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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, October 19, 2017

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

Prayers.

SENATORS' STATEMENTS

ISLAMIC HERITAGE MONTH

Hon. Salma Ataullahjan: Honourable senators, I rise today to acknowledge that October is Islamic Heritage Month in Canada. As a Muslim who immigrated to this country more than 36 years ago, I understand all too well the importance of recognizing the contributions of the Muslim community to Canada.

Islamic History Month was overwhelmingly adopted by parliamentarians on all sides in 2007 in order to foster dialogue as well as acceptance and cohesiveness between the Muslim and non-Muslim communities within our country.

Islam is not new to Canada — Muslims have been here since Confederation. Today more than 1.5 million Muslims call Canada home.

It should not serve as a surprise to anyone in this chamber that diversity, equality and freedom are core to the Islamic identity and way of life, much like the many conversations taking place as we celebrate Canada's one hundred and fiftieth.

Understanding the importance of diversity and pluralism, Muhammad, peace be upon him, founded the Charter of Medina, regarded by many as the first written constitution, which affirmed equal rights to each and every citizen of the city, regardless of faith, ethnicity or beliefs.

Muslim community organizations exist in all cities, with mandates of helping all Canadians that find themselves in need, regardless of who they are or what they believe.

We know Muslim communities from across Canada came together to provide financial support to the families affected by the devastating fires in Fort McMurray.

More recently, once again I had the pleasure of joining the Muslim Welfare Centre in Toronto to serve lunch to community members from all walks of life. Over the last three years, the Muslim Welfare Centre has provided over 55,000 meals to the hungry.

I would be remiss if I did not mention the obstacles that the Muslim community has faced over the last year, but the resiliency of Muslim Canadians in difficult times is a testament to our beliefs. Islam teaches us to bear patience and pray during trying times. Besides, this month should serve as a time for all Canadians to come together to learn from one another and reconcile our differences, which may be surprisingly fewer than previously imagined.

Colleagues, Muslim Canadians are undeniably a part of the Canadian mosaic. Whether in the heart of our democracy here on Parliament Hill, or in our schools, community centres, hospitals, or in our police services or our military, Muslim Canadians are present and accounted for and contribute to the development of the "true north strong and free."

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Un-Chan Chung, the former Prime Minister of Republic of Korea, accompanied by Young-hae Lee, Reverend David Kim and Jae Chong. 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!

TRIBUTE TO DR. FRANCIS SCHOFIELD AND DR. UN-CHAN CHUNG

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I'm deeply honoured to pay tribute to two people whose lives are interwoven in a way that truly embodies the incredible bond between Canada and Korea that first began to form in the late 19th century. Specifically, I'm honoured to highlight the clearest proof of this deep-rooted bond as exemplified by the late Dr. Francis William Schofield, a Canadian who became a national hero of Korea; and his beloved mentee, Dr. Un-Chan Chung, Korea's fortieth prime minister.

Dr. Chung, welcome to the Senate of Canada. This is your first visit to our chamber but hopefully not your last.

Canadian missionary and world renowned veterinarian Dr. Francis Schofield, officially recognized as one the patriots of the 1919 independence movement of the Korean people during the Japanese occupation of Korea, is buried among Korea's heroes in the Seoul National Cemetery. Dr. Schofield continues to be treasured by Koreans to this day for his world-renowned work and teaching at the Severance Hospital in Seoul, as well as his nation-building work in the 1950s and 1960s when he returned to Korea, but above all for his social activism and key role in the independence movement inspired by his true love of the Korean people.

One such beloved pupil of Dr. Schofield is Dr. Un-Chan Chung, former Prime Minister of the Republic of Korea and currently Chairman of the Korea Institute for Shared Growth and Professor Emeritus at Seoul National University.

Their relationship began in 1960, when Dr. Chung was only 13 years old. After losing his father earlier in his childhood, his family had no means to finance his schooling in any way. Dr. Schofield, not only a mentor but also a father figure to the young Dr. Chung, took him under his wing and supported his tuition and living expenses.

I recall a testimony that the Prime Minister shared about Dr. Schofield giving literally everything he had to the people he loved, wearing the same suit from summer into winter by lining the inside with newspaper to try to keep out the biting cold. With such devotion and mentoring from Dr. Schofield, Dr. Chung completed his education at Seoul National University and later completed his master's and PhD at Miami and Princeton, respectively, becoming one of Korea's leading economists. How proud Dr. Schofield would have been to witness his son becoming the fortieth prime minister of his beloved adopted country. We can only imagine.

Prime Minister Un-Chan Chung, in his own words, attributes his personal success to Dr. Schofield:

I think of him as my greatest mentor in life. [He] instilled in me the virtues of hard work and dedication to principles. . . . His thoughts on social justice and equality, the *raison d'être* and responsibility of states and statesmen, democratic values and good governance in today's parlance, still inform my own thinking.

Honourable senators, please join me in paying tribute to Dr. Francis Schofield and Prime Minister Un-Chan Chung, a beloved son and proud Canadian, and this revered hero of Korea.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Betsy Bury, Dr. Micheline Dumont, Dr. Ramona Lumpkin, Elizabeth Sheehy, Linda Slanina and Melissa Sariffodeen. They are the guests of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

ASHLEY SMITH

TENTH ANNIVERSARY OF DEATH

Hon. Kim Pate: Honourable senators, I rise to commemorate two events today: one a very sad and preventable one; one a great celebration — the celebration of women's equality.

It was 10 years ago that Ashley Smith died alone, naked but for a suicide "gown," in segregation at the prison for women in Kingston. For those of you who don't know her story, she was initially taken into custody at the age of 15 for breach of probation for throwing crab apples at a postal worker. Throughout the next four years she was criminally charged and sentenced to increasingly harsh conditions resulting in her transfer to an adult prison at the age of 18. By the time of her

death, which was ruled a homicide by the jury that conducted the inquest into her death, Ashley had been tasered, shackled, forcibly drugged, transferred 17 times and segregated throughout 11 and a half months in federal custody.

She accumulated many criminal charges due to her responses to the correctional treatment of a young woman whom Corrections Service Canada refused to see as having mental health issues.

• (1340)

[*Translation*]

In the early hours of October 19, 2007, Ashley died in her segregated prison cell as guards looked on.

[*English*]

The anniversary of Ashley's preventable death is a stark reminder of the continuing need to address the irreversible impact of segregation and other forms of solitary confinement. Current proposed changes to the Corrections and Conditional Release Act signal a partial recognition of the devastating effect of segregation, but they are not enough. Canada must join worldwide calls to end the use of segregation and decarcerate those with disabling mental health issues. Immediate action is required to prevent further tragedies and travesties. What happened to Ashley should never have happened. Her story reminds us of the incompatibility of mental illness and punishment and that prisons are not treatment centres.

Honourable senators, I ask that we work together to correct the ongoing injustices experienced by young women like Ashley. We owe it to her memory, to her family and to all women before and since who face the kind of inhumane conditions to which she was subjected to decarcerate and demand the elimination of all forms of segregation and solitary confinement.

PERSONS DAY

Hon. Kim Pate: Honourable senators, I rise to speak about a triumph of five women who fought to get us —women — declared "persons," with the purpose of allowing us to serve here, in the Senate. Yesterday was Persons Day.

