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The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

THE SENATE

Wednesday, May 23, 2018

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

Prayers.

SENATORS' STATEMENTS

DENISE DESJARDINS

CONGRATULATIONS ON PRIME MINISTER'S AWARD FOR TEACHING EXCELLENCE

Hon. Lillian Eva Dyck: Honourable senators, I rise today to recognize and congratulate Denise Desjardins, an elementary schoolteacher from Mistawasis First Nation in Saskatchewan who recently won a Prime Minister's Award for Teaching Excellence in Science, Technology, Engineering and Mathematics, commonly referred to as STEM.

Over the past year, Denise has incorporated Cree language and culture into her use of technology in the classroom, the results of which have been tremendous. The Grade 1 and 2 students she teaches have become fully engaged and their reading skills have improved. One student's marks jumped from 47 per cent to 90 per cent.

The idea to combine Cree language and culture into her classroom technology arose from her observation that her students' faces lit up when seeing photos of themselves in a story with Cree words. Serendipitously, the school had also just begun a pilot project using one-to-one tablet learning.

The news of winning the Prime Minister's Award stunned Denise Desjardins, who said:

It was a shock even to be nominated for this, because I do what I do for the children, for my community.

Denise adapted apps to include First Nations content to allow the students to do such things as send video messages to their parents in Cree and, using augmented reality, impose a picture, for example, of an eagle, and the Cree translation of the word, "*kihew*," onto a photo of a teepee in the classroom. Her efforts are noticeably rooted in a deep passion for the well-being, care and development of her students.

Despite the long daily commute of 130 kilometres each way to teach at the school, Denise says she has no desire to teach elsewhere because of the connections and relationships she has with her students, many of whom are quick to hug her and call her with familiarity as "auntie." Her sentiments are, "I just feel that's my home and that's where I need to be."

Over the past year as the kids have learned to embrace their language and culture, so has Denise. She and her students now find themselves in a reciprocating learning environment where

oftentimes the students are teaching her words as they go along. Denise said, "My spirit was awakened. . . . We're learning it together."

Denise Desjardins' exemplary efforts can awaken a nationwide effort to integrate culturally appropriate learning material and technology into our educational institutions as it is clear it greatly benefits all those involved.

Congratulations, Denise Desjardins, on your award from the Prime Minister for your excellence in teaching STEM.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Saleem Mandviwalla, Senator, Deputy Chairman of the Senate of Pakistan and a delegation from the Senate of Pakistan.

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

Hon. Senators: Hear, hear!

CRISIS IN CHURCHILL, MANITOBA

Hon. Patricia Bovey: Colleagues, today we note an anniversary. I love celebrating special anniversaries. They allow us to reflect on the accomplishments and impacts the specific period represents.

But today's anniversary is not celebratory. It marks a crisis which has extended far longer than it ought. One year ago today, May 23, the rail line to Churchill flooded, halting rail connections to the port, the gateway to the North and to all Indigenous communities between Gillam and Churchill. Negotiations for ownership and repair are still unresolved. The headlines say it all.

March 16th:

'We're at our wits end': . . . winter of discontent . . .

Yesterday:

Company walks away from Churchill Railway weeks after announcing interest.

That doesn't concern Mayor Spence. The community, with Canada and Fairfax/AGT, continues negotiations with positive support, and we hope for resolution soon.

Hardships escalate for families, workers, the whole community and all who travel there, tourists, the economic mainstay, and those doing business with Churchill and points further north. Only one grain ship loaded and sailed last summer. The grain had wintered in the port's elevator.

Manitoba and Saskatchewan farmers tell me shipping through this Hudson Bay port is a most efficient and convenient route. Yet grain and other commodities cannot get there. Prices of foods and goods have escalated too many times more than those in Southern Canada. Job losses have increased. Churchill is now a fly-in community. Though when I flew up late January, a broken cart at the airport prevented landing. We went to Rankin Inlet.

No rail, no roads, save the seasonal ice road, and that day no air. I certainly hope no medical emergencies required transport south that January day.

Even last June, stressed kindergarten children told teachers, "Daddy doesn't know how he is going to feed us this winter." Palettes of donated food waited in Thompson for transport to Churchill, a \$6000 flight cost, I'm told. The organizers don't have that kind of financial capacity and governments declined.

Many activities are compromised, including the delivery of building supplies and research materials and tourism by train, though polar bears are there in the winter and belugas are there now. This continues to dramatically affect the community.

Remember the cranes loading the railway engine and railcars onto a boat from Montreal?

Colleagues, I wonder what the cost of all this continues to be in both dollar and human terms. How does that compare to the cost of repairing the line at the outset? On this sad anniversary, we can only ask, when will an agreement to buy the railway be successful and when will repairs be completed?

As the mayor said yesterday:

We did not want to find ourselves at this point. One year without rail service is unacceptable. Our community is resilient and we will get through this.

I go to Churchill early in July and will see the situation first hand. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Judith McFaul, Chad William Findlay, Elizabeth O'Gorman-Smit, Greg Korek, Christina Franc and Vince Brennan. They are the guests of the Honourable Senator Black (*Ontario*).

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

Hon. Senators: Hear, hear!

[Senator Bovey]

CANADIAN ASSOCIATION OF FAIRS AND EXHIBITIONS

Hon. Robert Black: Thank you, Your Honour and honourable senators, for the opportunity to address you today.

In 1792, it was the opinion of John Graves Simcoe, Upper Canada's first Lieutenant-Governor, that the future of Upper Canada rested with farming. His great desire was to see the largely unsettled colony of Upper Canada become an agricultural nation. As a result, he was instrumental in the development of agricultural societies and fairs in what is now the province of Ontario.

The role of early agricultural societies here in Ontario and across Canada was to improve agriculture in local areas by importing livestock, seeds and implements. In many cases, agricultural societies acted as cooperatives for local farmers to purchase or make available material — i.e. bulls, rams, breeding stock, seed, threshing machines, et cetera — that the average farmer would not have the money to buy or be able to import.

• (1410)

Early fairs were more of a market, allowing local farmers to sell their produce. Other fairs held competitions for livestock, grains and other agricultural and home-crafted products.

Today, several fairs are older than Canada itself. The Hants County Exhibition in Nova Scotia is 252 years old; the Williamstown Fair, just south of Ottawa, is 206 years old; and the Lachute Fair in Quebec is 193 years old.

As noted by Valerie MacDonald in a recent *Ontario Farmer* article, fairs are a snapshot in agricultural time, reflecting the unique successes and challenges of any given region. They are magnets, drawing rural communities together and family members back home. Today, they also provide the opportunity for urban families to see and learn where their food comes from.

At the national level, fairs and exhibitions are represented by the Canadian Association of Fairs and Exhibitions, which has been in existence since 1924. This non-profit organization is dedicated to supporting fairs, and by developing programs, resources and services, building partnerships and encouraging collaboration and innovation within the sector. They represent 800 fairs and exhibitions across the country which vary in size from one-day rural fairs to multi-week urban exhibitions.

Here in Ontario, the Ontario Association of Agricultural Societies has been in existence since 1846. They represent over 200 fairs and exhibitions. They support the fairs and exhibitions as a resource for their members, providing leadership, communication and education and encouraging the promotion of a rural way of life.

Why go to a fair? People come home from afar to go to a fair because it's a family tradition. Fairs help new people in the community to get involved. Fairs provide incentives to improve and strive for excellence, whether it be in livestock, field crops, quilts, cookies, bread or pickles. Fairs provide the opportunity for people to reconnect and learn about agriculture and find out where their food comes from.

Here are some statistics. Canadian fairs have a combined national impact of \$1 billion to their local communities. Fair-related spending supports 10,700 full-time-equivalent jobs. Agricultural education programs associated with fairs and exhibitions reach millions of Canadians.

Agricultural societies and the fairs they organize are volunteer-driven, with thousands and thousands of hours donated each year to fairs.

