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Thursday, May 3, 2018

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, May 3, 2018

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

Prayers.

SENATORS' STATEMENTS

HIS HIGHNESS THE AGA KHAN

CONGRATULATIONS ON SIXTY YEARS AS THE IMAM OF THE SHIA ISMAILI MUSLIM COMMUNITY

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise today to congratulate His Highness the Aga Khan on 60 years as the forty-ninth imam of the Shia Ismaili Muslim community and, as such, a direct descendant of the Prophet Muhammad.

I had the honour to first meet this extraordinary world leader on the occasion of his Silver Jubilee 35 years ago.

Today I join with nearly 100,000 Canadians and 15 million Ismailis worldwide to recognize the contribution of the Aga Khan, who demonstrates how spiritual principles of peace and inclusion can manifest themselves in strong democratic institutions and in active policy-making and nation building.

I have learned much from my meetings with the Aga Khan: first, that global turmoil is less a result of a clash of civilizations than it is a clash of ignorance; and second, that no amount of isolationism can deny that globalism has made pluralism the new world order.

Pluralism is, in fact, a way of life in Canada. We have only to look at the recent warm welcome of newcomers from Syria, to the diversity on the streets of our cities and communities, to our commitment to right the wrongs of the past with respect to our colonial history.

We also know in Canada that pluralism is hard work. A society that embraces pluralism is no accident of history. It is a society that evolves through reason; it is a society that values education; it is a society where all sectors — government and civil society — share goals. It is a society that respects human rights.

If that sounds a little like the foundation of democracy to you, you are correct.

Today, pluralism and democracy are intrinsically linked, and those linkages are all the stronger through the work of the Aga Khan Development Network, which has a presence in countries around the world.

Canada, indeed Ottawa, also benefits from the presence of the Aga Khan's Global Centre for Pluralism, which works around the world with governments, academia and civil society to foster the legislative and policy environments required for civil society effectiveness, democracy and pluralism.

While there are people who see pluralism as the problem, many are we who see it as the only answer to combating ignorance, intolerance and hate.

This is why I wish to congratulate His Highness the Aga Khan on 60 years of inspiration, hope and guidance toward a better and more pluralist world.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Kyung-Ae Park. She is the guest of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

HIS HIGHNESS THE AGA KHAN

CONGRATULATIONS ON SIXTY YEARS AS THE IMAM OF THE SHIA ISMAILI MUSLIM COMMUNITY

Hon. Mobina S. B. Jaffer: Honourable senators, I would first of all like to thank Senator Harder for his statement today and, more important, for his friendship with the Aga Khan and the Ismaili community. We always see you as one of us. Thank you, Peter.

Honourable senators, in 1958, as a young child, I saw His Highness the Aga Khan's coronation in Kampala, Uganda. I was following my dad, Sherali Bandali Jaffer, as he organized the coronation.

Today, 60 years later, I rise to thank His Highness the Aga Khan for the tremendous sacrifices he has personally made to improve the lives of Ismaili Muslims and people all around the world. I humbly thank him for all his hard work.

As you know, senators, I have risen in this chamber on many occasions and have spoken about the positive impact His Highness has had on my life and the positive impact he has had on the lives of men, women and children around the world.

This week is a very special week for Ismaili Muslims in Canada. His Highness is gracing us with his physical presence to commemorate his Diamond Jubilee anniversary.

For more than three quarters of his life, His Highness has worked tirelessly to make this world a better place and improve the quality of life in less-developed regions of the world.

His Highness has also invested a lot in Canada. The Global Centre for Pluralism represents a unique partnership between the Ismaili Imamat and Canada, and was inspired by a shared commitment with Canada's leadership to create a world where human differences are valued and diverse societies thrive. This commitment was shared by Prime Ministers Chrétien, Martin, Harper and Trudeau, all of whom contributed to the creation of this institution.

Honourable senators, this is a time of great celebration in our community. Later this week, tens of thousands of Ismailis in Calgary and Vancouver will gather to welcome His Highness. We will dance, we will eat biryani and samosas, and we will make memories that we will cherish forever.

While this visit is one that Ismailis across the country are anxiously awaiting, I would be remiss not to mention all of the work that went into making this visit possible.

First, I would like to thank the Government of Canada and Minister Bibeau for welcoming His Highness to Canada. I would also like to thank Presidents Eboo and Talib and their councils, and the Ismaili volunteers, who for weeks have been working day and night ironing out all the details for this visit. They have done an amazing job. This visit would not be possible without the hard work of the volunteers. Whether they are young volunteers, like my grandchildren Ayaan and Almeera, or elders in our community, this visit will bring together people of all ages and remind us of the importance of serving our communities.

Honourable senators, I would like to conclude by sharing an excerpt of an article my good friend and mentor former Prime Minister Jean Chrétien published yesterday on His Highness's work. He wrote:

> . . . what makes each of us different does not need to be a source of conflict or envy or suspicion, but instead something to treasure and celebrate.

Honourable senators, like me, you may just think of these characteristics as "the Canadian way," but they're also in short supply in today's world. That makes our mission as a country more important, and it makes the work of the Aga Khan indispensable.

NATIONAL ARTS CENTRE

CONGRATULATIONS TO LORI MARCHAND ON ROLE AS MANAGING DIRECTOR OF INDIGENOUS THEATRE

Hon. Nancy Greene Raine: Honourable senators, I would like to take this opportunity to welcome Lori Marchand back to Ottawa, where she has taken up a position at the National Arts Centre as their first Managing Director of Indigenous Theatre.

Lori has been the long-standing Executive Director of Western Canada Theatre in my hometown of Kamloops, B.C., where she worked with passion and dedication to provide the people of Kamloops with top-quality productions.

In her new position, she will continue the work she started in Kamloops and expand it to the national stage as she works with the National Arts Centre's new Artistic Director for Indigenous Theatre, Kevin Loring. Together they are to build the new Indigenous theatre, which will open during the National Arts Centre's 2019-20 season to mark its fiftieth anniversary.

As Lori stated in an interview with CBC in December:

> Western Canada Theatre has really set the groundwork for the Indigenous theatre section at the National Arts Centre. Our regional theatre has produced quite a bit of Indigenous work and done it in a respectful way.

I know that Lori Marchand will make a tremendous contribution to the National Arts Centre, where she will work to bring Indigenous voices and stories to the national stage as she makes this groundbreaking theatre a reality.

Lori is the daughter of the late Senator Len Marchand, who served in this chamber from 1984 to 1998.

Welcome back to Ottawa, Lori.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of students from Dennis Franklin Cromarty High School, accompanied by their teacher, Sean Spenrath, and Mr. Jean Paul Gladu, President and CEO of the Canadian Council for Aboriginal Business. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

• (1340)

[*Translation*]

DENNIS FRANKLIN CROMARTY HIGH SCHOOL

Hon. Marilou McPhedran: Honourable senators, I rise today to pay tribute to the students of Dennis Franklin Cromarty High School, or DFC, who are watching our debate from the gallery. I want to thank their teachers, as well as the students, who managed to find a way to get from Thunder Bay to Ottawa to be here with us today.

[*English*]

My first official trip as a senator was at the invitation of teachers and students from DFC, a school where all the students are of Indigenous origin.

You may recall the 2016 inquest into the seven murdered students in Thunder Bay. Six of these students were from DFC.

These student leaders from DFC have travelled here to raise their concerns about the response — or, perhaps, the lack of response — to their call for safe housing for students who must

come to Thunder Bay for high school. I know that a number of you have connections to these students and you know of their years of trying to get a safe residence.

I encouraged the students to visit the Senate when I was there, and their principal and teachers followed up, and here we are.

Senator McCallum and I hosted their lunch in the PDR today and introduced them to key members of Parliament. They saw diplomatic lobbying in process.

I want to pay tribute to the students and teachers of this school, along with the many active and engaged youth across our country, for their resilience and tenacity. As we find ways to live with the injustices in our legal systems and the legacies of our residential school systems, young people like the students here today need and deserve our support.

I invite you to join us tomorrow from 1 p.m. to 2:30 p.m. in Room 172-E Centre Block, where Senator Pate and I will be hosting a round table with the students. We would welcome your attendance.

I'm also happy to welcome Mr. Jean Paul Gladu to our chamber. JP is the president and CEO of the Canadian Council for Aboriginal Business. An Anishinaabe from Thunder Bay, Mr. Gladu is a role model for the students here today with a proven track record for the promotion and success of sustainable partnerships ensuring Indigenous prosperity in Canada.

In closing, I thank the students and their teachers as well as Mr. Gladu for making their way to this place before it closes for nearly 10 years, and I salute their active involvement as leaders in strengthening our inclusive democracy.

Thank you. *Meegwetch*.

SPEECH AND HEARING MONTH

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, it is Speech and Hearing Month in Canada. Speech-Language and Audiology Canada, or SAC, and its more than 6,400 members and associates seek to raise public knowledge about communication health during this month of May.

I am proud to recognize the work of speech-language pathologists, audiologists and communication health assistants across Canada again this year.

Communication is key to our everyday lives and indeed our future. I am sure it will come as no surprise that early language abilities are directly related to later reading abilities. Better reading abilities of course lead to better education, which certainly leads to increased productivity and employment.

Early language abilities can only improve with a solid base of communication skills and proper health.

We might often take for granted a person's ability to communicate, especially when we do not have a problem doing it ourselves. But we should keep in mind that if a person has trouble communicating, it is to the detriment of us all. That is why it is important to recognize Speech and Hearing Month, so that we can highlight the importance of communication health and the role that communication health professionals play in the health care and education systems in Canada.

I, as a wearer of hearing aids, benefit from the good work those people do, as I know many of you here do as well. It's time we say thank you and salute them all.

WALLY KOZAK

CONGRATULATIONS ON INDUCTION INTO ALBERTA HOCKEY HALL OF FAME

Hon. Pamela Wallin: I am pleased to rise to congratulate a friend today, Wally Kozak, born and raised in Wadena, Saskatchewan, on his induction into the Alberta Hockey Hall of Fame. Wally is in great company; Stanley Cup winners Grant Fuhr, Mike Vernon and legendary "Hockey Night in Canada" announcer Ron MacLean are part of the 2018 Hall of Fame inductee group.

Hockey is in Wally's blood. He was first and foremost a Wadena Wildcat, our hometown hockey team. He, like the Humboldt Broncos, spent many a day on a bus going to other small towns to play. He would have loved to have this career lead to the NHL, but instead his people skills took him to a different career as a teacher and mentor and coach.

Known as one of the best technical hockey coaches in the world, he was the assistant coach of the 2002 gold-winning Canadian women's hockey team at the Salt Lake City Olympics and was also named head scout of the national women's team the same year. As we all know, our women's hockey team is superior and year after year dominates world women's hockey. The honour bestowed upon Wally reflects the integral role he played in their success.

Not only did he play an important part in the development of the national women's hockey program, he is a dedicated community man. He has spent 30 years coaching at all levels and 20 years as a high school physical education teacher, coaching football, wrestling and track and field.

Wally's dedication to the sport may have been most evident when in 2007 he suffered a massive heart attack when he was on the ice coaching the Strathmore Rockies. With a very slim 5 per cent chance of survival, doctors described the best-case scenario as dire. Just three months later and three days removed from the hospital, Wally made a surprise visit to the team during a game.

In describing him as stubborn, Rockies head coach Julie Healy said, "That's probably why he's one of the 5 per cent that survive." That is a true testament to the dedication he had to the team he served and the sport he loves.

Following his recovery from this near-fatal experience, he has been involved in the hockey community in any way possible ever since.

Wally exemplifies the true character of the people of Wadena and Saskatchewan. The son of a hard-working immigrant, his father, Pete, the shoemaker, instilled in him an amazing work ethic but also a love of country, an appreciation of democracy and an understanding of the privilege of an education and the freedom to succeed.

