that. I just wanted to make sure that I heard you absolutely correctly in your words. You might want to take a look back, but I’m pretty sure that I heard you say

that, in fact, we should remain united, all of us. If you support that, I think you support the original bill with the words “all of us.” So was I correct about that?

Senator Enverga: I thank the honourable senator for her question. With due respect again, I don’t think that is the word that I mentioned here.

Senator Lankin: I think it is.

Senator Enverga: The issue at hand is not just the amendment made by Senator Plett. It is more about building a consensus here. Let’s try to make everybody happy. We want change, but we want it to be positive and constructive change. We want to improve the anthem in a grammatically correct way, so that’s the consensus. Let’s make this bill better. Let’s choose the right words for this particular bill. It is a nice bill, but the thing is that we have to make it better.

The Hon. the Speaker *pro tempore*: Do you have a question, Senator Raine?

Hon. Nancy Greene Raine: I really appreciate this amendment because it answers a conundrum that I had. I’m going to ask a question. I was informed by people who really understand a lot better than I do grammatical correctness. Does this amendment address the issues of the grammatical mistakes that were in the gender-neutral “all of us command?”

So that was my question to you. Is this grammatically correct, as well as historically correct?

Senator Enverga: I thank the honourable senator for her question. You know what? You’re right. This amendment will make it grammatically correct, and that’s what we want. We want a grammatically correct national anthem.

The Hon. the Speaker *pro tempore*: Time is almost up, senators. Are you ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Plett, seconded by the Honourable Senator Wells, that Bill C-210 be not now read a third time, but that it be amended in the schedule, on page 2, by replacing the words “in all of” with the words “thou dost in”.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea!

The Hon. the Speaker *pro tempore*: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay!

The Hon. the Speaker *pro tempore*: I think the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: I see two honourable senators standing.

Senator Plett: Defer the vote to tomorrow, at the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Pursuant to Rule 9-10, the vote is deferred to 5:30 p.m. on the next day the Senate sits, with the bells to ring at 5:15 p.m.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Marc Gold moved second reading of Bill C-305, An Act to amend the Criminal Code (mischief).

He said: Honourable senators, I rise today to speak in support of Bill C-305, An Act to amend the Criminal Code (mischief), a bill I have the privilege of sponsoring in this chamber. The purpose of Bill C-305 is to extend and strengthen the current provisions of the Criminal Code that address hate-based crimes against property used by religious communities.

• (1540)

It does so in two ways. First, it updates the listed grounds that motivated the crime to bring them in line with current human rights norms. Second, it broadens the range of property to which the provisions of the Criminal Code would apply.

Under the current law, it is an offence to commit mischief in relation to property that is a building, structure, or part thereof that is primarily used for religious worship, including a church, mosque, synagogue or temple, or an object associated with religious worship, located on the grounds of such property, or a cemetery, if the commission of such mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin. If convicted, the maximum penalty is 10 years imprisonment on indictment, or 18 months on summary conviction.

[*Translation*]

Bill C-305 proposes to add to the existing grounds for mischief. The existing grounds of religion, race, colour, and national or ethnic origin, previously within the exclusive purview of human rights legislation, can no longer hope to cover the wide range of prohibitions set out in many of the existing federal and provincial laws, including the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and provincial human rights legislation.

As a result, Bill C-305 will add age, sex, sexual orientation, and mental and physical disability to the list of protected grounds in matters of human rights.

[*English*]

In addition, Bill C-305 would have a concordance amendment in the event that Bill C-16 is passed, and it would therefore add gender identity or expression to the listed grounds.

[*Translation*]

Bill C-305 will also expand the scope of the law to include not just places of worship but any location used by religious or other groups, as defined by the Criminal Code and as I described earlier. These locations will include any building that is primarily used by the defined groups for educational purposes, including day care, and for administrative, social, cultural or sports activities or events or as a residence for seniors.