Later today, we'll all have the chance to attend a reception in Centre Block hosted by the Canadian Association of Fairs and Exhibitions. I would encourage each of you to attend, meet those involved in this great sector and learn more about the fairs and exhibitions in your own communities. Let's show our support for the tremendous work being done by fairs and exhibitions across Canada. Thank you.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. René Bérubé and Ms. Céline Plourde. They are the guests of the Honourable Senator Saint-Germain.

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

Hon. Senators: Hear, hear!

[English]

RAMADAN

Hon. Salma Ataullahjan: Honourable senators, I am very pleased that my guests, the senators from Pakistan, are present in the chamber to hear my statement.

I rise today to mark the Holy Month of Ramadan, which is being observed by Muslims across Canada and around the world. Muslims observe the Ramadan as a commemoration of the revelation of the Quran from God to our beloved Prophet Muhammad, peace be upon him. This month constitutes one of the five fundamental pillars of the Islamic faith.

During this month, Muslims abstain from food and drink from sunrise to sunset, all the while continuing their daily lives quietly and without a fuss. I myself have sat in this chamber fasting but have continued to fulfill my duties as a senator.

On the surface, Ramadan may seem simple enough, but on the contrary, this month is much more than abstaining from food and drink. It brings together many of the pillars of the faith, including strengthening one's faith, prayer and charity. The physical aspect of Ramadan is intended as a cleansing of the body. It encourages us to break from all undesirable habits. The physical feeling of hunger also serves as a powerful reminder of the millions of families who go hungry every day. Putting yourself in the shoes of a hungry mother or a desperate father who cannot feed his or her starving children reminds you to be thankful for all your blessings.

Charity, additionally, encompasses an important part of this month, especially for those incapable of fasting for various reasons. A great emphasis is placed on helping those in need, and everyone is encouraged to donate a portion of their wealth during this time. Accordingly, Muslim communities across Canada are currently engaging in charitable activities which benefit the less fortunate here in Canada and around the world.

The Muslim Welfare Centre of Toronto's Project Ramadan initiative is one example of the remarkable generosity of the Muslim community in Canada. I've been a proud supporter and volunteer for many years. Project Ramadan aims to build bridges and common ground and helps to relieve the stigmas attached to the chronic problem of hunger in our country so that no person should ever feel any shame in asking for a helping hand during hard times. This initiative has raised over \$1 million and has helped more than 15,000 families over the last 10 years.

Finally, during the month of Ramadan, it is obligatory for the faithful to make peace with one another and to set aside any and all personal animosities. The way you conduct yourself and the things you say are just as important as abstaining from food and drink. It is the ultimate test of patience, mental perseverance and will power.

Honourable senators, this month affords people of Muslim faith opportunities for spiritual renewal through prayer, charity and self-reflection. It serves as the best example for the religion I call mine. I would ask all of you to join me in wishing Muslims across Canada *Ramadan Mubarak*. Thank you.

[Translation]

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

THE IMPACT OF A PAN-CANADIAN CARBON PRICING LEVY ON PBO'S GDP PROJECTION—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer, entitled *The Impact of a Pan-Canadian Carbon Pricing Levy on PBO's GDP Projection*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON MAY 29, 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 29, 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.

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 29, 2018, at 2 p.m.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Howard Wetston introduced Bill S-250, An Act to amend the Criminal Code (interception of private communications).

(Bill read first time.)

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

(On motion of Senator Wetston, bill placed on the Orders of the Day for second reading two days hence.)

• (1420)

PARLAMERICAS

INTERPARLIAMENTARY MEETING ON PARTNERSHIPS TO TRANSFORM GENDER RELATIONS, JANUARY 24-25, 2018— REPORT TABLED

Hon. David M. Wells: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Section of ParlAmericas respecting its participation at the interparliamentary meeting on Partnerships to Transform Gender Relations, held in Kingston, Jamaica, on January 24 and 25, 2018.

CONSTITUTIONALITY OF THE CANADA SUMMER JOBS ATTESTATION

NOTICE OF INQUIRY

Hon. Pamela Wallin: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the constitutionality of the Canada Summer Jobs attestation, which was implemented by the Government of Canada for the 2018 program.

QUESTION PERIOD

NATURAL RESOURCES

TRANS MOUNTAIN PIPELINE PROJECT BILL

Hon. Richard Neufeld: Honourable senators, yesterday was a great day for the Senate. Senators adopted Bill S-245, the Trans Mountain pipeline project act. Its purpose is to ensure that the pipeline expansion project and any works related to it are not frustrated or delayed. It also declares the project to be for the general advantage of Canada.

The passage of this bill comes two months after the Senate unanimously adopted my motion urging the Prime Minister to bring the full weight and power of his office to ensure that the project gets completed on schedule. Thanks to the support of senators from all groups, Bill S-245 is now in the other place. The Prime Minister has been clear. The pipeline will be built. He has also said that the government is actively pursuing legislative options that will assert and reinforce the Government of Canada's jurisdiction in this matter. Bill S-245 is the answer.

My question is to the Leader of the Government in the Senate. Can the leader confirm that the government will support Bill S-245 and ensure its swift passage in the other place?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and indeed for his diligent support for the pipeline, which the Government of Canada shares.

As I indicated yesterday just before the vote, it is the view of the Government of Canada that its commitment to the project is unrelenting. The Minister of Finance has announced his discussions with Kinder Morgan are ongoing. He has described some of the parameters of those discussions. The Government of Canada, as the honourable senator mentioned in his preamble, is considering legislative options to exercise authority, which the Government of Canada firmly believes it has.

With respect to whether or not the bill that has been sent from this place to the other place is the vehicle for that is a decision that will be made when it is more appropriate and timely to do so.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

CONDEMNATION OF HAMAS

Hon. Linda Frum: Honourable senators, my question is to the Government Representative in the Senate. On May 16, Prime Minister Trudeau made a statement in which he solely blamed Israel for recent violence at the Israel-Gaza border, and he was silent on the role of Hamas. Hamas acknowledges that 50 of the casualties in the battle at the border were its own terrorists.

Additionally, Israel dropped leaflets warning Gazans that their lives would be in danger if they approached the border, and Hamas paid civilians to participate in charging the border, with a premium to those who were injured or worse.

Will the Prime Minister correct the record, stand up for Israel's right to self-defence and condemn Hamas for its incitement of violence?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. The Prime Minister, on behalf of the Government of Canada, expressed regret over the incidents at the border and along with other leaders called for a more moderate and proportional response. The view of the Government of Canada is that this area requires urgent attention that should be multi-faceted in terms of countries involved. These are tensions that require solutions and long-term investment of attention of leaders.

I would expect that this issue will continue to be one that is before international bodies, including those that provide relief and succour to those most affected, but it is also a call for all sides to be moderate in their response and proportional in their actions.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

SUMMER JOBS ATTESTATION

Hon. Pamela Wallin: Government Representative, as you may have heard just moments ago, I have called for an inquiry into the constitutionality of the attestation part of the Canada Summer Jobs program, so I want to follow up on my question yesterday to the minister and those of several others.

Can you tell us whether a Charter statement on the attestation exists, and if so, when we might be able to see it?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senators for her question. I paid attention to the notice of motion and look forward to the debate that will undoubtedly be had in this chamber with respect to that inquiry.

I have nothing to add further to the minister's response of yesterday in which she stated it was her view that a Charter statement on an issue of Charter protection was a bit of an oxymoron, but if there are Charter statements available, I will make inquiry and let the honourable senator know.

Senator Wallin: If you could. I believe I might have asked you at an earlier point, but if any specific legal advice was offered from Justice or other places on the constitutionality of this, it would be helpful to see that as well.

Senator Harder: I will add that to my inquiry, and I look forward to participating in the debate on the inquiry that has been launched.

