



DEBATES OF THE SENATE

1st SESSION



42nd PARLIAMENT



VOLUME 150



NUMBER 287

OFFICIAL REPORT
(HANSARD)

Monday, May 13, 2019

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Monday, May 13, 2019

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE LILLIAN EVA DYCK

CONGRATULATIONS ON YWCA WOMEN OF DISTINCTION LIFETIME ACHIEVEMENT AWARD

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, tomorrow evening, in Saskatoon, Saskatchewan, the YWCA will host its Women of Distinction banquet, where one of our own, our good friend and colleague, the Honourable Lillian Dyck, will receive the Lifetime Achievement Award.

There is no question that Lillian Dyck is deserving of such an honour. Her accomplishments before and after her appointment to the Senate have impacted the lives of countless Canadians and been widely recognized.

She received the National Aboriginal Achievement Award for Science and Technology; a Commemorative Medal for the Centennial of Saskatchewan; the Saskatchewan First Nations Women of the Dawn Award in Science and Technology; and an honorary doctorate from Cape Breton University.

But this is typical of our colleague. Anyone who knows Lillian Dyck will attest to her principles and her persuasiveness.

She fought tooth and nail for an inquiry into the tragedy of missing and murdered Indigenous women and girls. She fought what sometimes must have felt like an uphill battle to persuade others to join in her call for a national inquiry. As a testament to her efforts, that inquiry expects to publish its final report in just a few weeks.

She continues to advocate for those whose voices go unheard. Her latest work, Bill S-215, would have required judges to consider harsher sentences for offenders who commit violent crimes against Indigenous women and girls.

That bill, though it passed in this chamber, was defeated in the other place. Senator Dyck was deeply disappointed by this outcome but, undeterred, she is already making plans for her next move with regard to that issue.

Colleagues, Senator Dyck herself said that she's not quite ready for a lifetime award. I would agree. I have no doubt that her good work is not finished, and look forward to what she has yet to accomplish. Please join me in congratulating our friend

and colleague, Senator Lillian Dyck, for receiving this Lifetime Achievement Award and in wishing great success in her future endeavours.

Some Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Andrew Baxter, from Alberta Health Services. He is the guest of the Honourable Senators Kutcher and Deacon (*Ontario*).

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

Hon. Senators: Hear, hear!

NATIONAL DENIM DAY

Hon. Chantal Petitclerc: Honourable senators, I speak today as a warning that tomorrow I will make my way into this prestigious chamber wearing blue jeans. But rest assured, Your Honour, this is not my attempt to break decorum or start a new fashion trend in the Senate. I am doing this for a good cause: Tomorrow is National Denim Day, an opportunity to support and join the fight against breast cancer with the CURE Foundation.

[*Translation*]

The CURE Foundation has been fighting against breast cancer for over 20 years. In those 20 years, more than 400,000 people of all ages and from all walks of life have worn jeans or denim to work as a sign of support. Founded in 1996, the CURE Foundation has a three-pronged mission, namely to purchase medical equipment, fund research and support community projects. The CURE Foundation seeks to explore all possible avenues in the fight against breast cancer.

[*English*]

Why am I so passionate about the cause? Because one in eight Canadian women will be diagnosed with breast cancer in their lifetime; because 14 women die from breast cancer every day in Canada; because 26,300 women and 230 men are diagnosed with breast cancer every year in Canada. And because we can all do something about it.

This year, I'm joining the fight and I guess the big question is this: Who else in the Senate will dare to wear their blue jeans tomorrow?

[*Translation*]

I urge you all to join me in participating in National Denim Day tomorrow, May 14.

Some Hon. Senators: Hear, hear!

LA SOCIÉTÉ DE LA FRANCOPHONIE MANITOBAINE

[English]

FIFTIETH ANNIVERSARY

Hon. Raymonde Gagné: Honourable senators, the Société de la francophonie manitobaine was founded on December 5, 1968, and since then, Manitoba's francophone community has fought, carved out a place for itself and grown in diversity. That sentence, which I found in the organization's newsletter commemorating its fiftieth anniversary, perfectly describes the journey it has taken as the voice of the community since its foundation.

Manitoba's francophone community has thrived with the support of this unifying, inclusive, visionary and fearless organization. The fight to have both French and English recognized as official languages of instruction in Manitoba or to receive more services in French hasn't always been easy for francophones, but it has helped change attitudes. The SFM was able to gain support from the community and its organizations through its extensive involvement in major claims and public policy cases.

- (1810)

The SFM also actively participated in the creation of a number of community organizations, such as the Conseil jeunesse provincial, the Fédération des aînés franco-manitobains, the Economic Development Council for Manitoba Bilingual Municipalities, Santé en français, Accueil francophone, and more. Let's also not forget the Centre de santé de Saint-Boniface and the Franco-Manitoban school division, which was created in 1994 in close co-operation with the Fédération provinciale des comités de parents. The creation of those two legacies helped shape Franco-Manitoban history.

I would be remiss if I failed to mention the important role that the SFM played in the passage of Bill 26, the Université de Saint-Boniface Act, and Bill 5, the Francophone Community Enhancement and Support Act. The SFM will continue to proudly represent Manitoba's francophone community and make sure it has a solid foundation on which to grow, develop and thrive.

In closing, my hope is that the SFM is able to celebrate this anniversary under a modernized linguistic framework that, as Linda Cardinal and Normand Labrie so eloquently put it, "recognizes that, in Canada, French is a language of the people and a language of diversity that reflects the history and hopes of francophones."

Thank you.

ROUTINE PROCEEDINGS

BILL RESPECTING FIRST NATIONS, INUIT AND MÉTIS CHILDREN, YOUTH AND FAMILIES

SEVENTEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER TABLED

Hon. Dan Christmas: Honourable senators, on behalf of Senator Dyck, I have the honour to table, in both official languages, the seventeenth report of the Standing Senate Committee on Aboriginal Peoples, which deals with the subject matter of Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[Translation]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

Hon. Chantal Petitclerc: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Wednesday, May 15, 2019, at 3:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Petitclerc: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I give notice that, later this day, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Wednesday, May 15, 2019, at 3:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Pettilerc: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to meet on Wednesday, May 15, 2019, at 3:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[English]

QUESTION PERIOD

JUSTICE

VICE-ADMIRAL MARK NORMAN

Hon. Larry W. Smith (Leader of the Opposition): My question is for the government leader on a subject that is still in the news, concerning Vice-Admiral Mark Norman. In an interview on *Global News* this weekend, Minister Qualtrough stated that the Prime Minister's public comments indicating the vice-admiral would be criminally charged were "not the best framing of words."