[*English*]

Why, you might ask, is this bill necessary? Are the existing laws not sufficient? Let me take a few minutes to address this question of why the bill is necessary to fill certain gaps in our current law.

By enacting the current provisions of the Criminal Code in 2001, Parliament recognized that places of worship were deserving of special protection in the law, as they are often the targets of hate-based vandalism and crime. In fact, most hate crimes in Canada involve mischief against religious property. We're talking, unfortunately, about hundreds and hundreds of incidents every year. Indeed, it was not that long ago that we were together in this place mourning the tragic deaths of those killed in the attack on the mosque in Ste-Foy, Quebec.

But places of worship are not the only places that have been so targeted. For various reasons, members of religious, racial, ethnic and cultural communities established their own places where they meet and engage with one another, and the same is true for members of the LGBTQ community. Sadly, all have been the targets of hate-based vandalism.

I will not attempt to catalogue all of the incidents that have occurred, but let me simply recall a few examples.

Schools have been targeted, such as when a Jewish elementary school in Montreal was firebombed in 2004.

Community centres have been the targets of hate-based crimes. In July 2016, a Jewish community centre in the West Island of Montreal was vandalized, and in February and March 2017, Jewish community centres in Calgary, Toronto and London, Ontario were evacuated after receiving bomb threats.

In June 2016, someone painted a swastika on the front doors of the Vancouver Arts and Leisure centre, an organization that works with the LGBTQ community to present art projects and public events — this, just one week after the massacre in the Orlando gay bar.

In December 2016, vandals targeted a Sikh gurdwara in Calgary, a place not only of worship, but a place where people study, congregate and share meals together.

And just two months ago, in April 2017, Ottawa's central mosque and the Islam Care Centre was vandalized.

The fact is that hate-inspired crimes do not respect the fine distinctions between places of worship, schools, community centres and other places providing support and service to members of different communities.

[*Translation*]

Despite these arguments, you may still be wondering why this bill is really necessary. After all, the existing legislation recognizes that hate and bias type crimes are very serious and should be subject to harsher sentences that act as a greater deterrent. In fact, there is a provision in the Criminal Code that requires judges to take into consideration, as an aggravating factor for every crime, whether it was a hate or bias type crime. Shouldn't that be sufficient?

Whatever the crime, if it involves a place of worship or cemetery, that aspect can be dealt with at the time of sentencing if it is currently not covered in legislation.

That may be, but this process lacks the deterrent and symbolic effects of legislation.

[*English*]

Bill C-305 would send a strong, clear message that hate crimes against places where religious and other communities gather is simply not to be tolerated in Canada.

But there is more than that. Bill C-305 would address an anomaly in the current law. As the law now stands, if a person is convicted of vandalizing a place of worship, they would be exposed to a maximum punishment of up to 10 years in prison. But if the very same person, motivated by the very same prejudice or hate, did the same damage to a religious school, day care centre, community centre or seniors' residence, their punishment could not exceed two years' imprisonment. This alone demonstrates why Bill C-305 is needed.

At the risk of sounding like one of those infomercial salespeople on late-night television, there is still more, because it is not only religious-based institutions that are deserving of protection and that would receive protection from this bill.

Bill C-305 would also protect those institutions primarily used by a broad range of communities in Canada, whether it be the Ummah Masjid and Community Centre in Halifax; the Sourp Hagop Armenian school in Montreal; the African Canadian Legal Clinic in Ottawa; the Sherbourne Health Centre, offering services to the LGBTQ community in Toronto; the Indian & Metis Friendship Circle in Winnipeg, and the more than

[Senator Gold]

100 indigenous Friendship Centres across Canada; the Hellenic Community Hall in Calgary; the Chinese Cultural Centre of Greater Vancouver and so many more.

[*Translation*]

That is why this bill has the support of a broad spectrum of groups in Canada that most certainly represent the incredible diversity that defines our country.