TRANSPORT

TAIWAN—AIR CANADA

Hon. Thanh Hai Ngo: Honourable senators, my question is to the Government Representative in the Senate. Air Canada, our country's flag carrier and largest airline, has designated Taiwan as part of China. On April 25, the Civil Aviation Administration of China ordered a number of international airlines, including several from the United States, to change how Taiwan is described on their websites and in their promotional material. The United States said no, but Canada said yes, and yet we do not even recognize mainland China's sovereignty over Taiwan.

Why is the government allowing China to impose its view on our private company?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question and his ongoing interest in these matters. Let me simply repeat what has been said outside this chamber. Obviously, Air Canada is a private company and responsible for the contents of its website. Canada's One China policy recognizes the People's Republic of China as the sole legitimate government of China. Canada takes note but does not endorse or challenge China's claims on Taiwan. Canada opposes any actions taken to alter the

status quo or raise tensions across the Taiwan Strait. And Canada opposes coercive pressure on private companies to take a position on the issue.

Senator Ngo: Under the Air Canada Public Participation Act, Air Canada is a Crown corporation under the authority of the Minister of Transport, the Honourable Marc Garneau. Will the minister intervene to change this listing, or will he allow China to impose its law in our country?

Senator Harder: The honourable senator is mistaken with respect to the status of Air Canada as a Crown corporation; it is not. It was sold.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

EMBASSY IN ARMENIA

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Harder, given your position and that of your leader, Mr. Trudeau, on the importance of not standing in the way of delivering on campaign promises, when can we expect your government to deliver on its campaign promise made by Heritage Minister Mélanie Joly to reopen the Canadian embassy in Armenia?

Hon. Peter Harder (Government Representative in the Senate): Again, the honourable senator has asked this question before, and I will repeat the answer from previous questioning. The decision with respect to embassies and the location of embassies is one that the government takes at the appropriate time.

[Translation]

Senator Housakos: Prime Minister Trudeau has confirmed that he will be attending the Francophonie Summit, which is being held in Armenia in October. Wouldn't it be appropriate if our embassy was open by then, as the government promised? Your government seems to think some of its election promises are more important than others. I think that Canadians, especially those of Armenian origin, deserve to know how important that promise is to your government. Is it as important as legalizing illicit drug trafficking, or does it rank more with your promises about balanced budgets, electoral reform, Canada Post and modest deficits? It's time for the government to keep its promise and open a Canadian embassy in Armenia.

• (1430)

[English]

Senator Harder: I thank the honourable senator for his statement. My answer remains the same.

[Senator Harder]

JUSTICE

JUDICIAL APPOINTMENTS

Hon. Paul E. McIntyre: My question is for the government leader in the Senate. It is a follow up to a question I asked in December of last year regarding judicial vacancies at the Tax Court of Canada.

The government leader may remember that last year both the current Chief Justice and a former chief justice of the Tax Court raised concerns about the impact the small business reasonableness test for income splitting could have at the Tax Court due to a higher number of appeals.

When I originally asked my question on this matter over five months ago, there were three vacancies at the Tax Court of Canada. As of May 1, there were four vacancies. Therefore, I will repeat the question I asked in December: Could the government leader please make inquiries and find out when the Minister of Justice intends to fill the judicial vacancies at the Tax Court of Canada?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and I will make inquiries.

Senator McIntyre: In December, I also asked the government leader if the government has a plan to help the Tax Court of Canada deal with a higher number of cases due to the government's small business tax changes. Once again, could the government leader please tell me when I might receive an answer to this question, as well?

Senator Harder: I will make inquiries and report back.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

INTERNATIONAL ORGANIZATION OF LA FRANCOPHONIE

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Leader, since her election as Secretary-General of the International Organisation of La Francophonie, Michaëlle Jean has lurched from controversy to controversy. She racked up exorbitant expenses renovating her personal apartment, landing her in hot water. A private chauffeur for her husband, a \$1-million cruise — nothing seems out of bounds. For its part, the organization is clumsily trying to cover it all up.

Madame Jean's term is ending soon. Does the Trudeau government believe that she deserves to serve another term?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, let me say on behalf of the government that the Government of Canada supports Madam Jean in her role. She is an outstanding Canadian of great distinction and has served Canada and the Francophonie very well.

[Translation]

Senator Carignan: It seems that the African countries, with backing from France, are looking for another candidate. Does Canada plan to insist on Madame Jean's candidacy nonetheless?

[English]

Senator Harder: I will take that as a representation, but the Government of Canada will announce its view when it is appropriate to do so.

ORDERS OF THE DAY

EXPUNGEMENT OF HISTORICALLY UNJUST CONVICTIONS BILL

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cormier, seconded by the Honourable Senator Wetston, for the third reading of Bill C-66, An Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

Hon. Jane Cordy: Honourable senators, I rise today to speak to Bill C-66, an Act to establish a procedure for expunging certain historically unjust convictions and to make related amendments to other Acts.

I would like to start by thanking the sponsor of the bill, Senator Cormier, and the bill's critic, Senator Andreychuk, as well as the members of the Standing Senate Committee on Human Rights, for the work they have done on this bill.

Bill C-66 was introduced in the other place on the same day that Prime Minister Trudeau offered a formal apology to the LGBTQ2 community. In his statement, he recognized how badly the LGBTQ2 community has been treated in Canada. In his apology, he said:

While we may view modern Canada as a forward-thinking, progressive nation, we can't forget our past: The state orchestrated a culture of stigma and fear around LGBTQ2 communities. And in doing so, destroyed people's lives. . . .

. . . the number one job of any government is to keep its citizens safe. And on this, we have failed LGBTQ2 people, time and time again.

By opening discussions on this dark point in our history, it was his hope, and the hope of many Canadians, that the LGBTQ2 community may begin to move forward and to heal.

Bill C-66 is an important step in apologizing to LGBTQ2 citizens. This bill will allow individuals convicted under the Criminal Code or the National Defence Act for consensual sexual activity between same-sex persons to have their record expunged.

As explained by a witness before the Standing Committee on Public Safety and National Security in the other place, expunging was chosen because it:

. . . is distinct from the existing processes, including record suspensions. One of the primary differences is that expungement will be available posthumously, while record suspensions are not. A suspended record is set aside for most purposes, but it is not destroyed.

Bill C-66 will allow family members or other representatives to apply for the expungement of certain historically unjust convictions on behalf of deceased Canadians. As Tom Hooper from York University said at committee:

Expunging unjust criminal records is a vital part of the apology process to LGBTQ2 Canadians.

In Canada, over 9,000 individuals have been convicted of crimes pertaining to homosexual activity. While this number is significant, the bill is about more than just expunging records. Honourable senators, this legislation is to correct historic injustices to our LGBTQ2 community, and it is long overdue.

Honourable senators, I believe that the Senate and senators have been strong advocates for the rights of all Canadians. Regardless of gender, race or sexual orientation, all people deserve to live free of fear and persecution. I am very supportive of this bill, and I congratulate the government for bringing it forward. Witnesses who appeared at the Human Rights Committee were very supportive of the legislation as well.

Some witnesses expressed concerns that the expungement of convictions will not be automatic in this bill and that an application process will be required. Subclause 8(2) of the bill provides that an applicant must include documents that provide evidence that the activity was between persons of the same sex, that it was consensual and that the parties participating in the activity were 16 years of age and older.

Tracking down the required documentation or locating former partners for a decades-old conviction may not be an easy task for many. It is likely that some applicants are going to require assistance in making their application for expungement. In his testimony before the Human Rights Committee, Gary Kinsman, Professor Emeritus, Sociology, Laurentian University, stated:

As historians, we know that there are major problems with the ability of people to assemble the documentation that is needed to make an application to expunge a historically unjust conviction and to prove consent and all the other matters that have to be demonstrated to meet the provisions of Bill C-66. The government must not only, as part of this bill, produce educational material and publicity around the possibility of having the convictions expunged but also provide direct, material, concrete assistance to people in accessing the documents that they will require.