Today, Betsy Bury, Dr. Micheline Dumont, Dr. Ramona Lumpkin, Dr. Elizabeth Sheehy, Linda Slanina and Melissa Sariffodeen were recognized for lifetimes of working to advance women's equality.

Please join me, especially all of my women colleagues, in thanking them for their work to promote women's equality.

Hon. Senators: Hear, hear!

LGBT CENTER AWARENESS DAY

Hon. Marilou McPhedran: Senator Pate just rose to recognize Persons Day. I want to note, with appreciation, that the ceremony hosted by the Governor General today was her first public celebration at Rideau Hall in her new role.

I stand today to recognize the LGBT Center Awareness Day, which promotes the vital services that are offered by various community centres across Canada. Centres across the world continue to advocate for LGBTQ rights and services, to support local community members and to offer safe spaces.

Created by CenterLink, the community of LGBTQ centres, this awareness day is an annual celebration to highlight the pivotal role centres make in individuals' abilities to live their human rights in their communities safely. Some centres and communities choose to view this day as a call for action, a national day to act and raise awareness about LGBTQ issues, as well as the social shift that needs to continue to change in order for LGBTQ-identifying people to experience full enjoyment of their lived rights.

I also wish to note for the record that, when I say "LGBTQ," it's harder to add the asterisk, and that is meant also to include two-spirited peoples within our indigenous communities.

[Translation]

This day is an opportunity to recognize the centres and community members who are fighting for LGBTQ rights. I am glad to add my voice to this conversation and support this cause.

[English]

I wish to congratulate organizations like Egale Canada Human Rights Trust and the Winnipeg-based Rainbow Resource Centre, that continue to work for and with LGBTQ peoples and are official participants of this awareness day.

Your Honour, I invite my colleague senators to join me in celebration and promotion of LGBT Center Awareness Day. I also invite colleagues to share on their social media #LGBTCAD to continue the advancement of LGBTQ rights.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Catherine Twinn, spouse of the late Senator Walter Twinn. She is the guest of the Honourable Senator Patterson.

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

Hon. Senators: Hear, hear!

[Translation]

THE LATE PAULETTE GAGNON

Hon. René Cormier: Honourable senators, last week the arts community of Greater Sudbury and the francophone community rejoiced as the federal government made a major funding announcement for the construction of the Place des Arts, a cultural project that the Regroupement des organismes culturels de Sudbury has been nursing for more than 10 years. This project will confirm Sudbury's status as one of this country's arts and culture hubs.

[English]

Behind every great movement, lies exceptional work, and I would like to take advantage of this opportunity to pay tribute to one of the great women behind this project, Paulette Gagnon.

[Translation]

Paulette Gagnon carved out an enduring place in the Canadian theatre world. Born in Hearst, she got her start with the Fabrik à Pantouf marionette troupe. During the 1970s and 1980s, she taught classes at Direction Jeunesse, Théâtre Action, and the Théâtre du Nouvel-Ontario (TNO) in Sudbury. It was the TNO that hired her as coordinator of the cultural activities program and gave her many of her first administrative roles. She worked on special projects for the TNO, spurred by a vision of reaching a wider audience, spreading arts and culture to every member of the public, and helping the theatre company get a theatre of its own where it could continue to grow and evolve. Building on her work in arts administration and development, Paulette became head of development for the Franco-Ontarian section of the Ontario Arts Council.

[English]

In 1997, Paulette packed her bags for Ottawa, where she became the managing director of La Nouvelle Scène, a centre that regroups four theatre companies. In 2003, she became the project manager for the théâtre français at the National Arts Centre and the president of la Fédération culturelle canadienne-française. Finally, from 2005 to 2010, she was the executive director of l'Association des théâtres francophones du Canada, which has membership from across the country.

[Translation]

Throughout her career, she put her heart and soul into helping Canada's arts scene flourish.

Two days before the government's major announcement about the Place des Arts, her children, her loved ones, and the arts communities in Sudbury, throughout francophone Ontario, and across Canada, received the shocking news of her sudden death. Paulette Gagnon gave her heart and soul to designing and developing the Place des Arts.

Persons Day was yesterday, of course, and it is my hope that Paulette Gagnon's work will continue to inspire female artists and cultural workers who are putting their own heart and soul into our shared future.

Thank you and goodbye, dear Paulette.

QUESTION PERIOD INTERNATIONAL TRADE

NAFTA NEGOTIATIONS

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government in the Senate and concerns recent comments by the Parliamentary Secretary to the Minister of Foreign Affairs.

Last week, during NAFTA talks in Washington, D.C., Andrew Leslie commented on two agricultural industries, dairy and poultry, saying that:

“Canada has room to negotiate.”

• (1350)

Can the Leader of the Government in the Senate explain the parliamentary secretary's comments? For instance, which aspects of our supply management system is the government willing to put on the negotiating table?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again I thank the honourable senator for his question. He will know, as all senators do, that the negotiations under way with respect to the NAFTA are very important for Canada, for the United States and for Mexico. It is entirely consistent for the Government of Canada to be prepared to listen to proposals being made. All senators will be aware of what public comments have been made by the respective negotiators and the difficult period in which these negotiations are taking place.

Honourable senators, it would be unhelpful for me to negotiate or reveal Canada's position on various elements except to underscore, as the parliamentary secretary has, the willingness of the Government of Canada to hear out the points of view of other parties to the treaty, so that we can hopefully find a win-win-win solution.

[*Translation*]

Senator Smith: The parliamentary secretary has been entrusted with specific responsibilities, so it is hard to believe that he spoke in error.

Earlier this week, the United States used the NAFTA negotiations as an opportunity to ask Canada to put an end to our supply management system within 10 years. How far is the

government willing to go to defend supply management under NAFTA? Furthermore, is it true that there is room to negotiate, as the parliamentary secretary suggested?

[*English*]

Did the secretary talk about the ability to negotiate? It is a direct question.

Senator Harder: Again, let me reiterate: The Prime Minister, on behalf of the government, the Minister of Foreign Affairs, as the lead negotiator on these negotiations, made clear where Canada has bottom lines and where Canada is prepared to hear out the other side. These discussions are at a point of intense negotiation. The position of the Government of Canada with respect to the dairy industry or the other aspects of the food and agricultural sector are well-known. The opportunity that these negotiations have, of course, is to find out whether or not we can advance to a win-win-win solution.

PRIVY COUNCIL OFFICE

MINISTER OF FINANCE

Hon. Denise Batters: My question is for the Leader of the Government in the Senate.

Senator Harder, before your appointment as a senator and the Trudeau government Senate leader you were the head of the Trudeau transition team. In that role one of your chief responsibilities would have been vetting cabinet ministers. Before multi-millionaire MP Bill Morneau was appointed to cabinet in the role of finance minister, his many potential conflicts of interest were well-known and reported in the media. Now these chickens are coming home to roost.

We see an established pattern of failure to properly vet candidates for the Trudeau cabinet, first Hunter Tootoo, then Maryam Monsef, and now we learn Prime Minister Trudeau's number two in cabinet, the finance minister, failed to put his Morneau Shepell shares into a blind trust. All the while he has profited to the tune of \$13 million just since he became finance minister. It is astounding that the Prime Minister of Canada would put Mr. Morneau in charge of regulating the very industry from which he derives significant financial benefits every single month.