Honourable senators, allow me one last argument. We often get bills from the other place that seem to have been voted on summarily. When it comes to private members' bills we might question whether they enjoyed the same attention as a government bill.

Fortunately, that is not the case here. The bill was studied quite thoroughly at the other place. The Standing Committee on Justice and Human Rights held hearings that were attended by a representative from the Department of Justice, a representative from the Ottawa Police Service, a professor from the University of Alberta, representatives from the Muslim and Jewish communities, as well as the head of the Pride Centre of Edmonton.

[*English*]

Moreover, during the legislative process, the bill was amended to address a perceived problem of overbreadth in its original version and was debated fully. It had the support of the government and all parties in the other place and, indeed, was passed unanimously. Honourable senators, this bill would fill a gap in our current laws protecting Canadians from hate-based crimes against their institutions. I do hope you will join me in supporting it. Thank you very much.

• (1550)

The Hon. the Speaker *pro tempore*: Senator Gold, will you accept a question?

Senator Gold: With pleasure.

Hon. George Baker: Given what you have outlined to us that this will offer additional protection for cultural and community centres, passed unanimously, examined thoroughly in the House of Commons — I examined the committee reports, the amendments made and so on — and then in the House of Commons there was a final recorded vote 292-0, unanimous support.

Given those facts, are you hoping that we can move this bill to the Standing Senate Committee on Legal and Constitutional Affairs so we can deal with the bill in its totality before we rise?

Senator Gold: Thank you for your question. It indeed is my fervent hope that that can be accomplished.

(On motion of Senator Frum, debate adjourned.)

JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

BILL TO AMEND—SECOND READING—
DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Seidman, for the second reading of Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault).

Hon. Kim Pate: Honourable senators, I rise today to speak to Bill C-337, the judicial accountability through sexual assault law training bill.

It is an honour to serve as the critic of this bill in the Senate, as I strongly support the principle at its heart, that of responding to a systemic and shocking failure to address violence against women and children, and particularly the shameful legacy of our criminal justice system with respect to those who have been sexually assaulted and abused.

As I discuss the importance of Bill C-337's proposed aims, I want to draw attention to the aspects of this bill that I believe require further consideration in order to effectively address issues of race and class, especially in light of Canada's ongoing crisis and inquiry regarding missing and murdered indigenous women and girls, as well as the intersecting roles that police, lawyers and correctional authorities and services play, in addition to judges, in responding or failing to respond to violence against women and children in our society.

The first of two types of measures contained in Bill C-337 concerns the training of judges who fall under the jurisdiction of the federal government. The bill would require all those applying for judgeships to have completed sexual assault training. For those who are already serving as judges, the bill does not impose this mandatory sexual assault training out of concern for avoiding any interference with the judicial independence and would instead require the Canadian Judicial Council, the federal body that oversees judges, to report on the availability of sexual assault training to judges in the form of continuing education seminars; and they would have to report the number of judges, by court, attending those seminars and the number of sexual assault cases heard by judges who have not participated in such seminars.

Taken together, the purpose of these measures relating to judicial training is to counteract two stereotypes. The first are pervasive misogynist assumptions that create barriers within the criminal justice system for those who have been sexually assaulted and which contribute to underreporting as well as withdrawing and recanting of complaints.

In her speech in this chamber, our colleague Senator Andreychuk has given examples of the treatment of complainants in court that make clear the need for mandatory sexual assault training for judges. I wish to emphasize, however, that the barriers complainants face within the criminal justice system begin long before cases of sexual assault ever make it before a judge.

Sexual assault is the most underreported crime in Canada, with Statistics Canada suggesting that, at the very most, only 5 per cent of sexual assaults are reported to police let alone tried in court.

Professors Elizabeth Sheehy and Elaine Craig have conducted vital research exposing the treatment of those who have been sexually abused within the criminal justice system, and the fear that this treatment creates is a key reason why those who have been victimized do not come forward to report sexual assault.