He is tenacious for sport, driven and above all else unselfish and dedicated to his community. I am proud to call Wally a son of Wadena. Fellow senators, please join me in congratulating Wally Kozak on his outstanding achievement and induction into the Alberta Hockey Hall of Fame.

[*Translation*]

ROUTINE PROCEEDINGS

CANNABIS BILL

BILL TO AMEND—TWENTY-THIRD REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Serge Joyal: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on February 15, 2018, and April 26, 2018, the Standing Senate Committee on Legal and Constitutional Affairs deposited with the Clerk of the Senate on May 1, 2018, its twenty-third report (*The subject matter of those elements contained in Parts 1, 2, 8, 9 and 14 of Bill C-45, An Act respecting cannabis to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*).

ADJOURNMENT

NOTICE OF MOTION

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I give notice that, later this day, I will move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 7, 2018, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and
>
> That rule 3-3(1) be suspended on that day.

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

Hon. Senators: Agreed.

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON MAY 8, 2018

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

> That, 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, May 8, 2018, 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.

[*English*]

INTER-PARLIAMENTARY UNION

MEETING OF THE EXECUTIVE COMMITTEE OF THE INTER-PARLIAMENTARY UNION AND MEETING OF THE HIGH-LEVEL ADVISORY GROUP ON COUNTERING TERRORISM AND VIOLENT EXTREMISM, FEBRUARY 3-6, 2018—REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Inter-Parliamentary Union (IPU) respecting its participation at the meeting of the Executive Committee of the IPU and the meeting of the High-Level Advisory Group on Countering Terrorism and Violent Extremism, held in Geneva, Switzerland, from February 3 to 6, 2018.

MEETING OF THE STEERING COMMITTEE
OF THE TWELVE PLUS GROUP, MARCH 4-5, 2018—
REPORT TABLED

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Interparliamentary Union respecting its participation at the meeting of the Steering Committee of the Twelve Plus Group held in Lisbon, Portugal, on March 4 and 5, 2018.

QUESTION PERIOD

FINANCE

FISCAL TRANSPARENCY—CENTRAL VOTE 40

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The government is seeking approval for Treasury Board central vote 40, which provides $7 billion to implement Budget 2018 measures, none of which have gone through the scrutiny of the Treasury Board submission process. The government would be able to move this money to wherever it sees fit. Parliament would not learn how it was spent until after the public accounts are published in the fall of 2019, after the election.

With respect to this $7 billion fund, the Parliamentary Budget Officer noted in a report released Tuesday:

> . . . Parliament would now receive incomplete information and be able to exercise less control.

Would the government leader please tell us how this $7 billion fund squares with the Liberal Party's election promise, it's campaign promise to raise the bar on fiscal transparency?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question because it gives me the opportunity to do just that.

The honourable senator will know that with the tabling of the estimates this year, the government has put paid to its commitment to ensure that there are better alignment and more transparency with respect to the estimates that are usually tabled in the past, before the budget, and when the budget comes out they are behind the expenditures announced in the budget.

For the first time, this government has tabled, close after the budget, the estimates which provide for 100 per cent of the estimates relating to all of the measures in the budget.

It is true that this budget does have a vote, which is constrained by the detail in table A2.11 with respect to which initiatives can have access to this vote, and it is also constrained by the fact that all these items have to be reviewed by Treasury Board ministers, who are the only authority that can provide access to the constrained list of activities mentioned in the budget that are relevant to this vote.

I should add that Peter DeVries — if you have been involved in the supply process and budgets in Canada over years, you will know he is the king of detail on these matters — and former deputy of finance Scott Clark said:

> We would assign an "A" grade to the budget for fiscal credibility. . . .
>
> With respect to transparency the 2018 budget provides more detailed financial analysis and information than any budget that we can remember, and we go back a long way. For critics of the budget who felt such information was lacking, they should perhaps take the time to read the Annexes.

And finally, colleagues, I would reference the fact that the 2009-10 Main Estimates, which is the budget relating to the former government, provided for just such a fund without, of course, the transparency of the annexes to which I referred.

Senator Smith: I'm very impressed with the preparation that you had for that question.

As a supplementary, it is clear that this government's fund — and I didn't say slush fund — does not provide the accountability and transparency that Canadians were promised during the Liberal Party's last election campaign.

I did participate with Minister Brison a year ago when he started talking about the alignment. We're still far away from completion of the alignment. I respect the hyperbole that you announced a little earlier, but I think it may be a little on the overly positive side.

As the PBO noted in Tuesday's report, typically only urgent and unforeseen pressures funded through the contingency reserve have been treated in the same manner as this $7 billion fund.

Could the government leader please tell us what, if anything, is urgent or unforeseen that would require a $7 billion fund?

Senator Harder: The urgency, colleagues, is in fact transparency with respect to the budget tabled just prior to the estimates being presented to this place and the other. Precision was given in the annex with respect to what programs announced in the budget would have access to this.

I would simply compare that with the language used in the 2009-10 estimates process where the initiative of the previous government was simply ". . . to supplement other appropriations and to provide any appropriate Ministers with appropriations for initiatives announced in the Budget of January 27, 2009."

What this government has done, of course, is provide more transparency and ensured that there was an alignment with all of the items in the budget, as the annexes demonstrate.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

SANCTIONS AGAINST IRAN

Hon. Leo Housakos: Honourable senators, my question is for the government leader today concerning Iran. According to news reports yesterday, a senior Israeli intelligence officer is here in Ottawa seeking the Government of Canada's support to apply pressure on Iran to renegotiate the nuclear deal. The report goes on to say that Canadians were "noncommittal."

The U.S. government will decide by May 12 if it will remain in the deal with Iran or reimpose sanctions. In light of next week's deadline, Senator Harder, could you please tell us what is the Government of Canada's position on this matter? Does the Government of Canada believe the current agreement should be maintained or not?

Hon. Peter Harder (Government Representative in the Senate): Again, the record of the Government of Canada with respect to this important agreement is well known. Canada, together with other like-minded countries and particularly those involved in the negotiations, continues to believe that this framework provides the best assurance for the deterrence of a nuclear capacity in the Republic of Iran.

• (1400)

Senator Housakos: We all agree on that, but we also agree that governments have to respect agreements. We have to ensure that when they're not respected, benchmarks are also attached to those agreements.

The government leader may remember the case of a Canadian Iranian professor, Kavous Seyed-Emami, who died in an Iranian prison in February this year. In March, his widow, Maryam Mombeini, was barred from leaving Iran and returning to Canada. Could the government leader make inquiries to let us know what actions have been taken by your government over the last two months to help secure Ms. Mombeini's release from Iran to allow her to join her two sons at home in Canada? This government has been very big on dialogue between Canada and Iran, so hopefully that wonderful dialogue that has been created will produce some results when it comes to these cases.

Senator Harder: Again, honourable senator, it is the historical view of this government that engagement with Iran is important. That does not mean the Government of Canada is shy about advancing the concerns of our government and of the people of Canada with respect to human rights violations, including those that have been referenced in the question.

The ministers have taken the opportunity to do that at all occasions. In fact, they have concerted the comment with respect to human rights violations with other G7 countries. That is the approach the Government of Canada has consistently endorsed, and it is one I believe will ensure that we, along with like-minded countries, continue to apply appropriate pressure on the government of Iran.

[*Translation*]

INDIGENOUS AND NORTHERN AFFAIRS

INDIAN ACT—ELIMINATION OF SEX-BASED DISCRIMINATION

Hon. Patrick Brazeau: I put this question to the Minister of Crown-Indigenous Relations and Northern Affairs when she appeared before the Senate last Tuesday. I hope you will get her answer soon.

I am now going to put my question to the Leader of the Government in the Senate.

[*English*]

Senator Harder, as you are aware, like her predecessors, the current Minister of Crown-Indigenous Relations and Northern Affairs has enormous powers. They decide who in Canada is a status Indian and who is not. The department seems to be using a very strict beyond-a-reasonable-doubt standard to process applications when they should be using a balance-of-probabilities standard. Because of this, many First Nations people, including the families of Mike Maillet and Paul Racine, to name just a few, have to wait years, if not decades, to process their applications for status, yet social insurance cards and Canadian passports can be issued in less than 48 hours.

Will the government change the application process to ease the burden put on First Nation citizens?

Also, will the government get rid of the remaining sexual discrimination in the Indian Act, as it applies to the registration process, before the next federal election, yes or no?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. Like him, I wish that he had posed it to the minister when the minister was here.

Let me remind colleagues that through the work of this Senate, Bill S-3 was amended and the amendment was accepted. The process launched in that bill is now in play. The minister referenced in her appearance the deadline that is fast approaching for a report, and I, along with all senators, await that.

With respect to the other details of the question, I will certainly make inquiries of the minister, as the honourable senator has asked.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEES ARRIVING AT BORDER CROSSINGS

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate.

Under the current government, security at the Canada-United States border has made us an international laughingstock. Anybody can enter Canada via Roxham Road in Saint-Bernard-de-Lacolle and claim asylum. In the past year, no fewer than 24,000 illegal migrants have entered the province of Quebec via this road.

Since your government seems incapable of producing an immigration plan that would put an end to this situation, can you tell us what, if any, measures will be taken to speed up the processing time for refugee claims so it doesn't take five or six years?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I don't share the hyperbole of his preamble with respect to the porousness of the Canadian border. It is important for Canadians to be assured that there is integrity to our system. That integrity is played out every day as the men and women at the front lines of our immigration control system at ports of entry exercise so well their responsibilities.

With respect to the arrival at certain points of entry of spontaneous refugee claimants, the Government of Canada, as the senator will know, has recently reached agreements with Government of Quebec on the better management those entries. It has also taken a number of steps, which the Minister of Immigration referenced here in his previous appearance, to ensure that the processing of claims by the Immigration and Refugee Board is done on a more expedited basis.

I want to assure him and all Canadians that the refugee determination system in Canada is not broken, that our borders are not porous, and that we have a program of welcome and of adjudication that conforms to our international obligations and is of a high standard.

[*Translation*]

Senator Dagenais: Mr. Leader, I am a compassionate man. We must all be compassionate. Nevertheless, I would like to know why your government can't call this what it is: illegal entry.

Many people are patiently waiting to enter Canada legally. How are they supposed to interpret the government's inconsistent message?

[*English*]

Senator Harder: Again, I thank the honourable senator for his question. It's important for senators to have a good understanding of what our obligations are under the refugee determination system and what the protocols are associated with that. We have signed on to an international agreement, which allows the adjudication of well-founded fear of persecution by those who arrive at our borders, legally or illegally. That is the system that is then adjudicated through the refugee determination division of the Immigration and Refugee Board. In that context, they are not illegal; they are simply accessing the right of making a refugee claim, to which we signed on decades ago.

It is important for all Canadians to know that the entry through the immigration system is rigorous and well screened, and the interview processes and the security checks are well regarded by all international comparative groups. We should be proud as Canadians to have both an immigration system that is robust and that serves our interests and a refugee determination system that won Canada the Nansen Medal for our generosity in welcoming refugees from Indo-China through the refugee program and for our irregular refugee spontaneous arrivals that come to our border.

REFUGEE YOUTH APPLICATION PROCESS

Hon. Victor Oh: My question is for the government leader. It concerns a written question I submitted over two months ago regarding applications for citizenship submitted by persons under the age of 18. Among the questions I asked was how many applications under subsections 5(3) or 5(4) of the Citizenship Act were submitted by persons younger than 18 before June 19, 2017, requesting a waiver of the age requirement.

I still do not have an answer and continue to be greatly concerned with how Immigration, Refugees and Citizenship Canada intends to respond to the situation of those caught between the previous and the current citizenship laws.