Senator Harder, I want to know, as the Trudeau government transition head, what advice you gave Prime Minister Trudeau on Bill Morneau's appointment as the Minister of Finance. Did the Prime Minister ignore your advice, or did you just fail to give it?

Hon. Peter Harder (Government Representative in the Senate): In response to the honourable senator's question, I want to repeat what I've said on other occasions when questions have been asked about work I've done outside the responsibilities I hold and for which I am responsible for responding to here. The question with respect to my conduct or advice during a period of transition before the government became the government is and will remain private.

Let me, though, use the occasion, as I did when the question was properly posed by the Leader of the Opposition yesterday, assure all senators and Canadians that from when he was first elected to his appointment as Minister of Finance, Mr. Morneau has worked with the Conflict of Interest and Ethics Commissioner to ensure that he is in full compliance with the commissioner.

As I indicated when I was asked earlier, the minister sent a letter to the Ethics Commissioner to request a meeting to discuss further recommendations, if needed, and I want to repeat both that the minister has full confidence in the Ethics Commissioner and that the Prime Minister has full confidence in the minister.

Senator Batters: Well, that wasn't much of an answer, Senator Harder. Maybe you're wishing the Prime Minister were here to answer on your behalf. Unfortunately for you today, he's not.

As the Trudeau transition head, you had a responsibility to advise this government on vetting cabinet ministers for potential conflicts of interest. This whole debacle could have been avoided if Prime Minister Trudeau had chosen someone other than Bill Morneau as the Minister of Finance.

So once again, Senator Harder, did you advise Prime Minister Trudeau to appoint Bill Morneau as finance minister knowing the ethical quandary this would create? Or did you advise against it and the Prime Minister ignored your advice?

Senator Harder: I have no comment.

TREASURY BOARD SECRETARIAT

PHOENIX PAY SYSTEM

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, my question is for the Government Leader in the Senate. The Phoenix pay system continues to hurt federal employees while the government continues to try to fix the problem created by the former Harper Conservative government. What I'm wondering is this: Is there a plan by the federal government to take action against IBM and any other company associated with this debacle and recoup any funding that has been spent to fix this problem? If so, will the federal government ensure that any action taken will include recouping monies lost not only by the government but also by the employees who continue to suffer from this?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and would like to remind the house that the Goss Gilroy report, which was commissioned by the government to examine how this set of circumstances came into being, confirmed that the initial planning and preparation under the previous government underestimated the complexity of the project and withdrew certain personnel, pay officers, and took advantage of extracting the savings before a well-thought-out plan of implementation was put in place.

[Senator Harder]

This government has taken significant action, including the investment of \$150 million in remedial action and the hiring of a number of pay officers to deal with the situation. As I indicated when the new Minister of Public Services and Procurement was installed, the first order of business in her mandate letter was in fact the Phoenix pay system.

With regard to IBM, I am informed that the provisions of the contract signed by the previous government with IBM are being respected.

Senator Mercer: That sounds good, but what did the grievance state? Can the government sue IBM? They bought a product from this company. This product is not functioning the way it was advertised to function. But it's not affecting us very much; we've only just allocated another \$150 million.

Honourable senators, \$150 million is a lot of money to everybody, and Canadians are not happy about the fact that money apparently is being wasted on a system that didn't work, that shouldn't have been implemented the way it was implemented by the previous government, and this government has committed to fix it, but it's not working yet.

Senator Harder: Again, I thank the honourable senator for his supplementary question. Let me simply reiterate that the government is holding the IBM contract and the contractors to account, but they are limited in scope by the very contract that was signed.

I am informed that the government is taking every step to ensure full compliance by IBM to the contract that both parties signed.

Senator Mercer: Senator Harder, does that mean that at some point in time, if this continues on, the Government of Canada will take IBM and any other contractors associated with that to court? These are Canadian tax dollars that are being wasted because of poor implementation of a system that was supposed to ultimately save money for the Government of Canada. This is a heck of a way to save money.

• (1400)

Senator Harder: Again, I can't predict what the minister responsible will do in her mandate to ensure rapid resolution of this situation, but I will bring to her attention your specific concern and suggestions.

The Hon. the Speaker: Sorry, Senator Mercer, but if you have further supplementaries, I will put you on the list after we hear from other senators.

FOREIGN AFFAIRS

MYANMAR—SUPPORT FOR ROHINGYA REFUGEES

Hon. Marilou McPhedran: Honourable senators, my question is to the Government Representative. I wasn't in the chamber yesterday due to Persons Day commitments, but congratulations to Senator Ataullahjan and to you, sir, for Motion 240 and addressing the crisis with the Rohingya people.

I would like to pick up on one clear point you made and follow it with a question, and that is with regard to allowing independent monitors into Rakhine State, acknowledging that our ambassador has already been actively engaged in addressing this situation.

Given the experience that we had as a country, along with the government of the day, with the Darfur crisis and the decision then to appoint a special envoy for Canada to facilitate access and flow of information — that envoy, of course, being Senator Mobina Jaffer — is consideration being given to a similar appointment to address the genocide that is going on against the Rohingya people in Myanmar?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and I would take the occasion to, again, congratulate Senator Ataullahjan for her work with all sides to bring the attention of this chamber and of the Parliament of Canada to the issue.

What I can confirm in this chamber is that while I believe that the Government of Canada has taken significant action, the Government of Canada is reviewing what further action must be taken, and in that spirit I take the suggestion of the honourable senator in the context of what Canada might yet do.

INDIGENOUS AND NORTHERN AFFAIRS

AMENDMENTS TO INDIAN ACT

Hon. Lillian Eva Dyck: On June 21 this year, the Senate received a message from the other place regarding Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration). This message was not moved before the end of the spring sitting, and to date it has not been moved in this chamber upon our return this fall, on September 19.

As the message stands, the other place further amended Bill S-3 by removing a Senate amendment aimed at eliminating all sex-based discrimination in the registration provisions.

Over the summer, we learned that the government contracted Mr. Stewart Clatworthy, a demographer, to provide statistics on how various amendments to remove gender-based discrimination in the Indian Act will affect the number of people who will become eligible for registration as status Indians. According to some news reports, that work has been completed and the government has received these numbers.

Does the government have the estimates from Mr. Clatworthy and, if so, when will they be available to all senators, interested parties and the public? We are all anxious to move forward.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and ongoing commitment to a resolution of the situation that Bill S-3 presents.

As the honourable senator indicated, the government is committed to ensuring gender equity for all women, including the removal of all sex discrimination from registration provisions in the Indian Act. Mr. Clatworthy has provided the government

with the revised demographic analysis, which includes data for a number of potential scenarios. The government is currently reviewing that data.

To facilitate meaningful debate, the government has committed — and I make this commitment today — to making Mr. Clatworthy's report public and providing it to the senators in advance of the message being moved in this chamber. We anticipate this happening in the coming weeks.

I can assure this chamber that the government is committed to working with parliamentarians, particularly the parliamentarians that are now in receipt of the message, with First Nations communities, impacted individuals and experts to remove all sex discrimination from the registration provisions of the Indian Act.

Senator Dyck: Thank you for that information, Senator Harder.

Would you also find out from the government how much the government paid Mr. Clatworthy to provide these estimates of potential new registrants and what level of reliability they assign to his data?