This reluctance to come forward is understandable when the response that reports of sexual assault have traditionally received is contrasted with how other crime is dealt with.

I cannot help but think of my own experience reporting a property crime to the police years ago when my home was broken into and my television was stolen and how it would have been different if I had been treated by the criminal justice system in the way that those who have been sexually assaulted are treated, or fear they might be treated.

Instead of the considerate and professional response that I received, I can imagine how a line of questioning might have gone something like, "So you say you have a TV. Do you ever let other people watch that TV? Do you invite them into your house? In fact, aren't you known to have people with records sometimes in your home? Can you see the television from the road? Do you have drapes on your windows? Do you put that TV in a cupboard? Do you close it? Do you close those drapes? When you got that TV, did you put the recycle box out at the curb just to flaunt that you had a new TV? Didn't it stand outside that house for a little while, just to invite someone? In fact, don't you think that you were actually inviting people to take that TV?"

It sounds ridiculous, I know, and yet it is all too familiar for victims of sexual assault. Victims contend with invasive inquiries into past history, questioning and cross-examinations designed to demean, humiliate and intimidate.

Judges and others in authority who lack the training to control these dynamics often end up contributing to the perception that the complainant is somehow at fault, a phenomena at risk of being accepted as commonplace within our criminal justice system.

While Bill C-337 focuses on sexual assault training for judges for courts under federal jurisdiction, the realities lived by those who have experienced violence against women and children make clear that training must also be given to other participants in the criminal justice system, including police, as suggested by witnesses before the committee in the other place, as well as to lawyers, both defence and Crown prosecutors, and those who provide correctional services.

The system's devaluation and revictimization of those who have been sexually assaulted was recently taken to an extreme in the highly publicized case of *R. v. Blanchard*, where a victim of sexual assault known as Angela Cardinal was forced to testify at a preliminary hearing wearing handcuffs and leg shackles. For five nights during the course of giving testimony, she was jailed in a remand centre alongside the man who had attacked her, sharing the same transport van to the court. Ms. Cardinal was not

suspected of committing any crime. Rather, as a result of her fear and panic, her difficulty responding to questions in court, a judge ordered that she be incarcerated to ensure her availability to testify — treatment that Justice Eric Macklin, who later presided over the case, qualified as nothing short of appalling.

Tragically, before the case was heard at the Court of Queen's Bench, Ms. Cardinal was shot and killed as a bystander in an unrelated incident. Her death meant that she was unable to give oral testimony in court, the kind of testimony that was felt to be crucial during the preliminary hearing that was seen to justify her incarceration.

Instead, records of her previous testimony were admitted in place of live oral evidence, a situation that is almost unheard of in cases of sexual assault despite the personal cost for victims of exposing themselves to public questions and cross-examinations regarding their most personal and private details. The assumption that this public spectacle is required to obtain a conviction in sexual assault cases is undermined by the fact that the individual charged with the crime in Ms. Cardinal's case was convicted nonetheless.

Her case is an example of the intersection of misogynistic stereotypes surrounding victims of sexual assault, particularly those who because of their race and class are left with the

devastating and unconscionable effects that Ms. Cardinal and many others face, and the effects that threaten public confidence in the criminal justice system.

In the words of Alberta Justice Minister Kathleen Ganley:

. . . I think one of the questions that keeps me up at night is whether this would have been the case if this woman was Caucasian and housed and not addicted —

— and not homeless —

— whether this would have happened to her.

Ms. Cardinal's case reminds us that dynamics of misogyny contributing to violence against women is tangled up in dynamics of racism, colonialism and classism.

The Hon. the Speaker *pro tempore*: Honourable Senator Pate, I regret having to interrupt you. You will have the balance of your time tomorrow.

(Debate suspended.)

(The Senate adjourned until Thursday, June 8, 2017, at 1:30 p.m.)

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