Honourable senators may remember that on February 1, 2018, the Prime Minister told a town hall in Edmonton that the investigation would "inevitably" lead to court processes.

Senator Harder, Vice-Admiral Norman wasn't charged until March 2018. How, therefore, could the Prime Minister know this was inevitable? How can the government dismiss the Prime Minister's comments made not once, but twice, as just the poor framing of words?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I can report that my voice is better, but I suspect he will not think my answers are.

Let me repeat as I have when earlier iterations of the same question have been posed: I remind everybody that the RCMP is an arm's-length organization, which made their decisions in respect of this matter, independently. The Public Prosecution Service of Canada is independent from government. The head of that prosecution service has now twice publicly stated that there was no interference in any way from anybody in government, including the Minister of Justice, with respect to the decisions on how the case was handled. They were made independent of the government, and there was no political interference.

I can assure honourable senators that this case was followed by the appropriate enforcement and prosecution officials with the due diligence and independence that we would wish our judiciary and prosecution service to enjoy.

Senator Smith: As a follow-up, in a separate interview this weekend with *CTV News*, the Minister of Defence stated that he "regrets" that the vice-admiral had to go through this process.

Minister Sajjan's regret is not a sufficient apology for Mark Norman and his family. However, Minister Qualtrough indicated in her interview that the government will not apologize to the vice-admiral.

Senator Harder, the Prime Minister has provided many apologies on behalf of the Government of Canada over the last few years. Why has he ruled out an apology in this case?

Senator Harder: Again, honourable senators, I think it's important to recognize that the prosecution service operates at arm's length and made the decisions with respect to this case, as they saw fit throughout, including the recent decision to suspend the prosecution. It is not for the government to apologize for how an independent prosecution service conducts its affairs.

[Translation]

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CORRECTIONAL SERVICE OF CANADA—INDIGENOUS REHABILITATION PROGRAMS

Hon. Pierre-Hugues Boisvenu: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, *La Presse* reported that some 400 inmates at a Quebec penitentiary — the Archambault Institution, I believe — declared themselves to be Indigenous. These self-declared inmates include notorious criminals such as Hells Angels leaders, who can now benefit from programs specific to Indigenous individuals because our correctional system allows self-declaration. The Hells Angels leader is responsible for the Indigenous cell block in that prison. One Indigenous man, convicted for murder a few years back, told us that in his circle of caregivers, he was the only Indigenous man out of 12 criminals.

• (1820)

This has become something of a trick. People declare themselves to be Indigenous in order to access rehabilitation programs designed for Indigenous offenders and potentially benefit from early releases and lighter sentences.

Do you agree with Chief Ghislain Picard who spoke out against this situation last week and called on Correctional Service Canada to fix it?

[English]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. I'm not familiar with the facts in this case, as he presents them. I will make inquiries and report back.

[Translation]

Senator Boisvenu: I'd like you to relay to the minister what some Indigenous inmates told me. They said that they had asked to participate in a program established in 2005 designed solely

for Indigenous people. They were refused because the classes were already overbooked or being attended by White, non-Indigenous people.

This is scandalous when we know that Indigenous representation in federal penitentiaries is four to five times that of the general population. The situation is even worse in Quebec. Out of 1,200 inmates, 400 are non-Indigenous.

Wouldn't you agree that the situation has undermined the government's credibility when it claims there are too many Indigenous people in prison while many of them are actually non-Indigenous?

[*English*]

Senator Harder: Yes, I will add that to my inquiry.

IMMIGRATION, REFUGEES AND CITIZENSHIP

PROCESSING OF ASYLUM CLAIMS

Hon. Victor Oh: My question for the Leader of the Government in the Senate is concerning the processing of asylum claims, which was recently examined by the Auditor General.

As the Auditor General noted, under the previous Conservative government, "Parliament passed legislation in 2010 and 2012 to reduce the backlog, while continuing to respect the procedural fairness."

However, under the Liberal government the backlog is worse than ever, with over 70,000 cases waiting for a decision at the Immigration and Refugee Board. The Auditor General found that: "The surge of claims in 2017 outstripped the government's capacity to process them within the required timelines, leading to the increased wait times. We project that if the number of new asylum claimants remains steady at around 50,000 per year, the wait time for processing decisions will increase to five years by 2024."

Senator Harder, when does the government believe that the current backlog will be cleared?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I want to remind him that this government has, in the last three budgets, both made in-year and budgetary increases to the resources allocated to the Immigration and Refugee Board to ensure that the capacity of that decision-making tribunal was more commensurate with the caseload they are experiencing. I was delighted to see that in the last budget they've actually indicated that they expect to be able to manage a caseload of around 50,000, which is slightly less than the incoming claim demand, so that the backlog could be addressed in that fashion.

The senator will also know that, in the existing budget bill there are a number of measures that the government is proposing to have Parliament adopt. Hopefully this chamber will agree to increase both the efficiency and the capacity of the Immigration and Refugee Board to manage its caseload, but also for the

government to be able to enforce the decisions of the board when appropriate circumstances allow for the removal of failed claimants.

[*Translation*]

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

After extending an reckless invitation to immigrants looking for a welcoming country, your Prime Minister's government secretly changed the rules governing our borders in an excerpt on page 392 of the omnibus bill. Since 2017, at least 40,000 asylum seekers have illegally entered Canada.

The Auditor General of Canada recently confirmed that the Prime Minister and his ministers were not telling Canadians the truth when they said that Canada and its immigration system had the capacity and the means to welcome all of these people.

The government's recklessness shows once again that Justin Trudeau is incapable of governing the country.

Leader, your Prime Minister is known for his ability to apologize, so will he apologize for lying to Canadians about our country's ability to welcome migrants and for having needlessly spent hundreds of millions of dollars? Lastly, will he apologize to all of these disappointed migrants for promising that Canada would welcome them without a problem?