One of the cases I'm familiar with involves an at-risk refugee youth who has been waiting to become a citizen for more than three years. He applied before the laws changed last June, which means he had to request a ministerial waiver given that his mother was unable to apply with him.

Now that all permanent residents under 18 can submit an application on their own, Immigration, Refugees and Citizenship Canada issued a letter asking him to resubmit his application under the new laws. However, he was given no guarantee that he will obtain citizenship anytime soon.

This is simply unjust. He will soon become an adult and pay taxes, but he will continue to be unable to vote or run for political office. He also will continue to have limited access to social benefits and be at greater risk of one day being deemed inadmissible to remain in Canada despite living here since he was a toddler.

• (1410)

The Hon. the Speaker: Excuse me, Senator Oh, but you are getting to your question soon, I hope?

Senator Oh: It's coming fast.

He is no different than his younger brother who is a Canadian citizen.

My question is: How much longer will youth caught between the previous and new citizenship law have to wait before receiving clarity on the processing of the applications?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He will know that I'm not in a position to respond to specific cases for privacy reasons. With respect to the question he asked, I will make inquiries and report back.

FISHERIES AND OCEANS

FISHING REGULATIONS

Hon. Rose-May Poirier: My question is for the Leader of the Government in the Senate. Last week, the Minister of Fisheries and Oceans met with the lobster harvesters to explain his decision to impose a ban in the area of zone 23 in northern New Brunswick. Basically, it was done due to certain United States senators who signed a letter asking for the NOAA to conduct an audit to ensure Canadian measures to protect their right whales meet the United States standards and if not, to impose a ban on the Canadian seafood imports.

According to the Director of the Centre d'éducation et de recherche de Sept-Îles, the right whales only migrate in June. Why is the minister imposing a ban on lobster fishermen in April when the right whales only migrate in June?

Hon. Peter Harder (Government Representative in the Senate): I will make inquiries of the minister to bring precision to the question. The minister did make announcements recently, to which the honourable senator referred, to ensure the integrity of the right whale population. With respect to the timing, I'm not aware of the April date. I'll make inquiries.

Senator Poirier: I would appreciate it, Senator Harder, if my question on this issue would be answered in a timely fashion, since it is an urgent situation for the communities and families affected by this decision. The lobster fishermen understand the situation and want to help to protect the right whales while maintaining their access to the U.S. market, but they are concerned and frustrated that this is being imposed on them with no consultation and a lack of scientific evidence.

Could you ask the minister, please, to provide the scientific evidence on which he based his decision?

Senator Harder: I will ask the minister, yes.

[*Translation*]

CANADIAN HERITAGE

ROLE OF MEDIA

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Today is World Press Freedom Day. In his press release on the occasion, Prime Minister Trudeau stated, and I quote:

From international broadcasters that bring the world into our homes, to local newspapers that empower us to shape the communities we live in — we know that a free press helps build stronger and healthier societies.

I noticed that the Prime Minister forgot to mention an important element of our media, specifically national media. Was that deliberate? Does the government believe that the demise of our national media is inevitable as we shift more and more towards digital, which is what the Minister of Canadian Heritage is promoting?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I think the honourable senator is drawing conclusions that don't exist. Clearly, the Prime Minister is referencing the important opportunity that all political leaders should draw attention to; that is, the importance of freedom of the press. Nowhere is that freedom of the press more precious to us all than on the front lines, where the press has been suppressed and, in too many cases, killed. It is a sign of respect that we all reference that in this day of commemoration.

[*Translation*]

Senator Carignan: How do you explain the fact that in his statement, the Prime Minister talks about international media and local newspapers, but completely overlooks national media like *La Presse*, *TheGlobe and Mail*, the *National Post* and the *Toronto Star*, which are under threat and fighting just to survive?

[*English*]

Senator Harder: I think it's entirely obvious that the Prime Minister's comments with respect to the media are broad. It is important to understand that the international media in particular face the hardships I referenced earlier. I'm afraid the honourable senator is drawing conclusions which aren't there.

[*Translation*]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

LEADER OF THE GOVERNMENT IN THE HOUSE OF COMMONS—VIDEO ENTITLED *THE CREATION OF THE GRO IN THE SENATE*

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 69, dated January 30, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Smith, regarding a video titled *The Creation of the GRO in the Senate*.

JUSTICE—BILL C-45 AND CANADA'S OBLIGATIONS UNDER THE *CONVENTION ON THE RIGHTS OF THE CHILD*

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 77, dated February 8, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Oh, with respect to Bill C-45 and Canada's obligations under the *Convention on the Rights of the Child*.

JUSTICE—HEALTH CARE COSTS ARISING FROM THE LEGALIZATION OF MARIJUANA

Hon. Peter Harder (Government Representative in the Senate) tabled the reply to Question No. 82, dated March 20, 2018, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator McIntyre, regarding health care costs arising from the legalization of marijuana.

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Day, for the second reading of Bill C-50, An Act to amend the Canada Elections Act (political financing).

Hon. Marc Gold: Honourable senators, I rise today to speak to Bill C-50, An Act to amend the Canada Elections Act (political financing). In the words of our esteemed colleague, Senator Baker, who is greatly missed, I will be brief.

The bill requires political parties to publicly advertise fundraising events attended by ministers, party leaders or leadership candidates where a contribution of more than $200 is required to attend. It also enacts a reporting regime regarding such events. The bill also introduces a number of important technical changes regarding nomination and leadership campaigns.

We have already heard the speeches of the sponsor and the opposition critic, and so I will not outline the content of the bill any further. That being said, the two speeches could not have been more different in the way they described the bill.

[*English*]

Senator Mercer praised it as providing greater transparency and accountability in relation to political fundraising, while Senator Frum dismissed it as a "do-nothing public relations attempt."

I agree with Senator Frum that the bill does not address many of the issues that have been identified as requiring attention, especially in recent reports of Elections Canada. Indeed, as was stated by Mr. Stéphane Perrault, the Acting Chief Electoral Officer for Elections Canada in his testimony before the Standing Committee on Procedure and House Affairs, Bill C-50 does not purport to be about fairness generally, nor about creating a level playing field. It is about "perceptions of privileged access."

Nevertheless, I would not be as dismissive as was Senator Frum in her remarks in this chamber. Even though I would have liked to have seen a more comprehensive reform package — and I very much look forward, as I know we all do, to our study of Bill C-76 when it does arrive in this chamber — Bill C-50 is nonetheless a positive step forward, as was stated by numerous witnesses in the other place, including former Chief Electoral Officer Kingsley, former Conflict of Interest and Ethics Commissioner Dawson and Professor Eric Montigny of the University of Laval.

That said, there are a number of issues that should be examined carefully in committee. Most of them were raised admirably by our colleague Senator Verner in her remarks on this bill in this chamber, and I commend her remarks to you. They include whether we should follow the Ontario example and prohibit any elected official from attending a fundraising event; whether the definition of fundraising events in the bill are inclusive enough; and whether the fines for non-compliance are sufficient. To these I would add the question of whether the bill should apply beyond ministers to include parliamentary secretaries.

Honourable senators, as I stated before in this chamber, I believe that we are overdue for a comprehensive reform of our election law. Such a reform should address third-party funding, and the challenge of foreign manipulation through social media and other mechanisms. It should take a fresh look at our funding model. Should we revisit the per-vote subsidy that was introduced by the Chrétien government but eliminated by the Harper government? Should we lower the maximum contribution from the current level of $1,550, whether to $100, as in Quebec, or some other amount? Should we introduce a matching fund model? But none of that is what is before us today.

• (1420)

I remember when I was invited to write a book review for a scholarly publication many years ago. As a young law professor, of course, I sought the advice of a senior colleague who offered me the following advice, which I have really tried to follow ever since. He said, "Ensure that you review the book that was written, not the book that should have been written."

Honourable senators, our job in the Senate is to provide critical review of the legislation that is before us and not to dwell on what should have been included but was not. At second reading, it is to focus on the overall principle of the bill, its purpose, its objective, its scope. From that vantage point, Bill C-50 is a positive, albeit modest, step in the right direction, a step toward greater transparency and accountability. I do support it in principle. I encourage you to do the same.

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

Senator Martin?

Hon. Yonah Martin (Deputy Leader of the Opposition): I have one question for Senator Gold.

Senator Gold: With pleasure.

Senator Martin: With respect to your last comment regarding how to look at this bill at this point, at second reading, in principle, I was wondering if you would apply the same principle to Senator Frum's bill and support that bill to go to committee for study.

Senator Gold: Thank you for your question. As you know, Senator Martin, I have already spoken to Senator Frum's bill in this chamber. I pointed out some of the issues that her bill raises, including some of the challenges with the bill. I might have shared with this chamber the difficulty I had in coming to a final conclusion. You might recall — this gives me an opportunity to be cliched one more time — I said that, despite my reservations, I would support sending this to committee because, otherwise, it would be to let the better be the enemy of the good.

In principle, I believe that we should move our legislation expeditiously through the legislative process. It is especially true when we're dealing with government bills. I hope that answers your question.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Mercer, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

ACCESS TO INFORMATION ACT
PRIVACY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cools, for the second reading of Bill C-58, An Act to amend the Access to Information Act and the Privacy Act and to make consequential amendments to other Acts.

Hon. Claude Carignan: Honourable senators, today, May 3, 2018, we celebrate World Press Freedom Day. It is only fitting that I share with you my observations on Bill C-58. In fact, access to information and a free press are two pillars of democracy. There couldn't really be a free press if the government didn't provide access to information on how it operates. What is more, a free press is the best way to relay information to the public. Free access to complete, understandable, and high-quality information is vital to a healthy democracy. Access to information on government decisions enables citizens to form reasoned opinions of that government's actions.

In 2018, technology allows, or rather should allow, anyone with a computer and an internet connection to quickly and easily access reams of public information. On this file, however, Canada and in particular the federal government are having a hard time joining the 21st century.

Bill C-58 is profoundly disappointing to those interested in the issue of access to information and freedom of the press. First, it does not meet the expectations that the Trudeau government had set, and second, it is in some ways a step backward with regard to the current situation. Most of all, it is a missed opportunity to modernize the access to information regime.

This bill does not meet expectations. As Senators Pate, McCoy and Pratte explained, Bill C-58 is not at all what Justin Trudeau promised. I would add that Bill C-58 has dampened the enthusiasm generated by the review of the 1983 legislation.

I would like to provide a brief history of the federal access to information regime and the hopes for real change in recent years.

Change has been a long time coming. The Access to Information Act was passed in 1983. Some minor amendments were made by the Harper government in 2006, but essentially Canada still has a system from 1983, predating the Internet and even the fax machine. I would like to quote one Justin Trudeau, then the leader of the second opposition party, during the debate on his private member's bill, Bill C-613. He stated:

> There is no doubt that our current access to information regime is outdated and needs to be updated to reflect governance and technologies in the 21st century. The world's most advanced access to information systems were updated five years. Ours dates back to the 1980s.

I completely agree with Mr. Trudeau, at least concerning the 2015 version. It is rather remarkable that, in all the years he was an opposition MP, the member for Papineau only introduced one bill, and that was the bill to amend the Access to Information Act. It seemed to be very important to him.

In 2015, the former Information Commissioner, Suzanne Legault, presented a report entitled *Striking the Right Balance for Transparency,* which called for a full review of the Access to Information Act. With some 85 recommendations, this report could very well have been the basis for the review of the law that Commissioner Legault called outdated.

A few months later, during the 2015 election campaign, the Liberal Party set the bar for government transparency very high. A full chapter of the election platform was dedicated to an open and transparent government. In this chapter, the Liberals promised to make government information more accessible, specifically by amending the Access to Information Act to make data and information open by default, in formats that are modern and easy to use.

Then there's Minister Brison's mandate letter and his two-phase plan.

