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(HANSARD)

Tuesday, October 3, 2017

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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THE SENATE

Tuesday, October 3, 2017

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

Prayers.

[*Translation*]

VICTIMS OF TRAGEDY

LAS VEGAS—SILENT TRIBUTE

The Hon. the Speaker: Colleagues, before we begin, I would like to take a moment to mark Sunday's horrific and senseless attack in Las Vegas.

[*English*]

Among the 59 people who lost their lives were four Canadians, Jordan McIllood, of British Columbia; and Jessica Klymchuk, Calla Medig and Tara Roe, of Alberta. We grieve with their loved ones.

On behalf of the Senate of Canada, our deepest condolences and our thoughts and prayers go to all the families and friends of those who died and were injured because of this heinous and cowardly crime.

[*Translation*]

I would ask you all to rise and observe a minute of silence in memory of the victims and in solidarity with our friends in the United States of America.

(Honourable senators then stood in silent tribute.)

[*English*]

SENATORS' STATEMENTS

EDMONTON

ACT OF TERRORISM

Hon. Douglas Black: Honourable senators, I rise today to honour Edmontonians and the incredible dedication and courage of Constable Mike Chernyk and other first responders of the Edmonton Police Service. I do so under the horrifying cloud of Sunday's Las Vegas devastating carnage, with now, unfortunately, four Canadian deaths — three from Alberta and a young man from British Columbia — and at least seven wounded.

Last Saturday night, on a beautiful early fall evening in Edmonton, as tens of thousands of fans gathered at Commonwealth Stadium to cheer on the Edmonton Eskimos, Constable Chernyk, who was on duty at the stadium, was mowed down by a coward who drove into him. Tossed into the air,

hitting the pavement, Constable Chernyk was then attacked by his assailant with a knife. A violent struggle ensued in which Constable Chernyk was stabbed multiple times in the arms and the face. Even as his attacker fled, the constable struggled to his feet and continued pursuit while radioing for help. His fortitude and commitment is the stuff of novels. Mercifully, Constable Chernyk survived and has now been released from hospital.

The terrorist's other victims, when he ran into them with another vehicle, are also recovering as is the city of Edmonton, a strong, unified and caring community.

I also want to take this opportunity to acknowledge the Edmonton Muslim community for their statement condemning this senseless violence and their actions in bringing Edmontonians together in a vigil on Sunday evening.

Just two weeks ago, I had the privilege of visiting the Al Mustafa Muslim school in Edmonton, a school for Muslim kids from grades 1 to 12. Amongst the student body are 100 refugee kids from Syria, Iraq and Somalia. I had the privilege of attending Friday prayers at the school with the students. The contrast between that Friday and the violent, senseless acts of terrorism last weekend remind us that these twisted individuals who conduct murder and mayhem in the name of God represent no one and speak for no one other than their sick and cowardly conspirators.

I ask all senators to salute the incredible courage of Constable Chernyk and to stand with Edmontonians in their condemnation of terrorist acts and their embrace of an inclusive Canada.

DEMONSTRATION IN SUPPORT OF ROHINGYA PEOPLE

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to recognize the passion and energy I saw this past Sunday when I spoke at the Canada Bangladesh Muslim Community's protest demonstration on the hill against the treatment of Rohingya people in Myanmar. I would like to recognize Mustafa Chowdhury, President of the Canada Bangladesh Muslim Community, who put in tremendous effort to organize this protest. I would also like to acknowledge Raees Ahmed, Fareed Khan, MP Chandra Arya, and Alex Neve of Amnesty International, who were keynote speakers.

In every speech that I heard, there was a heartfelt, impassioned plea to our Canadian government to rescue the Rohingyas. Some describe the horrifying conditions in Myanmar. Others appeal to Canada's proud history of peacekeeping. Some told the heart-wrenching stories of Rohingya refugees. Finally, some spoke of what Canadians can do from their homes to help the Rohingyas.

• (1410)

However, each and every speech that I heard at that protest had a common theme. They all stated that Canada could no longer wait to help the Rohingya people. This all came together in six words that were said in almost every speech, “The time to act is now.”

I agree the time to act is now. While Canada has devoted funds to relief efforts and expressed concern with Myanmar’s behaviour, it has not taken the decisive action to end the bloodshed, the ethnic cleansing.

Every speaker asked those watching to write parliamentarians to ask our government to act now. Today I will add my voice to this call for action and ask you to do the same with me.

When I first started to write and speak against the persecution of Rohingya in April 2014, they were called “The world’s most forgotten people.” However, the fact that so many people attended this protest on Sunday showed me that this is no longer the case. They proved that Canadians will never forget the Rohingya and will work tirelessly to help them when they need it most.

Honourable senators, I urge you all to hear their message and to push our Canadian government to do more to help the Rohingya people. We must tell them to act like leaders. That is what leadership is all about. The time to act is now. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Don Sudden, Soon-il Hyun and Captain Richard Dumas, as well as representatives of the National Korean Community. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

NATIONAL FOUNDATION DAY

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise on this special day with a heart overflowing with gratitude and pride. October 3 is Korea’s National Foundation Day, called Gaecheonjeol, which celebrates the creation of Gojoseon, the first state of Ancient Korea in 2333 BC. It is also the eve of Chuseok, which is the Korean Thanksgiving. Today is already Chuseok in Korea, and it will be Chuseok tomorrow, the same week as the Thanksgiving that we will all be celebrating. If you may permit me to say a few words in my heritage language.

[Editor’s Note: Senator Martin spoke in Korean.]

I stand taller than my 165-centimetre height because I am standing on the shoulders of heroes, on a firm foundation built over thousands of years. On this day and week of Thanksgiving, I thank God for all the heroes to whom I am indebted beyond

measure. First, my ancestors and my parents who survived the oppressive colonial rule of Korea by Imperial Japan. I honour them and their contemporaries, some who are present in our chamber today.

I am told that both my paternal and maternal grandfathers were freedom fighters who sacrificed what they had for Korea’s independence, for love of their country, at the risk of being jailed, tortured or killed. Korea regained her freedom at the end of World War II.

During this colonial period, there were also Canadians who stood with the Korean people in their fight for freedom and independence. The only patriot of the independence movement who is a non-ethnic Korean buried in the National Cemetery of Korea is Dr. Frank Schofield, a Canadian missionary.

Just five years after the end of World War II, when the Korean War broke out, my parents and millions of people throughout Korea, once again under the attack of communist aggression, were forced from their homes to escape bloodshed and in search of freedom. Korea, still recovering from decades of colonial destruction, was a small peninsula in the Far East whose desperate cries were barely audible to the world. Yet somehow, nearly 27,000 Canadians from coast to coast to coast heard the call from across the Pacific, in the North, over the Rockies, across the Prairies, all the way to the shores of the Atlantic. World War II veterans, members of the military, and civilians, some as young as 14 years of age, served with valour and saw their fellow compatriots make the ultimate sacrifice.

Honourable senators, as always I stand as a proud daughter of Korea and Canada in the presence of our heroes of the Korean War and representatives of the national Korean community from coast to coast to coast and other distinguished guests.

This morning we stood on the steps of Parliament Hill as proud Canadians of Korean descent for the inaugural flag-raising ceremony of the Taegukgi, the Korean flag, a national symbol of the resilient spirit of the Korean people steeped in history and tradition of thousands of years. Today the Canadian flag waved in unison, and it was indeed a truly historic day.

ALDEN NOWLAN

Hon. David Richards: Your Honour, fellow senators, I rise today to give tribute to a fellow Canadian, Alden Nowlan, born in Windsor, Nova Scotia, on January 25, 1933, whose mother was a 14-year-old girl and whose father worked cutting pulp for a dollar a day. He was a boy who quit school halfway through Grade 5 to work with his father in the woods, so would be considered by Statistics Canada functionally illiterate, but he taught himself to read and write by the age of five years. He was tormented and beaten as a child, solitary as a youth, finding comfort in books and the written word, and at the age of 19, lying about his credentials, he found a job as a reporter at the *Hartland Observer*.

From there, he began a remarkable career as a writer of verse and his astonishing rise to literary prominence and fame. Over his short life he wrote thousands of poems, stories, essays and two novels, and he corresponded with political men and women and writers from around the globe.

He left the *Hartland Observer* to become editor of the *Telegraph-Journal*, and in the mid-1960s he went through three operations for throat cancer. The doctor told him the odds of his survival were probably the same as the odds for survival during the Canadian raid on Dieppe in August of 1942.

He did survive and won the Governor General's award for poetry in 1968. He left the *Telegraph-Journal* to become Writer-in-Residence at the University of New Brunswick. He did not quit smoking.

If one was fortunate enough to be at his house on Windsor Street in Fredericton, which, of course, he dubbed the Windsor Castle, one might see the leader of our royal opposition sitting across from the premier, who might be sitting by an out-of-work single mother on welfare, chatting with a professor of philosophy and a sound poet adrift in the world, all there united as human beings by the warmth and generosity of this man. "We must have great meetings because great partings are imminent," he often said, quoting Anton Chekov's line.

Knowing him from the time I was 20, I considered him, as do many others today, the greatest Canadian poet of the 20th century.

As Maxim Gorky said of Tolstoy, so might I have said of Alden Nowlan:

As long as this man lives no one will be an orphan.

The trouble was he couldn't. He had a heart attack in 1983, slipped into a coma and died on June 27 at the age of 50. His collected verse, called *Collected Poems of Alden Nowlan*, was published this past weekend by Goose Lane Press.

Alden was a huge man, and it is a huge volume of 800 poems. This publication must be counted among the greatest poetic and literary events in our country's history. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jean-Pierre Quinault, Nadine Quinault, Annick Labbé, Neil Kilgour and Nina Kilgour. They are the guests of the Honourable Senator Gold.

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

Hon. Senators: Hear, hear!

[Senator Richards]

EDMONTON

ACT OF TERRORISM

Hon. Betty Unger: Honourable colleagues, it was shocking and heart-wrenching to hear about the terrorist attack that took place in Edmonton on Saturday night. Around 8:15 p.m., fans were at Commonwealth Stadium cheering on our Edmonton Eskimos when a man driving a car crashed through traffic barricades, deliberately striking Constable Mike Chernyk, then smashing into his police cruiser.