I completely agree with Mr. Kinsman, and a comprehensive communications plan will have to be put in place. At the committee hearings I was encouraged to hear from Daryl Churney, Executive Director General, Record Suspension and Clemency, Parole Board of Canada, who assured the committee that every effort was being made to ensure potential applicants will have all the information they need when this bill becomes law in order to navigate the entire application process.

Another issue several witnesses highlighted was that this legislation specifically states that expungement will only apply to convictions involving those who were at least 16 years of age at the time. Sixteen is the age of consent today. However, the age of consent in Canada prior to 2008 was 14.

• (1440)

In committee, Angela Chaisson, defence counsel, Chaisson Law, Criminal Lawyers' Association, argued:

So Bill C-66 does not harmonize the age requirement for expungement with the age of consent as it was at the time of the offence. This means that for two same-sex 15-year-olds who had sex in 2007, for example, and a criminal charge and a criminal conviction followed, those people are not eligible for expungement, but if they had been heterosexual, no crime would have even been committed.

The Honourable Ralph Goodale, P.C., MP, Minister of Public Safety and Emergency Preparedness, addressed these criticisms when he appeared before the committee and stated:

There have also been questions about the age of consent. The criteria in the bill established the age of 16 as the cut-off, with a close-in-age exception, even though it's true that, when most of these charges were laid, 14 was the legal age of consent for opposite-sex partners.

To the question of why we've chosen 16 rather than 14, the answer is very straightforward: We're offering expungement for activity that would be legal today. Sexual activity between an adult and a young teenager is not legal today, and that is obviously for good reason.

Another concern of witnesses at committee was the narrow scope of offences covered by the legislation as the bill won't provide for expungement of all unjust convictions. Only gross indecency, anal intercourse and buggery will be removed.

The omission of the bawdy house provision was questioned by some witnesses because bawdy houses were specifically mentioned in the Prime Minister's apology. When asked at

committee about this, Minister Goodale stated that the reason bawdy house convictions were not included was because those laws are still on the books. When speaking about bawdy houses and other provisions, he said:

With respect to other provisions, like the ones you referred to in relation to bawdy houses, they are not inherently unconstitutional. They are still in effect as of this date. The process of dealing with them is a lot more complicated.

For some advocates, overlooking bawdy house raids is especially sensitive. One of the most significant raids was Operation Soap, on February 5, 1981. During the raids, almost 200 undercover police officers entered four bathhouses in Toronto. Windows were smashed, properties were destroyed, and over 300 men were arrested. Twenty establishment owners were charged with keeping a common bawdy house, and 286 men were charged with buggery. Many victims were photographed against their will and outed to employers and family members as being gay.

Operation Soap is remembered as a turning point for LGBTQ2 Canadians. It was a moment when Canadians were charged, outed and discriminated against simply for being themselves.

Similar events occurred across Canada. In Halifax, there are countless examples of citizens being refused service or being arrested because of their sexual orientation. On April 23, 1977, 20 gay men were asked to leave a popular nightlife establishment known as The Jury Room. They were told that people of "your kind" were not welcome. One of the individuals, Curtis Shepherd of Dartmouth, Nova Scotia, explained that after finishing half a beer he was arrested. Authorities charged him with drunk and disorderly behaviour, not because of his disorderly behaviour but, honourable senators, because Curtis was a gay man.

Operation Soap and the experience of Curtis Shepherd demonstrate examples of extreme prejudice towards LGBTQ2 people.

Honourable senators, as horrible as these examples are, they highlight the strength, courage and resilience of the community. These incidents could have silenced LGBTQ2 Canadians, but, instead, individuals joined together and participated in a series of protests and discussions in support of minority rights.

In 1987, 75 brave Haligonians decided the violence and prejudices against LGBTQ2 Canadians must end. Arm in arm, they walked through downtown Halifax, while spectators yelled threats and angry insults. Many wore masks to hide their identity because being openly gay could have serious consequences on their careers and on their personal lives. Even in the face of these real threats, they continued to bravely march as an act of solidarity with all LGBTQ2 Canadians. The march was important to let people know that an LGBTQ2 community existed in Halifax and to let other Nova Scotians struggling with their sexuality know that they were not alone.

This march became the first annual Halifax Pride Parade. We celebrated the thirtieth anniversary of the Pride Parade in Halifax last summer.

I would like to thank those early pioneers, the members of the LGBTQ2 community, who were the catalyst for so much change in our country. I would like to thank all of those who were willing to discuss their sexuality openly, even at the risk of their careers and personal lives. Their brave actions and sacrifices have led to real change in Canada.

Nova Scotia member of Parliament and Canada's first openly gay cabinet minister, Scott Brison, gave an interview recently about being an openly gay politician. He talked about struggling with his sexuality as a young man and watching the first Pride Parade in Halifax when he was a student at Dalhousie University. His story is no different than those of many young people growing up in a society that was largely intolerant to the LGBTQ2 community. But Minister Brison embraced his sexual orientation, and he has been a role model for so many young Canadians. When asked by the reporter if it was difficult to physically come out as gay when your career is dependent on public opinion, Minister Brison said:

Young people or their parents have come up to me and said, "You don't know what a difference it has made in the life of my child or my son or my daughter." That is something that has been rewarding to me, to think that I can help in the lives of young people who are struggling.

Honourable senators, the Prime Minister has taken an important first step with his apology, in the other place, on behalf of all Canadians for the past wrongs against LGBTQ2 Canadians. The path to healing those wounds begins with the apology, and the apology is put into action with Bill C-66.

I recognize that this legislation is a modest first step and that much more can be done. As Minister Goodale testified before the committee:

... we've drafted the legislation in such a way that Parliament may, in its judgment, after due consideration of other issues and other offences, add those other offences to the provisions of Bill C-66.

Honourable senators, I congratulate the government on their public apology to the LGBTQ2 community and also on bringing forward this bill. I strongly encourage the Prime Minister and the Minister of Public Safety and Emergency Preparedness to consider the Standing Senate Committee on Human Rights' report on Bill C-66 and the observations that are contained within it.

Honourable senators, I would like to end my speech with something that Minister Scott Brison also said in his interview:

My experience has been when you give people an opportunity to be progressive, almost without exception people will rise to the occasion. People are inherently good.

I believe that Canadian's response to the Prime Minister's apology and the public support for this bill show how true that statement is.

(On motion of Senator Joyal, debate adjourned.)

[Translation]

ROYAL ASSENT

The Hon. the Speaker: informed the Senate that the following communication had been received:

RIDEAU HALL

May 23rd, 2018

Mr. Speaker:

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 23rd day of May, 2018, at 14:12.

Yours sincerely,

Assunta Di Lorenzo
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Wednesday, May 23, 2018:

An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts (*Bill S-5, Chapter 9, 2018*)

An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts (*Bill C-49, Chapter 10, 2018*)

• (1450)

[English]

CANADA LABOUR CODE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT BUDGET IMPLEMENTATION ACT, 2017, NO. 1

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hartling, seconded by the Honourable Senator Wetston, for the second reading of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

Hon. Marilou McPhedran: Honourable senators, I rise today to speak on the second reading of Bill C-65. I would like to thank Senator Hartling for her leadership in sponsoring this important bill and for her years of dedication in countering violence against women and children. For this place, this bill is personal. It will have a significant impact on our work environment as a self-regulating body.

More broadly, this bill will alter work environments across Canada. According to Employment and Social Development Canada, 8 per cent, approximately 1.2 million, of those employed will be affected by the Bill C-65. And an incalculable number of partners, spouses, families and communities will benefit when the work environments of more than 1 million people are improved. Clearly, this is the desired outcome of Bill C-65. I salute Minister Hajdu for her initiative. But does this version of the bill deliver adequately on its promise and potential?

It falls to us as senators, under the pressures of this legislative agenda, to assess whether Bill C-65 has the necessary mechanisms to both prevent workplace harassment and also deliver justice and remedies to survivors when prevention just didn't work. Soon after I arrived in this place, perhaps because of my previous legal work in this area, I began to hear personal accounts of bullying and other forms of harassment by a few senators, past and present.