[*English*]

In this context, it is not surprising that, after the election, the Prime Minister gave the President of the Treasury Board the mandate to:

> . . . enhance the openness of government, including leading a review of the *Access to Information Act*. . . .

More specifically, the Prime Minister asked that the Information Commissioner be empowered to order government information to be released, that the act apply to the Prime Minister's and ministers' offices, and that the act apply to administrative institutions that support Parliament.

[*Translation*]

Not long after, Minister Brison explained that the act would be modernized in two phases. First would be the early wins, as he called them, referring to fees and proactive disclosure. Then there would be an in-depth review of the act in 2018. I'll let you judge for yourselves whether the minister is on the right track to fulfill his mandate.

• (1430)

While the minister was pondering amendments to the act, the House of Commons Standing Committee on Access to Information, Privacy and Ethics studied the matter and produced a report in June 2016 that contained 32 recommendations.

That is where things stood before Bill C-58 was introduced. The minister had a clear mandate, detailed recommendations from the commissioner and members of Parliament, and an electoral mandate.

[*English*]

Finally, after 18 months, because, as Minister Brison said, "We have to do it right," Bill C-58 was tabled in June 2017. The level of disappointment in looking at Bill C-58 is equal to the level of expectations created by the Trudeau government. This bill is very far from the promises of sunny ways in access to information.

[*Translation*]

That is not the worst of it though. In some ways, this bill is a step backward. This bill actually makes things worse. That's not according to me; it's according to the former Information Commissioner, Suzanne Legault. In her report on Bill C-58, which was tabled in the Senate in September 2017, she said, and I quote:

> Rather than advancing access to information rights, Bill C-58 would instead result in a regression of existing rights.

She is absolutely right.

Allow me to point out some of the bill's major flaws.

Clause 6 makes it harder to file a request. Under Bill C-58, requesters will have to provide more information and more details about their requests. The government has essentially given bureaucrats who want to decline a request the justification to do so. Yes, the House of Commons committee relaxed those requirements somewhat, but clause 6 still makes it harder to comply with the act. As Commissioner Legault commented, if Daniel Leblanc, the journalist who uncovered the sponsorship scandal, were to file the same access to information requests today, they would be rejected under Bill C-58 as drafted. That speaks volumes about what a massive regression Bill C-58 really is.

Proposed subsection 6.1 is about reasons for declining a request. The government is inserting a new subsection 6.1 into the act, to give the federal government the right to reject an access to information request if it does not meet the criteria set out in the act. Here, again, MPs were able to tighten up this provision somewhat, but it is still too broad and too dangerous. I understand that the government wants to avoid having to deal with extremely vague requests for huge amounts of documents that would be laborious to compile, but in seeking to impose efficiency objectives on the act, there is a risk of giving the government more power to reject requests.

Proposed subsection 11.2 is about fees. According to the consultations that the government held before tabling Bill C-58, the issue of fees is a major concern for information requesters. It is true that fees have gotten out of hand in the past, with the government demanding fees of thousands of dollars. The government should therefore be commended for its decision to bring the fee back down to a minimum of $5. However, Bill C-58 leaves the door open for later changes by allowing extra fees to be added by regulation.

Next, there is the fact that the commissioner's decisions would not be binding. Another problem with Bill C-58 is that it gives the government the right to demand a *de novo* review of the commissioner's decisions by the Federal Court. Yet, during the 2015 election campaign, the Liberal Party promised to empower the Information Commissioner to issue binding orders. Why did Minister Brison not keep his party's promise? Whatever the reason, this regression is unacceptable.

Given the differences in resources, the public administration enjoys the benefit of a nearly insurmountable advantage in a dispute with a citizen. The fact is, the judicial review process created by Bill C-58 would enable the administration to render a request for information null and void, either by creating backlogs or simply wearing down the requestor. I wouldn't want to prejudge the work of the committee that will study the bill, but I think mechanisms to correct that particular situation must be developed. For instance, I do not understand why the legislation should provide for an appeal *de novo* rather than a simple judicial review of the commissioner's decisions.

There is now a five-year review. In keeping with its campaign promise, the government is introducing an automatic review process every five years by creating subsection 93(1), which is commendable. The problem, however, is that the minister is the one to oversee the review. It would be much more appropriate for a parliamentary committee, a joint House of Commons and Senate committee, for example, to carry out this exercise. It seems to me that, in Montesquieu's vision of the separation of powers, the minister who represents the administration is not entirely neutral in a debate on the scope of citizen's oversight powers of that administration.

These are some of the major problems with Bill C-58. On top of those concerns, I would add that the bill raises some important questions about respect for solicitor-client privilege and about violations the government wants to create.

Finally, what about the matter of the government interfering in the business of the Senate, the House of Commons and parliamentarians by including the obligation to proactively disclose expenses in the Access to Information Act? On reading these provisions, two questions sprang to mind. Why did the government feel it necessary to enshrine into law something that already occurs under our Rules? Is it simply to make Bill C-58 longer and seem more substantial than it really is? More to the point, why did the government feel it had the authority to legislate on the internal affairs of both chambers of Parliament? We will have to look at a few things, including the Speaker's authority to rule on parliamentary privilege in such matters.

As you can see, the government is not only failing to keep its promises with Bill C-58, but is also creating new problems.

The most striking thing about this bill is the missed opportunities and what the government failed to include. A number of things are missing, including the obligations of the Prime Minister's Office. Let's be honest, Minister Brison did not respect his mandate letter with regard to the Prime Minister's Office. Over the years, the Prime Minister's Office has become the decision-making centre for the entire government. We are now talking about more than 100 political advisors. Are we to believe that there aren't any documents in the PMO that might help us understand how the government arrives at certain decisions?

As a number of people, including former Commissioner Legault, have pointed out, Bill C-58 does nothing to clear the backlog of requests. In September, a study by News Media Canada indicated that the access to information system is overburdened. The study showed that the system is now performing more poorly than it did in the last years of the Conservative government.

[*English*]

To give you an idea of how ridiculous the situation has become, there was an article on April 12 in the *Toronto Star* that I want to quote.

> Library and Archives Canada is promising to fulfill an Ottawa researcher's access to information request. It just needs until 2098.

You heard it correctly — 80 years. That is how long the administration is asking the citizen to wait.

[*Translation*]

Bill C-58 is not going to fix this situation. I do not see how this bill will help reduce processing times, unless the new criteria result in an increase of refusals.

To achieve the objectives of the Access to Information Act, not only must the documents be provided, but they must be provided in a timely manner. Asking a citizen to wait 80 years for a reply is even worse than saying no; it is an insult. If we want to modernize the Access to Information Act, we must deal with this culture of delay.

Let's now examine the obligation to document. A modern piece of legislation must also include the administration's obligation to document its decision-making processes. The current act provides access to existing documents. But what happens if there are none or if public officials forgot to take notes?

• (1440)

As I mentioned, the purpose of the law is not to give access to a particular document. That is the means. The purpose of the bill is to give Canadians the information they need to understand and judge bureaucratic decisions. If public servants knowingly or inadvertently fail to document their decisions, Canadians will be deprived of that right. Unfortunately, Bill C-58 does not add anything in that regard. This government has done nothing, despite the fact that, in 2015 and 2016 respectively, the commissioner and MPs recommended that the duty to document be added to the act.

Another issue that this bill does not address is the need to eliminate the culture of secrecy. The bill does not even touch on the principle of open by default. The government promised a radical change in philosophy, but there is nothing in Bill C-58 to eliminate the culture of secrecy. I would like to give two examples of just how ridiculous this situation has become. The 2016-17 public accounts show that $29,015,000 was paid to two people or entities whose names have been kept confidential in order to fulfill a contractual agreement and settle a claim for general damages. We are talking about $29 million dollars for two persons. *Le Journal de Montréal* has been trying to get information about that payment for five months but has found it impossible to do so. The documents provided under the Access to Information Act are either redacted or withheld altogether.

Esteemed colleagues, the Senate implemented a rigorous system of proactive disclosure. None of us can grant a contract unless the details are made public. Every dollar we spend can be scrutinized, and rightly so. However, the government can give $29 million to two persons and no one knows who was given the money or why. I am not saying that the government should not have given them the money, but it is impossible for Canadians to know whether the government made a sound decision or not.

Similarly, the Trudeau government refuses to provide details on the agreement it signed with Netflix. This is not for lack of requests for information. I asked the government leader about

this many times, and access to information requests were submitted. No information was released. The government is exempting a multinational corporation from Canada's tax laws. It has signed an agreement to this effect and is losing out on millions of dollars in tax revenue, but Canadians can't read what is in this agreement.

The government needs to change its attitude. An access to information request must no longer be considered a burden or a problem to be fixed by giving as little information as possible. When journalists, citizens or other people file access to information requests, too many bureaucrats see these requests as attacks they must protect themselves from by doing the bare minimum to comply with the spirit of the act. Canadians have the right to know who can receive $29 million of their tax dollars and why. Canadians have the right to know what kinds of gifts the government is giving Netflix. None of this information relates to national security or would put anyone's life in danger. Why is the government hiding this information? The culture of secrecy needs to go.

Esteemed colleagues, there are now 3,500 public servants — yes, I said 3,500 public servants — responsible for government communications. This is twice as many as there were 20 years ago. The Internet makes it possible to access thousands of pages of information remotely, yet wait times are still longer and the government's decision-making process is just as secretive. I don't think that this is due to a lack of resources, but rather to a lack of willingness.

I do not believe that this lack of willingness goes back only as far as 2015. I am quite aware that the previous government could have and should have done more. However, we have the opportunity to debate this bill now, and I don't see why we should justify doing nothing just because others did nothing and we could just go along with that.

Finally, it is ironic that the government decided to amend section 2 of the act. The new proposed section reads as follows:

> The purpose of this Act is to enhance the accountability and transparency of federal institutions in order to promote an open and democratic society and to enable public debate on the conduct of those institutions.

Colleagues, that is exactly what the Access to Information Act should do. However, Bill C-58 does not meet that objective. This bill does not need amendments, it needs a complete overhaul. I mentioned a few changes that should be studied. There are many more, especially pertaining to the scope of the act and the definition of the organizations it applies to.

What are we to do? Senator Pate spoke about this. A number of Indigenous groups have asked that Bill C-58 be simply withdrawn. Former information commissioners have spoken out against it. Several commentators hope it will not be passed. Senator McCoy pointed out that Bill C-58 makes a mockery of the very essence of access to information, and I share her opinion. She wanted the Senate to block the bill, but she dares not do it now. It is true that it is not customary for us to do so. However, it is the right of the Senate to reject a bill at second reading.

In his remarks, Senator Pratte said he thought Bill C-58 could be improved. That's why he recommended sending it to a committee. I admire his optimism and I hope he's right, but I have my doubts. MP Murray Rankin did his best to make amendments during the committee's study, but Bill C-58 is so restrictive that all amendments designed to improve access to information were deemed inadmissible because they were beyond the scope of the bill.

I believe that if the committee is given the opportunity to carry out a thorough study of Bill C-58, all of its flaws will be brought to light. Who knows? We may even be able to resurrect the movement for real change to the Access to Information Act. Commissioner Legault's 2015 report and the 2016 House of Commons committee report are excellent starting points for this undertaking, and the committee that examines this bill should draw heavily on the recommendations in those reports as they draft specific amendments.

The Senate has proven that it can move the needle when it comes to Canadians' rights. Last week we learned that Canada has moved up to 18th position in the Reporters Without Borders 2018 World Press Freedom Index. That is a modest improvement over its 22nd place in the 2017 ranking. As a Canadian, I would like to see Canada ranked number one on the World Press Freedom Index.

According to a Reporters Without Borders report, and I quote:

> This modest improvement is due to the establishment of the Chamberland commission in Quebec to investigate police surveillance of multiple journalists and Ottawa's passage of a shield law to protect the confidentiality of journalists' sources.
>
> Canada has returned to its 2016 position (18th place), but still places far below its 2015 ranking, before the Trudeau government came to power (8th place).