[*English*]

Senator Harder: I thank the honourable senator for his question. I won't respond to the political hyperbole in the question, but I will respond to the substance of what he has asked.

The Auditor General's report is one that the government accepts. In fact, the Auditor General's issues have been ones that the government has been addressing over a series of budgets in terms of the capacity. As I referenced earlier, in this year's budget are a whole series of amendments to the capacity of the Immigration and Refugee Board, and indeed the Department of Immigration, to manage the processing of refugee claimants. I welcome that the representative of the United Nations High Commissioner for Refugees has publicly endorsed the amendments that the government is bringing forward and that this chamber will soon have an opportunity to vote on.

With respect to the illegal immigration, I think it's very important for all senators to know that the safe third country agreement, which Canada negotiated with the United States, is one that ensured the appropriate responsible country was able to adjudicate claims where the claimant already had the occasion to make a claim, in this case in the United States, and that was, of course, when they entered Canada through a port of entry.

Senators will know because Minister Blair has, when he appeared before the Senate, referenced the work that he is undertaking with the United States to see how we can work together with our American friends on dealing with illegal arrivals in Canada. I think it's incumbent on us all to recognize

that this issue is not a burning platform by any means. It is one that requires appropriate and senior attention, for sure, and it does have that.

Hon. Thanh Hai Ngo: My question is for the Leader of the Government in the Senate and also concerns the chapter on the processing of asylum claims in the recent Auditor General's report.

The report notes that 65 per cent of Immigration and Refugee Board hearings were postponed at least once before a decision was made. About a quarter of claims were postponed multiple times, adding at least eight months of delay.

The Immigration and Refugee Board is supposed to reschedule postponed hearings within 10 days. However, the Auditor General report found that fewer than 10 per cent were rescheduled in that time, and that new claims were prioritized over those that had been postponed. There are many delays and people are not being heard because of unnecessary postponement.

Senator Harder, what concrete steps will the government take to help reduce delay and postponement in these hearings when asylum claims are expected to keep increasing?

• (1830)

Senator Harder: I thank the honourable senator for his question. I would commend him to read the full report, because he will be able to inform himself that, in the report itself, the Auditor General refers to the front-end security screening innovation the department has put in place to work with the IRB and claimants' processing to reduce the need for adjournments and to ensure a more efficient hearing process.

Those measures, along with others that have taken place, some within the IRB and some within the department, show the coordinated capacity of the managers of this system to put in place innovative solutions to ensure the appropriate and effective hearing process for claimants who are entitled to Canada's protection and that those who are not are dealt with in a more expeditious fashion than this government inherited.

Senator Ngo: Thank you for your answer.

In addition to scheduling delays, the report also found poor information sharing between the immigration department, the CBSA, and the Immigration and Refugee Board, especially when it comes to information technology. The Auditor General recommended that these organizations find a way to share the information securely, accurately and efficiently, moving from paper to digital processing of asylum claims.

What is the government doing to respond to this particular recommendation to ensure that information on cases is shared and is more effective while still respecting the sensitivity of the information?

Senator Harder: Again, I thank the honourable senator for his question. It's a good one.

The government put in place some time ago a senior level, broadly representative of the departments most implicated in this determination process, to ensure all of the assets of the government were brought to bear. Some of that sees itself in the measures in the most recent budget, but there also have been pilot projects and their adoption system-wide. For example, an Integrated Claims Analysis Centre started as a pilot project in Montreal and is now expanding to ensure that that kind of information is, in fact, more rapidly available and broadly shared.

These are all important improvements to assist them. That is, by definition, a challenging one, particularly when you do not know the number of claimants one will have in any given year.

CALL CENTRE PERFORMANCE

Hon. Salma Atallahjan: My question is for the Leader of the Government in the Senate.

In addition to the Auditor General's examination of the processing of asylum claims, the recent report also looked at call centre performance across several government departments. The Auditor General found that the callers to the Department of Immigration, Refugees and Citizenship Canada had a wait time of 32 minutes to speak with an agent, the longest wait by far of any of the other organizations covered in the report. The Auditor General also found that 1.2 million calls were prevented from reaching an agent, about 70 per cent of the total number of calls to the immigration department's call centre.

Senator Harder, I hope you would agree that these statistics are not acceptable. I would like to know what specifically the government is doing to improve services for Canadians, foreign nationals and permanent residents seeking information from the immigration department's call centre.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I can assure her that I and, more broadly, the government believe that call centre performance standards must be improved. Service standards must be respected. That is why this government has enhanced the resources available to call centres to make improvements. That is why the government has accepted the recommendations of the Auditor General. In fact, before the Auditor General deposited his report, steps were already undertaken to implement measures to improve the capacity of call centres. Indeed, in recent years, some \$200 million have been allocated to upgrade call centre capacity.

This is a significant challenge, obviously, but it does show that Canadians are increasing their use of call centres and, therefore, putting additional stress and expectations that will have to be met by enhanced performance and greater capacity building.

Senator Atallahjan: Senator Harder, the report also noted that the department's call centre has no service standards in place. As the Auditor General noted:

Without service standards, callers could not know what level of service they could expect from call centres, and the departments had no public commitments to meet.

The report also notes that the department plans to establish standards for client support services sometime in 2019.

Senator Harder, I would like to know whether the government has instructed the immigration department to set a firm deadline for the implementation of service standards? If so, can we know the date, please?

Senator Harder: Senator, I would be happy to bring your specific question to the attention of the minister concerned. I do know from speaking with the minister that he is personally seized of this matter and determined to ensure that service standards are put in place.

JUSTICE

VICE-ADMIRAL MARK NORMAN

Hon. Leo Housakos (Acting Deputy Leader of the Opposition): My question is for the Leader of the Government in the Senate and is a follow-up to the one put forward by the Leader of the Official Opposition in the Senate in regard to Vice-Admiral Norman.

In your response to the question by Senator Smith, you stated, as you've done so many times in this chamber, that our national police force and the criminal prosecutor's office in this country are arm's length from the government. Yet, it doesn't take away from the fact that the Prime Minister of Canada a number of weeks and months prior to the charges being laid forecasted that those charges would be laid.