Senator Harder: I will add that to my inquiry.

Hon. Dennis Glen Patterson: My question is also to the Government Representative in the Senate.

Senator, the government has needed to ask for two extensions of the Quebec Superior Court following the *Descheneaux* decision. Although the court denied the third request for extension, the Court of Appeal did grant the government until December 22 of this year to pass legislation in response to the case brought forward and won by Stéphane Descheneaux and Tammy Yantha. I think this will probably be the final extension granted.

As such, it is important that we are given the tools to have an informed debate and time enough to ensure that we give the matter the appropriate amount of scrutiny that it merits.

With December 22 looming, which as you know is also the proposed date of our adjournment for Christmas break, when will the next step be taken in moving this matter forward?

Senator Harder: I thank the honourable senator for his ongoing interest in this matter. The interest is broadly shared in this chamber, as I am acutely aware.

As I said in my answer to the previous question, the government is committed to ensuring gender equality for all women in Canada, including the removal of all sex discrimination from registration provisions of the Indian Act. The government is acutely aware, as the questioner indicated, of the December 22 court deadline.

As I indicated in the previous answer, the government is committed to allowing adequate time for meaningful debate. I am working with the government and interested senators to ensure that the pertinent information is brought forward for the Senate's consideration in advance of the Senate dealing with the message in whatever form we are in at that point.

Let me just reiterate — because I think it's important — that I do appreciate the patience and goodwill of all senators on this matter, as we have a shared objective of making sure that we do what is right in the context of the challenge of that ruling and of the message that is before us.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

BOMBARDIER INC.

Hon. Leo Housakos: Honourable senators, I have a question for the Leader of the Government in the Senate, and it has to do with a \$400 million gift that the Government of Canada gave Bombardier Aerospace a few months ago. I rose in this chamber a few months ago concerned as a taxpayer, as many taxpayers were at the time, that the terms of that agreement were not fully disclosed to Parliament or the public. We still don't know today if that \$400 million was a grant or a loan, or when it will be repaid.

I'm a senator from the Montreal region, so as you can appreciate I represent people who work for Bombardier; and I represent that company because their head office is in Montreal. But I also represent thousands of taxpayers in Montreal, and I think the government is obligated to give us some details, particularly in the context of what's going on right now.

We have a company that is struggling with their flagship C Series, and that is documented everywhere. The majority stake in that flagship has been bought out by a European company.

So what we have here as taxpayers is very concerning. We have a European company that stands to benefit from hundreds of millions of dollars of taxpayers' investment. They announced yesterday that the C Series that is going to be marketed in the United States will be assembled in Alabama.

So we need answers. Are we putting up hundreds of millions of dollars to the benefit of Airbus and workers in Alabama, and will taxpayers be left holding the bag on this deal?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and his ongoing interest in this matter.

Let me make a couple of points. One is that the agreement struck between Airbus and Bombardier does require the review of the Government of Canada. The Government of Canada and ministers responsible have spoken favourably about the transaction as a way forward that will benefit all of the workers and shareholders of Bombardier. The C Series is obviously viewed by industry players as an important new entry into the aerospace market.

• (1410)

The minister has also gone out of his way in assuring Canadian taxpayers that the funds that were described in the honourable senator's question are and remain subject to payment by Bombardier, who is responsible for those funds.

[Senator Harder]

Senator Housakos: Can we get a commitment from the government that the responsibility now for the return of those funds will not only have Bombardier on the hook, but the new owner of the C Series, Airbus? Will we make this approval of the sale pending that Airbus would maintain responsibility for the funds they have gotten from the Canadian government?

As a senator, I was concerned a few months ago, and, as you know, I moved a motion for a Senate committee to study this particular loan or grant — and again I don't know what to refer to it as because the government has not disclosed what it is — and many senators in this chamber wanted to get to the bottom of this on behalf of taxpayers. A number of senators put a stop to that, which, of course, I think is an infringement on our fundamental responsibility as a parliamentary body and doing our job in terms of oversight of the government.

Will we get this commitment that the government will make sure that Airbus will be on the hook just as much as Bombardier to ensure taxpayers get their funds back?

Senator Harder: I simply want to reiterate what the minister has said, and that is that those responsible for the transaction at the time remain responsible for the commitments to the transaction that was made.

DEMOCRATIC INSTITUTIONS

CHIEF ELECTORAL OFFICER

Hon. Paul E. McIntyre: My question is also for the Leader of the Government in the Senate. It has to do with the position of Chief Electoral Officer. As we recall, in December 2016, the former Chief Electoral Officer, Marc Mayrand, stepped down from his position six months after he gave the government notice of his plans to retire.

The problem is that 10 months after announcing his retirement, the office of the Chief Electoral Officer continues to be led on an interim basis. Could the Leader of the Government please tell us if the next Chief Electoral Officer will be in place by the end of this year?

Hon. Peter Harder (Government Representative in the Senate): First of all, let me thank the honourable senator for his question and take notice of it to find out from the responsible appointing authorities what the status and plans are.

Senator McIntyre: On March 6, the Communications Director for the Minister of Democratic Institutions told the *Hill Times* that finding a new chief electoral officer was “. . . a priority for Minister Gould, and we will have more to say about this in due course.”

That said, the job posting for the next Chief Electoral Officer shows that a review of applications did not begin until Tuesday, October 16.

Senator, in speaking to the Minister of Democratic Institutions, could you find out the reason for this delay?

Senator Harder: I will attempt to do so.

[Translation]

NATIONAL REVENUE

TAXABLE BENEFITS

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, on October 11, Prime Minister Trudeau tweeted the following:

Let me be blunt: we are not going to tax anyone's employee discounts. Minister Lebouthillier has asked the CRA to fix this.

Taxable benefits are so complex that they come with their own guide issued by the Canada Revenue Agency. The guide is 52 pages and bears the number T4130. Every employer and employee in Canada is affected by the rules on taxable benefits in one way or another. It makes us wonder if the Prime Minister now intends to follow President Trump's lead and legislate via Twitter. Tax experts currently use laws, regulations, jurisprudence, interpretation bulletins, round tables and doctrine. Now they will have the Prime Minister's Twitter account as a tool for interpreting the Income Tax Act.

I would remind you that the Liberal Party platform stated that the government should base its policies on facts and not make up facts to suit a preferred policy. Mr. Leader, on what facts, on what objective studies, did the Prime Minister base his new policy on employee benefits? Is Twitter to be a new legislative mechanism?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his thoughtful question.

Let me reiterate that Twitter is an important communicating device, but it is not a policy-making device in terms of the considerations that governments must bring to bear in making policy decisions. What the Prime Minister and the minister responsible, Ms. Lebouthillier, have made clear is that the documentation that led to the news story that reflected proposals or means by which these benefits would be taxable was a situation that the minister had not been consulted on.

What the theory of government is, is not only to have fact-based but also ministerial accountability. That is why it was withdrawn so that the minister can take responsibility.

[Translation]

Senator Carignan: In that case, Mr. Leader, can you tell us when we might get the details for the government's new policy on the tax rules for taxable benefits? Will the unwritten rule on employee discounts, whereby the asking price must not be less than cost, be maintained?