The impact sent Constable Chernyk flying several metres into the air. The driver, who had an ISIS flag in his car, jumped out of the vehicle and began a vicious attack on Constable Chernyk. Edmonton Police Chief Rod Knecht later stated that the officer was in a struggle for his life, holding on to his gun with one hand and blocking the knife with his other. It's a testament to his experience and training that he survived the confrontation.

The assailant was later identified as 30-year-old Somali refugee Abdulahi Hasan Sharif.

• (1420)

A few hours later, Sharif was pulled over at a check stop, this time driving a U-Haul truck. One can only imagine the carnage that could have occurred had he been able to follow through with a weaponized vehicle.

The Edmonton Police Service quickly identified Sharif as the person involved in the earlier incident and a car chase ensued. As the suspect sped toward the downtown area, witnesses saw him repeatedly swerve the truck in an attempt to hit pedestrians who had filled the busy streets. Sharif was quickly apprehended when he lost control of the truck, causing it to flip over. Sadly, four people were struck, sustaining multiple injuries.

Colleagues, were it not for the bravery and quick thinking of our police service, this situation could have been much, much worse. On behalf of all Edmontonians, I thank the Edmonton Police Service for their courageous work. I commend their selfless service as they put themselves in danger in order to protect the residents of Edmonton and all people.

To Constable Chernyk, the victims and their families, be assured that our thoughts and prayers for a speedy recovery are with you. With all Canadians, we condemn this heinous cowardly act of terrorism.

I know all Albertans and Canadians will also join with me in expressing my sincerest condolences to the victims of the Las Vegas massacre in which three Alberta women and one B.C. man lost their lives. Our thoughts and prayers are with you and your loved ones.

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

Hon. Kim Pate: Honourable senators, tomorrow, October 4, is a day on which concerned citizens throughout Turtle Island will gather to honour the lives and memories of missing and murdered

indigenous women and girls throughout the country. Vigils organized by L'Association des femmes autochtones du Canada and families of Sisters in Spirit will take many forms, from rallies to moments of silence and reflection.

Honourable colleagues, at this time and starting tomorrow morning and throughout tomorrow, I ask you to imagine what it would be like if it was your daughter, your mother, your auntie or your grandmother who didn't come home tonight. What if it was this that was a constant worry and repetitive reality for your community? How would you cope? What action would you expect?

I ask you to join us today, tomorrow and throughout our work as legislators in reflecting on how we can best uphold our mandate as senators to represent those made vulnerable by systemic inequality. I encourage you to join us at the vigils taking place here tomorrow on the steps of Parliament Hill and to consult with Native Women's Association of Canada's website for information regarding vigils taking place in your home communities.

Our new Governor General reminded us yesterday that "Indigenous peoples are pathfinders" and we need "to listen again to their wisdom. For the well-being of our communities and the future of our children."

Honourable senators, we need to decolonize and rebuild our institutions into more equitable institutions, and we need to develop more equitable and fairer practices. We need to reduce and eliminate violence perpetrated and perpetuated by the state. We must eliminate the inequalities and violence against indigenous women and girls. Please join us tomorrow to remember and honour the memory of missing and murdered indigenous women and girls throughout this country and the world.

We commend all who continue to work tirelessly for justice and equality in their names and, therefore, for a brighter future for all of us. Thank you. *Meegwetch.*

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT—FALL 2017 REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the fall 2017 Reports of the Commissioner of the Environment and Sustainable Development to the Parliament of Canada, pursuant to the *Auditor General Act*, R.S.C. 1985, c. A-17, sbs. 23(5).

[English]

THE GOVERNOR GENERAL

ADDRESSES AT INSTALLATION

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the Address of the Prime Minister of Canada, the Right Honourable Justin Trudeau, P.C., M.P., at the Installation of the Right Honourable Julie Payette as Governor General of Canada on October 2, 2017, together with the reply of Her Excellency the Governor General thereto, be printed as an appendix to the *Journals of the Senate* of this day and form part of the permanent records of this house.

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.)

(For text of addresses, see today's Journals of the Senate, Appendix, p. 2437.)

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on National Finance have the power to meet for the purposes of its study on the proposed changes to the *Income Tax Act* respecting the taxation of private corporations and the tax planning strategies involved, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the motion adopted in this chamber Thursday, September 28, 2017, Question Period will take place at 3:30 p.m.

ORDERS OF THE DAY

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—ORDER RESET

On Other Business, Senate Public Bills, Third Reading, Order No. 1, by the Honourable Terry M. Mercer:

Third reading of Bill S-213, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, as you will see from the Order Paper, this matter is on the fifteenth day. Senator Mercer is not here at the present time and has therefore asked me to seek leave of the Senate. I ask that consideration of this item be postponed until the next sitting of the Senate, in Senator Mercer's name.

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 Day, for Senator Mercer, debate adjourned.)

• (1430)

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Housakos, for the second reading of Bill S-239, An Act to amend the Canada Elections Act (eliminating foreign funding).

(On motion of Senator Omidvar, debate adjourned.)

JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

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. Joan Fraser: Colleagues, I want to say at the outset that, like I'm sure every member of this chamber, I strongly support what I take to be the objective of this bill if, as I believe it to be, that objective is to work to ensure that we never again have the kind of ignorance displayed by judges in certain sexual assault trials that has appalled this country too many times. Speakers before me have described some of those cases. I won't repeat what they so eloquently said, but this is and has been a problem — not with most judges but with some judges — and it's the kind of problem that should never arise. It may not be as common as we might fear, but it should never happen.

The objective of minimizing that ignorance is a noble one. My difficulty is that I have some problems with this bill as it is drafted, and I think I need to describe them. Let me begin by walking through examples from the text of the bill to suggest why I think it needs attention.

The first line in the preamble, for example, says that "survivors of sexual violence in Canada must have faith in the criminal justice system." I do not believe that Parliament can legislate that any Canadian must have a given opinion or a given faith. It would be nice if by simply passing a law we could say all Canadians now must have faith in the judicial system or the democratic system, but I don't like the use of the word "must." That's a small thing, but it bothers me.

Another thing that bothers me, also in the preamble, is the statement that "problematic interpretations of the law may arise." Now, I'm not a lawyer, but I'm not quite sure what "problematic" means in legal terms; and when in doubt, the old editor's rule is to leave it out. It could very well have been adjusted to say "misinterpretations" or "faulty interpretations." "Problematic" bothers me.

Here's another point from an old editor: When you listen to the proposed "short" title of this bill — the "Judicial Accountability through Sexual Assault Law Training Act" — that's not a short title. Indeed, I think it's arguably longer than the long title.

Then we get to the substance of the bill, which says that a candidate for a judicial appointment must have completed recent and comprehensive education in sexual assault law, and then it goes on to describe some of the elements of the preparation of that education.

With respect, people spend their whole lives studying various topics, including legal topics, and do not claim at the end of those careers to have achieved comprehensive understanding of, or education in, anything as complicated as sexual assault law. I'm perturbed by the possibility of problems being raised, spokes being put in wheels, if somebody argues that the available training has not been comprehensive. I don't think that word is needed here. I think it's a concept that could lead to more problems than it solves.

Then we go on to talk about the education program that the candidates for the judiciary have to have completed, in terms of how it has been developed:

... in consultation with sexual assault survivors, as well as with groups and organizations that support them; and that includes instruction in evidentiary prohibitions, principles of

consent and the conduct of sexual assault proceedings, as well as education regarding myths and stereotypes associated with sexual assault complainants, and

That is an excellent list, but I think it might be even more excellent if it included provision for input from, for example, members of defence lawyers' groups. Because although my heart is with, always, the victims of sexual assault, we're talking about legal proceedings here, and it's important in legal proceedings that, above all, the judge understand all the complexities on as many sides of the issue as possible, and that includes, of course, the defence.

Then the education in question must also include social context education. Now, this may be pure ignorance on my part, but I don't know what "social context education" is. I mean, we've already talked about myths and stereotypes and input from survivors. I'm not sure what "social context education" is. However, as I say, that may simply be ignorance on my part.

Then we come to the portion of the bill that requires the Canadian Judicial Council to submit a report on the seminars describing the title and content of each seminar, the number of judges who attended each seminar, the court on which they serve — which is starting to get very close to enabling inquirers to figure out who is taking these courses — and the number of sexual assault cases heard by judges who have never participated in such a seminar. Why would we need a report on that? Why couldn't the judicial authorities, the courts themselves, perhaps on the suggestion of the relevant bar associations, just say that sexual assault cases shall not be heard by a judge who has not completed the relevant training? I'm perturbed by this notion that the minister must table in Parliament a report of this detailed nature about the judicial system.

Then we come to the section which says that the judges must provide written reasons for a decision that a person is acquitted, discharged, found guilty, found not criminally responsible or found unfit to stand trial, for quite a long list of offences. However, that list itself in some ways puzzles me. If you're going to require reasons to be given, written reasons, it seems perfectly obvious to include in your list the offences of, for example, sexual interference, invitation to sexual touching, incest, corrupting children, sexual assault with a weapon, aggravated sexual assault — and there are others on the list.

• (1440)

If you're going to require written reasons, those seem like good things to have on your list. But why not include the offence of making sexually explicit material available to a child, the offence of luring a child, the offence of making an agreement or arrangement to commit a sexual offence against a child, and the offence of indecent exposure to a child? So I don't quite follow the logic under which this list was drawn up.

Those are, if you will, difficulties that came to my mind simply through reading the text of this quite short bill.

But I have other problems that some senators might consider more serious as, in many ways, I do myself. One is, as has been mentioned here, that it strikes me as profoundly unfair and a potential invasion of privacy to require lawyers to have

completed this education before they apply to be judges. That is a clear signal to everyone else in the room taking the same course that I want to be a judge. If I make it to a judgeship, that's one thing, but what if I'm rejected, as many candidates for the judiciary are? It's in the nature of things; there are more applicants than nominees. Judicial circles are as prone to gossip, sometimes malicious, as any other circles. This seems to be an unnecessary and unfair requirement.