So, government leader, unless the Prime Minister of Canada has developed a Nostradamus-type capacity to predict the future or if that's not the case and he hasn't developed those skills, is it a possibility that we have to worry about the integrity of our national police force and the criminal prosecutor's office? How can you explain to this chamber that the Prime Minister of Canada had the capacity to forecast and predict weeks and months in advance that charges would be coming forward against Vice-Admiral Norman?

Hon. Peter Harder (Government Representative in the Senate): I can confirm that the capacity of Nostradamus is not available to the Prime Minister, that the Prime Minister respects the independence of the prosecution service, always has, and certainly continues to respect that independence, and that independence is exactly what was at play in the decisions around both the charging of and the staying of charges against Vice-Admiral Norman.

Senator Housakos: Government leader, with all due respect, the government keeps claiming to respect the arm's-length process of the criminal prosecutor's office and our police force, yet we've seen over the last few months testimony of senior government officials, including the Clerk of the Privy Council, the former Principal Secretary of the Prime Minister and the former Minister of Justice, that in a DPA request on the part of SNC-Lavalin there was an attempt to interfere. Now we have another case, a serious case, a sad case as far as Canadians are concerned, of a vice-admiral who the Prime Minister predicted months in advance that our police force in this country and our

criminal prosecutor's office would be coming forward with charges. That is unheard of and unprecedented. I don't think ever in my time in Parliament have I seen a member of the cabinet or the Prime Minister be able to predict charges coming forward against a citizen of this country. You refuse to answer this question, as has the government: How could he possibly have known?

Senator Harder: If there is a question there, let me simply say that in the case of the former Minister of Justice in the allusion to the discussions that were obviously and admittedly held with the former Minister of Justice, that officials —

Senator Housakos: How did he know, government leader? How did the Prime Minister know?

• (1840)

Senator Harder: That officials clearly engaged with the Minister of Justice by her own admission. Certainly by the testimony of the national prosecution service, there was no attempt to influence her and otherwise interfere with the course of the independence of the prosecution service.

It's completely inappropriate to extrapolate from conversations with the former Minister of Justice in one case and inappropriate interference with the prosecution service in another case where the prosecution service itself has recognized that it was their decision, independently taken, without any reference to any political personality to both engage in the prosecution and ultimately decide to stay the prosecution. I think we should all, as Canadians, take heart that our independent prosecution service is alive and well.

HEALTH

BILL S-228—LEGAL ADVICE

Hon. Pamela Wallin: Senator Harder, I have a couple of questions. It's a bit complicated. I'm happy to deal with you offline, if you will, on this. My question is in regard to Bill S-228 and some legal advice that has been offered that Bill S-228 contravenes two central obligations within our international investment treaties, such as the obligation not to expropriate an investment without compensation, it goes on to say that the treaties acknowledge the possibility of indirect expropriation, which means the adoption of a measure by the government that substantially deprives the investor of a fundamental attribute of its investment.

When it comes to farmers and grain farmers — and 65,000 of them or those employed in the bread and bakery industry, or the thousands more who work in tangential industries, I'm wondering if you could offer what legal advice the government has received on that aspect of the bill.

Hon. Peter Harder (Government Representative in the Senate): I would be happy to speak offline to the honourable senator, but I would like to underscore that the bill to which the honourable senator is referring is a private member's bill that the government is happy to support and offers its very strong support for, that this chamber voted for, that the other chamber voted for,

that certain amendments were made in the other chamber and we now have a message from the other chamber with respect to the last step of ultimately passing this bill. I hope we do that.

ORDERS OF THE DAY

BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

THIRD READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

Hon. Paul E. McIntyre: Honourable senators, I rise today to speak on Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms. This legislation was thoroughly studied in the Standing Senate Committee on National Security and Defence, and a number of amendments were made to the bill pursuant to witness testimony. I can assure all senators in this chamber that all amendments were thoughtfully considered.

Senators in committee heard many divergent views from witnesses on the matter of firearms. What we heard in committee represents the reality that Canadians are quite divided on the particulars of the gun control issue. Yet Canadians are united in their common desire to see gun violence reduced.

Colleagues, I am not going to get into the particulars of the many issues that were discussed at committee in relation to this bill. I was very impressed by the well-informed presentations that we heard on these various issues. The one issue that I want to raise today is the issue of public transparency.

The Canadian Firearms Program was created in 1996, and the RCMP is responsible for its administration. In my view, when the police are put in charge of a government program such as this, it is important to ensure that there is adequate transparency. We can agree or disagree with the proposition that officials of the firearms centre should have the final say on firearms classification or in relation to reclassification decisions.

What I think we should all agree on is that those decisions, as well as the impacts of those decisions, should be transparent.

I believe it is entirely reasonable to say that the minister should be required to make an annual report to Parliament on the impacts that any classification decision taken in that year have had on individuals. The report should also explain the reasons for those decisions.

The addition of such a reporting requirement to Parliament would not be unique to this legislation. In fact, such reporting requirements are normal practice in much of the legislation that

comes before us. I believe it is legitimate for parliamentarians and Canadians to understand what the everyday impact is of legislation that is adopted by Parliament.

In this case, this amendment simply ensures that classification decisions taken by officials in any given calendar year are reported and that reasons are provided to explain those decisions. The proposed amendment is therefore really designed to provide transparency. The committee did hear from several witnesses that reasons for classification decisions are not always provided or are often very unclear. This, at minimum, suggests a need for public reporting.

If the government believes that the decisions that will be taken by the firearms centre will be justifiable, then it should have nothing to fear from the concept of public reporting.

Senator Pratte, as the sponsor of the bill, did not object to the concept of public reporting at the committee. He acknowledged:

Many, many witnesses have told us that they find the process by which the Canadian Firearms Program classifies or reclassifies firearms is not transparent enough. I think the minister even said publicly that he believed the process should be more transparent.

I, of course, agree with Senator Pratte. In that spirit, I believe it is important for us to affirm that the principle of public transparency is an important component of our decision-making.