[English]

Senator Harder: I thank the honourable senator for his question. The minister has been clear that what has been withdrawn is the specific directive that was referenced that there are ongoing guidelines from the CRA with respect to matters governing taxable benefits that are entirely appropriate and ongoing.

[Translation]

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Richards, for the second reading of Bill C-36, An Act to amend the Statistics Act.

Hon. Raymonde Gagné: Honourable senators, I listened very closely to Senator Cordy, who sponsored Bill C-36, and the honourable Senator Frum, and I have read and reread their statements.

My comments on Bill C-36 at second reading will be brief. I will be speaking not to the substance of the bill, but rather to the conversation and the vocabulary it contains regarding the independence of Statistics Canada.

Although the bill's stated purpose is to strengthen the independence of Statistics Canada, I was relieved to learn that the independence the bill seeks to enshrine in the Statistics Act is largely confined to methodological and operational decisions. As Paul Thomas, professor emeritus at the University of Manitoba, said about this bill:

... the policy remains the prerogative of government and Parliament, whereas operational and technical matters are supposed to be the domain in which the chief statistician and other experts at Statistics Canada prevail.

The Honourable Navdeep Bains, minister responsible for Statistics Canada, also confirmed this division of responsibilities when this bill was being studied in committee in the other place. He said:

When it comes to the operational know-how, when it comes to determining how the data is going to be collected, what kind of data is going to be collected, whether it's mandatory or voluntary, for example, all those powers and authorities lie within the domain of the chief statistician.

With regard to what data we're going to collect and what kind of information we need, what areas we want to focus on, that lies within the prerogative of the minister.

That's what this bill does very clearly. It takes the convention that currently exists and it enshrines that in legislation. It says very clearly that the minister will determine what kind of information we want to collect, and how we go about doing it is left to the prerogative and expertise of Statistics Canada and the chief statistician.

• (1420)

The bill makes no changes to section 21 of the Statistics Act, which gives the Governor in Council the power to, by order, prescribe the questions to be asked in the decennial census.

I wanted to speak to this issue at second reading before the bill goes to a committee for thorough study because I want my colleagues to be aware that deciding which questions appear on the decennial census is important, as is maintaining the Governor in Council's powers in that regard.

The decennial census is our primary source of information about our country and the trends that will shape our future. The census is particularly important for official language minority communities because, with the right data, the federal government can inventory their needs and determine its obligations toward them.

More perceptive senators may have noticed that, for the most recent decennial census, the mandatory short form census included language questions. In the 2011 national census, Canadians were asked whether they spoke French or English well enough to carry on a conversation, which language they spoke most often at home, and whether they regularly spoke other languages.

The questions seem harmless enough, but it took legal battles, petitions, and applications for Federal Court injunctions to have them added to the census. I should remind you that the federal government had decided that the household survey, the long form, would not be mandatory as of 2011. The survey included five questions about language, and the Fédération des communautés francophones et acadienne (FCFA) was justifiably concerned about losing an important source of data. The government did not budge on making the long form optional, but it did add language questions to the mandatory short form census.

Under this bill, it is up to the Chief Statistician to determine whether participation in a census is mandatory or not, because it is a methodological issue. However, the government maintains control over, and more importantly, responsibility for the data collected. As evidenced by the legal battle being waged by the FCFA, this accountability is important, and it is reassuring to know that it will not disappear under this new legislation in the name of institutional independence. This accountability remains relevant today.

For instance, as they are currently worded, the questions in the decennial census do not allow for a precise count of rights-holders, they who are entitled to an education in a minority official language under section 23 of the Canadian Charter of

Rights and Freedoms. In English-majority provinces, the children of parents whose mother tongue is French or went to primary school in French and those who have a sibling who went to a French-language school are guaranteed this right.

The census counts only those in the first category and doesn't ask any questions about the kind of school attended. This is a huge issue, because a complete and consistent count of rights-holders could help thousands of Canadians outside Quebec have access to education in French. The current government said that it is prepared to review the matter.

It is important for francophone minority communities to know that the federal government remains accountable when it comes to this process and that the goal of increasing the independence of Statistics Canada, though commendable, cannot be used as an excuse for inaction.

I want to reiterate my support for the principle of this bill, because it strikes the right balance between the operational independence of Statistics Canada and the government's accountability regarding its political priorities. I will be following the committee's study closely, and I urge my colleagues who will undertake this study to carefully consider the key role Statistics Canada plays for these small communities that continue to thrive across the country. Thank you.

Hon. Claudette Tardif: Would my honourable colleague take a question?

Senator Gagné: Certainly.

Senator Tardif: Senator Gagné, as you indicated in your remarks, it is vitally important for official language minority communities that questions be added to the 2021 census in order for rights-holders to be counted under section 23 of the Canadian Charter of Rights and Freedoms. Can you assure us that Bill C-36 will not undermine the interests of official language minority communities in light of the fact that the government might not act in its quest for greater independence?

Senator Gagné: I thank the honourable senator for the question. I did, in fact, share your concerns at one time. To my understanding, section 21 of the act stipulates that the questions to be asked in a census conducted under sections 19 or 20 are prescribed by order of the Governor in Council. The Governor in Council still has that responsibility and role, which leads me to believe that he still has that authority.

Once again, as I mentioned in my speech, the increased independence of Statistics Canada cannot and must not be used as an excuse for inaction. I hope that answers your question.

Senator Tardif: Thank you.

(On motion of Senator Omidvar, for Senator Griffin, debate adjourned.)

[English]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON
OCTOBER 24, 2017, ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of October 18, 2017, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 24, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

He said: Honourable senators, I move the motion standing in the name of the Honourable Senator Bellemare.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of October 18, 2017, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 24, 2017, at 2 p.m.

He said: Honourable senators, I move the motion standing in the name of the Honourable Senator Bellemare.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. André Pratte: My father was a very stern man. He had strict rules and was more than just a little demanding. From a very young age we had to dress a certain way, stand up straight, use correct language, hold cutlery properly, never interrupt adults when they were speaking, go to him immediately when he called us and, naturally, have excellent marks. My father's authority was such that, for a very long time, we never dared challenge him. However, my father never raised a hand against any of his three children. Very rarely did he even raise his voice.

Raising children is a very difficult job. Emotions often run high. Anger can manifest itself and depending on how tired we are that day, what kind of day we had, our values, the challenges life has dealt us, this anger can lead to the use of force against children.

I need not and I could not repeat what Senators Hervieux-Payette, Sinclair, Pate, Munson, and Petitclerc have already said about the ravages this violence can cause.

[English]

Rather, today, I would like to discuss some of the arguments of those opposed to Bill S-206.

First, opponents dismiss dozens of studies that demonstrate that the use of force on children leads to a myriad of harmful effects in the short and long term. They do so by arguing that most of these studies deal with not with the use of "reasonable" force, such as spanking, but with the use of excessive force, which is already illegal in Canada.

Today, therefore, I will not speak about the type of excessive force that is already criminalized, but only about "reasonable" force, as defined by the Supreme Court in 2004. It is this force, this corporal punishment with a bare hand that does not injure the child, this force routinely used by some parents to punish, protect or calm their child, or take him somewhere against his will, that the opponents of Bill S-206 are defending.