I would also observe, as has been observed already in this debate, that the vast majority of sexual offences are matters for provincial courts, which makes it even more problematic that we should be getting into this kind of detailed prescription about judges.

It strikes me as a worrisome interference with the way the judiciary self-regulates, if you will. I am not a lawyer, so I will not presume to judge whether this particular bill would constitute unconstitutional interference in provincial matters. But it strikes me that even if it is unconstitutional, it is neither appropriate nor wise for Parliament to be getting into the fine details of dictating what legal education must include. When we get down to that level of interference, it seems to me that we are setting a precedent that could be used in the future for objectives much less noble.

I'm reminded of a line I read somewhere the other day to the effect that things are fine if your emperor is Marcus Aurelius. Things are not so fine if your emperor is Caligula. I'm not saying the Parliament of Canada is going to be populated by multiple versions of Caligula, but it is always possible for a precedent that was set with the best of intentions then to be used down the line for, as I suggested, less noble objectives.

All of this suggests, colleagues, that I have enough problems with this bill that I cannot support it as written. However, I repeat that I strongly support what I believe to be the objective it is trying to reach. On the horns of this dilemma, therefore, when the matter comes for a vote at second reading, I shall abstain.

Hon. Mobina S. B. Jaffer: I have a question for Senator Fraser, if she will answer a question?

Senator Fraser: I shall try.

Senator Jaffer: Thank you, Senator Fraser, for your presentation. If I heard you correctly, you were talking about the minister reporting on what judges do. Was your discomfort because once you become a judge, you work under the Chief Justice, and it's only the Chief Justice who manages the judges and not the minister? Is that your angst, that we are mixing an executive function with a separate function of the judiciary, because they are two separate things?

Senator Fraser: That's a far more learned explanation of my instinctive position than I was giving myself. But essentially, yes.

I don't think that Parliament has any business requiring the minister to report matters of this nature. I really don't. We have a judicial system of which we are justifiably proud in this country, and I don't think it's the business of politicians to meddle with it. I really don't.

The Hon. the Speaker: Senator Fraser's time has expired, and I see two other senators rising, I presume to ask questions.

• (1450)

Are you asking for more time, Senator Fraser?

Senator Fraser: Yes.

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

Hon. Senators: Agreed.

Hon. Lillian Eva Dyck: Senator Fraser, I don't know how judges are selected out of the pool. There's probably a short list. When judges are selected, it would seem to me that one of the things we really have to look at is the perspective of the people who are doing the selection of who the judges will be. So you may give this training to potential candidates, but what about the people who are doing the actual selection? Do they quiz the judges? Do they say, "What life experiences have you had? What are your views on sexual assault?"

It would seem to me that the people we really should be targeting are those involved in the actual selection of the people who have applied. We can't just look at the lawyers who are trying to become judges, but we also have to look at the people who are doing the selection.

Senator Fraser: I've never been in a position to apply, so I don't actually know what wringers the applicants have to go through. I do think it would be important to ensure that anyone named to the bench is given thorough training, across a wide range of matters.

They also do have to undergo training now. It is possible that the training on sexual assault matters can and should be improved, but I also have to bear in mind the fact that people can change. Someone — a lawyer or even a judge — might start out with a completely biased and inaccurate view of some aspect of the human condition, but most people don't get to be judges unless they're quite intelligent. I have faith that with proper instruction —

Senator Sinclair: I'm not arguing with you. That's fine.

Senator Fraser: — that with proper instruction, a position based on, essentially, ignorance can be changed and that people can grow and realize they were wrong.

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

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO RECOGNIZE THE GENOCIDE OF THE PONTIC GREEKS AND DESIGNATE MAY 19 AS A DAY OF REMEMBRANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Merchant, seconded by the Honourable Senator Housakos:

That the Senate call upon the government of Canada:

- (a) to recognize the genocide of the Pontic Greeks of 1916 to 1923 and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity; and
- (b) to designate May 19th of every year hereafter throughout Canada as a day of remembrance of the over 353,000 Pontic Greeks who were killed or expelled from their homes.

Hon. Pierrette Ringuette: Honourable senators, I wish to adjourn this item for the balance of my time.

(On motion of Senator Ringuette, debate adjourned.)

MOTION TO URGE THE GOVERNMENT TO CALL UPON THE GOVERNMENT OF MYANMAR TO END VIOLENCE AND GROSS VIOLATIONS OF HUMAN RIGHTS AGAINST ROHINGYA MUSLIMS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as modified, of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Tkachuk:

That the Senate urge the Government of Canada to call upon the Government of Myanmar:

1. to bring an immediate end to the violence and gross violations of human rights against Rohingya Muslims;
2. to fulfill its pledge to uphold the spirit and letter of the *Universal Declaration of Human Rights*; and
3. to respond to the urgent calls of the international community and allow independent monitors entry into the country forthwith, in particular Rakhine State; and

That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purpose.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Inquiry No. 240, which urges our government to call upon the Government of Myanmar to bring an end to the violence against the Rohingya people, uphold its commitment to the Universal Declaration of Human Rights and allow international monitors to assist our peace process.

This past Sunday I had the opportunity to meet with Canadians from across the country who protested on Parliament Hill to advocate on behalf of Myanmar's Rohingya people who are currently suffering from horrifying ethnic cleansing. Each speaker at this protest had the same message: Providing funds and expressing concern about the Rohingya will not end the violence against the Rohingya people, nor will following the rest of the world as they create their own initiative. Canada will only truly help end the ethnic cleansing in Myanmar once it adopts a leadership role and takes decisive action. The clear message was that we must act now.

While this inquiry urges our government to call upon Myanmar to stop the ethnic cleansing, I take their words to heart and argue that we must do more. Canada has a duty to be a leader and protect the Rohingya people. Doing so would continue Canada's legacy as a leader against crimes against humanity, genocide and ethnic cleansing.

During the era of peacekeeping, people worldwide knew that Canadians wearing the United Nations' blue helmets were there to help. Our military worked proudly to set the foundations for peace in Cyprus, the former Yugoslavia, Sudan and many other countries that faced similar crises. Canadians also worked tirelessly through diplomatic channels to prevent gross human rights abuses and atrocities without the use of military force.

Our work through multilateral diplomacy and the UN General Assembly has been instrumental in curbing gross human rights abuses in Nigeria and Latin America.

More recently, Canada was an architect of the doctrine that the international community adopts when states are unable or unwilling to stop genocide, crimes against humanity, war crimes or ethnic cleansing: the Responsibility to Protect, commonly known as R2P. This doctrine, which was unanimously agreed to at the 2005 United Nations World Summit sets out three pillars that countries must follow regarding atrocities and the protection of civilians against war crimes.

The first pillar states: "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

Given that the Rohingya crisis emerged after Myanmar's government clearly failed to protect its people against ethnic cleansing, this first pillar provides Canada with the responsibility to act.

The second pillar states: "The wider international community has the responsibility to encourage and assist individual states in meeting that responsibility." While Canada had the opportunity to follow through on the second pillar, the fact that Myanmar's own military has become the main threat to the Rohingya people means that Canada cannot use the second pillar.

However, situations like these invoke the final pillar which states, "If a state is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter."

Given that Myanmar is not only failing to protect its people but actively participating in ethnic cleansing, this final pillar provides Canada with the responsibility to act. Those final words of the third pillar, in accordance with the UN charter, provide Canada with a variety of tools that it can use against Myanmar to ensure that the Rohingya people are properly protected.

On the non-military side, Canada has an array of tools at its disposal, including mediation, advocacy at the United Nations General Assembly and sanctions. Each of these tools has a proven history of giving incentives for countries to stop committing atrocities against its own people and could potentially lead to an end to the crisis in Myanmar without the use of force.

Canada can also be a far more direct hand in humanitarian efforts than the mere \$6.6 million it has contributed since the start of this crisis. Rather than simply sending money, Canada could help by providing vital supplies that are in short supply for Rohingya, if not in Myanmar, then to the border with Bangladesh where the refugees have fled. The Canadian Disaster Assistance Response Team could also help provide refugees with food, water, shelter and medicine.

Together these measures would show Myanmar it would become increasingly isolated if its military continues to hunt its own citizens.

Canada could take the lead and act as an example for the rest of the world to follow by showing that atrocities against civilians are unacceptable.

With that said, the possibility of intervention does exist as a last resort. The third pillar of the Responsibility to Protect doctrine also includes the use of Chapters 6 and 7 of the United Nations charter. Chapter 6 includes forms of intervention that are centred around the peaceful resolution of conflict, such as negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements. However, these methods require the consent of the state in question to work.

On the other hand, Chapter 7 exists as an absolute last resort and describes the use of force to restore peace and security. If the country in question will not or cannot stop violence after every other option has been exhausted, the international community can take appropriate action to end it.

If Myanmar refuses to protect its own people, then Canada must become a leader once more and lead initiatives to have the international community intervene and end this ethnic cleansing.

The reason I'm pushing so hard for Canada to adopt R2P with Myanmar today is that the responsibility to protect is truly a Canadian principle. R2P was established by Canada, was made by Canadians and is an important reflection of Canadian values on the world stage.

The International Commission on Intervention and State Sovereignty that led to the creation of R2P was founded by Canada and had Michael Ignatieff as one of its members along with Lloyd Axworthy as the chair of its advisory board. When the commission created its final report and brought it before the 2005 UN World Summit, Allan Rock led the Canadian delegation that was instrumental in the final unanimous adoption of the doctrine. This was in 2005.

Throughout every step of its creation, R2P was able to happen because of the tireless efforts of very dedicated Canadians. Today I call upon all of you to continue that legacy and urge our government to push for the adoption of Responsibility to Protect in Myanmar so that the ethnic cleansing there may finally end.

• (1500)

With that said, Canada must also recognize that it cannot go on this path alone. While it can play a great part in pressuring Myanmar to finally put an end to the violence, it will be at its most effective when the rest of the world joins it.