MOTION IN AMENDMENT—VOTE DEFERRED

Hon. Paul E. McIntyre: Therefore, honourable senators, in amendment, I move:

That Bill C-71 be not now read a third time, but that it be amended on page 10, by adding the following after line 21:

“11.1 The Act is amended by adding the following after section 94:

94.1 (1) The Commissioner shall provide to the Minister, no later than February 1 of each year, a written report for the immediately preceding calendar year that sets out

(a) the decisions and recommendations made by the Commissioner regarding whether a firearm is a prohibited firearm, a restricted firearm or a non-restricted firearm; and

(b) the reasons for those decisions or recommendations.

(2) The federal Minister shall cause each report received under subsection (1) to be tabled before each House of Parliament on any of the first 15 days on which that House is sitting after the federal Minister receives it.”.

The Hon. the Speaker: Senator Pratte, on debate.

Hon. André Pratte: Very briefly, I agree with the intention of the amendment. As I was quoted saying in committee, the firearms program has suffered since its inception from a lack of transparency. The decisions made by the RCMP experts were briefly announced, the rationale behind these decisions was often not explained and it was very hard for people to know why, how and when guns were classified or reclassified. Therefore, there was certainly a need for more transparency.

However, I believe the amendment is unnecessary, and here is why: First of all, the RCMP confirmed in committee that what is called the Firearms Reference Table, which is where all decisions concerning the 180,000 models of firearms are registered and accessible to police officers, will be available in the next few months on the Web to anyone wishing to consult it. It will be regularly updated, which will be more preferable than an annual report, because you will be able to see it immediately on the Web, in real time, how a new gun model is classified or if a gun that is already classified is being reclassified.

• (1850)

Second, there is already in the Firearms Act the authority of the minister to order the Commissioner of Firearms to put something in their annual report. Further to different statements by stakeholders, the minister has advised the Government Representative and me that he will ask the Chief Firearms Officer to present in the annual firearms report a more comprehensive analysis of firearms classification. Therefore, you will have both the reference table that will be available online in real time that has all the decisions taken by the RCMP experts, and you will also get the information on gun classification decisions taken in a year in the Commissioner of Firearms annual report.

That is why I think, despite being well-intentioned, the amendment is not necessary.

Hon. Donald Neil Plett: Honourable senators, I have a few comments to make. I'll start with addressing what Senator Pratte just said.

Senator Pratte is indeed correct that some consideration is being given to making a firearms reference table. Although this is a good step, it is not enough for a number of reasons.

First, this disclosure should be mandatory and not voluntary. This amendment would make such disclosure a statutory requirement, not just an aspirational goal.

Second, the firearms reference table contains over 150,000 entries. It would be an overwhelming task for parliamentarians and firearms owners to track changes being made. What is needed is an annual report that summarizes the changes made during that year.

Third, this amendment calls for the reasons to be given for the changes that are made. It is imperative, because it ensures transparency and public accountability for the changes that are made.

That's in reference to what Senator Pratte just said.

This amendment, colleagues, is necessary because the RCMP are not currently required to issue any public notification when a firearm is reclassified. One day, you are the owner of a non-restricted firearm, and the next day, it is a restricted or prohibited firearm. You have no way of knowing that this just happened. There is no press release. There is no report to Parliament. There is no public notification of any kind. Instead, the firearms reference table is quietly updated.

The problem with this is that the reference table is not public. The use of the table is limited to the RCMP and individuals who have been authorized by the RCMP, members of the police community, specific public agents and approved firearm verifiers.

Typically, the way the firearms community becomes aware of a reclassification is when someone is arrested and charged. Now, I wish I was exaggerating, but I am not. There are many examples of firearms owners being blindsided due to the reclassification decisions. The tragic result of this is that they are charged when possessing a restricted or prohibited firearm or device and must face charges under the Criminal Code. In one case that I know of, the individual charged had purchased the product only two months prior and had no knowledge of the reclassification. Colleagues, this needs to change.

The amendment being proposed today is a very modest one. It would require the Commissioner of Firearms to prepare an annual report of the firearms that were reclassified during that year, along with the reasons for the reclassification. There is no reason why that shouldn't happen. Although modest, such a measure would help to begin to address the lack of transparency surrounding the reclassification of firearms and ensure that the firearms owners are made aware of such changes.

Colleagues, I urge you to support this amendment. Thank you.

Hon. Tony Dean: Honourable senators, I didn't intend to speak on this today, but I just want to say this: I think the amendment is well-intentioned, and I recognize the comments made by Senator Plett. I'm not sure that we've got a transparency issue here as much as we've got a relationship issue. Anyone in this chamber who has followed the discourse of Bill C-71 over the last several months will know about the tensions, concerns and issues in the relationship between firearms advocates, firearms associations and the RCMP as represented in the Canadian Firearms Program.

Although we might try, we cannot legislate better relationships between a regulator and the regulated community, and this is what we're talking about. This whole discussion is within the ambit of regulation.

Based on what I've seen, I would urge the government, the RCMP and the Canadian Firearms Program to make an effort to reach out to Canada's firearms associations and advocates transparently, with more information about decisions they make and to engage in a discussion with the regulated community.

This relationship is not likely ever to be entirely friendly, because that's not what happens often in the world of regulation. However, it can be way better than it is today. I think many of us would recognize that. But I don't think we can legislate our way there. Thank you.

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

Hon. Senators: Question.

The Hon. the Speaker: Honourable senators, in amendment, it was moved by the Honourable Senator McIntyre, seconded by the Honourable Senator McInnis, that Bill C-71 be not read a third time but that it be amended on page 10 by adding the following line after 21 — shall I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell?

Senator Plett: One hour.

An Hon. Senator: Defer the vote until tomorrow.

The Hon. the Speaker: Pursuant to rule 9-10, the vote will be deferred until 5:30 on the next day the Senate sits, the bell to ring at 5:15.

Senator Plett: Your Honour, excuse my ignorance. We're going to have a vote on an amendment, so I want to clarify: Does that preclude us from debating and bringing forward other amendments tomorrow before the vote?

Senator Harder: If I could, I can commit to something. Of course, it depends upon where we are in the Order Paper, but if we have passed that item in the Order Paper earlier than 5:30, for my part, I would be happy to revert so that the honourable senator, should he have other speeches or amendments, could bring them forward in due course of consideration of tomorrow's debate.