The most recent research on the matter, published last year in the *Journal of Family Psychology*, looks at 75 studies conducted over periods of several years and in different countries, dealing specifically with spanking or other slaps with the hand. These 75 studies, which included 160,000 children, concluded that when corporal punishment could be associated with an effect on

the child, 99 per cent of the effects were negative. That kind of result shows pretty clearly that the use of force on children is not beneficial, no matter how the argument is framed.

In his speech on the bill, our friend and colleague Senator Plett cited a study that examined Sweden, where spanking has been illegal since 1979. According to the statistics he reported, since that ban, “physical child abuse by relatives against children under age 7 increased 489 per cent between 1981 and 1984.”

The honourable senator was suggesting that the ban on spanking had harmful consequences related to violence against children. The numbers cited by the senator come from articles published by Professor Robert Larzelere, a research methodologist at Oklahoma State University. Those numbers aren’t quite saying what Professor Larzelere suggests, however. Swedes were obviously concerned about the explosion in cases of child abuse by relatives, and several studies were conducted on the matter. According to Professor Pernilla Leviner of Stockholm University:

Findings in these studies suggest that the increase in reporting does not reflect an actual increase in child abuse, but instead can be explained by the fact that tolerance of assaults on children has decreased and therefore both professionals and individuals are more willing to inform the authorities about suspected cases.

In other words, violence against children did not increase by 489 per cent between 1981 and 1984. What increased was the number of cases that were reported to the police.

That said, it is true that the ban on corporal punishment did not resolve the problem of family violence in Sweden or elsewhere in the world. Likewise, here at home we must beware of seeing virtues in the repeal of section 43 of the Criminal Code that are simply not there; this measure will not magically resolve the problem of violence against children.

Repealing section 43 will have two positive effects, however. First, it will send adults a clear message: You cannot use force to correct a child. Second, it will protect children from force; however reasonable some may claim it to be, and even assuming that it is effective in some cases in the short term, that kind of force is morally unacceptable because it inflicts pain and fear on defenceless individuals.

The second argument used by opponents of Bill S-206 — and it is in fact the very heart of their reasoning — is that without section 43, not only would parents be unable to “reasonably” correct their children, through spanking in particular, but they could no longer play their role of parent. I quote Senator Plett again:

. . . this goes well beyond taking away reasonable, responsible parents’ ability to spank. It takes away their ability to parent. By repealing section 43, the general assault provision of the Criminal Code would be applied to any parent, teacher or guardian who chooses to use force against a child without their consent.

Senator Plett goes on to give an example:

Just think about the situation where a young child refuses to go to school. How is a reasonable parent to get a child to school without picking up their child, against their will, and carrying them?

When questioning Senator Petitclerc, the honourable senator gave other examples of uses of force which would expose parents or teachers to criminal charges if section 43 were repealed, like separating two kids engaged in a fight, or preventing a child from putting his hand on a hot stove.

Now, it would be wrong to reject this argument out of hand. After all, isn’t that the same argument put forward by Chief Justice McLachlin in the majority decision rendered in 2004?

According to this thesis, if we repeal section 43, parents will be defenceless, at the mercy of any prosecutor who decides to charge them with assault because they picked up a child who was having a tantrum on the floor of the supermarket, or because they separated two kids fighting in the schoolyard.

I, and others much more knowledgeable than I, respectfully disagree.

First, when deciding whether or not to lay charges, Crown prosecutors are required to consider “the nature of the alleged offence, its seriousness or triviality” and “the effect on the administration of justice of committing resources to conduct the proceedings when considered in relation to the seriousness or triviality of the alleged offence.”

It would be astonishing indeed for a prosecutor, bearing in mind the criteria set out in the *Public Prosecution Service of Canada Deskbook*, to decide to charge a parent in the circumstances mentioned previously.

• (1440)

But let’s imagine an overzealous Crown prosecutor deciding to lay charges anyway. The parent would then be protected before the court by two common-law principles: the defence of necessity and the defence of *de minimis*.

[*Translation*]

When Justice Louise Arbour sat on the Supreme Court, she explained the circumstances under which the defence based on necessity could apply, whether or not section 43 was part of the Criminal Code. She said, and I quote:

Similarly, if a parent were to forcibly restrain a child in order to ensure that the child complied with a doctor’s instructions to receive a needle, s. 43 would be of no assistance to excuse the use of restraint, but the parent would, in my view, have the common law defence of necessity available to him or her should a charge of assault be pursued. The common law defence of necessity has always been available to parents in appropriate circumstances and would continue to be available if the s. 43 defence were struck down.

[English]

The principle of *de minimis non curat lex* — the law does not care for small or trifling matters — would protect the parents in the other examples put forth by Senator Plett. The principle was defined as follows in an old English ruling:

Where there are irregularities of very slight consequence, it does not intend that the infliction of penalties should be inflexibly severe. If the deviation were a mere trifle, which, if continued in practice, would weigh little or nothing on the public interest, it might properly be overlooked.

This would apply, for example, to the parent who firmly places a child on a chair for a five-minute time-out to calm down. The law does not care for small or trifling matters.

I again quote Justice Arbour:

If section 43 were to be struck down. . . , parents would be no more at risk of being dragged into court for a pat on the bum than they currently are for tasting a single grape in the supermarket.

[Translation]

By deleting section 43 from the Criminal Code, the message to parents is clear: corporal punishment consisting of hitting a child is no longer acceptable to Canadian society. That is currently not the case. In a 2004 ruling, the Supreme Court clarified the meaning of section 43 and set out what is meant by “reasonable [force] under the circumstances” by providing a list of criteria.

Therefore, to comply with the law, a parent cannot use force with a child who is less than two years old or with a teenager; the punishment cannot be degrading, inhuman, or harmful; discipline cannot be imposed by the use of objects or blows or slaps to the head. The punishment must be corrective and not stem from the caregiver’s frustration, loss of temper, or abusive personality.

While the criteria clarified some things, they did not clear up all of the confusion, especially since the court established the criteria based on what it believed to be consensus among experts at the time.

However, as I mentioned earlier, the vast majority of experts oppose the use of force in disciplining children.

[English]

And even Professor Larzelere, one of the rare scientists in favour of spanking, suggests much more limited circumstances than those established by the Supreme Court. According to him, research shows that spanking is effective only when the parent hits the child on the bottom no more than twice, when gentler strategies have failed, and only on children aged two to six years old. So who should we listen to now?

I think it is high time that we put an end to the confusion and send parents a clear message: Today, the use of force against children, even minimal, is simply unacceptable in Canadian families.

My father died more than 30 years ago and I like to think that if he were alive, he would be proud to see me here today. And he would be proud to hear me say that I have the honour of being a member of this Senate thanks to what he taught me: a sense of discipline, without which it is so easy to be led astray; the importance of hard work, without which, regardless of your talents, you will not achieve lasting success; and the essential character of righteousness, a hard path to follow and one not known for its glory.

My father taught me all of these life lessons without ever hitting or slapping me. It’s true that he could terrify us with a mere stare, but that fear was not productive; fear rarely is.

Moreover, my father was one of those men from a different time, a time where men were incapable of telling or showing their children that they loved them. That was our greatest regret, and his too.

It was through example — a life built on discipline, hard work and righteousness — that my father taught me everything that brought me here today, a life the best features of which I try to emulate as best I can.