As I mentioned, Canada was instrumental in having the UN unanimously adopt the Responsibility to Protect principle in 2005. Today, Canada must act as a leader again and remind the world of the commitment it made 12 years ago and push its adoption of R2P.

Honourable senators, I come to you today to say that Canada must act, because in the Sudan — and we all remember the terrible situation in Darfur — I was sent by our government. We were the first country to go to Darfur. I went to Darfur with our men and women in uniform. I can tell you that the men and women in uniform were only 10, but given the kind of work I saw them do and the way they were helping young women, children, older women, I have an absolute belief in our Armed Forces. I saw them at work. I saw them work tirelessly. I believe that they can help.

Today, we have 600 troops waiting for the Prime Minister to decide what is going to happen. As vice-chair of Defence, I asked the Chief of the Defence Staff if these troops are ready, and would they be able to go out. He said they were always ready at the command of the Prime Minister.

The Prime Minister said that Canada was back. The Prime Minister said that he would employ troops to stop the hurting around the world. I ask you to join me to say to the Prime Minister that the time to act is now.

I ask you to support Senator Atallahjan's motion. I thank her for bringing this motion. I truly believe that if Canada is going to continue with the humanity we have shown in the past, we cannot close our eyes today.

Hon. Salma Atallahjan: Would Senator Jaffer would take a question?

[Senator Jaffer]

Senator Jaffer, like you, I was at a rally in Toronto over the weekend. The one question that everyone asked me was why some governments are referring to this as "looks like ethnic cleansing." Some were calling it ethnic cleansing, but nobody was calling it genocide. Why is that?

Senator Jaffer: I cannot speak for what the Minister of Foreign Affairs says, but I can say to you that when I was involved in the Darfur struggle, there was a lot of talk about Canada calling it genocide, Canada calling it ethnic cleansing. What I learned from both Prime Minister Chrétien and Prime Minister Martin is it doesn't matter what we call it. What we have to do is stop the killing.

The Minister of Foreign Affairs has said it may be ethnic cleansing. I would say to her, "Look at the pictures every night. There are people dying. This is the time to act. I don't care what label you put on it. I want you to act now."

Hon. Jim Munson: Would the senator take another question?

Senator Jaffer, in our Human Rights Committee yesterday we had, once again, compelling and heartbreaking testimony from witnesses, but we also heard from Global Affairs Canada. They did outline that Canada has given \$9 million in humanitarian assistance, and the Prime Minister has sent letters off to the respective parties and so on, demanding action.

Canada has a lot of credibility in the world of humanitarian assistance. Do you think this government has done enough?

Senator Jaffer: I absolutely do not think that the government has done enough. In light of what the Prime Minister had said he would do when he took power, he has not done enough. And in light of the fact that we have a personal relationship with the head of that country — to be fair, the Leader of the Government in the Senate gave even more details of what the government was doing.

I believe the time has come and that we have to tell our government that we live in a multicultural country. There are many people from all over the world that are affected by these issues. Those people are also affected here. I believe the time has come, as I have said so many times today, that either our government says Canada is back and takes action, or stop saying that.

(On motion of Senator Omidvar, debate adjourned.)

LEGISLATIVE WORK OF THE SENATE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the Senate's legislative work from the 24th to the 41st Parliament and on elements of evaluation.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, Senator Andreychuk does wish to speak to this inquiry. With leave, if I may, I would adjourn this in her name.

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

Hon. Senators: Agreed.

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

[*Translation*]

INCREASING OVERREPRESENTATION OF INDIGENOUS WOMEN IN CANADIAN PRISONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Pate, calling the attention of the Senate to the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing overrepresentation of Indigenous women in Canadian prisons.

Hon. Renée Dupuis: Honourable senators, I rise today to support Senator Kim Pate's inquiry into the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing overrepresentation of Indigenous women in Canadian prisons.

Ever since there have been laws in Canada regarding Indigenous people, there has been discrimination against Indigenous girls, based on their fathers' enfranchisement, and against Indigenous women, based on marriage. That discrimination still exists today, at least in part. For these women, the loss of their Indian status has resulted in exclusion from their families, disrupting their family ties, and the obligation to leave their community and territory. Moreover, the loss of their Indian status has deprived them of the ability to grow personally, culturally, socially and economically as members of their home community.

The policy of Indian residential schools also had a profound impact on mothers' ability to take care of their children's education, and we still cannot fully appreciate the devastating

consequences suffered by these women. These are two examples of what the Supreme Court of Canada defined as systemic discrimination.

On top of this discrimination that is inherent to the legal and administrative system against women who have lost their status, we also must consider the indirect consequences, which include isolation and a lack of support services in the communities where they eventually end up.

Coupled with this discrimination, the absence of support services for children, girls and boys, and for women in the communities has made them very vulnerable to the deteriorating living conditions in their communities, while also depriving them of professional opportunities and training, as well as safe shelter for them and their children, if they need it.

We also know that the relationship between women and the justice and law enforcement systems in general has been marked by another element of systemic discrimination, specifically, the negative attitudes, prejudice and other discriminatory behaviour displayed by justice and law enforcement officials towards women. On top of this sexist discrimination, there is a particular form of discrimination in the interactions between these officers and Indigenous women.

Honourable senators, I would like to draw your attention to a few questions the Senate could examine in the course of its work. First of all, what is the connection between some of the worst conditions we could possibly imagine and the fact that Indigenous women are over-represented in the correctional system? Does this mean that prisons are the only roof we can offer to Indigenous women?

• (1510)

Second, what is the connection between these conditions and the fact that one in three women in federal prisons is Indigenous, the fact that Indigenous women make up 40 per cent to 60 per cent of women incarcerated in maximum security institutions, and the fact that Indigenous women are 14 per cent less likely to be granted parole?

Why would the Canadian corrections system be any different than all the other discriminatory experiences these women lived through before? How can the prisons reasonably meet the physical and mental health needs of these women or their need for social services and legal aid in a culturally appropriate way, which is what federally incarcerated Indigenous women desperately need?

Why is the physical and mental health of Indigenous women dealing with the justice system not systematically assessed? Why, in federal prisons, are living conditions for women left to the discretion of institutional agencies, while those applicable to the men are at least codified so information on this population can be compiled?

These are things that I found as part of a presentation on human rights in the prison system, a presentation I made at the request of the ombudsman of the Correctional Service of Canada in 2010.

Why is it not the general rule to develop agreements between the government and the First Nations communities or with Indigenous organizations when preparing release plans or applications for early release, in order to ensure, first, a follow-up on culturally appropriate sentencing and Indigenous women on release, second, a follow-up on required health services, and, third, a follow-up on reintegration?

Honourable senators, these are just a few examples that show why the Senate needs to take a close look at the situation of incarcerated Indigenous women, a group of citizens who continue to experience discrimination on multiple fronts. This is an action the Senate ought to take, first, to show Indigenous women and girls that we senators care about improving their living conditions, whether they are free or incarcerated; and second, to encourage and give confidence to Indigenous women and girls and let them know that the efforts they make every day to take control of their lives and participate in the development of their community are worthwhile. Furthermore, it would be a meaningful step towards promoting the reconciliation that needs to happen between the Canadian government and the Indigenous peoples of Canada.

(On motion of Senator Boniface, debate adjourned.)

[*English*]

“SOBER SECOND THINKING” PROPOSAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wallin, calling the attention of the Senate to the proposal put forward by Senator Harder, titled “Sober Second Thinking”, which reviews the Senate’s performance since the appointment of independent senators, and recommends the creation of a Senate business committee.

Hon. Tony Dean: Honourable senators, I am pleased to rise this afternoon to talk about the modernization of the Senate, specifically to speak to Senator Wallin’s inquiry of May 16, 2017, which encourages us to maintain momentum in evolving the Senate into a more vibrant, transparent, focused and deliberative institution.

Senator Wallin told us she supports more and better planning, scheduling and grouping of debates over consecutive days with the goal of providing more effective sober second thought. She would like to see timely consideration of legislation organized by a Senate business committee.

As we gear up once again for another busy fall agenda, I could not agree more. The scrutiny of legislation and application of sober second thought is one of our major constitutional responsibilities, alongside our obligation to represent regions and under-represented groups. The Senate does this by bringing the rich tapestry of expertise that each of you brings to this chamber. We have an obligation to Canadians, especially to Canadians

who feel disengaged from the process of policy-making and decision-making to ensure that we carefully and efficiently review the legislation sent to us.

I think we would all agree this includes an obligation not only to do this but to be seen to do this by Canadians, which requires us to work transparently and to organize our work in ways that are accessible and predictable.

As a member of the Senate Committee on Modernization, I have participated in hearings over the past few months as the committee considered methods to make the Senate more effective within its current constitutional framework.

One of the more obvious and easily adaptable ideas heard from expert witnesses was the scheduling and organizing of debates, especially government business, by a business committee. This isn’t new: It is proven to be successful in other jurisdictions, with the United Kingdom and Scotland be most commonly cited.

A more focused and organized debate permits all senators an opportunity for effective deliberation and to examine the merits and weaknesses of bills in a more concentrated and transparent fashion.

You don’t need me to tell you this. You have done this very successfully already in your widely applauded work on Bill C-14, which dealt with medical assistance in dying. I can tell you that the quality and nature of that debate around Bill C-14 was one of several things that attracted me to this place, the Senate.

Although it was approved in June of 2016, five months prior to my appointment, I followed the debate — your debate — very closely like millions of other Canadians. It was historical. It was a highly successful project that saw senators working across party lines to ensure that the best interests of Canadians were recognized and protected.

The motion that was presented after first reading in May, 2016, allowed for debate on Bill C-14 to be organized by themes. It provided senators ample opportunity to speak and it didn’t limit the number of amendments. Instead, it clustered them together by subject matter. This experiment in scheduling speaks to the degree of flexibility we all have as we consider more efficient ways of organizing our work.

Now while the Modernization Committee continues to consider its options — including the creation of a business committee, which I support — in preparation for its next report to the Senate, we can move ahead and take action in the very near future by building on the success of the Bill C-14 process. We in fact have an opportunity before us with complex and historically important legislation that may well find its way here in the coming weeks or months; legislation that places a significant emphasis on public health and harm reduction.