The Hon. the Speaker: To clarify your question, Senator Plett, and to add to what Senator Harder said, the item will not be called on the Order Paper until after the vote takes place. So if there were further amendments, they would have to be moved after the vote.

• (1900)

ACCESSIBLE CANADA BILL

THIRD READING

Hon. Jim Munson moved third reading of Bill C-81, An Act to ensure a barrier-free Canada, as amended.

He said: Honourable senators, what a journey we have been on. What a journey all of us have been on.

Senators, as the sponsor of this bill, I'm pleased to speak tonight at the third reading of Bill C-81, An Act to ensure a barrier-free Canada, also known as the Accessible Canada Act. I am humbled and honoured to speak to a bill that will no doubt become a proud part of Canadian history.

Making history takes dedication, hard work and perseverance. So I want to acknowledge the work of many people who helped get this bill to this stage.

I want to thank the chair and deputy chair of the Standing Senate Committee on Social Affairs, Science and Technology, Senators Petitclerc and Seidman, and all members who attended the committee meetings. Questions were engaging and led to an enlightening input from witnesses and to constructive amendments. This committee works so well together; I am honoured to be a member.

Thank you also to our clerk and administrator, Dan Charbonneau and Ericka Dupont, for arranging sign language, ASL, and CART services, Communication Access Real-time Translation, and the special room set-up, which helped to make the Senate committee meetings the most accessible to date. The Senate should be proud in this regard. We have shown leadership by example.

I also want to acknowledge the incredible work of the Minister of Public Services and Procurement and Accessibility, Carla Qualtrough. She and her team have shown great leadership on accessibility, and I can confidently say that Bill C-81 enjoys widespread support due to their efforts.

Most importantly, I want to recognize persons with disabilities, stakeholders, and organizations who all play a crucial role in accessibility in Canada. They have all invested tremendous work and energy into this historic bill, ensuring that it reflects the priorities of persons with disabilities. Their contributions have been instrumental in getting the bill in its amended form to this stage. Thank you for sharing your personal experiences and stories with us. I know it takes courage. We could not have done any of this without your involvement and expertise. Some of those folks are here in the Senate tonight.

Senators Petitclerc and Seidman gave excellent speeches at the report stage of the bill last week, summarizing the amendments that were adopted at committee. I will not go over the amendments and details again. However, I do want to highlight some important testimony.

Over the course of our committee hearings we heard repeatedly that the time for an accessible Canada act is now. Canadians facing barriers to fully participating in their workplaces and society told us and are still telling us to pass this bill into law. Here is what Bill Adair from Spinal Cord Injury Canada and with the Federal Accessibility Legislation Alliance, or FALA, told us at committee:

What people are telling us across the country who are participating with FALA is: We want the bill. Give us something to work with. Yes, push for the changes, but at the end of the day, before the election, we want the bill. That gives us structure and the framework so that we can get to work on removing barriers and we want it now. We've been waiting far too long and this is our day.

Senators, everyone is eager to see this bill become law. We must continue our essential work in order to take it over the finish line. This community has waited long enough for this recognition and respect.

Another significant and positive change is that Bill C-81 will shift the responsibility on to the system and away from the individuals facing barriers in their daily lives. Diane Bergeron from CNIB said during her testimony:

Having a disability is exhausting, and I do not say that lightly. But when you have to deal with discrimination, rights violations, different pieces of legislation, criticisms, people not thinking that you have value, it makes it worse. The current system is unfair and unacceptable.

Colleagues, we know the history. It is one of institutionalization, sterilization and social isolation. Canada had a system that took children away from their families and power away from our citizens. Persons with disabilities were seen as burdens and treated as if they were broken. Our country simply cannot continue to place the burden of advancing human rights on individuals. We can do better, and we must do better. In fact, with this bill we will do better.

In addition to this necessary shift in responsibility, the accessible Canada act, when passed, will set best practices and a framework that the provinces and the private sector can mirror. Most importantly, this bill will start to shift culture, perception and understanding of what inclusion in our society should really

look like. I cannot come up with a better analogy that encompasses my hope for what this legislation will achieve than that of Minister Qualtrough. You have to be a sports fan to get this. I couldn't agree more when she said at committee:

I think we will look back on this as a "TSN Turning Point" on disability rights and the way we talk about disability in this country.

The words of the minister.

Honourable senators, in 2017, approximately 6.2 million people, or about 22 per cent of Canadians aged 15 years and older, reported being limited in their daily activities due to a disability. This percentage is expected to increase in the coming years due to Canada's aging population, since the prevalence of disability increases with age. This is why the government consulted with over 6,000 individuals from across the country with lived experience over the course of this bill's development. They have continued to be consulted and included as witnesses and experts at committee so that we can use their knowledge and their experiences to help drive the change needed for a better tomorrow.

One of those witnesses was Steven Estey from Nova Scotia, from the Council of Canadians with Disabilities. This organization helped facilitate some of these consultations. Mr. Estey gave us a good summary of what that meant. He said:

... to talk to Canadians with disabilities about what they wanted in this legislation. We had a chance to talk to over a thousand people across the country. We had 22 separate consultations in towns and cities across the country. We had telephone consultations. We had Internet consultations. We really spent a lot of time trying to figure out what people wanted to see in this legislation. It's an important thing for us to be involved with. We have really appreciated the opportunity and the support that we have had to be able to do that.

This is what inclusion looks like, honourable senators. Consultation, collaboration, cooperation and real input from real life experience. I know that the finer points of the bill have been outlined to you many times, including by myself, but I do want to talk again about the Canadian accessibility standards development organization. The landmark importance of the CASDO board membership aligning with the community's mantra of "nothing about us without us." Think about it. Because it's the board membership who will be responsible, with their own lived experience, in making standards.

I've always said this, that you need to be in the room when it comes to communications. It is just as important in policy making; you need to be in the room to make a difference and to influence change. In this case, CASDO will set regulations that will lead to better results for people in this country. I hope it reoccurs in other areas of policy development. Applying a disability lens is crucial in moving forward.