It is because I absorbed those values through his example that I am absolutely convinced that the use of force and discipline can be separated, that not only we can, but we should teach children life’s essential values without hurting them, ever. And that is why I am in favour of Bill S-206.

(On motion of Senator Andreychuk, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINETEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the nineteenth report of the Standing Committee on Internal Economy, Budgets and Administration (*Committee budget - legislation*), presented in the Senate on October 17, 2017.

Hon. Leo Housakos moved the adoption of the report.

He said: This is the report requiring funds for the Committee of Scrutiny and Regulations. With leave of the chamber, we’re requesting a humble budget to serve for their needs throughout the year. It’s a standing joint committee between the House and the Senate for the Scrutiny of Regulations. I move the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

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

On the Order:

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

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

“Obligation to report bill

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

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

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

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

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

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

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

(e) whether the appropriate consultations have been conducted;

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

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

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

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

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

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

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

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

Hon. David M. Wells: Honourable senators, I move the adjournment in my name.

(On motion of Senator Wells, debate adjourned.)

• (1450)

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

On the Order:

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

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

Hon. David M. Wells: Honourable senators, I wish to take the adjournment of this item.

(On motion of Senator Wells, debate adjourned.)

AUTISM FAMILIES IN CRISIS

TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY—
DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Munson, calling the attention of the Senate to the 10th anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*.

Hon. Dennis Glen Patterson: Honourable senators, I was talking about working with families to explore and develop options for independent living.

I talked to Mr. John Seigner, the housing ambassador and resource centre manager for the Ability Hub in Calgary. In developing these models, Mr. Seigner has also considered the issue of who will assume the role of guardian for these individuals once the parents pass. That's a concern of my friends who are my age and thinking about the long term for their adult son.

One such model is the family-directed group home, which brings together a group of four or five families whose adult children have similar needs and ideally already know each other from school or day programs. These parents would then select and negotiate with the preferred support agency who would, in turn, work with the families to negotiate funding avenues with government and the private sector to create a hybrid model that gives the parents the ability to direct the set-up and operation of the home to ensure tenure and stability for their children. Eventually, the agency would be phased in as the primary operator.

The other model they're exploring in Calgary is described as "the concierge model" that builds an apartment complex that includes an allowance for a personal support worker into the capital structure to give support based on an individual's needs, for example, helping prepare medication, helping orient an individual on how to get to school or work, help with hygiene, assistance with grocery shopping and so forth. Each assistance plan would be individualized based on input from the parents and the funding that's available.

That, colleagues, is perhaps the most important to emphasize. In my talks with parents of individuals with ASD, I've been told repeatedly that the key to successful solutions is a collaborative approach. Families and individuals with ASD must be consulted not only in identifying potential solutions but in setting the goals and priorities so that the projected outcomes are realistic and mirror the realities of the front line. We cannot simply prescribe solutions and designate funding to an issue without exploring the potential solutions with parents. They bring a perspective and a wealth of knowledge that we, as legislators, can never know unless personally affected, and governments alone can't have that knowledge.

Calgary's approach is promising because the solutions have been developed, I'm told, with the input of approximately 100 families who meet regularly to discuss the issue of housing.

In closing, honourable senators, I want to strongly endorse Senator Munson's call for a national ASD strategy. The numbers are just too staggering for us to ignore.

In 1994, one in 2,000 children were diagnosed with ASD. Now it's one in 68; 63 per cent of young adults with developmental disabilities are still living at home after the age of 29, according to the National Housing and Residential Support Survey; 84 per cent need targeted support for independent living, according to the Autism Society Alberta; 94 per cent of young adults with developmental disabilities require affordable housing, while 71 per cent have mental health issues, and only 23 per cent can afford to pay for support services.

A national strategy would also ensure that northerners are able to access important diagnostic and therapeutic services. Early childhood intervention is critical to a child's future success. Sadly, for many in the North, the only current option is to fly or move to the South, far away from families and communities and culture, in order to access important services and departments such as developmental pediatrics, pediatric psychology, behaviour therapy, speech and language therapy, occupational therapy and physiotherapy.

So, colleagues, it's time for us to act.

Hon. Leo Housakos: Honourable senators, the challenges individuals and their families face when dealing with autism spectrum disorder, ASD, continue to be well documented, but it is with great pride that we acknowledge a wide variety of organizations in our great nation that are working diligently to improve what is a complex situation. However, in some ways things aren't improving. They're getting worse. At present, one out of every 68 children receives the diagnosis, representing a very significant portion of the population. Compare that to one out of 150 children to receive the diagnosis in 2002.

That's an astonishing increase over the past 15 years. This phenomenon has a profound effect on individuals, families, our nation as a whole. We now know that ASD is the most common neurodevelopmental disorder diagnosed among children in Canada, and it occurs in all racial, ethnic and socio-economic groups. A lifelong condition, autism became a major concern for my wife Demi and I when our dear friends Mary Gouskos and Nick Katalifos received the diagnosis for their son Emmanuel about 12 years ago at the Montreal Children's Hospital. Through them, we have witnessed directly the challenges and struggles that families dealing with autism are facing, and we applaud all those who continue to meet these challenges with dignity and perseverance.

[*Translation*]

Recognizing Autism Awareness Month is important to me. It is a cause that I have cared deeply about for a long time. My friends' son, Emmanuel, is autistic. Watching their experience, my wife and I have seen first-hand the difficulties too many families face when they have a child or loved one who is autistic. I want to commend them for their courage and perseverance, and also recognize them for their dedication within their community in helping other families facing the same challenges as them.

[*English*]

Honourable senators, research clearly indicates that both an early diagnosis of autism and a long-term intervention strategy are critical to these families — families that are working hard to ensure positive outcomes. While our medical and education systems include some of the finest minds and approaches available, it is clear that these very same systems are overloaded and have great difficulty keeping up with the demands of ASD services.

It is not the quality of Canadian expertise in autism care that is in doubt. What we must question is how we continue to under-invest in the resources needed to help an ever-increasing number of Canadian families.

The simple yet startling reality was specifically reported 10 years ago by the Senate Committee on Social Affairs, Science and Technology in its 2007 report, *Pay Now or Pay Later: Autism Families in Crisis*. As the study's title suggests, this crisis is only going to get worse unless the federal government takes immediate steps to address the state of autism policy in Canada. The report called for a national autism spectrum disorder strategy, even then at the heart of which would be a plan to broaden educational and professional training opportunities for Canadians with autism.

Many private organizations are attempting to fill the gaps. For example, in my hometown of Montreal, Giant Steps, a school and resource centre for autistic children, offers a comprehensive approach, including a variety of therapies and teaching methods. But sadly, there are more children on the waiting list than there are receiving the help they most desperately need and deserve.

• (1500)

The federal government needs to stand up.

[Translation]

As I mentioned, the number of people with autism grows every year. Unfortunately, the situation could get worse if the federal government does not act quickly to address this crisis.

As early as 10 years ago, the Senate produced a report on autism recommending that Canada adopt a national autism strategy that would, among other things, allow for the development of a plan to make more educational and vocational training programs available to Canadians living with autism.