As you all know, the House of Commons is studying Bill C-45, which proposes to legalize and restrict access to cannabis, and its companion legislation, Bill C-46, which seeks to further prevent injury and death from alcohol- and drug-impaired driving.

[Senator Dupuis]

Should the Senate receive these bills, we have an obligation and an opportunity to provide and apply appropriate scrutiny and to provide for sufficient debate.

This proposed legislation is hugely significant and has attracted an enormous degree of public and stakeholder interest. I would like to think that as we consider these bills, should they arrive here, and especially in light of our modernization efforts, that we can do much better than applying a business-as-usual approach.

Canadians and a large number of public health and justice organizations, young people and older people, parents and business organizations, will be following our work closely.

If we can organize and bring focus to our deliberations on these bills by creating a process and timetable that is responsive to the interests of Canadians, and particularly younger Canadians, we can achieve the appropriate amount of scrutiny that citizens and stakeholders expect and deserve from us while doing that in a timely way.

I have started this discussion with some of you already, and I'll be asking for meetings with our leaders and facilitators to move this proposal forward to develop an organized process for debating bills C-45 and C-46. But we needn't stop there: If this becomes a more developed model of organizing our debates, we could approach all bills in this fashion.

• (1520)

I know that every one of us here shares the goal of doing the very best work we can on behalf of Canadians. We want to promote and improve an effective and efficient Senate, operating on the principles of equality, fairness, respect, transparency and accessibility.

With television cameras coming into the Senate in the year ahead, we have an additional incentive to organize scheduled, deliberative debates that engage Canadians and can also help regain public trust in our democratic institutions. We have the tools and the capacity to audition a new and modern way of doing Senate business.

I ask you sincerely to support this work in the weeks and months ahead, and I close by thanking Senator Wallin again for bringing attention to this important issue.

Hon. Pierrette Ringuette: A question?

Senator Dean: Yes, certainly.

Senator Ringuette: I certainly support what you're proposing. Maybe we should experiment on an additional step. I seek your answer on this one. I agree that the two bills in question are extremely important.

In this proposed process, should we include a two-hour Committee of the Whole so that the responsible minister and the two opposition critics from the other place could be invited to provide us with their arguments? After being in this place for nearly 15 years, I have found that only the committee to which the bill is referred has the opportunity to listen to the argument of

either a government minister or the proposer of the bill. The entire chamber lacks the ability to hear directly and to ask questions.

Senator Dean, would you go even a step further in this experimental process and invite the persons from the other place who have a special interest in the said bills for a two-hour Committee of the Whole?

Senator Dean: Thank you for the question, senator. The answer is absolutely, yes. I believe that as an institution we can become more porous. I find in this place that the sponsors of bills often find themselves answering questions or attempting to answer questions that would be far better put and far better answered by sponsoring ministers, if not officials. So I think that's a terrific idea and I would wholeheartedly support it. Thank you.

(On motion of Senator Sinclair, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE ROLE OF AUTOMATION IN THE HEALTHCARE SYSTEM WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of September 28, 2017, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the role of robotics, 3D printing and artificial intelligence in the healthcare system, between October 20 and November 3, 2017, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: If honourable senators wish, with consent of the Senate, we will commence Question Period five minutes ahead of time and end five minutes earlier than the normal time.

Hon. Senators: Agreed.

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Bill Morneau, Minister of Finance, appeared before honourable senators during Question Period.

The Hon. the Speaker: I see the minister is here. On behalf of all senators, Minister Morneau, welcome.

Honourable senators, we have an extraordinarily long number of senators who wish to ask questions today, so when you're called upon to ask a question I would ask you to get to the point as quickly as you can so as many senators as possible can get on the list today.

Senator Smith.

MINISTRY OF FINANCE

SMALL BUSINESS TAX

Hon. Larry W. Smith (Leader of the Opposition): Thank you, Your Honour.

Minister, welcome to the Senate Chamber.

My question concerns the economic impact of your tax proposals, the impact they are having today and the need to carefully weigh the impact of any and all changes to come.

As Minister of Finance, you may appreciate that Canadians pay close attention to who brings a keen eye to the bottom line. Balancing budgets and keeping them balanced is important. Yet the balance sheet you are held responsible for is noteworthy for red ink, more red ink to come and, with no end in sight, no plan to balance the books. Add to this your tax increase proposal and the sure outcome seen across Canada, where local businesses are putting off plans to spend and grow until they know where they stand, and word from groups such as the Quebec Chamber of Commerce that your own department has no intention to study the economic impacts of your proposal to raise taxes.

Question: Having ushered in the return to deficits, having no plan to return to a balanced budget, having alarmed the small business communities with this proposal, and nearing two years at the helm of finance, would the minister not agree he should refocus his efforts on how to earn back the confidence of the people who create jobs, take risks and invest in the future?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you. Well, I would like to say, first of all, that it is a pleasure to be here for my third opportunity and to have the opportunity to answer any and all questions on any and all subjects. There were a lot of elements in that one question, I think. Maybe I can walk through my response to that broad set of questions.

First, I would identify that we did tell Canadians that we would make significant investments in our economy to make sure that we would have a positive level of growth and healthy job creation. So when we did that, of course, the other two parties were promising that instead they wouldn't invest in the economy and that they would focus on balancing the budget at all costs. We need to consider the outcomes.

Just so that we're clear, the outcome is the fastest growth we've had in decades. We came into office in 2015 with a growth rate that was 0.9 per cent. In the most recent quarter, we were at a growth rate of 4.5 per cent. Over the last year, we have seen a growth rate of more than 3.5 per cent — the fastest among G-7 countries.

Since we've come into office, we've had about 400,000 net new jobs in this country, so in terms of creating jobs we're in the best situation we've been in a decade. So I would put it to you that things are going very well on that front.

The good thing is that we have been able to do this while being fiscally responsible. While in Budget 2016 we did identify that we would be investing and that would mean we would have a deficit, as it turns out our Budget 2016-17 situation was \$11 billion better than we thought it would be at the outcome, which was in fact as a result of the additional growth in the economy.

So I would say things are going well in this country. When things are going well, the challenge is to make sure they continue to go well. That's our goal. We're looking at a tax system that has created some unintended consequences over a period of time. As we have lowered both corporate tax rates and small business tax rates, we've created additional incentives for people to put passive investment inside their companies. We've not had a similar incentive for people to make bigger investments in their company. We've provided a tax advantage that doesn't encourage the behaviours we're trying to encourage.

• (1530)

Our goal is to ensure that the system is fair so that we don't provide tax breaks that only go to the wealthiest, while at the same time we encourage people to invest in their active business. As we try to ensure our economy continues to experience the success we want it to experience and the success we have experienced with the policies we've put in place, we know we must think about the foundation of our tax system. That's exactly what we're doing. We will move forward with these measures but with the insights that we've gained from Canadians to make sure that we get it right.

Senator Smith: Thank you, Mr. Minister. My concern just looking at the facts is that in July we had a 0.2 per cent increase, so the forecast was a good start. But where are we going to end? No one's debating the fact that we had a better year going than we had in the recent past.

One of the questions I have in dealing with our middle class, which I've asked you about four or five times over the last year, is how do we determine what "middle class" is? Minister Garneau has come up with a 127-word definition of "middle class" that is slightly confusing. We're always talking about "middle class," but of the three proposals you have on the table, only one is subject to economic modelling. Your finance members stated today in our National Finance Committee that no economic modelling has been done in terms of economic impact with respect to the people affected. I find that kind of mysterious because I think you would want to have that worked on so you would have justification for doing what you have done.

Seeing firsthand as recently as the Oakville meeting last week — and I went over that tape about five times — how can you reasonably ensure Canadians that they have any confidence in the process? Clearly, this is not just in Oakville but we were told by the Quebec federation today, at 7:30 in the morning, that there are a myriad of complaints and people want to be heard.

Can you reasonably ensure Canadians so that they have confidence in the process? Is this the type of investment certainty that you, as Minister of Finance, want?

Mr. Morneau: Maybe I can step back and talk about the process since that's the question on the table.

We ran our election campaign in 2015 saying to Canadians that we thought it was important that we had a tax system that had the right kind of incentives. We identified the challenge that Canadian-controlled private corporations in this country had increased significantly over the last 15 years. We've seen the number of those corporations go from 1.2 million to about 1.8 million. Over that 15-year time period we've seen a tripling of the number of professionals that are incorporating. We recognize that those corporations provide advantages that are not available for people who don't incorporate. That's driving what we see is a change in how the government is getting its taxable income and a differentiation of tax rates among different groups of Canadians.

As examples, what we've seen during that same time period is the amount of income that's coming from Canadian-controlled private corporations has gone from about 3 per cent of taxable revenue to the government to almost 7 per cent, so more than double. What we've seen during that time period as well is that we've found a way to have a smaller subset of the population pay lower tax rates. So if, in one of the measures that we've used as an example, somebody is able to sprinkle income to family members who aren't in a family enterprise, they can actually significantly change their tax rate.

The example we've put out there is that of a professional earning \$230,000 with no ability to sprinkle income to family members, and a professional with a spouse and two children between the ages of 18 and 24 that aren't working in any way in their business. In the first situation they pay a 36 per cent rate of tax. In the second situation they pay a 20.5 per cent rate of tax. Therefore, in the first situation they have about \$150,000 after tax; in the second situation, a little more than \$180,000 after tax.

I find it hard to figure out why we would have a situation where someone, just because of their family situation, can find themselves in such a significantly different tax situation. We're trying to deal with those inequities that encourage people to incorporate potentially for the wrong reasons.

We're also looking at other incentives in the system that aren't working. We find that the incentive to get people to invest in small businesses and large businesses is not having its desired impact. We have hundreds of millions of dollars sitting in passive investments inside small- and medium-sized corporations. About \$27 billion more goes into passive investments every year because we've created an incentive for people to keep the money in the business with no aligned incentive to ensure they put it into their active business.