Given that the Access to Information Act is a quasi-constitutional act, according to the Supreme Court, it seems to me that the Standing Senate Committee on Legal and Constitutional Affairs would be the appropriate place to study this legislation. The committee would have to make sure it hears from a broad range of witnesses and make the recommendations needed to ensure that Canada has an access to information system worthy of the 21st century. I understand that the government is in a hurry and would like us to pass this bill quickly, but after 35 years, Canada can afford to wait a few more weeks. If the government refuses to accept any changes we propose, we need to assume our responsibilities. We need to make sure that Canada does not take a step backward when it comes to access to information, but rather that we rise to first place among countries where freedom of the press reigns. Thank you.

[*English*]

Hon. Pierrette Ringuette: Colleagues, I wish to thank Senator Carignan for his comments on Bill C-58, and I do believe that now it's time for the question.

(On motion of Senator Martin, debate adjourned.)

• (1450)

[*Translation*]

TRANSPORTATION MODERNIZATION BILL

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS AND DISAGREEMENT WITH CERTAIN SENATE AMENDMENTS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a message has been received from the House of Commons, returning Bill C-49, An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Act, which reads as follows:

Thursday, May 3, 2018

ORDERED,—That a Message be sent to the Senate to acquaint their Honours that this House:

agrees with amendments 2, 7(a) and 10(b) made by the Senate;

respectfully disagrees with amendments 1(a)(i), 1(b), 5(a)(i), 5(b) because the issues raised by the amendments are addressed in the bill or by existing legislation;

respectfully disagrees with amendment 1(a)(ii) because this would affect the Minister's ability to issue a decision on an application for a joint venture within the timelines set forth in the bill;

respectfully disagrees with amendments 3 and 4 because the passenger rights will be established in regulation by the Canada Transportation Agency, as opposed to the airlines, and will automatically be incorporated into an airline tariff for the benefit of the passenger, and furthermore, Bill C-49 does not preclude third party advocates from filing complaints on the content of terms and conditions of tariffs they find unreasonable;

respectfully disagrees with amendment 5(a)(ii) because Bill C-49 mandates new regulations that would specify carriers' obligations or standards of treatment of passengers for any delays, including a tarmac delay, as well as specific obligations for tarmac delays of more than three hours;

respectfully disagrees with amendment 5(a)(iii) because further study and consultation with concerned parties, including the federal agencies responsible for official languages, the Official Languages Commissioner and the industry stakeholders are required to better understand the economic implications and competitiveness on the Canadian air sector;

proposes that amendment 6 be amended by replacing the text of subsection (1.01) and (1.1) with the following "(1.1) For the purpose of an investigation conducted under subsection (1), the Agency shall allow a company at least 20 days to file an answer and at least 10 days for a complainant to file a reply. (1.11) The Agency may, with the authorization of the Minister and subject to any terms and conditions that the Minister considers appropriate, of its own motion, conduct an investigation to determine whether a railway company is fulfilling its service obligations. The Agency shall conduct the investigation as expeditiously as possible and make its determination within 90 days after the investigation begins.";

proposes that amendment 7(b) be amended by replacing the text with the following text "in Canada that is in the reasonable direction of the shipper's traffic and its destination;";

in order to keep the intent of the Senate amendment 7(b), proposes to add the following amendment to Clause 95, subsection (5), page 64, by replacing line 8 with the following "km of an interchange in Canada that is in the reasonable direction of the shipper's traffic and its destination";

respectfully disagrees with amendment 7(c) because shippers in the Maritimes will continue to have access to other shipper remedies in the Act;

respectfully disagrees with amendment 8 because the final offer arbitration is not intended to be a cost-based remedy but rather a commercially-based process to settle a dispute during a negotiation of a confidential commercial contract;

proposes that amendment 9 be amended by replacing the text of the amendment with the following text "59.1 (1) Schedule II to the Act is amended by replacing "Bean (except soybean) derivatives (flour, protein, isolates, fibre)" with "Bean (including soybean) derivatives (flour, protein, isolates, fibre)". (2) Schedule II to the Act is amended by replacing "Beans (except soybeans), including faba beans, splits and screenings" with "Beans, including soybeans, faba beans, splits and screenings". (3) Schedule II to the Act is amended by adding, in alphabetical order, "Meal, soybean", "Meal, oil cake, soybean", "Oil, soybean" and "Oil cake, soybean".";

respectfully disagrees with amendment 10(a) because it would significantly impact the ability of railways to ensure the safety of railway operations.

ATTEST

Charles Robert
The Clerk of the House of Commons

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

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

[*English*]

CANNABIS BILL

BILL TO AMEND—ELEVENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Aboriginal Peoples (*Subject matter of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*), tabled in the Senate on May 1, 2018.

Hon. Lillian Eva Dyck moved:

> That the eleventh report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on Tuesday, May 1, 2018, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Indigenous Services Canada being identified as minister responsible for responding to the report, in consultation with the Ministers of Crown-Indigenous Relations and Northern Affairs, Health and Finance.

She said: Honourable senators, on May 1, 2018, the Standing Senate Committee on Aboriginal Peoples tabled our report outlining the committee's findings and recommendations from its study of the subject matter of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, insofar as it relates to the Indigenous peoples of Canada. The committee's study took place between February and April 2018.

In response to witness testimony, the committee's report includes 10 recommendations divided into two parts. The first two recommendations are recommended amendments to Bill C-45, and the second set of recommendations are policy recommendations to the Government of Canada and relevant government departments. These recommendations were made by witnesses but are addressed either in other pieces of legislation, are not within the scope of Bill C-45, or are non-legislative matters within the authority of the federal government.

In the case of the excise tax recommendation, the Senate itself is prevented from making an amendment that would result in the appropriation of funds or a new taxation measure. This is an important fact to note and underlies part of our recommendation to delay the coming into force of the bill.

With regard to those we heard from and what they said, the committee recognizes the complexity of studying the implications of the proposed legislation of cannabis on Indigenous communities. However, given the time constraints, the committee is fortunate to have heard from a wide range of witnesses.

The committee's report is informed by testimony held over five meetings in Ottawa, one meeting in Winnipeg, as well as briefs received from organizations and individuals.

The committee heard from a diverse group of 23 witnesses, including Indigenous organizations, First Nations, Inuit elders, police services, Indigenous cannabis industry groups and the Manitoba Advocate for Children and Youth representing the Canadian Council of Child and Youth Advocates.

The committee's report is organized around the following themes raised during its hearings: consultation, public education, mental health and addiction services, justice and policing, jurisdiction, and economic development.

With regard to consultation, we heard that Indigenous communities and organizations were not consulted on the proposed legalization of cannabis. Where consultations had taken place, the committee heard that these sessions were inadequate, providing few opportunities for meaningful Indigenous participation. With regard to public education, the committee heard that Indigenous communities lack culturally specific public education materials on this subject of cannabis and its health effects.

• (1500)

With regard to mental health and addictions, we heard from witnesses, including Indigenous elders, Indigenous communities and front-line service providers who raised concerns about the lack of access to and funding for culturally specific mental health and addictions services.

With regard to justice and policing, the committee heard about the need, due to the proposed legislation of cannabis, for proactive policing focused on prevention, but that the resources and labour force were insufficient to help move beyond crisis mode response.

With regard to jurisdiction, the committee heard that First Nations were in agreement that they should have a mechanism available to them as an essential element of self-government to permit or prohibit access to cannabis on their own territories.

For example, while First Nations can ban alcohol from their reserves, they will not be able to ban cannabis unless other measures are enacted.

With regard to economic development, the committee heard that some communities are interested in economic development opportunities as a result of the proposed legislation on cannabis. First Nations, Indigenous businesses and organizations proposed ways to allow for First Nations to collect and distribute excise tax revenue charged to on-reserve cannabis manufacturers.

The committee, therefore, has recommended an amendment to delay the coming-into-force of the bill for up to a year to allow time for Indigenous communities and the federal government to negotiate and agree on the following five deliverables: first, the implementation of a cannabis excise tax revenue-sharing regime; second, increased funding for mental health and addiction services; third, the development and funding of culturally sensitive public education materials on cannabis; fourth, the

establishment of additional residential addiction treatment centres; and, fifth, the recognition and affirmation of the inherent right of Indigenous communities to self-government, including the right to regulate cannabis.

The committee also recommends an amendment prescribing preferential production licences for producers on lands under the jurisdiction or ownership of Indigenous communities.

The report also provides eight policy recommendations to the Government of Canada related to the implementation of the proposed legislation of cannabis as well as the necessary health and societal supports required including: First, developing and providing stable funding for culturally specific education materials about cannabis; second, enabling Indigenous communities to restrict cannabis on their lands; third, respecting the right of Indigenous communities to establish their own cannabis and taxation regimes; fourth, increasing funding on an urgent basis for mental health and addictions programs, residential treatment centres, health services, traditional healing centres and police services that serve Indigenous people and communities in anticipation of increased demand due to the proposed legalization of cannabis; fifth, increasing the number of residential addictions treatment centres in anticipation of increased demand due to the proposed legislation of cannabis and the establishment of residential addictions treatment centres for Indigenous peoples in Nunavut, the Northwest Territories and the Yukon; sixth, committing cannabis excise tax revenues towards investments in front-line mental health and addiction service delivery, treatment facilities in the vicinity of communities, public health programs and recreational infrastructure in the communities; seventh, working with First Nations and First Nations institutions to allow them to collect excise tax on cannabis production; and, eighth, reserving 20 per cent of all cannabis licences for production activities on lands under the jurisdiction or ownership of Indigenous governments.

In conclusion, the committee heard that the proposed legislation of cannabis may have a disproportionate impact on Indigenous peoples. Indigenous peoples must be meaningfully consulted on legislation that affects them, including the proposed legislation of cannabis. The committee ultimately believes that Indigenous peoples have the inherent right of self-determination, including the appropriate law-making authority to make meaningful decisions that affect the lives of their people and communities, such as regulating cannabis.

The committee supports Indigenous communities that want to fully participate in the cannabis market, especially given the economic opportunities missed by these communities in the past. Interested Indigenous communities should have the appropriate tools to seize economic opportunities as they arise.

Due to the legislative structure and drafting of Bill C-45, we found and were told that there was no appropriate mechanism to amend certain clauses of the bill in order to address our concerns. Moreover, on the issue of the specific recommendation on the excise tax, we were advised that this would be beyond the scope of the Senate as it dealt with taxation and appropriation measures.

We are hopeful this report and its recommendations will provide clear guidance to the Standing Senate Committee on Social Affairs, Science and Technology to guide their deliberations on Bill C-45. We are specifically asking for a response without delay from the Government of Canada with regard to our eight policy recommendations, which are fundamental to accommodating the needs of Indigenous peoples with respect to legalizing cannabis.

Honourable senators, it's interesting that only yesterday, at the AFN Special Chiefs Assembly, there was a resolution passed with regard to this bill entitled "Federal Recognition of First Nations Jurisdiction over Recreational and Medicinal Cannabis." It's important to note for the record part of what this resolution states. I'll read several of the clauses. Under the "Whereas," section, it states:

> D. As it currently stands, Bill C-45 makes no room for the inclusion of First Nations governments within the proposed Act.
>
> E. The federal and provincial governments must recognize and respect First Nations sovereignty and jurisdiction over their reserves and traditional territories.
>
> F. In December 2017, the federal government reached a deal with the provinces to divide the excise duty collected on the sale of cannabis, a 75-25 split in favour of the provinces, owing to the costs they will incur with legal cannabis.
>
> G. The federal government has committed to a new First Nations fiscal relationship based on First Nations fiscal powers to implement First Nations jurisdiction in areas such as cannabis regulation. However, the lack of First Nations inclusion in the cannabis tax framework is a missed opportunity for the federal government to demonstrate its commitment to a nation-to-nation relationship that incorporates First Nations governments into the federation.