As we heard from Minister Hajdu yesterday, this bill provides a foundation to support those who work with us and in the broader public service, but a few key changes would reinforce the vision and the architecture of this legislation and act as a catalyst for long-term investment in productivity because of better protections and procedures.

With just one shift, we could infuse this legislation with human rights values, utilizing existing governmental expertise and methodology of GBA+, grounded by intersectional evidence and survivor-centric analysis in the statute and its regulations.

To make this shift toward inclusion of human rights values to strengthen the bill, today I ask the honourable senators on the committee to consider the following points when you review this bill and prepare your report back to this chamber. I appreciate that this bill is time-pressured. We want to extend protections to Parliament Hill staff as soon as possible.

Yet, this is also the ideal opportunity to learn from previous inadequate legislative attempts that fell short of preventing and responding to harassment to a degree sufficient to produce effective and just outcomes.

As referenced in my question to Minister Hajdu yesterday, this bill needs to be even more geared to what creates a safe and respectful work environment. Why cut off options for remedies, as this bill currently does? Bureaucratic convenience is not a good reason to limit access to appropriate remedies.

Claimants need the right to choose to file a complaint with the Canadian Human Rights Commission at any time during the internal complaints process. Chief Commissioner Marie-Claude

Landry stated in her testimony to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities:

... in order to end harassment, and sexual harassment in particular, victims must absolutely feel safe, empowered, and supported. That is what they need to proceed. The bill does not go far enough, however. . . .

Any new process must be in addition to, and must not limit or delay access to the protection afforded by the Canadian Human Rights Act

In my experiences as a human rights lawyer representing survivors, a former Chief Commissioner of the Saskatchewan Human Rights Commission, and a former Canadian Human Rights Tribunal member, I have seen how having the agency to make choices about where and how to seek a remedy can transform a victim into a survivor.

Bill C-65 is already a strong improvement in protecting employees previously shut out of the Canada Labour Code and the Parliamentary Employment and Staff Relations Act.

Here are a few key changes that would further strengthen protections in all the workplaces covered, but are of particular relevance in this place, partly because, as senators, we enjoy extraordinary "job security" and our internal governance processes are often cloaked by a shockingly — at least to me — wide use of "confidentiality" made possible because there has been no enforceable legislation that applies to protect those who work for us — our assistants, consultants and pages, for example.

Complaints should be dealt with on their merit, not spurned by using a section with language rooted in prejudice. The use of "trivial, vexatious or frivolous" language within a complaints process as the basis for refusing to respond to a complaint poses risk for a survivor's claim to be nullified on a whim. Why do I challenge this wording other than because it is antiquated? Because, senators, what is "vexatious" to the employer holding privilege and power can be when we are questioned, when our exercise of privilege and authority is challenged by an underling. Similarly, what is seen as a trivial and/or frivolous complaint to the holder of power may have been a devastating experience to an employee. In other words, putting into a modern law the highly subjective descriptors "trivial, frivolous and vexatious" perpetuates the potential for victim-blaming by those in authority.

The bill should include a procedural standard that ensures fairness and due process to complainants. It needs more neutral language squarely addressing the core concern, which is abuse of process. That is the purpose of this section. Let's say it clearly instead of using words steeped in prejudice.

In considering the environment that we work in, where there are terms to contracts for employees, minimum standards must be included in the bill such as specified timelines and mandatory training for all those involved in the decision-making process. We are living in the #MeToo and #TimesUp era where harassment and violence are less tolerated in workplaces and where bullies are called out more often with consequences. This government has put gender equality at the forefront of its mandate. Gender equality is indisputably a key driver for economic productivity. We need this legislation, and we need to guard against a “femwash” and focus on implementation and accountability measures. It truly means time is up for harassment in the workplace. Canada can lead on this crucial issue of equality, dignity and justice so that staffers can actually live their rights.

[Translation]

I encourage my colleagues to consider my suggestions when it comes time to propose amendments to the bill in committee. In recent months, I have heard the stories of a number of survivors of harassment on Parliament Hill, particularly in the Senate. I assure you that this is not taken lightly. This far-reaching legislation will have a great impact.

• (1500)

Colleagues, I am listening closely to the deliberations, and I look forward to what the committee members will suggest to better protect Hill employees.

[English]

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today in support of Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1.

I thank Senator Hartling for sponsoring this bill. I support Bill C-65 in principle, because workplace harassment is unacceptable. I appreciate particularly the emphasis on mental health and wellness of survivors, the use of Gender-based Analysis Plus and the recognition of how workplace harassment impacts marginalized communities. Women, people with disabilities, the LGBTQ community, racialized Canadians and other marginalized groups are particularly vulnerable to harassment.

I have a few points of concern that should be considered while Bill C-65 is being studied in committee.

Although Bill C-65 uses the term “victim,” I will be using the term “survivor.” The purpose of this is to highlight the strength and resilience of the people who survived their harassment and continue to survive the long-lasting impacts of harassment.

Before the break, Senator Hartling brought to our attention the initialism PRS, which represents the three pillars this bill is built upon: preventing harassment, responding effectively and supporting survivors.

My first concern falls under the “preventing harassment” pillar. I suggest the education portion of this bill be more inclusive than what is proposed. Everyone needs training on harassment in the workplace, not only the designated respondents. It is important to create a culture of respect and accountability to protect people vulnerable to harassment. Implementing education about consent, harassment, acceptable boundaries and prejudice is how we can begin to manifest this culture.

My second concern falls within the scope of “responding effectively.” The wait times survivors experience between reporting the incident and a resolution to their complaint is long. This lengthy period leaves them feeling frustrated, invalidated and it draws out their trauma. Due to these barriers, many survivors withdraw their complaints, experience stress-related health issues that interfere with their work performance and many choose not to file a complaint at all.

In order to respond effectively to complaints of harassment, a shorter time frame is needed to protect the well-being of survivors. Prolonged and disorganized reporting processes are more likely to retraumatize survivors as they continue to relive the trauma until resolution. This lengthy process also means that the harasser may continue to cause harm during the process.

My third concern falls under the category of “supporting survivors.” Within Bill C-65, there is a gap of proposed support for legal services for survivors. The support provided should include legal aid, as we all know that seeking legal counsel is often prohibitive. Improving access to legal services for employees who are survivors of harassment is practical, action-oriented and will remove one of the many barriers to justice.

My final concern is about the accountability of bystanders of harassment. I believe a protocol is needed to encourage bystanders to step in and report harassment. The heavy burden of reporting harassment falls on the survivor to have the capacity, energy and resources to endure this stressful process. Improving the complaint process to include bystander reporting protects the survivors and creates more accountability among coworkers to be allies.

Honourable colleagues, thank you for considering the many ways Bill C-65 has the capacity to impact the lives of employees, including our own support staff. I look forward to seeing the changes Bill C-65 brings to our place of work by protecting employees and working to make the Senate a supportive and healthy workplace.

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

Senator Bernard: Yes.

[Translation]

Hon. Josée Verner: I listened closely to your speech regarding the bill in question. It reminded me that you also spoke about the inquiry tabled by our colleague, Senator McPhedran, regarding sexual harassment complaint procedures.

In your speech you talked about timelines and the length of the process, which mean that victims of sexual harassment end up caught up in this process for even longer. They continue to experience a great deal of stress because of what they went through.

What do you think would be the ideal timeline? When you spoke to the sexual harassment inquiry, you mentioned former Senate employees who had spoken out in the media and who had said that complaints had first been made against former Senator Meredith in 2013. It is now 2018, and we are still waiting on the report. Do you think five years is an appropriate timeline, in light of the additional stress that these individuals face?