[English]

Autism researchers are also working hard in Quebec with the creation of the Transforming Autism Care Consortium, TACC, which is the result of a united vision to bring together the top autism researchers in Quebec, creating a world-class hub of expertise. Forty researchers came together from different institutions in Quebec, including seven universities, among them McGill and Université de Montréal; five university health care centres; and over 200 clinicians, trainees and other highly qualified personnel. Their plan involves the development of a highly coordinated autism research structure across the province. They are doing their part. We, colleagues, must do ours.

While efforts such as those of Giant Steps and TACC must be commended, without sufficient support from the federal government, they and other organizations like them are facing a daunting task. The fact remains that we're not doing enough to support these efforts and other similar programs throughout our nation.

The previous government under Prime Minister Stephen Harper started the effort by allocating \$11 million over four years to support training programs for autistic adults with the hope of assisting them into the workforce. Indeed, some corporations have also recognized that these individuals often possess talents and skill sets that are very valuable. The current government must continue and even expand on its predecessor's efforts.

Colleagues, we all believe that every child is born with the potential to succeed and achieve great heights, but each and every one of us is different and ultimately learns differently. When society learns to harness all of our children's strengths and leave not one behind, only then will society truly maximize our combined potential as human beings.

Whether focusing on research and early intervention, family support services or job training, the time has come to develop a government-led, committed and coherent national policy on autism. It has been a decade since our report was released, senators. But we have not and will not forget the daily struggle of these Canadians. The time to act has come. Thank you.

Hon. Wanda Thomas Bernard: Honourable senators, I rise today to speak in support of a national autism strategy, a strategy that would ensure all Canadians living with Autism Spectrum Disorder have equitable access to the services they need and deserve in order to live meaningful lives.

Thank you, Senator Munson, for kicking off this year's Autism Awareness Month and to all our colleagues who support this call for change.

Today, I aim to bring to the chamber some of the voices of Canadians that have been silenced and ignored: African Canadians, people living in poverty and other marginalized groups who have limited access to the supports they need to reach their full potential. It is time we recognize that thriving in life is a basic human right. We as policy-makers have a responsibility to make that right accessible to all Canadians. Let us work together to establish a national strategy that will enhance the lives of individuals and families living with ASD and provide an opportunity for them to succeed and thrive across their lifespans.

Honourable senators, time and again we have heard several calls for change. Senators Munson and Housakos have worked diligently to raise awareness and drive federal change. Together, we stand to represent a common goal: supporting Canadians in their quest to live productive, fulfilling lives.

The ASD community is persistent in advocating for improvements. They engage in studies and publish recommendations to improve outcomes for people living with ASD. I wish to extend my gratitude and appreciation to community stakeholders and advocates across our country for their diligent efforts to improve the quality of life of everyone living with autism.

Yet, despite all of this work, we continue to hear from families and self-advocates about the gaps and crucial need for a national strategy. Let us consider the situation of a parent who has just received a diagnosis of ASD for their child. Parents who turn to schools, community resource centres or the Internet for more information and support quickly feel overwhelmed and confused. As a result of shortages in ASD health and social supports, many parents feel isolated and frustrated when trying to care for their children, which often leads to an overreliance on emergency services.

Recently, the magazine *Policy Options* published an article whose deck reads “High rates of emergency and police services are an indication that many adults and adolescents with autism in Canada today are in crisis.” The research uncovered that nearly one in four adolescents and adults with autism had visited a hospital for an emergency over the course of 12 to 18 months. If families are continuously resorting to emergency services, it demonstrates that we must improve the provision of proactive supports.

This study also found one in six adolescents and adults with ASD had interactions with police officers, and often, their experiences were negative. Some communities have vulnerable persons registries for police officers to consult in case they interact with people who have ASD. This practice highlights the need for better supports in order to prevent these negative interactions with police and reduce the need to turn to emergency services.

In Ontario, approximately 75 per cent of adults with ASD have an annual income below \$30,000. That is from the *Choosing Now* report. In my home province of Nova Scotia, the 21,000 people diagnosed with autism experience social and economic exclusion. These challenges will only worsen if supports do not follow children into adulthood.

Only 11 per cent of Nova Scotia parents raising a child with autism are able to work full time. Many families raising a child with autism live in poverty, as it costs up to three times more to raise a child with disabilities.

Adults with autism are often placed on group home wait-lists for up to 10 years in Nova Scotia, which means families are in care-giving roles much longer than they anticipate.

Not only is the literature revealing that there are gaps in services, but it is important to note that there are gaps in the available ASD statistics and data collection. There is an absence of data on African Canadians with autism spectrum disorder. Much of the research conducted does not isolate information specifically about how ASD uniquely impacts families from different ethnic backgrounds. According to the *Choosing Now* report from Autism Canada, significant racial disparities exist. It can take up to three times longer for an African Canadian child to receive a diagnosis than a Caucasian child. Children of visible minorities lack critical early interventions, which makes it more challenging for them to excel in childhood or adulthood.

Grouping all minorities into one user category limits our ability to understand challenges in different communities. When these families do not see their experiences reflected in the available information, they feel even more isolated and alone.

• (1510)

We are experiencing a data gap and we do not understand the intersecting needs of various families across the country. The limited use of an intersectional lens or an anti-oppressive framework in health care leaves many families in the dark. There is information available on the economic and social marginalization of African-Canadian families, and there is information available on the economic and social marginalization of families living with ASD, but the intersection of race and disability creates a circumstance in which African-Canadian families living with ASD are doubly impacted by barriers. Their realities are not reflected in the literature. Therefore, including a framework addressing the specific needs of African-Canadians within the national autism strategy would be an essential step towards equitable access to support.

Honourable colleagues, access to ASD services is a life-long need. Supports diminish for people as they age, and social and economic challenges become more prevalent into adulthood. In 2010, Canada signed the UN Convention on the Rights of Persons with Disabilities which seeks to, and I quote:

... promote full and equal employment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.

This demonstrates that we not only have the means and the desire to support people living with ASD, but we also have a legal obligation to provide equal opportunity for all people living with Autism Spectrum Disorder.

We need an inclusive national autism strategy that improves the lives for all families, especially for low-income families, racialized families, single-parent families, families living in remote or rural areas, and families with linguistic or cultural diversity.

Currently, there are too many gaps in services. Parliamentarians have the ability to provide the foundational support to reduce barriers impacting the lives of these families and individuals. A national autism strategy will help improve access to services across the country. This strategy can include comprehensive service standards, training and information for families and caregivers. There is no alternative. Families cannot continue to bear the responsibility of care for their loved ones.

Honourable senators, I have heard the concerns from community members, and I have witnessed first-hand the struggles, and now is the time to respond. We need to break barriers in current practices and address gaps in accessing services. We have a responsibility to create change for individuals, families and the Autism Spectrum Disorder community. Thank you.

(On motion of Senator Gold, debate adjourned.)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF ISSUES RELATING TO THE HUMAN RIGHTS OF
PRISONERS IN THE CORRECTIONAL SYSTEM

Hon. Jim Munson, pursuant to notice of October 17, 2017,
moved:

That, notwithstanding the order of the Senate adopted on
Thursday, December 15, 2016, the date for the final report
of the Standing Senate Committee on Human Rights in
relation to its study on prisoners in the correctional system
be extended from October 31, 2017 to October 31, 2018.

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.)

*(At 3:14 p.m., the Senate was continued until Tuesday,
October 24, 2017, at 2 p.m.)*