It goes on to state:

> THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:
>
> 1. Direct the Assembly of First Nations to inform Canada that First Nations must be consulted by the federal and provincial governments to ensure their full involvement in the design of licensing, production, distribution, and sale of legalized cannabis.
>
> 2. Call upon Canada to amend Bill C-45 to recognize that First Nations jurisdiction supersedes provincial legislation and regulation as it pertains to cannabis licensing, production, distribution and sale of legalized cannabis.

I put this on the record, honourable senators, because it underscores that what the committee heard was something that is felt all across the country. It is shown in the resolution that was passed just yesterday at the Special Chiefs Assembly. Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1510)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of earlier this day, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, May 7, 2018, at 6 p.m.;
>
> That committees of the Senate scheduled to meet on that day be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto; and
>
> That rule 3-3(1) be suspended on that day.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

CONSTITUTION ACT, 1867
PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—ORDER RESET

On Other Business, Senate Public Bills, Third Reading, Order No. 2, 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. Terry M. Mercer (Deputy Leader of the Senate Liberals): This item is at day 14, and I do intend to speak to this bill. Therefore, with leave of the Senate, I would ask consideration that it be postponed until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

CANADA REVENUE AGENCY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Downe, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-243, An Act to amend the Canada Revenue Agency Act (reporting on unpaid income tax).

Hon. Patricia Bovey: Senators, I rise today to speak to Bill S-243, An Act to amend the Canada Revenue Agency Act, reporting on unpaid taxes.

Senator Downe, who introduced the bill, has been a tireless advocate in holding CRA to account for Canadians, and I know his efforts have been greatly appreciated.

We all as senators represent the voices of those who do not otherwise have a voice in this chamber as we ensure fairness and equality among all Canadians. This is what this bill does and what I am doing in support of it.

The genesis of Bill S-243 was a request by Senator Downe to have the Parliamentary Budget Officer undertake a study of Canada's tax gap in the absence of CRA conducting one of its own. The PBO was unable to obtain the data needed to undertake the study from CRA for a period of five years. CRA has recently agreed to provide data to the PBO, but this bill remains relevant today.

Bill S-243 would require the Canada Revenue Agency to report on all convictions for tax evasion, including international tax evasion, and on the tax gap in the annual report CRA submits to the Minister of National Revenue for tabling in Parliament. It also requires the minister to provide data on the tax gap to the Parliamentary Budget Officer.

Bill S-243 is very important in that it provides a definition of the tax gap as well as the basis for a calculation of the estimated amount that tax gap is in Canada. As of today, we really have no reliable estimate on what that tax gap is. Various attempts have been made at an estimate. As Senator McIntyre mentioned, the Conference Board of Canada arrived at a tax gap estimate at the federal level of between $8.9 billion and $47.8 billion annually, depending on the methodology used.

Over a dozen countries now measure and report on their respective tax gaps. Indeed, the United States has been doing so in some form since the 1980s and the U.K. since 2001. Studying the tax gap provides several benefits to countries that do it, and I quote from a 2006 article in the *Journal of Tax Research*:

> It helps identify the type of non-compliance that contribute to the tax gap. It identifies where resources should be allocated within a tax authority to combat non-compliance. It measures the effectiveness of a tax authority.

The question of methodology is an important one in the context of measuring the tax gap. The only way we might arrive at the correct methodology really is to annually study the tax gap. Doing so will lead to a better understanding of the factors involved and lead us to more accurate estimates.

In the United States, the Internal Revenue Service, which estimates their tax gap, studied the tax years 2008 to 2010 and found no significant change since the last study conducted in 2006. What is interesting about this particular study is the confidence in how the IRS portrays its numbers:

> The small increase in the estimated size of the tax gap and the small decrease in the voluntary compliance rate are largely attributable to improvements in the tax gap estimation methodology, and do not represent a significant change in underlying taxpayer behaviour.

To me, this is key. Without a regular estimation of the tax gap, we cannot improve the manner in which we collect and assess information to arrive at an accurate figure as possible.

The second part of Bill S-243 would compel the Minister of Revenue to provide the Parliamentary Budget Officer with the data on the tax gap collected and any additional information that the PBO considers relevant in conducting a further analysis of the tax gap.

The PBO is well-positioned as an independent body to conduct such an examination. Having the PBO report to Parliament directly is beneficial. The reports issued by the PBO have been providing valuable independent analysis since 2006.

As a comparison, in the United States, the Government Accountability Office, the GAO, is an independent, non-partisan agency that works for Congress. In 2017, the GAO was asked to review the Internal Revenue Service's tax gap estimate for the period of 2008-2010, the date of the latest review conducted by the IRS. The report by the GAO contains information on the main drivers of the tax gap, the confidence level of the IRS in its tax gap estimates, the goals of the IRS in reducing the tax gap and the extent to which the IRS uses tax gap estimates to develop strategies to reduce the tax gap.

The GAO made several recommendations in that report, none more important than that the IRS used the information collected in order to develop a comprehensive plan to update tax compliance strategies. Estimating the tax gap is one thing. Using the data to recoup the lost revenue is what Canadians are really looking for. I would expect the PBO report on the tax gap to be as comprehensive as that of the GAO.

Senator Downe has spoken in this chamber and has published several op-eds on the CRA. He has pointed out there exists a gap in trust, which exists among Canadians and the agency. In his speech at second reading, he mentioned the billions of dollars the CRA has claimed to have invested in fighting tax evasion. Senator McIntyre mentioned this in his speech as well. The reality is that this amount has not actually been spent and will be spent over the next six years.

Senator Downe has also pointed out other issues, such as the agency purchasing newspaper ads to promote its own actions, false call centre statistics and the rejection of claims under the Registered Disability Savings Plan, and the reticence of the agency to pursue offshore tax havens. These have all added to the trust gap between the CRA and Canadians.

This leads to a concern I have regarding the exchange of data on the tax gap between the CRA and the PBO. Will this bill create a one-off between the two or will the PBO regularly receive tax gap data from the CRA in order to continue to study the issue? I would like to propose a friendly amendment at committee stage, which will allow for the PBO to continue to monitor the situation so that the data might be turned over on a regular basis, be that annually or every two or three years. It can be discussed.

Senators, a great majority of Canadians pay their taxes in full and on time, and we have all just done it. CRA, in refusing to estimate the tax gap for so long, has done a disservice to Canadians. If we're truly looking at lost revenue ranging from somewhere between $9 billion and $50 billion, we are also looking at an agency which has dropped the ball on maintaining the integrity of our tax system.

• (1520)

Bill S-243 would be a good step in restoring some of Canadians' lost confidence in the CRA.

Thank you.

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Wells, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure honourable senators to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

FEDERAL FRAMEWORK ON POST-TRAUMATIC STRESS DISORDER BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Enverga, for the second reading of Bill C-211, An Act respecting a federal framework on post-traumatic stress disorder.

Hon. Nancy J. Hartling: Honourable senators, I rise today to speak on Bill C-211, an Act respecting a federal framework on post-traumatic stress disorder. As many of you have already highlighted in your speeches, this is a crucial mental health issue that impacts many Canadians from all walks of life.

Along with many of you, I agree with the principle of the bill, which is to bring key stakeholders together to create a federal framework ". . . to address the challenges of recognizing the symptoms and providing timely diagnosis and treatment of post-traumatic stress disorder."

My remarks today will focus on two main points: First, I would like to expand on what post-traumatic stress disorder is, most often referred to as PTSD, and whom it may affect; and second, I will stress that the proposed framework should be developed with the application of the GBA+ tool.

What is PTSD? It is a condition listed in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, also known to many of us as the DSM-5. PTSD is listed under the category of "Trauma- and Stressor-Related Disorders." An online brief in January 2016 on post-traumatic stress disorder prepared by the National Defence and Canadian Armed Forces explains that PTSD is an extreme reaction to either direct or indirect exposure to trauma. It goes on to say that direct exposure may involve a single traumatic event or a multitude of traumatic events, and it can even apply when one witnesses such an event happening to others.

As for indirect exposure, this may occur when people learn about a traumatic event that has affected close relatives or friends, or when one is exposed to details about an event through work.

Finally, this brief describes that experiences that may lead to an individual suffering from PTSD can include natural disasters, crimes, accidents, war or conflict, or other actual or perceived threats to life.

In addition, a fact sheet titled *"Psychology Works" Fact Sheet: Post-Traumatic Stress Disorder* from 2015 was produced by the Canadian Psychological Association, and it states:

> **PTSD is not limited to** combat and disaster experiences. It also occurs following sexual or physical assault, transportation or industrial accidents, life-threatening illnesses such as cancer, war zone experiences, and repeated exposure to others' physical trauma (e.g., emergency room nurses and ambulance attendants).

I would like to put a strong emphasis on the last part: PTSD can occur through "repeated exposure to others' physical trauma." I feel this is worthy of reiteration because one of the careers listed as an example of developing PTSD through "exposure to others' trauma" — previously described as indirect exposure — is emergency room nurse, a mostly female-dominated profession.

In my opinion, Bill C-211 as currently written fails to include many front-line workers — first responders in their own right — such as nurses, social workers and crisis intervenors. The persons or target audience listed in the bill's preamble are first responders, firefighters, military personnel, correctional officers and members of the RCMP. These are very valued professions that also happen to be mostly male-dominated professions.

Failing to include predominantly female-dominated careers in front-line service professions such as social work, nursing and crisis intervention in the development of the bill and, most importantly, in the development of the federal framework on post-traumatic stress disorder could overlook significant gender differences when looking at the impact of PTSD on an individual. The symptoms and the best method of treatment may not be the same. Adding a gender-based analysis to the bill would ensure that these considerations are also applied to genders within the same occupation; for example, a female versus a male RCMP officer.

Applying GBA+ is what our colleague Senator Bernard was referring to when she voiced her concern that intersectionality was missing from this piece of legislation. It is also what Senator McPhedran identified as a gap when she focused some of her speech on the absence of nurses and health care workers in the legislation.

Without an in-depth gender-based analysis of the bill and, as I said, the development of the framework, I believe we would be failing many Canadians who work on a daily basis to help others affected by a crisis or traumatic experience.

As a professional social worker who collaborated with many nurses, transition-house workers, victims services workers, crisis intervenors, other social workers — and, yes, many of them were women — I know PTSD is occurring in these fields. Whether we call it operational stress injuries, burnout, compassion fatigue or vicarious trauma, the effects are the same.

Allow me to share testimony from one of my colleagues in New Brunswick:

> At the Beauséjour Family Crisis Resource Centre, we recognize the reality that our social workers and front-line intervenors do extremely emotionally difficult work on a day-to-day basis. Since we need to be empathic and understanding to do our jobs well, we cannot turn off our ability to be impacted by the clients that we see. We are simply not robots, nor should we be in order to provide a high quality of service.

She goes on to say:

> Therefore, I would argue that we all experience forms of PTSD at various aspects of our careers depending on our involvement in particularly difficult cases. Plus, due to the shortage of mental health services, we are seeing far too many clients in one day, which increases the emotional strain on our personnel. With a staff of 5 we complete more than 2,000 interventions a year.
>
> This is particularly the case when we work with the local RCMP to provide death notification support and crisis grief counselling during sudden-death situations.
>
> In the charitable sector, it is a reality that insurance plans can only cover a certain amount of psychological counselling. 2 to 3 sessions is simply not enough to deal with PTSD. Sadly, it is a reality that throughout my career I have seen staff members on the government mental health waitlist. And others feel unable to seek help as they worry that they will be stigmatized and that others will question if they can effectively do their jobs.