[English]

Senator Bernard: Thank you for the question. In my opinion, five years is absolutely too long for anyone to have to go through any complaint, certainly a complaint of this nature. It is incumbent upon us to ensure that such complaints are handled in a much more timely manner. I don't have a suggestion as to what that time frame should be, but I know for certain five or two years is far too long.

We must keep in mind that every time a survivor reviews the incident, every time they're retelling their story, they're reliving that violence. They're reliving that harassment. That contributes to further stress, and it impacts their work. Their work in the Senate is certainly something we want to be concerned about. Most important, we want to be concerned about the impact on people's lives and how this affects them. The longer the investigation goes on, the more difficult and challenging it's going to be.

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

• (1510)

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Moncion, for the third reading of Bill S-237, An Act to amend the Criminal Code (criminal interest rate), as amended.

Hon. Kim Pate: Honourable senators, I rise today to speak in support of Bill S-237, which proposes to amend section 347 of the Criminal Code by reducing the criminal rate of interest from 60 per cent to the Bank of Canada's overnight rate plus 45 per cent.

I think the rate should actually be far lower than 45 per cent when money is borrowed for personal, family or household purposes. Limiting the interest on costly forms of credit can help to mitigate the oppressive effects of predatory lending on the poor.

[Senator Verner]

I commend Senator Ringuette's efforts to curb predatory lending. She initially proposed a cap of 20 per cent above the overnight rate. The Banking Committee voted on division to raise the proposed new rate to 45 per cent. Senator Ringuette pointed out that, in Quebec, consumer interest rates are effectively capped at 35 per cent. The Quebec experience appears to support the common sense principle that economies in Canada can function and thrive without having to impose 45 per cent, let alone 60 per cent interest rates on the poor.

I urge honourable senators to make the adoption of Bill S-237 one part of a broader program to address poverty and financial exclusion in Canada. I also urge, however, that given what we know about the economic impacts of predatory interest rates on the most vulnerable, we consider reinstating the original 20 per cent cap before adopting the bill.

High-cost credit contributes to cycles of debt and poverty for the most marginalized members of our society.

[Translation]

According to Statistics Canada, one in seven Canadians lives in poverty.

[English]

Poverty hits hardest at the intersections of gender, race and disability: 28 per cent of racialized women and 33 per cent of women with disabilities live below Statistics Canada's low-income cut-off, as do 36 per cent of Indigenous women living off reserve.

Nearly one quarter of children raised by their mothers alone live in poverty as do fully half of the children with Indigenous status. The poverty experienced by children is exacerbated when their parents are forced to turn to high-cost credit to provide for them. And we know that for far too many, attempts to negotiate poverty can result in people doing things to make ends meet that can result in their criminalization, incarceration and separation from the families they struggle to support.

Inequality and powerlessness are integral and inherent to predatory lending practices. While the wealthy have ready access to credit at affordable rates that are often below prime, the poor are regularly refused loans at mainstream financial institutions which forces them to rely on fringe lenders who charge usuriously high loan rates.

Only yesterday I was speaking to someone who, a few months after obtaining just \$100 from Cash Money — which is a money loan business — ended up having to repay over \$1,000. She described the shame of having to plead her case to others when the threat of the debt caused her to contemplate the possibility of homelessness or criminalization. She even considered suicide. She aptly described the predatory practices as follows:

They make it so easy to get money, but sink you into huge debt at the same time. It's a big trap and the door only goes one way . . .

While “payday loans” are not covered by Bill S-237 as they are regulated provincially, they are perhaps the best known product offered by fringe money lenders. Many also offer credit in forms such as high-interest instalment loans, which will be affected by the bill.

Colleagues, try to imagine what you would do if you were, like Helen Parry, a grandmother from Brampton who, according to CBC in 2015, was supporting two adult children on a salary that had not increased in eight years. She applied for a loan with a financial institution but was denied. She approached an alternate lender and was approved for a \$3,100 loan to be paid back over 18 months. This was an instalment loan.

A few months after she got her original loan, Ms. Parry got a call from the lender offering her more money with a longer repayment period. Ms. Parry agreed and ended up with a \$5,100 loan to be repaid over 36 months. The lender told Ms. Parry the total obligation for the term of the loan would be \$9,521.90.

Peter Gorham, an actuary who provides certification on criminal rates of interest, calculated the effective annual interest to which Ms. Parry was subject to be 57.12 per cent. Worse still, if you included the “optional” loan protection insurance taken out by Ms. Parry, by the end of the 36 months she would have repaid a total of more than \$13,400. With this product added, Mr. Gorham estimated the effective annual interest rate to which she was subjected was actually 120.3 per cent.

These are the types of products the amendment in Bill S-237 is addressing.

When she testified at committee, Courtney Mo of Momentum, an anti-poverty organization in Calgary, highlighted the issue of interest rate inequality when she advised that:

Those who can least afford to borrow end up paying the most.

She further observed:

These loans are regularly used to cover basic needs. That means that people living on a lower income are effectively paying 60 per cent interest or more on their groceries, their rent or diapers.

The evidence supports these observations. A recent survey found that those who turned to high-cost credit overwhelmingly use it to pay for food, housing, bills and to alleviate poverty. In fact, nearly one in three respondents reported using high interest loans to pay for food. To make matters worse, many on social assistance take the risk that the money they borrow will count as “income” or “assets” and be deducted from their social assistance.

This bill will help to curb the most egregious predations of fringe lenders by lowering the usury cap for household borrowing from the current unconscionably high rate of 60 per cent to one of 45 per cent over the Bank of Canada's overnight rate. I believe that we can and must do better.

A 45 per cent interest rate is still too high when we recognize it for what it is: a premium that the poorest pay when they borrow to meet their basic needs.

Honourable senators, in addition to passing Bill S-237, we must turn our attention to the realities of the devastating and invasive reach of the tentacles of poverty and the impact of financial exclusion. When people resort to high-cost credit, it is not because they don't understand that the cost of borrowing from fringe lenders is higher than it is at the bank. It is because, by reason of poverty, systemic biases or geography, mainstream financial institutions are not welcoming or accessible to them. Simply put, most mainstream banks are not interested in their business.

Researchers call this “financial exclusion.” The evidence shows that the people who are most affected by financial exclusion include those with low incomes, Indigenous peoples, women and single-parent families. To ensure an adequate response to the problem of high-cost credit, the federal government must exercise its power to regulate banking in ways that promote equality of access to basic banking services, including affordable credit, for all, particularly those who are most vulnerable, the poor.

[Translation]

We must also create a more just society by ensuring that every Canadian has enough income to meet their needs and those of their family.

[English]

Professor Jerry Buckland, whose book *Hard Choices* is the most comprehensive study of financial exclusion in Canada, writes that “probably one of the best ways to overcome financial exclusion is to address poverty.”

One the ways Canada could redress the inequity of poverty is currently being experimented with by the Government of Ontario. The Ontario Basic Income Pilot project involves two groups: the basic income group who receive monthly basic income payments for up to three years and the comparison group who do not receive monthly basic income payments but will actively participate in the research study.

Third party evaluators then compare people in these two groups to see whether basic income helps people living on low incomes better meet their basic needs and improve their education, housing, employment and health.

• (1520)

Implementing a guaranteed livable income in Canada could ensure that everyone has the economic means to facilitate access to reasonable, affordable credit. More important, it could create a society in which people could meet their basic needs without having to borrow.

[Translation]

Honourable colleagues, in light of the points I just made, I support Senator Ringuette's efforts to reduce the criminal interest rate for personal, family, and household loans.

[English]

This bill takes an important step in reducing the inequality between what the rich and poor pay for credit, but the glaring gap that remains is still unconscionable. Honourable colleagues, let us work together to lower the 45 per cent cap, and let us commit to adopting comprehensive measures to address poverty and financial exclusion in Canada. Thank you. *Meegwetch.*

Hon. Pierrette Ringuette: Would the honourable senator take a question?

Senator Pate: Yes.