We know that by looking at this and by making sure the system is fair will also change incentives so that people put more money into their active business to create better economic outcomes, which is what your first question was about. As a broader goal, we hope to achieve that by having that active investment in our economy.

[*Translation*]

Hon. Percy Mockler: I would like to follow up and build on my leader's remarks.

[*English*]

Minister, I would like to take this opportunity to thank you. I see correspondence between Senator Black and you and I want to thank you for saying that, "I would welcome a Senate study on the subject. I would also look forward to an opportunity to appear in front of a Senate committee of the Senate's choosing at the earliest convenience."

There's no doubt in my mind, Mr. Minister, that there is a great deal of passion being expressed about what you propose and the process being used to assess it. I can assure you that much of this passion has been expressed right here in this chamber.

Mr. Minister, when we look at the Income Tax Act respecting the taxation of private corporations and the tax planning strategies involved — in particular, income sprinkling, holding passive investments inside a private corporation and converting income into capital gains — why did you not do an economic study on the measures you want Canadians to swallow?

Mr. Morneau: Thank you for the question. We have done an enormous amount of work on these measures that we're considering. Of course, we have identified the amount of passive investment income that is inside small- and medium-sized companies. We've taken a close look at which measures in our tax code have the biggest advantage for different cohorts of Canadians.

This has been going on for a while. In Budget 2016, back in March 2016, we said that we would take a look at how our tax code was working. We gathered a group of tax experts to work for the better part of a year to identify the issues that were creating the biggest challenge in terms of a system that works for all Canadians and, importantly, a system that's encouraging the behaviours that we want. That went on for about a year.

Of course, as you know, in our Budget 2017 we identified these measures that we thought were particularly important to get at, and that's been the process we've now gone through.

We've looked at the amount of passive investment income in multiple ways. We've looked, for example, at the 1.8 million Canadian-controlled private corporations in our country and found out that just about 29,000 of them, which would be about 1.7 per cent of them, hold about 80 per cent of the passive investment income in our country. I can tell you that about 83 per cent of the passive investment income is held by those people who have incomes of \$250,000 or greater in our country.

So we know that the disproportionate advantage in passive investment income is going to a relatively small subset of the population. We know that if we can encourage those individuals to invest their money actively, that would be very positive for our economy. We can do the calculation. Clearly \$27 billion a year is slightly more than 1 per cent of our annual GDP. If we can encourage just half of that money to go into the active investment in our country, we might be able to have as much as a half percentage point increase in our gross domestic product.

• (1540)

For those who pay attention to these things — I know many of you do — you know that our productive capacity is now challenged because of demographics. Our ability to grow in excess of 2 per cent over the long term will be difficult. We need to think about how to use measures that will have the greatest impact on that long-term productive capacity. We see investment in the economy as being critically important. The idea that we might have up to a half percentage point increase in annual GDP growth would be enormously advantageous to all Canadians. That is certainly one of the things we're going at while making sure the foundational tax system is fair.

Hon. Joseph A. Day (Leader of the Senate Liberals): Minister, welcome back. My question also relates to the proposed changes respecting taxation of private corporations and the tax planning strategies involved.

The government consultations concluded yesterday. We're reacting to the letter that you sent, which Senator Mockler just referred to, where you indicated you'd be pleased to see if the Senate could help out, and we're pleased to improve legislation and policy development at any time.

My concern is that we're about to send a committee out across the country, and we haven't heard from you yet. You have indicated there will be changes to these proposals. It would make no sense to be out there studying something you've already decided to withdraw.

Could you help us with what changes you're contemplating with respect to these announcements so we can be studying the real thing?

Mr. Morneau: Well, thank you, honourable senator, for the question.

As you pointed out, our consultations finished yesterday. In these consultations, as is typical, we receive a huge number of the submissions right near the end. It would be a sign of disrespect if I told you that we have come to conclusions on what changes and improvements we can make less than 20 hours after the close of consultations.

What I can tell you is that we have seen some key themes occur during the course of those consultations, and we are going to make sure that we address some of those. I can identify five key themes for you, and then maybe I can talk about some technical things we have seen already. That's not necessarily exhaustive; these are just examples.

[Mr. Morneau]

What have we heard? We've heard from people that it's critically important that small businesses retain the ability to invest in their business and communities. You probably know that means they need to be able to retain some level of income within their business so they can make those investments. We've heard that, we know it's important, and we're listening to that. We want to make sure we have a methodology in place that doesn't change that opportunity for small businesses.

Second, we've heard from farmers, fishermen and small business owners across the country that they're concerned, in the example of the family farm, about their ability to transfer from one generation to the next.

Clearly, it would never be our intent to impose rules that make it more difficult for the continuation of the family farm. We will make sure we won't impose any rules that will have any unintended consequence to make it more difficult for that to happen. That's an important consideration.

Third, we heard from women entrepreneurs and women professionals that they're concerned that they have the ability to take time off work for family situations, or for other situations potentially, and what they've been doing, in some cases, is using their Canadian-controlled, private corporation to save so they can average out to a lower tax rate when they are off. We want to make sure that that advantage continues, and that we don't, in any way, disadvantage women. That's important to us.

We've stated repeatedly, but we have also heard from people, that keeping the tax rate low is important. We believe that a low small business tax rate and a low corporate tax rate are important incentives in our economy. We do want to keep that tax rate low. We've heard that; that's our intent. We want to make sure it has the desired impact, of course, that it encourages business activity, but that's an important principle.

Finally, we've heard from a number of people that they're concerned that there is administrative effectiveness. The example people have used is for those people who have family members working in their business legitimately, they want to know that the way they verify that they're working in the business is not too onerous, that it's administratively effective. We're committed to finding a way to clarify and to make that administratively effective for them.

Those are five key themes. But there are specific issues we've heard as well that we need to take into account. We've heard from people, for example, that they're worried some of the tax planning they've used in conjunction with the proposed plans we put in place could put them in a position where they might have double taxation upon death. Clearly that's not our intent. The reason you go to consult is to hear about the tax planning that is not always visible to the Department of Finance. We're going to make sure that is not an outcome because that would be an unintended consequence.

I will give you an example that I heard at the town hall meeting in the last couple of days. A senator already made reference to this meeting. One of the people in attendance spoke about the fact that he had saved in his company rather than by

putting money into an RESP for his children. I suspect he probably had kids currently in university and didn't have the room to go back and get the gains from the RESPs.

As you think about making changes, you need to think about what the consequences are for individuals who might be caught in similar situations. That means we'll probably have to find some way to grandfather what people have been doing in the past so they're not impacted negatively. Their actions were legitimate. We also need to make sure we consider those issues and find a way to make sure that we don't have a consequence that we really didn't intend.

I can't give you chapter and verse. I think those are a few things. It would be helpful for the Senate to have the opportunity to speak to people, remembering that we only put out draft legislation on two of the three measures that we've talked about, so there is still a requirement for draft legislation on the third, on past investment income, to come out. Your hearings would be very helpful in that regard.

As I said, I'm happy to have another occasion to come before the Senate Finance Committee, and I think that your work would be very helpful in getting us to a positive conclusion.

Hon. Douglas Black: Minister Morneau, thank you very much for being here. I want to thank you for the openness you are displaying today on the issues that you are being confronted with.

When you mentioned the five themes, I want to put another thought in your mind that you might want to ensure your officials look at. In that regard, minister, I'm asking my question today on behalf of Canadian innovators and entrepreneurs in the tens of thousands, young and old.

It's puzzling to me, actually, because your government has shown quite an impressive emphasis on the importance of innovation. You appear to have gotten it in terms of encouraging innovation, your supercluster work, and other things.

Yet these proposals, I am advised, create some very significant unintended consequences for innovators. I'm just a senator, but I'm told that the proposals penalize young entrepreneurs disproportionately. I am told and I have seen that they've created a situation, specifically in Alberta, where angel investors, based on these recommendations, have stopped funding start-ups, simply laid their pencils down. I think you and I both know, minister, that some of the greatest innovators in Canada, and therefore some of Canada's wealthiest people, because of these proposals, have elected to go non-resident. This is not the result that we want to see.

How do these unintended consequences advance Canadian innovation and prosperity?

Mr. Morneau: Well, thank you, honourable senator, for your question. Maybe I can start by saying that you're absolutely correct. We want to make sure that our government continues to encourage people to make investments in innovative start-ups.

• (1550)

We've displayed an ongoing interest in that and, in fact, put in place measures that we know will have a big impact, whether it be improving the venture capital opportunities through the Business Development Bank of Canada or thinking about how we can accelerate investments through the approach we've put forward on what we call "super clusters." That will be a continuing goal.

I think we will need to both make sure that we're not having any unintended consequences for venture capitalists, for angel investors, and carefully evaluate what people are saying to make sure that we're not actually getting comments that aren't entirely valid. When you start talking about taxes, as I can attest in this chamber, people get excited. It's not always the case that everything we're hearing is unvarnished truth. So we will need to evaluate those things to make sure that we don't have an unintended consequence, and that's something that we absolutely will move forward on doing expeditiously.

I can confirm in this chamber that we will find ways to continue to encourage angel investors, venture capitalists, to invest in our country. I also think that as we move forward and have more clarity on what we're trying to achieve and how we're going to achieve it, much of the excited response will go away because we are clearly focused, as I said earlier, on that 1.7 per cent of the overall 1.8 million Canadian-controlled private corporations that control 80 per cent of the assets and trying to make sure that we haven't created an unintended advantage for a small subset and also that we encourage those organizations to invest actively in Canadian business.

TAXATION OF RECREATIONAL LEGALIZED CANNABIS

Hon. Frances Lankin: Minister, thank you for being with us today. I want to ask a question on the pending legislation to legalize recreational cannabis. I want to ask you a question about the tax treatment of that.

I believe that the advisory committee recommended that legal recreational cannabis and legal medical cannabis be treated the same. There are a growing number of voices from the health field in particular who are very concerned about that. They're concerned that the application of HST or GST, depending on the provincial jurisdiction, on medically legal cannabis would introduce a disincentive for patients to maintain a prescribing relationship with their doctor and the accompanying treatment plan. I think that it's a critical issue when you look at the fact that prescribed medications in general are not subject to HST, and, with the opioid crisis we have, prescribed opioids are not subject to HST and GST. There's a real belief that medical marijuana is replacing opioids in a number of situations as the prescribed drug and that this disincentive may bring about a return to a reliance on opioids for prescription.