Barbara Collier, Executive Director of Communication Disabilities Access Canada explained in her testimony at committee what that organization represents. Her list included people with or affected by cerebral palsy, autism spectrum disorder, Down's syndrome, learning disability, fetal alcohol syndrome, cognitive and intellectual disability, acquired brain injury, aphasia after a stroke, dementia, head and neck cancer, Lou Gehrig's disease or ALS, Parkinson's disease and multiple sclerosis.

• (1910)

Senators, these are common conditions. It made me realize again that we will all face barriers to fully participating in society at some point in our lives. This is legislation that will affect us all in a positive way.

We learned at committee that many wheels are already in motion in anticipation of the bill coming into force. Job postings are already online for the chief accessibility officer and the CEO and board of the Canadian Accessibility Standards Development Organization, or CASDO. In fact, CASDO is expected to open its doors this summer. We know that the organizations responsible for accessibility have taken advanced steps towards planning regulations. In fact, the Canadian Transportation Agency, or CTA, has already released the first draft of its accessibility regulations.

Committee members gave the bill and its adopted amendments a deserved thorough study and consideration despite time constraints. I know that many of these amendments came right from the community, witnesses and organizations; I think we should pass the bill with these changes and let the other place do its job and reflect on our amendments. This is the process of our democracy and of our Parliament. We all need to move swiftly.

I will say it again: An accessible Canada act is a long-overdue recognition for human rights equality for 6.2 million — or one in five — Canadians. The 2017 disability survey also indicated that of the approximately 1.5 million Canadians with a disability aged 15 to 64 who are unemployed, approximately 654,000 are potential candidates for work in an inclusive, discrimination-free and accommodating labour market.

Yes, senators, there is a business case for inclusion. There is a huge untapped talent pool that could help improve Canada's shrinking labour market.

As I mentioned, the spirit of collaboration on this bill has been and continues to be exceptional. I'm always an optimist, so over the course of study and consultations it became obvious that the removal of barriers is universal in scope and understanding. Together, our society is ready to take this step, the first of many towards a fair and equal-opportunity society. The momentum is with us.

Colleagues, I am proud of Bill C-81. I am proud of the amendments made at committee. We need to send the amended bill to the other place this week so that we can receive it back in time to do what Canadians have been asking us to do through testimony, letters, emails and phone calls: Give Canada a framework toward being barrier-free and accessible for all.

This is the time, colleagues. This is their time. It's our opportunity to help make this happen and to be on the right side of history.

I will close tonight with some words from the great Jean Vanier, the master of inclusion. As you know, he passed away last week at the age of 90. At a 1998 Massey Lecture entitled *Becoming Human*, he said:

As we become more conscious of the uniqueness of others, we become aware of our common humanity. We are all fundamentally the same, no matter what our age, gender, race, culture, religion, limits or handicaps may be.

Honourable senators, as I said at the beginning of my speech, we are on a shared journey. What we have discovered on this journey is a new path of inclusion, a path where, as they say in the disability community:

Nothing About Us Without Us.

I recognize we haven't satisfied everyone. That's the way it is when you're building something we have never had before: a Canada without barriers.

But we have done our job. We have discovered more about each other. We have captured the meaning of empathy. We have amended the bill. We recognize there will always be next steps. This is a step toward a more inclusive society.

Thank you very much.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Thanh Hai Ngo: Honourable senators, I rise today at third reading stage of Bill C-81, An Act to ensure a barrier-free Canada.

For one last time, I want to express my full support for the bill and commend the Standing Senate Committee on Social Affairs, Science and Technology on its excellent work. I also want to acknowledge the work of the chair of the committee, Senator Petitclerc, as well as that of the deputy chair, Senator Seidman, on a decisive and historic bill for Canada.

I won't get into the details of the thorough review undertaken by the committee, since Senators Petitclerc and Seidman already did so quite eloquently. However, I'd like to draw your attention to the remarkable work that the committee has done since March 21, 2019.

The committee studied the bill in depth over the course of four meetings, with the intention of widening its scope. After hearing testimony from 20 interest groups four organizations, the committee did indeed make changes that are favourable to the primary goal of the bill.

Although I'm not a member of that committee, it is clear that those long, well-informed deliberations led to the adoption of 11 amendments. Through those deliberations, the vast and unique needs of many groups of disabled persons were identified by the committee, which led to specific amendments that improve Bill C-81 without jeopardizing its long-awaited passing.

To sum up, the changes to the bill remain faithful to its principles while doing more to recognize, eliminate and prevent barriers in all areas of federal jurisdiction. This new version of the bill also takes into account the fact that seniors living with disabilities also experience multiple and intersecting forms of marginalization and discrimination.

Another amendment recognizes sign languages as the primary language for communication by deaf persons in Canada and an integral part of their accessibility. After all, the recognition of sign languages constitutes an essential part of their culture and a valuable tool that enables them to participate in society.

[*English*]

Honourable senators, these are some examples of the positive changes that were made to the bill in consultation with experts and in collaboration with the extensive work that was previously accomplished in the other place.

I feel this bill should also act as a signal and reminder to the government regarding the recent news of 34 developmentally disabled federal workers who hold segregated and redundant jobs in Ottawa. Their contract is set to end in March 2020. I hope that, once enacted, this law will eventually represent further actions for every Canadian with a disability in order to help them become full, equal members of society.

After all, a barrier-free Canada requires us to understand the norms, societal attitudes and stigma that prevents people with intellectual, cognitive and physical disabilities from fully participating in society.

I truly believe this bill, once enacted, will be a tool for many organizations that are ready and have been patiently preparing for the implementation in order to respond to these emergent challenges and obstacles.

Honourable senators, this historic law is a testament of the great work that was accomplished in the hallmarks of this great chamber in defence of the rights of minorities.

It marks a new beginning. We will transform and address accessibility by becoming proactive instead of reactive for Canadians who do not want to be treated as a burden but as full and equal members of society as we continue to grow and learn how to become more inclusive. Thank you.

• (1920)

Hon. Marty Deacon: Honourable senators, I rise to speak to Bill C-81, An Act to ensure a barrier-free Canada. I have listened with great interest to my colleagues, as well as to the many witnesses we had at the Social Affairs Committee. I speak today to share with you my perspective, my story, based on a lifetime of learning and action in this very important area.