Senator Ringuette: I've been on this fight for many years, and I'm constantly getting the same message from the top 10 per cent high-income earners of Canada that the problem is financial education. It's easy to say the problem is financial education when you're making \$100,000 a year, but how would you manage if you had \$10,000 a year to live on with your family? That requires a lot more financial education than anyone earning \$100,000.

I understand, honourable senator — and here is my question — you are very sensitive and very close to the people you've mentioned in your speech. Is it your experience that the requirement to solve this issue of abusive rates is to have our low-income people have financial education?

Senator Pate: Thank you very much for the question.

No. In fact, in all my experience in this area, the reality is that low-income rates aren't even adequate. There is not one jurisdiction in this country where social assistance is sufficient for people to be able to support themselves. It's not a matter of financial literacy or ability. It's a matter of inadequate resources.

Senator Ringuette: Thank you very much.

(On motion of Senator Ringuette, debate adjourned.)

STUDY ON THE DEVELOPMENT OF A STRATEGY TO FACILITATE THE TRANSPORT OF CRUDE OIL TO EASTERN CANADIAN REFINERIES AND TO PORTS ON THE EAST AND WEST COASTS OF CANADA

SIXTH REPORT OF TRANSPORT AND
COMMUNICATIONS COMMITTEE AND REQUEST
FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Patterson:

That the sixth report of the Standing Senate Committee on Transport and Communications, entitled *Pipelines for Oil: Protecting our Economy, Respecting our Environment*, deposited with the Clerk of the Senate on December 7, 2016 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 Natural Resources being identified as minister responsible for responding to the report, in consultation with the Ministers of Transport and Fisheries, Oceans and the Canadian Coast Guard.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO 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. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to support Senator Pate’s Motion No. 302, to instruct the Senate administration to remove the website of the Honourable Senator 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.

I oppose Senator Pratte’s amendment (a) to remove the 103 letters of support dated March 8, 2017, to October 4, 2007, from the website of Senator Beyak and any other website housed by a Senate server. The presence of hate speech on Senator Beyak’s website is unacceptable. Our role is to represent and advocate on behalf of Canadians. These letters alienate and discriminate against a particularly vulnerable group in Canada: First Nations, Metis and Inuit peoples.

This amendment allows for Senator Beyak to continue to post letters as she sees fit on her website hosted by the Senate server.

Many of the letters posted support cultural assimilation and cultural genocide. These letters contain problematic language that communicate hateful messages about Indigenous communities and do not have the best interest of Indigenous communities in mind.

Senator Dyck provided examples on May 1 in her speech that illustrated how the language in these posted letters violate the Charter of Rights and Freedoms, which overrides freedom of speech. One’s freedom of speech should not be prioritized over another Canadian’s rights to safety, security and dignity.

Senator Dyck indicated that Senator Beyak has continued to add letters to her website on the Senate server while we have been debating Senator Pratte’s proposed amendment to Senator Pate’s motion. Senator Beyak has indicated that as long as her website is hosted on our Senate server, the Senate has no say as to what content she uploads nor what she continues to post. I support the removal of the entire site until such time as the Senate Ethics Officer can rule on the content.

• (1530)

Leaving the site with the knowledge that Senator Beyak will continue to actively post letters provides a platform for ongoing racism. I fear that these letters may escalate and become more violent. Allowing for the possibility of new letters to be posted creates a platform for hatred, racism and the dissemination of false information about residential schools, status cards and auditing First Nations, for example.

The issue is not as simple as disagreeing with points of view or a critique of “political correctness.” The purpose of political correctness is not to prevent conversations from happening but to prevent harmful expression that perpetuates stereotypes. This language guides discussions about marginalized communities by priming the audience with negative and derogatory messaging. I encourage conversations about colonization, harmful historical and current practices of assimilation and racism, but I insist we do so without using problematic and violent language.

Witnessing racism has a cumulative negative impact on racialized Canadians. I am in support of Senator Dyck’s statement about how racist emails or letters have a uniquely negative impact on the reader. We have heard first-hand from our colleague how harmfully these letters have impacted her. I take her words seriously, and I imagine the impact of other Canadians looking at the website of their senator as an example of acceptable language and behaviour towards Indigenous peoples.

The impact on the health and well-being of those subjected to racism is detrimental and long-lasting. We have the ability to control whether or not we wish for Canadians to be repeatedly exposed to this hate on a website hosted by the Senate of Canada, and I hope that each of us takes the time to understand the gravity of this situation and the dangers of allowing such harm to occur.

Honourable senators, on the grounds that I have suggested about the harms of witnessing racism and the risk of more letters being posted, I support Senator Pate’s Motion No. 302, and I oppose Senator Pratte’s amendment.

Thank you.

(On motion of Senator Martin, debate adjourned.)

MOTION TO ENCOURAGE THE GOVERNMENT
TO INSTITUTE A NATIONAL SILVER ALERT STRATEGY
AND NETWORK—DEBATE ADJOURNED

Hon. Pamela Wallin, pursuant to notice of May 22, 2018, moved:

That the Senate encourage the Government of Canada to work with provincial and territorial governments and other stakeholders to institute a national Silver Alert strategy and network, modeled after those of the provinces of Alberta and Manitoba, to facilitate the location of cognitively impaired adults who become lost; and

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

She said: Honourable senators, I rise today to speak to the motion tabled yesterday, seconded by Senator Plett. I thank him for his support.

This is an issue that knows no political borders. We all know someone or have a family member that is affected by dementia, Alzheimer's or some other cognitive impairment. My personal experience includes my own mother and grandmother, whose conditions both rapidly declined. There were always fears that they would leave home and become lost, a common fear amongst many thousands of families and caregivers.

A Silver Alert strategy is a great start. The system mirrors the successful Amber Alert, which is used to locate missing and abducted children. And given the similarity of the systems, they could easily be integrated, making the Silver Alert a cost-effective strategy to help find loved ones.

Here at home, Alberta and Manitoba have led the way in Canada by passing bills implementing the system. Ontario attempted to create a system, but it fell victim to an election call in 2011. Our thanks to a former Liberal MPP, Sophia Aggelonitis, for reaching out to me on this issue. Her hard work and determination are helping so many, including the one thousand signatures she collected for an e-petition.

Many jurisdictions in the United States also have Silver Alert systems. Statistics from cities and states from our southern neighbour show the system has been an effective strategy. Wisconsin's system, activated in 2014, in its first five months saved the lives of 15 elderly people, including an 80-year-old man found lying injured in a farm field, a familiar fear for families in rural areas. Police cited the system as a direct reason for his rescue.

In Florida, Silver Alert is utilized on a regular basis to locate those missing and is regularly successful. A wide range of people have helped locate folks as described in success stories — police officers, hospital staff, convenience store workers and ordinary citizens all assisted after recognizing someone who was the subject of a Silver Alert.

In Texas, where the Amber Alert was actually created, the Silver Alert system has been active since 2007. In its first year, it was successful in almost all cases.

And in Indiana, the Silver Alert has been successful in 200 of its 235 activations since its inception in 2009, demonstrating clearly that the system is working.

Creating a Silver Alert here in Canada would be an excellent complement to many initiatives currently in place, such as Project Lifesaver, a program giving people with dementia access to tracking bracelets, or the dementia village in Langley, B.C., set to open next year.

The debilitating and devastating nature of dementia and Alzheimer's sends many families into a scramble while they find a way to deal with what has become their new normal. There is the story of Kathryn, who, at 21, quit her entry-level job and moved home when her mother was diagnosed with early-onset Alzheimer's. She described the pace at which the disease took her mother away from her, starting with her mother's misspelling her birth name and leading to the eventual difficulty in completing simple, everyday tasks. Kathryn could no longer relate to her friends, who were quickly progressing in their careers. Dementia takes a toll on the whole family.

There are more than 700,000 Canadians today living with dementia or Alzheimer's, and the number may be greater than that because there are so many who aren't diagnosed. The number of diagnoses is estimated to double in the next 15 years.