So I want to ask you your initial thinking on that. Will you give consideration to these health issues and look at a zero-rated tax treatment for medically prescribed cannabis, as opposed to a sin tax approach, which may well be the approach with respect to recreational cannabis?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you. That's a complicated question and one that I think, to be fair, we're going to need to continue to consider.

You asked our broad objective here — and I think it's important for me to start with the broad objective — and that is that taxation is behind what our overall goal is. Our overall goal, of course, is to regulate the consumption of cannabis products in such a way that we reduce the likelihood that young people in particular will have access to the products and that we find a way to reduce the black market and get criminals out of the system so that, to the extent that anybody is purchasing cannabis products, they're not doing it through criminals and creating a black market.

So the taxation is really just, "How do we support those goals?" Our approach to taxation has been that we need to figure out the way that we move forward so that we've supported those goals by not having an artificially inflated price of cannabis products that will allow the black market to continue to flourish underneath the market. So I think you understand that that's our broader goal.

On the more specific goals around issues like you're identifying, I really need to take the advice of our health department. To the extent that there are requirements for us to consider different approaches in specific parts of the market because of the consequences and what it might do to the management of people getting off opioids, I think that's properly done in the Department of Health, where they can identify whether that is. It may very well be a legitimate issue. I just don't know. If that is the issue, that might require us to think differently about that particular sector of the market.

So I don't have any conclusions. We are not at the conclusion stage on the taxation. I'm actually having a discussion with the finance ministers across the country today at 6:15. We will be discussing, in our December meeting, how we want to look at the federal-provincial application of taxation of cannabis products. This may well be something that we need to look at alongside that, and, if we have more insights next time I'm here, I'm happy to provide them.

SMALL BUSINESS TAX

Hon. David M. Wells: Welcome, minister. My question is on the Liberal government tax proposals. Despite the government not being able to define the middle class, the most recent information from the OECD has put Canada in the top tier of countries with the highest disposable income among their citizens. Minister, the government's narrative seems to be to institute new taxes and raise existing ones — small business tax, carbon tax, Internet tax, the escalator tax on spirits, and there are many more, of course, as you know.

These new taxes are not targeted to help the middle class but instead seem to be there to pay for the government's expensive promises. The government has already over-promised and under-delivered. I've heard from many Newfoundlanders and Labradorians. In fact, I'm sure you heard from Premier Ball today in your morning meetings. I've heard from small businesses, boards of trade and business associations, and the

theme I get is "When will this end?" The cumulative effect of these taxes is devastating on small business, and, by targeting successful businesses, you run the risk of making them unsuccessful. As you know, 50 per cent of businesses fail within five years, and 98 per cent of Canada's businesses have fewer than 100 employees.

So my question, minister, is why is the government targeting entrepreneurs, small businesses and risk takers that are the heart of Canada's economic engine?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Let me just say that I don't agree with almost anything that you said. I think that that's entirely combative in terms of the depiction of what we've done in terms of taxes, and I think it's missing the facts. We put in place, in January 2016, a reduction in tax rates for the people earning between \$45,000 and \$90,000. That tax rate went from 22 per cent to 20.5 per cent. That was a 7 per cent reduction in that part of the taxes. What did that do in aggregate? It meant that, for families, it was about \$540 less in taxes. For individuals, it was about \$330 less in taxes.

When you take into account what we did with the Canada Child Benefit, you take away the previous universal Canada Child Tax Benefit and you take away the previous boutique tax credits, which we did, you see that, on average, nine out of 10 families got \$2,300 more after tax than they did before. So the rhetoric that suggests that in fact we've increased taxes is actually just factually wrong. When you look at all that together, you just have to dispute your facts and say that that's the actual situation.

Now, what you're suggesting is that we're actually going to raise taxes on small businesses. I would again dispute your math. What we've said is that we are going to maintain a low tax rate on small businesses. We've said repeatedly that we are not intending to raise taxes on small businesses. What we've said is that we are looking specifically at three measures. One is allowing people to pass income to family members not in their business, people that aren't actively engaged in their business, which we think is a reasonable measure moving forward.

Second, we've said that we're looking at people that are finding a way to move regular income into capital gains income. There are some complexities there, which I talked about, double taxation, that we need to carefully look at. But this is what we've said we want to look at. We're listening to people about the impacts of that.

Third, we're saying that our system has low tax rates for businesses, tax rates that I remind you we want to keep, low tax rates for larger corporations, tax rates and a differential with the U.S. that we want to keep. That's also leaving people with a significant amount of passive investment income inside their company, which was not something that was there when tax rates were higher not too long ago.

• (1600)

We believe that by keeping tax rates low and by lowering tax rates on middle-class Canadians, we're going to create a long-term economy that will be successful. That's certainly what we're trying to achieve.

I will say, you have to judge us by results. The economy is doing very well. That spark plug for middle-class Canadians made a big difference, and we're going to continue to work to make sure that we have a long-term difference by doing things that mean the tax system is fair and people have incentives to invest in business.

Hon. David Tkachuk: Minister, you have heard from the small-business community as have many in this chamber, and they feel they are being unfairly targeted by your government with these proposed changes to the tax laws.

Last Friday, you faced a room full of these same small-business owners telling you the impact that these proposals will have on them and their businesses. Despite these stories being told to you by the people actually living them, you responded that this has turned into a game of broken telephone, implying these small-business owners don't understand how their businesses work, which implies that you do.

Many people in this chamber received an email yesterday from a lawyer named Alan Dierenfeld. He stated your tax reform plan will mean he will have to pay taxes on work-in-progress that, in fact, may never be billed. He said: "It is bad enough we have to remit HST on accounts receivable, but how on earth do you expect me to pay income tax on work yet to be billed?"

Mr. Morneau, can you ensure Mr. Dierenfeld that in fact he will not have to pay taxes on work-in-progress that may never be billed and provide a little explanation as to why he won't?

Mr. Morneau: Thank you for the question. This is a separate issue from what we have proposed in our tax consultations paper. The issue really is whether people, lawyers in particular, should be able to deduct their expenses during a period and not actually have the payment for the amount of revenue that they would be expecting to pay in that same period — so aligning their income and their expenses in the same period.

This is something that has been put in place for all other professions for a long period of time. We said we believe it's important that people have to actually value their work-in-progress. That's something about which we have said will have a transition period for lawyers, so that they are treated in the same way that other professions and other businesses are in that when the revenue is earned, then they have to pay taxes on that revenue. They can't have the advantage of having the expenses they can claim against their revenue but not actually have to pay the taxes on the revenue.

This is not inconsistent with the way other professions have had to deal with things. It's not inconsistent with the way other businesses manage it.

That's an approach we have taken that we think makes sense.

Hon. Paul J. Massicotte: Thank you, minister, for being with us today. I want to also comment on the tax proposal.

We have all heard many comments. I have received many emails, as you can expect. We all did. A lot of people were upset about the change in policy and position.

My understanding is that all of the amendments you're proposing deal with — your new words — "unintended consequences." These were benefits people got, but when the legislation was initially drafted, the tax act was initially structured, these consequences or benefits were not intended, I gather. One of the fundamentals of the tax act, from my understanding from the university courses I took on taxation, is that you have to make sure it's neutral relative to the form you receive it in: individual, corporate, partnership, trust or whatever.

I gather you found out it's not equal. Structurally there is a benefit if you use a certain form of entity versus another form of entity, for the same nature of the income. I gather all your efforts are trying to correct that inequity where people have found this "opportunity," if you wish, to basically save some money from doing so.

Am I correct in saying that, or did you change your mind as to what the intent of the legislation was initially?

Mr. Morneau: Thank you for the question. We have identified that there are advantages in setting up an incorporated structure that allows people to lower their tax in the immediate term and effectively increase their rate of return in the long term versus individuals who don't have the advantage of incorporating. That was essentially what we identified.

Those advantages have increased over the last half a generation; since the year 2000, they have significantly increased. The arbitrage, if you want to call it that, between the top personal income tax rate and the small business rate has increased significantly, having gone up to 37 per cent. The arbitrage between the corporate rate and the top personal tax rate is more in the order of 26 per cent. So there is a big opportunity for people to save inside their corporation, and that opportunity grows as they have more and more income.

The goal we're trying to achieve is to make sure that we have not unintentionally created a big opportunity for wealthy Canadians.

The other more immediate-term opportunities are this idea that you can find a way to give income to family members not involved in your business. That just creates a system we don't think makes sense going forward and that will encourage more and more people to pursue incorporation.

Our goals haven't changed. We want to communicate that the objective of making sure the system doesn't create unintended incentives is important. At the same time, those incentives for people to leave that money in their company aren't incentives to invest in their active business. The secondary observation is that if you have an incentive to put the money in a passive investment and not your active business, that's not really what we were intending to achieve.

We're trying to do those two things at the same time. We think it will create a fairer system and, at the same time, encourage people to invest in active business. Those are the goals.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

Minister Morneau, thank you for your third visit. We look forward to another one. I'm sure all senators would wish to join me in thanking Minister Morneau for being here today.

ORDERS OF THE DAY

AUTISM FAMILIES IN CRISIS

TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY—
DEBATE ADJOURNED

Hon. Jim Munson rose pursuant to notice of September 27, 2017:

That he will call the attention of the Senate to the 10th anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*.

He said: Honourable senators, this is Autism Awareness Month in this country. For us in the Senate, the journey along the autism road began a little over a decade ago. It is a journey that, in many ways, has just begun. It is immense in its complexity. It is emotionally charged. It is critically important.