Colleagues, I believe her words to be a sad yet very accurate representation of social workers and crisis intervenors across the country.

Recently, the Canadian Association of Social Workers, CASW, released a paper entitled "National Strategy for Operational Stress Injuries - Clarification and Inclusion Moving Forward," which speaks directly to Bill C-211. I strongly recommend reviewing the CASW paper, especially in the committee doing a more thorough review of Bill C-211. In it, they make excellent recommendations to consider moving forward, one of which echoes what I've been saying, which is that we need to look at expanding the framework.

Finally, colleagues, this is an extremely important issue that intersects with one of the priorities listed in Ralph Goodale's mandate letter from the Prime Minister as Minister of Public Safety and Emergency Preparedness. It is as follows:

> Work with provinces and territories and the Minister of Health to develop a coordinated national action plan on post-traumatic stress disorder, which disproportionately affects public safety officers.

Going forward, I believe it is crucial that we apply GBA+ to ensure that the legislation and the proposed framework include all professionals affected by PTSD.

Thank you.

Hon. Pamela Wallin: Honourable senators, I rise today to join the debate on Bill C-211 as well, which was passed in the other place a year ago.

I usually welcome almost any measure or policy that helps our veterans, particularly those who are ill or injured. For those who put their lives on the line, at home and abroad, supports must always be available. Our government should be a main stakeholder in providing needed services and should regularly review the efficacy of those services and, most importantly, fix it when it's broken.

• (1530)

However, it is not clear to me, or to others who work in this field, what exactly the framework will do to improve the lives of those suffering from PTSD. Whether reporting from war zones, serving as an honorary colonel of the RCAF, or during my time on the independent panel on Canada's role in Afghanistan, I had the privilege to meet, to bear witness and to talk frankly with many serving men and women over the years. The realities of their service became evident and very real — soldiers, sailors, pilots and reservists, of all ranks, told stories of loss of life and limb, about losing their friends or the loss of an arm or a leg — in other words, the gruesome truth about what it means to serve, particularly in combat operations.

Upon return to base, a post-traumatic stress diagnosis is the outcome for some; for others, it should be, but it's not yet an exact science. At times, PTSD can be masked or show its face only years later, and of course if manifests in many forms. Suicide rates are a leading indicator that we do not yet have the tools, expertise or experience we need to get better at recognizing and responding to the warning signs.

This is why I have a concern with the bill as it stands before us. While it intends, I am sure, to improve reporting of instances and create guidelines regarding the diagnosis, treatment and management of PTSD, the key clinical and academic research is still in the early stages. Much of it is anecdotal. Some services are available for those afflicted, but there is still so much more research needed to definitively determine affliction. While this bill aims to improve tracking of incidence rates, it is likely the data will not reflect the real numbers of those suffering until we are able to improve the science surrounding post-traumatic stress.

I am also concerned about the scope of the bill, which intends to be quite broad in how it defines who needs help. This could potentially lead to unintended consequences and dilute its intended outcome. Some of my colleagues, as you have heard, want to include an even broader definition of those impacted by trauma — but, please, let's walk before we run, and let's keep our focus on those whom we, as a country, ask to put their lives on the line.

In general, it is difficult to discern how effective a legislated framework could be in terms of this issue. The bill mandates that a conference be held among federal, provincial, medical and other stakeholders within 12 months of its coming into force. In accordance with the bill, it proposes a review of the effectiveness of the federal framework after five years.

These two deadlines are, of course, prone to political realities, including elections. Therefore, I would instead encourage increased activity from non-political stakeholders, as issues relating to PTSD should not be dealt with when it's politically convenient but, rather, when facts are established; when research is concluded; when access to the medical community is possible and ensured; and when, most importantly, those affected are listened to in a meaningful way.

Investment in research is key. I am encouraged by Minister Goodale's March announcement of $20 million in funding to support a new national research consortium between the Canadian Institutes of Health Research and the Canadian Institute for Public Safety Research and Treatment to focus on post-traumatic stress injuries. This funding is helpful and a good start, but much more focus is needed while we continue to strengthen our understanding of PTSD.

I have concerns that this bill might also create an added bureaucracy — more benchmarks, more check marks, more paperwork. Veterans already face constant hurdles, tests, assessments and limited access to help because of geography, distance and repeated demands to prove their malady. At this time, military men and women suffering from a work-related injury must prove their condition to the Department of National Defence, and then must again prove their condition to the Department of Veterans Affairs. We must strive to eliminate the bureaucracy that requires folks to prove they are suffering time and again. Let's give them a pathway instead.

In principle, the bill's intent is good, and I can only trust that it might improve veterans services regarding PTSD. However, I remain much more focused on the existing systems and the need to streamline those before we add another framework. What we need are funded programs and better diagnosis and treatments. We need more and better-trained medical personnel. By making the tent so large as to encourage anyone and everyone touched by a traumatic event, we may be losing sight of the basics. We have existing groups of veterans and first responders to serve. Let's get it right for those in dire need and then expand the fold.

I will follow the bill's progress, look forward to the committee study, and encourage the federal government to strive always to do better for our veterans.

Hon. Kim Pate: Now for another perspective, honourable senators. I rise today to speak to Bill C-211 also, the federal framework on post-traumatic stress disorder act, and to echo the calls of Senator Housakos, Senator Bernard, and so many other colleagues — including today Senator Hartling and Senator Wallin — for better support for those who live daily with the realities of PTSD.

Bill C-211 requires that certain government ministers meet with stakeholders to establish a federal framework relating to PTSD. This framework would cover mechanisms for improved collection of data; the establishment of guidelines related to diagnosis, treatment, and sharing of best practices; as well as the development of educational materials relating to PTSD.

Bill C-211 focuses in particular on professionals, including first responders and federal police services. From brief glimpses, notably while I worked for the RCMP during the summer that I was 18, I can only begin to imagine the stress and trauma that first responders encounter on a daily basis. I was introduced to the work of RCMP officers as I was rushed alongside them to the house of a man who had shot himself in the head, with no preparation for the horrific and tragic scene we witnessed, and no debriefing afterward.

For many of us, the events in Toronto last week brought into sharp focus the burdens shouldered by first responders such as paramedics and police officers as they provide support to other community members in times of crisis. Last week also marked the release of a paramedic standard for psychological health and safety in Ontario — a collaboration between the Paramedic Association of Canada and the Mental Health Commission of Canada. This standard is the first of its kind in Canada, and work that I hope a federal framework for PTSD can help to encourage on a national level.

While preparing my remarks for today, I had the opportunity to meet with representatives of the Paramedic Association of Canada. They emphasized the need for research and education about the risks of PTSD and other operational stress injuries in a role that, in the words of their president, can too often "ask people to deplete their emotional resources without replenishment."

The events in Toronto and the actions of police Constable Ken Lam were also a reminder of the vital interventions of first responders that de-escalate violence — even, as we saw in Toronto, in the face of danger and horrific actions that appear to have targeted women. Though, as noted by mental health expert Dr. Dorothy Cotton, police training in "de-escalation techniques . . . pales in comparison to the amount of training an officer receives related to use of force," these types of interventions affirm the human rights standards that we have set for ourselves and have important and enormous potential to prevent future trauma, both for members of the public and for fellow first responders.

From my nearly four decades of work with and on behalf of marginalized women, men and youth, I have too often witnessed how the lack of accessibility of and funding for mental health services has devastating consequences, particularly for marginalized peoples. They disproportionately end up in contact with police, in courts and in the prisons, instead of receiving the treatment they need.

According to the 2014 Mental Health Commission of Canada report, two in five people with mental illness have been arrested in their lifetime. Three in ten people with mental illness have had police involved in their care pathway.

This unavailability of appropriate interventions by health care providers — before an individual is ever criminalized — also has consequences for the mental health of police officers, who encounter individuals in crisis as first responders and find themselves limited in the support they can provide for what are mental health issues rather than criminal law issues. I can't tell you how many times I have received calls from police officers pleading with me to assist them to find alternate resources to a prison cell for individuals with mental health issues.

• (1540)

While some first responders take extraordinary efforts to refer individuals to appropriate treatment, opportunities for treatment are scarce and criminalization is too often the default. These types of challenges are exacerbated for severely under-resourced First Nations police services. Bill C-211's proposed PTSD framework is one vital step toward a broader goal of making mental health services available to all, particularly for those who are most marginalized.

With this goal in mind, I fully support Senator Bernard's two proposed recommendations to ensure greater inclusivity in Bill C-211.

First, Senator Bernard calls on us to recognize ". . . the compounding trauma that marginalized professionals listed in Bill C-211 face and how that impacts their mental health." In particular, Senator Bernard draws a link between racism, misogynist violence and PTSD. As she noted, 31 per cent of women in the military have experienced sexualized or discriminatory behaviour. They are four times more likely to be sexually assaulted on the job than the men with whom they work. According to Statistics Canada and witnesses testifying at committee in the other place, they are also twice as likely to experience PTSD.

Regarding Correctional Service Canada employees, another group of professionals named in Bill C-211, we are by now familiar with media coverage this year of stories of women prison guards at the federal prison in Edmonton being sexually harassed, sexually assaulted and bullied by men with whom they worked as well as the resulting PTSD some experienced. Some examples of the behaviour of their coworkers included water boarding, throwing a woman against a wall and choking her, slamming a woman's face into hard surfaces and handcuffing women to chairs.

As we turn our minds to a framework on PTSD, we must understand these incidents not as isolated or exceptional events but as evidence of systemic racism and misogyny. We must be aware of how many staff harassment and assault claims have not yet received media attention or been reported at all. We must be aware, if staff are treating each other in such cruel and callous ways, what that means for the human rights of prisoners.

Senator Bernard also calls on us to expand more broadly the scope of this proposed national framework to include more of those who suffer from PTSD, especially individuals with intersecting oppressions. In seeking to respond to the challenges of PTSD, we must recognize how systemic discrimination generates trauma and makes those most marginalized more likely to experience it.

To add one more example to what Senator Bernard also so compellingly described, we know that 91 per cent of Indigenous women in prison and 87 per cent of all women in prison have experienced physical or sexual abuse and that many have disabling mental health issues, including PTSD.

Indigenous peoples with PTSD are particularly likely to be criminalized. In Australia, for example, studies have suggested that 32 per cent of Indigenous women in prison and 12 per cent of Indigenous men in prison live with PTSD. There is strong reason to believe that the situation in Canada is similar.

A 2003 study of residential school survivors in British Columbia indicated that at least 64 per cent reported symptoms of PTSD and 62 per cent had been criminalized. To give a sense of the scale of these numbers, rates of PTSD reported by members of the military — a field where PTSD is a recognized crisis — was estimated at 12 or 13 per cent in 2013.

Honourable senators, I look forward to seeing Bill C-211 sent to committee and continuing to work together to address the ongoing need to ensure fully accessible mental health services for all. Thank you. *Meegwetch*.

Hon. Patricia Bovey (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Housakos, bill referred to the Standing Senate Committee on National Security and Defence.)

GENDER EQUALITY WEEK BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill C-309, An Act to establish Gender Equality Week.

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Mercer, bill referred to the Standing Senate Committee on Human Rights.)

SENATE MODERNIZATION

SEVENTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Massicotte, seconded by the Honourable Senator Moore, for the adoption of the seventh report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Regional interest)*, presented in the Senate on October 18, 2016.