The numbers paint a dire picture in our country that sees an aging population and a greater need for care and support. We already have a law directing the government to create a national strategy on dementia and Alzheimer's, but it is key that Silver Alert be part of the discussion and the solution.

However, as we know, government can move slowly, and we need action sooner rather than later.

People with dementia and Alzheimer's are prone to wandering away from home or their institution and becoming lost. As I stand here today, there is likely a family member or caregiver desperate to find a loved one.

Dementia, Alzheimer's and other cognitive impairments have stigmas attached to them, which makes it hard for many to talk about their experiences and seek help. But initiatives are being undertaken, and a national Silver Alert strategy could help Canadians to understand the realities of living with these diseases. Sympathy for those suffering is one thing; empathy for their situation is key to helping us understand that we can help.

• (1540)

The Silver Alert is not exactly like an Amber Alert, where victims are often transported across provincial borders. The nature of the Silver Alert is much more local. So a federal network would help each of the provincial or territorial systems to communicate and collaborate. The federal government should take national leadership to initiate a conversation to create a strategy and to create a network for provincial, territorial, municipal and media partners to work together.

Senators, I hope you will join me in supporting this motion and sending a message to government that the Silver Alert system should be initiated nationwide. Let's help our families, our caregivers, and, most importantly, our loved ones to feel safe and secure.

Hon. Donald Neil Plett: Honourable senators, I rise today to speak in support of Senator Wallin's motion and am indeed honoured to be able to second this motion.

I became familiar with the Silver Alert system when it was recently debated and passed in Manitoba's legislature, after two fairly highly reported cases involving seniors with cognitive impairment going missing. One involved 94-year-old Bessie Johnson, who wandered away from an assisted living facility in Riverbend on a cold November night. Her family was absolutely terrified, given the poor weather and the fact that her Winnipeg care home was right next to the river.

Bessie had climbed into a warm, unlocked vehicle for shelter and was driven to the owner's home in St. Vital, unbeknownst to him. The owners found her in their garage the following morning. Bessie doesn't remember much about the evening, but, thankfully, after a sleepless night for the family, Bessie Johnson was found.

Families like the Johnsons were consulted by the bill's sponsor, MLA Len Isleifson, when he crafted this legislation. He also worked collaboratively with the Brandon Police Service, the Alzheimer Society of Manitoba and several other stakeholders. The Johnson family and others who have been through similar circumstances eagerly support this approach. Bessie's son, Victor, said that a faster, more widespread approach is a sensible one as it generates community action more quickly.

Alberta has also passed Silver Alert legislation, and 36 states in the U.S. have embraced the system.

The provincial legislation allows Silver Alerts to be issued by law enforcement agencies as a way to work with media and the public to locate cognitively impaired adults reported missing. It helps authorities to more easily locate these vulnerable adults, often seniors, and ease the minds of their families.

In Manitoba, the system applies to all adults with Alzheimer's, dementia, autism, Asperger's and other such disorders. A Silver Alert would include personal information about the missing person, including their name, a physical description, a photograph and information about medical conditions. Vehicle information, the location where the person was last seen and the circumstances of the disappearance would also be released. In the same way that Amber Alerts are used all over North America to locate missing children, the Silver Alert system will allow police, health care providers, the media and families to work co-operatively to find cognitively impaired adults who become lost. Like the Amber Alert system for missing children at risk, a Silver Alert would interrupt television and radio broadcasts with information about the missing person. The alerts can also appear on websites and social media.

We are all familiar with the effectiveness of Amber Alerts when we have seen missing children returned safely to their homes and their families. According to the U.S. Department of Justice, 924 children have been rescued using the system in their country.

In Canada, 70 children have been rescued over a nine-year period.

As the population ages, the number of people diagnosed with dementia continues to rise at an alarming rate. In fact, there are more than 700,000 Canadians diagnosed with dementia or Alzheimer's. That number goes up astronomically when one

considers all of the types of cognitive impairment. It is estimated that the diagnosis for dementia will double over the next 15 years. The Alzheimer Society of Ontario has stated that three out of five people with dementia will eventually wander off, which presents police with a unique set of challenges.

According to the *Globe and Mail*, last year alone, Toronto police received 835 reports of missing people aged 61 and older, the highest number in the past five years.

Searching for people with dementia or other conditions affecting their cognitive abilities is especially challenging. Unlike with a missing child, they often don't comprehend that they are lost and won't ask for help or respond to someone calling their name. They also sometimes take shelter in out-of-the-way places, and, in tragic cases, have been found dead only metres from their homes.

As Senator Wallin mentioned when she raised an inquiry on Silver Alerts, rural areas in Canada can be exceptionally dangerous in this regard. As Senator Wallin stated, wandering can be deadly as temperatures hover in the -40s for months on end. She also spoke about a man from her rural community who was lost in plain sight and tragically passed away.

It should be noted, colleagues, that lost adults with cognitive impairment in urban settings are also very difficult to spot because they will likely be wandering through the city looking like everyone else. Passersby would have no idea that they are in need of assistance. Unlike Amber Alerts, Silver Alerts have often been disseminated to a specific area, rather than province-wide, because, unlike child abduction cases, missing seniors and vulnerable adults are less likely to travel very far. This helps to rectify the concern raised by some critics of this initiative that there would be overuse, leading to "alert fatigue," meaning people would be exposed to many notices and, therefore, be less likely to react or pay attention. Silver Alerts are focused on alerting the right people, at the right place, to avoid this risk.

Colleagues, this is an issue of national importance, and the federal government needs to take leadership. I am thrilled that Manitoba and Alberta have already enacted Silver Alert legislation. However, we have vulnerable populations with cognitive impairment nationwide. The Government of Canada needs to encourage all provinces to act promptly so that we can ensure that we are protecting vulnerable adults all across the country through this tried and true system.

I am proud to second this motion, and I applaud Senator Wallin for bringing it forward. I encourage all honourable senators to keep Canada's cognitively impaired and aging population and their families in mind and to vote in favour of this important motion so that the Senate can send a strong message to the federal government that Silver Alert systems need to be front and centre at their next meeting with their provincial counterparts.

Hon. Frances Lankin: I'm surprising people. My apologies for that, but the two speakers to this motion have awakened in me a set of emotions. I feel that it's a good time for me to talk about what I was going to speak to the inquiry about. My name is on the list for that inquiry. I have taken the adjournment on that measure, but I want to speak to this motion.

• (1550)

My mother was afflicted with Alzheimer's, and the experience of being a caregiver for a parent with dementia is something that many of us have experienced, and the tragedy of watching the loss of the person. That was the powerful message behind the call for a national strategy, so I am pleased the Senate supported that.

I think that this is an important initiative, one whose time has long passed and we should have it now. I appreciate those jurisdictions that have taken a lead on this in attempting to get it and those who have brought the measure forward.

It was a cold, rainy afternoon when my mom disappeared from our house, and it was impossible to even guess where she might be. We drove, we looked, we tried to speak to people that were walking on the street. Had anybody seen her? As people have described already, it was a very traumatic experience. Fortunately, in one of those nice little life stories, my brother had a small dog that was living in the house with us, my mom's house. We shared care giving. That small dog, a Jack Russell

terrier, when we came back to the house, was let out and barked and barked and barked. And my brother thought, "I'm going to follow the dog." We found my mom about four blocks away in someone's garage, in her nightgown soaking wet, crying and trembling.

It was a terrible experience for her. There were so many of those experiences over the years, watching her being tied up in a hospital, watching her being given chemical restraints. All of these things pile on to a family trying to deal with this. This is such a simple yet moving thing, so I thank the people who raised it with you. I thank your work on this, for Senator Plett's support and commitment. I apologize for my emotion, but I support this motion. It's about time.

Hon. Senators: Hear, hear!

(On motion of Senator Richards, debate adjourned.)

(At 3:53 p.m., the Senate was continued until tomorrow at 1:30 p.m.)

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