The autism journey leads to us face hard questions about the social contract we Canadians make with one another and with our governments, and how we take care of one another. We know that autism affects 1 in 68 of our children. That means you're talking about a son, daughter, grandson, granddaughter, neighbour or friend down the street. How many times over the last decade have I met someone who has come up to me and said, "I am so glad that you're working on this issue in the Senate, because I have a friend who has a friend whose child has autism." If you are not directly affected, someone right next door to you is touched by autism. You have read or watched stories and documentaries about autism, its complexity and the challenges it presents for families who deal with it alone more often than not.

We have come a long way since the report *Pay Now Pay Later - Autism Families in Crisis* that was tabled in the Senate in March 2007. Honourable senators, to put it bluntly, we haven't come far enough. That is why we as senators in our collective voice this month are saying to the federal government today in 2017, "It is time to show leadership — real leadership — not a fragmented approach. You can do it."

The motion reads that I will call the attention of the Senate to this, the tenth anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*, and ask that colleagues build on the progress made during the past decade and unanimously support the creation of a National Autism Strategy. Such a strategy would provide a legislative framework for research, early individual and family intervention and family assistance across the lifespan for those diagnosed with an autism spectrum disorder — a brain condition now affecting 1 in 68 Canadians.

• (1610)

Honourable senators, 10 years ago, we spoke in a unified, collective voice about autism families in crisis and what should happen. We had hearings. We listened to experts, and most importantly, we listened to families and self-advocates. In fact, it was one of our witnesses, a few may remember here, Jason Olford of Fredericton, himself on the spectrum, who gave the report its title.

Jason told us:

... if you pay for it now, look at the return you will get on your investment. The people with autism will get out in the real world and get jobs, and that will stimulate the economy. Or you can pay later, which means they will go into group homes and it will cost the taxpayers a lot of money in the long run to keep them there.

We called our report *Pay Now or Pay Later: Autism Families in Crisis*.

Honourable senators, later has arrived, and we are paying for it. Families are still in crisis. Autism issues are not only childhood issues. They are lifespan issues. It is a crisis at every phase of an autistic person's life. One in 68 have some form of autism; think about it. ASD is the most common neurodevelopmental disorder diagnosed among children in Canada today. Autism is the fastest growing and most commonly diagnosed neurological disorder in Canada.

Autism occurs in all racial, ethnic and socio-economic groups. Autism is a lifelong spectrum disorder. We know that early intervention is critical to a child's chances of reversing some of the effects of autism. To add to the complexity, co-occurring mental health conditions such as anxiety and depression are common in individuals with ASD. The average extra cost of raising an autistic child in Canada is estimated at \$60,000 a year.

It is estimated that 80 to 85 per cent of adults with autism are unemployed or underemployed, meaning the great majority live below the poverty line. People with autism are seven times more likely than the general population to come into contact with the law.

Honourable senators, the number of Canadian families struggling and dealing with this situation is unacceptable. Imagine a child who was eight years old a decade ago when we had our report. He or she is now 18. Gone are whatever services that child received during childhood and early adolescence. The child is now an adult. Precious time has been lost. Families are in financial paralysis. They are exhausted physically and mentally. They are alone. They are beside themselves as to what to do next.

Honourable senators, there is a crisis. More and more children are being diagnosed in all parts of our country. One autistic child's promising future in Toronto is one autistic child's hopeless future in another province. Individuals with ASD fall into a spectrum, and their conditions vary. For some, the limitations are extraordinary. For others, there are limitless possibilities.

Since 2007, when *Pay Now Pay Later: Autism Families in Crisis* was tabled, governments have partially listened. The Conservative federal government pursued a number of initiatives that have become key components of what could become a national strategy, and upon which we can build. For instance, the Public Health Agency of Canada is establishing a National ASD Surveillance System and working with provinces and territories to collect and track reliable data around prevalence, compare patterns and begin to report on their findings by 2018. Through the Canadian Institutes of Health Research, the federal government invests \$8 million annually to research related to ASD. The Opportunities Fund for Persons with Disabilities has led to the creation of such employment programs as Ready, Willing and Able.

There have been changes, thanks to Minister Flaherty at the time, to the disability tax benefits. We also know that the Minister of Sport and Persons with Disabilities is developing new federal accessibility legislation.

Public awareness of autism has increased exponentially. People are understanding more about autism and neurodiversity, and its diverse manifestations and potential. As science and research demystify the potential of brain plasticity and the potential to reverse some of the effects of autism, as professionals develop evidence-based approaches and therapies and social policies, we are beginning to see the transformational power of combined research and practice on the hopes and potential of individuals to lead integrated and more productive lives in a more tolerant society.

Great things are happening in isolated places. Great things need to be happen everywhere in Canada. Yet, none of this is enough. If you have a lower income, if you live away from urban centres, if you live in the North, if you live in indigenous communities, you cannot dream of a future full of hope. Services and assistance to individuals and to families during early childhood, during school age, in later adolescence, as young adults, are not there. You are alone.

One of the major impacts of *Pay Now Pay Later - Autism Families in Crisis* was the creation of CASDA, the Canadian Autism Spectrum Disorder Alliance. CASDA became the voice of all those involved in finding answers and solutions: families, self-advocates, scientists and researchers, professional services specialists, educators, advocacy groups. CASDA has invested in a number of evidence-based initiatives to gather data. CASDA, in fact, completed this amazing survey in 2015 which canvassed input from almost 5,000 Canadians.

In 2017, CASDA completed the Canadian Autism Partnership Project, which was informed and vetted by over 5,000 Canadians, including input from 3,650 parents and individuals with ASD. Drawing upon the extensive data derived from these projects, CASDA and the federal government are now armed with current national information that can inspire a thoughtful and evidence-based national ASD strategy. Together, the federal and provincial governments, along with the leaders within the autism sector across the country, can address the barriers that diminish the opportunities for fully engaged lives by Canadians with ASD based on solid information.

When the present government came to power two years ago, exciting ideas and language began to be heard and understood in many areas of public policy. The ideas of fairness, inclusion, innovation and collaboration across multi-sector issues began to speak to the notion of what kind of society we Canadians want to be. It was exciting, and it continues to be exciting in order to address Canada's biggest challenges.

The minister was just here; I wish he was here for an hour, because I had a lot more questions about this issue.

In his budget, he said:

We simply cannot claim success as a country unless everyone has a real and fair chance at success. Health and wellness, safety and security, inclusion and opportunity go hand in hand. Making sure that all Canadians can achieve their full potential is — and will continue to be — one of the Government's top priorities.

Did you notice what those words were? He said "all Canadians."

Honourable senators, a national ASD strategy is easily aligned with the priorities of the government. The current budget — think about it — could theoretically provide supports for Canadians with ASD. Yet over and over again, history has shown that unless goals, targets and programs are specifically identified as ASD-focused, those Canadians will not be included in the actions coming out of new initiatives.

Honourable senators, these statements come from the March budget. They set the tone and have potential to guide the creation of an integrated ASD road map for Canada. The provinces and territories want it, the autism community wants it. Canada needs it.

When there is a group of Canadians that experience an 80 per cent unemployment rate, that group deserves to get attention and action. When there is a group of Canadians experiencing a 50 per cent rate of mental health challenges, that group deserves to get attention and action. When indigenous communities identify that their participation in ASD-related services is blocked by systemic racism and social isolation, that issue requires our attention and action. We have a government that speaks of fairness, inclusion and collaboration. Honourable senators, as we speak during this month of October, October being Autism Awareness Month, let's use our influence to make sure Canadians with ASD are in the picture.

• (1620)

Finally, what does federal leadership mean? It means being innovative and creating a model of collaboration with others; a common road map. It means working with provincial partners to create new integrated pathways and solutions across multiple sectors. It means finding shared funding mechanisms together; autism doesn't have any borders, honourable senators. It means providing financial support for critical life-changing therapy. It means sharing knowledge and standards.

Honourable senators, there are two contrasting stories of autism in my personal journey. In my world, kids with autism are able to use their extraordinary talents in different creative ways to contribute to society. Think of this picture: My friends at Spectrum Productions in Montreal bring together young autistic adults in a workshop setting to create wonderful animated films and other videos. They have become successful enough to be hired to create corporate films. Some are being approached by animation studios. They are leading creative, productive lives.

Now let's look at the scene in rural Ontario, where I was in meetings not that long ago with a group in the basement of a church on a Sunday night. There was snow and it was a miserable night. People were pouring out their emotions about the world of living in inclusion and autism. Imagine a mother in this country running scared down a country road, while her normally loving son, who has autism, is having an angry outburst. She is not running toward him, but away from him for her own protection. The normal instinct is to call the police and the right instinct is for all of us to step in and help. We must be there for her, and her son.

In closing, honourable senators, I've been passionate about this subject for some time, I know that other senators will be speaking and I'm full of gratitude for that. The moving words of wisdom of our new Governor General, Julie Payette, whom we sat and watched here yesterday in this chamber, are an inspiration, aren't they?

The Hon. the Speaker: Senator Munson, your time has expired. Do you need more time?

Senator Munson: Two more minutes.

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

Hon. Senators: Agreed.

Senator Munson: We all sat here and watched her. I couldn't believe the way she was speaking. Believe it or not, after 14 years I sometimes get nervous standing up amongst you and having a conversation. I don't know why, but I guess when you get passionate and emotional about something that's what happens. But you watched her stand where His Honour's chair is and speak to Canadians with her words. They are words worth repeating. She said:

I'm a true believer in the strength of teamwork, in the power of dreams, and in the absolute necessity of a support structure.

. . . anyone can accomplish anything and rise to the challenge as long as they are willing to work with others, to let go of their personal agenda . . . and to do what is right for the common good.

. . . it's our duty to some extent to help improve the lives of people in our community; to diminish the gap in the inequities here and elsewhere. . . . as partners in a collective spirit.

What positive words to remember in what I consider something incredibly important for me.

Imagine, honourable senators, the Senate of Canada speaking in one voice in support of the autism community. Imagine, honourable senators: We can do it again in one strong voice by telling the federal government to take up our challenge, show national leadership and be a partner on our journey — a Canadian journey of compassion, of empathy and of doing what is right.

Thank you, honourable senators.

(On motion of Senator McPhedran, debate adjourned.)

(At 4:26 p.m., the Senate was continued until tomorrow at 2 p.m.)

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