Hon. David M. Wells: Honourable colleagues, I note that this item is at day 15 and I'm not quite ready to speak. Therefore, with leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate in my name for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Wells, debate adjourned.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO TAKE
INTO CONSIDERATION THE FUNDING OF LITERACY PROGRAMS
IN ATLANTIC CANADA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Martin:

That the Senate affirm that literacy is a core component to active citizenship, a determinant for healthy outcomes, and, at its core, key to building an innovative economy with good, sustainable jobs;

That the Senate urge the Government to take into consideration the particular regional circumstances of Atlantic Canada based on smaller populations, many of which are in rural areas, when determining whether to implement programs using project-based funding compared to core funding;

That the Senate further urge the Minister of Employment, Workforce Development and Labour to make an exception to the present terms and conditions of the Office of Literacy and Essential Skills project-based funding programs in order to request an emergency submission to the Treasury Board for $600,000 of core funding for the Atlantic Partnership for Literacy and Essential Skills based on their 2017 pre-budget consultation submission to Parliament; and

That a message be sent to the House of Commons to acquaint that house with the foregoing.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I move that further debate be adjourned until the next sitting of the Senate, in my name.

(On motion of Senator Mercer, debate adjourned.)

• (1550)

MOTION TO INSTRUCT SENATE ADMINISTRATION
TO REMOVE THE WEBSITE OF THE HONOURABLE LYNN BEYAK
FROM ANY SENATE SERVER AND CEASE SUPPORT
OF ANY RELATED WEBSITE UNTIL THE PROCESS
OF THE SENATE ETHICS OFFICER'S INQUIRY IS DISPOSED OF—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Marwah:

That the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator until the process undertaken by the Senate Ethics Officer following a request to conduct an inquiry under the *Ethics and Conflict of Interest Code for Senators* in relation to the

content of Senator Beyak's website and her obligations under the Code is finally disposed of, either by the tabling of the Senate Ethics Officer's preliminary determination letter or inquiry report, by a report of the Standing Committee on Ethics and Conflict of Interest for Senators, or by a decision of the Senate respecting the matter.

And on the motion in amendment of the Honourable Senator Pratte, seconded by the Honourable Senator Coyle:

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

1. by deleting the words "the Senate administration be instructed to remove the website of the Honourable Senator Beyak from any Senate server and cease to support any website for the senator"; and

2. by adding the following after the word "matter":

", the Senate administration be instructed:

(*a*) to remove the 103 letters of support dated March 8, 2017, to October 4, 2017, from the website of Senator Beyak (lynnbeyak.sencanada.ca) and any other website housed by a Senate server; and

(*b*) not to provide support, including technical support and the reimbursement of expenses, for any website of the senator that contains or links to any of the said letters of support".

Hon. Sandra M. Lovelace Nicholas: Honourable senators, I wish to speak in support of Motion No. 302. Some of my colleagues have already spoken so eloquently on this subject and now I wish to give my perspective as a First Nations person in this chamber.

Colleagues, I have experienced racism and hate most of my life, and I never thought I would have to deal with racism in this place which is held in high esteem by most Canadians.

As a young child walking to school, I would be called a dirty squaw and see unseemly gestures pointed at me. I would feel shame, even though at the time I didn't understand what racism was. Senators, this is only a small part of what I lived through as an Indigenous person.

Racism can destroy your spirit, your effort and your confidence, even at an age when you really don't understand why you are being shamed.

Honourable senators, after I grew up and learned what racism really is, there are parts of the spirit — your soul and your dignity — that have been destroyed. These feelings can come back to haunt you.

I agree with First Nations and Canadians that Senator Beyak should take down her racist posts from her website. Shortly after the posts appeared, a White nationalist group claimed responsibility for posting racist graffiti against First Nations at the University of New Brunswick. We should not be fostering the rise of hate in our communities.

It has been a great disappointment that Senator Beyak has been allowed to continue her defence of the hate comments posted on her website. In my opinion, Senator Beyak may be confused as to the definition of what is considered racist and may benefit from a sensitivity training course.

In this privileged place, where senators represent minorities and the less privileged, even a hint of racism by one of its members should not be tolerated.

Honourable senators, Canadians are watching us, and we need to make sure we uphold the standards of tolerance and equality for all. Thank you.

(On motion of Senator Omidvar, debate adjourned.)

THE HONOURABLE JOAN FRASER

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Day, calling the attention of the Senate to the career of the Honourable Senator Fraser.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to add my words to the special inquiry about our former colleague the Honourable Joan Fraser on a day of significance, World Press Freedom Day — not only to us but especially to Joan as a former journalist.

Senators, we are lucky to live in a country like Canada — a country that defends our rights and freedoms and independent press. As senators, we have a duty to continue to protect and defend these values for all Canadians to enjoy.

Unfortunately, not all people enjoy the rights and freedoms that we do. On World Press Freedom Day, it is important to recognize and acknowledge the difficulties faced by the media and the public in many parts of the world.

Initiated by the UN General Assembly in 1993, World Press Freedom Day has become a beacon of strength for media around the world. According to the UN, today is an opportunity to celebrate the fundamental principles of press freedom, assess the state of press freedom throughout the world, defend the media from attacks on their independence and pay tribute to journalists who have lost their lives in the line of duty.

As we uphold World Press Freedom Day in remembrance of our colleague Joan Fraser, who stood each and every year on this day to read the names of journalists who lost their lives in their efforts to cover the news, we must also remember those that have been persecuted for defending press freedom. I do not have the list of names, as Joan would have, but I found it fitting to rise today as I pay personal tribute to Joan and to remember a day that was so important to her.

According to Reporters without Borders, 65 journalists were killed in 2017, 39 of whom were murdered or deliberately targeted and 26 killed while reporting. So far in 2018, the situation for journalists continues to be dangerous, with 33 journalists and media staff having been killed according to the International Federation of Journalists. Last Monday alone, 10 journalists were killed in a series of attacks in Afghanistan.

It is crucial to recognize the ongoing threat to journalists and the media. To those who continue to defend freedom around the globe, please know that we support you.

Finally, I wish to recognize our former colleague the Honourable Joan Fraser. On a very personal level, I'm proud to call her a friend, a colleague and a mentor, especially as I began my duties as Deputy Leader of the Government. During her tenure in this chamber, Senator Fraser spoke passionately each year about this cause. As the Deputy Leader of the Opposition, I was always forced to be prepared for every possible scenario because of her expertise in understanding the *Rules of the Senate* and keeping all of us held to account.

Prior to joining our chamber, Senator Fraser had a distinguished career as a journalist, working as a reporter, editor, bureau chief and editor-in-chief. In addition to print journalism, Senator Fraser had extensive experience on radio and television. The senator's impressive career earned her two National Newspaper Awards and four National Newspaper Award citations of merit, among many other accolades that we have already heard. As a former journalist, Senator Fraser knew firsthand the important role that a free and independent press plays in a democratic society. She was a champion of the media, and I'm proud to acknowledge her leadership on this important issue.

Honourable senators, please join me, on World Press Freedom Day, in paying tribute to our former colleague for her dedication and strong voice to ensuring press freedom across the globe.

Hon. Senators: Hear, hear!

(Debate concluded.)

THE SENATE

MOTION TO CALL ON THE GOVERNOR-IN-COUNCIL TO APPOINT CLERK OF THE SENATE UPON RECOMMENDATION OF THE SENATE—DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of April 26, 2018, moved:

> That, in the interest of promoting the autonomy and independence of the Senate, the Senate calls on the Governor in Council to appoint the Clerk of the Senate and Clerk of the Parliaments in accordance with the express recommendation of the Senate.

He said: Honourable senators, I intend to be very brief on this motion this Thursday afternoon.

• (1600)

I think the motion speaks for itself, and I'll read it out. It is a short motion.

> That, in the interest of promoting the autonomy and independence of the Senate, the Senate calls on the Governor in Council to appoint the Clerk of the Senate and Clerk of the Parliaments in accordance with the express recommendation of the Senate.

And, of course, this motion is rooted on an old principle and idea that is so fundamental to our parliamentary democracy. All of us know that our parliamentary democracy is rooted on the principle that you have Parliament, the rights of Parliament, the privileges of Parliament, and there is a separation of the executive branch and, of course, the role of Parliament, be it the House of Commons or the Senate.

It's particularly true in the upper chamber like the Senate of a body that has been appointed in order to serve the principles and the process of sober second thought in order to review legislation at an independent and arm's-length distance from the elected body on the other side to hold the executive branch to account. In order to do that it's imperative, both in practice and in perception, to have ultimate independence from the executive branch of government.

I think it's healthy for the government of the day, whichever government that may be, and I think it's essential for its credibility when this chamber speaks on behalf of regions and the people that we have that clear divide. The executive branch and, of course, the official opposition have unique and entrenched roles in this chamber, as they do in the House of Commons. The Prime Minister and the executive branch have a privilege and an ultimate right and deservedly so to name the Speaker, who has a unique role both in the diplomatic sense, representing Parliament on the diplomatic front, and, of course, conducting his role as the barometer for consensus in this chamber.

The government has the ultimate right to name the government leader in this chamber because that's the representative of the executive branch and the Crown in this chamber and makes sure he can shepherd legislation through.

The government has the obligation and right to name the deputy government leader, and the whip of, course. We all understand that. That is a fundamental role of the government — to represent their agenda, to put forward their legislation and, of course, to defend it in the house and in the chamber.

But it's also essential, like we said on the democratic principles of the Westminster model, that our legislative review and the review of various agencies are done in an arm's-length capacity. So, over the last few years, all of us have worked very hard to make sure that we respect that division from the executive branch, and we work very hard to make sure this chamber becomes as independent as possible.

The current Prime Minister has on many occasions proclaimed the essential element of maintaining the independence of the chamber. I think we all agree. I was happy to see only last summer that the leaders of all groups in this chamber wrote a

letter in solidarity on this principle recognizing how important it is that the Clerk of the Parliament, the Clerk of the Senate, the senior-most member of the administration works on behalf of the Speaker directly and Internal Economy, and also works also directly on behalf of all 105 senators here. It is essential that the individual has a mandate given them by the Senate as a whole, that the vetting process and the appointment process are done by the Senate and not by the Privy Council and essentially in the Prime Minister's Office, which has been the tradition.

I think we all recognize that that would be essential not only for the independence of this body but also for the independence of the person who serves in that capacity — to know full well their mandate comes from this chamber and doesn't come from the Prime Minister's Office across the street.

Over the last few years, of course, it has been senators who have appointed the CCSO, the Chief Corporate Services Officer. It has been senators who have appointed the Law Clerk. So I think it's only natural that in the next step of maintaining and preserving that important principle, this chamber also undertake the responsibility of vetting and naming the Clerk of the Senate and Clerk of the Parliaments.

In that spirit, over the last few years, for example, we saw a few days ago the announcement that we have taken steps to have our payroll system extricate itself from Phoenix. That wasn't done only because there are problems with that particular program. It was done in the spirit of, again, separating ourselves clearly as a legislative branch from the executive branch of government because it's the right thing to do.

We all recognize and appreciate that pursuant to section 130(b) of the Public Service Employment Act there is no requirement for consultation or even for the government to consult with leadership in this chamber before they make the appointment. But as they have done in the past, if a government chooses to respect that principle, they can consult leadership at any time when they make recommendations. But I think in this particular point what we should do is consult Privy Council on an appointment of an individual who serves this chamber on behalf of the chamber. I think we would be doing a great service to the future Clerk of the Parliaments and the future Clerk of the Senate for them to know that they would be sitting at the head of the table at the service of this chamber chosen for the chamber, by the chamber and on behalf of the chamber.

Colleagues, that's basically it in a nutshell. I hope that we will find consensus on this issue because over the last couple of years we all have committed ourselves to trying to make this chamber as independent as possible. Sometimes it's difficult to extricate partisan politics from the day-to-day debate of what we do here. But this is really an administrative issue. There is no partisanship involved here. This is not an issue of partisan debate between political parties. This is just an administrative question that I think would best serve the interests of the institution and the position itself going forward.

Thank you, colleagues.

(On motion of Senator Omidvar, for Senator Saint-Germain, debate adjourned.)

(*At 4:07 p.m., the Senate was continued until Monday, May 7, 2018, at 6 p.m.*)

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