When I arrived in Senate 15 months ago, there was much to learn; there is still much to learn. For instance, when I arrived here, I had incorrectly assumed that accessibility had already been addressed as a national issue with a fulsome national strategy. Why? Because my own formal leadership on accessibility began in Ontario, 14 years ago. I thought — silly me — that the same regulations were being mandated nationally, given how much time had elapsed since this successful law in Ontario was implemented and began its implementation in 2005.

Honourable senators, 2019 is far too late in the game to be discussing and mandating accessibility for all at the federal level, and it's why the bill before us is so important.

In my previous life, as an educator, every day I was faced with an issue by a student, their family, a teacher or a community member who challenged fair, equitable and inclusive access. One case — and sometimes it just takes one — in particular crystallized for me what would become a lifetime commitment to universal accessibility.

Imagine now a single mother with six children, all under the age of 10. Three of them carry the positive gene for Duchenne's disease, a severe type of muscular dystrophy that over time reduces muscular function. It eventually results in the young person being immobilized, weakened and in need of a wheelchair.

The family survives on a low income, and, frankly, the school and the community are their lifeline. As principal of the school, on a one-floor facility, my staff and I gave the family everything we had, from meals to fundraisers, to transportation, to tutoring, and finally to the purchase of a well-used wheelchair for her oldest son, Ricky.

This school goes up to Grade 6, and now it becomes time for Ricky to graduate from junior school and move on to middle school. We meet with a team of educators and medical support people to determine the best plan for Ricky. As a former secondary school administrator, new to elementary administration, I learn that due to Ricky's physical needs he will not be able to attend the middle school just down the road. There are just too many accessibility issues. Eventually, I learn that he will have to take a 50-minute bus ride to the nearest school that will provide some sort of wheelchair access.

How do I tell his mother, with so much on her plate already, that her son will now spend over 100 minutes a day with strangers, with different untrained bus drivers, travelling on several highways, with no significant network of support, and that in two years, if Ricky is able to keep on attending school, his ride to high school will be even more challenging and disconnected with yet another group of young people, all at the same time his condition worsens and that in two years she will have to go through this all over again with her next child?

As it turned out, it was a hard lesson I needed to learn. This was in 2005, the same year that the Ontarians with Disabilities Act became law. As you know, the act was aimed at identifying, removing and preventing barriers for people with disabilities. It applied then to government, non-profit and private sector businesses in Ontario that have one or more employees.

My own school board needed an established leader to commit to this AODA work for at least three years. Somewhat fortuitously, I was invited to take on this role. It was going to be tough work, very political, but an opportunity to bring many internal and external stakeholders together to do the right thing. Most of the table I worked with was represented by those representing diverse accessibility needs in our community. My job would be to ensure that all aspects of the act were being addressed, that all staff and volunteers were trained, that we had an accessibility policy and procedures, and that we had a multi-year accessibility plan with annual public updates, timelines and monitoring in place. I continued this leadership for 10 years. The work was ongoing and a challenge politically, financially and ensuring equity while the voices of all were heard.

Senator Moncion highlighted her work related to the AODA at second reading. I will not repeat her message. However, I will indicate how the “visible” and “invisible” needs of those with a disability are far-reaching and diverse. We started with the built environment and spaces in 130 buildings and new builds. I learned more about architecture, facility design, ramps, lifts, nine styles of elevators, more than I dreamed possible. One basic washroom to upgrade for one child was \$35,000; one elevator was half a million dollars. How do you prioritize? Every student matters.

These are the more visible physical needs we are familiar with. It’s the invisible needs that are often overlooked; that is, making sure every individual — just as we do in the Senate — feels they are part of their community.

As a result of deep consultation, we were determined that every decision had to result in our students being able to attend a school within their family of schools, which is a geographically smaller region. This would not be the closest to their home, perhaps, but still in their community — full stop. We had to find the way and we did. Every decision was and continues to be backward mapped with this in mind; that is, to find a way to keep our students and families in their community.

Honourable senators, imagine your son or daughter being told they could go on a bus for a class trip with their classmates on a bus all by themselves — not with their friends, not with their peers.

One of my proudest moments was meeting with 200 bus drivers, getting some buses retrofitted, modified and ensuring more of our students could travel and experience being with their classmates. The visible need was physically getting the student to their destination by ensuring the best barrier-free environment. The invisible need was ensuring the student would not be stigmatized on a separate bus and they could contribute and participate in this class trip to the same extent as their peers — something they deserve.

This is why this legislation is so important. It will aim to make federally regulated entities so much more accessible. However, it will also unlock the potential of a huge group of Canadians who have been held back in one way or another. It will allow them to participate and contribute to their community in ways that, quite frankly, they should have been able to do long ago. With this legislation, Canada could become a world leader in accessibility. This leadership is sorely needed.

In my role as an international coach and sports leader travelling internationally, I saw first-hand and continue to see first-hand the great disparity in the respect and understanding of what it means to try to embrace and provide support for those with a disability. I observed countries that “hid” those with disabilities, countries whose representatives said to my face, “We have no citizens with disabilities.” I watched first-hand a political leader of a G7 country, while on Canadian soil, say, “There is no place for athletes with a disability in a major sporting event.”

Thankfully, this culture is changing. I’m excited to say, after 12 years of advocacy, my sport will have its debut at the 2020 Paralympics in Tokyo. To get to this point, again, we had to educate the countries that did not support their para-athletes and para-children, and did not demonstrate their beliefs in accessibility or inclusion. This has taken over a decade.

This past weekend, at Carleton University in Ottawa, I was able to speak with families and para-athletes from many countries about what sport means to them, what it means to be barrier-free and the work that must still continue around the world. The passage of Bill C-81 for Canada will set the kind of example needed to keep this momentum going.

Senators, I want to shift my thinking before I wrap up. I want to thank the steering committee of the Social Affairs Committee — Senator Munson, Senator Seidman and our chair, Senator Pettitclerc, for guiding us through such a comprehensive and in-depth process. You have heard that said earlier this evening. It is so very true. It was a collective effort by all groups and caucuses represented at committee, and that showed in fulsome but respectful discussions that played out at clause-by-clause consideration of the bill, which led to some good amendments in the legislation.

To the large but important number of Canadians who will be directly affected by this legislation, I can say to you with confidence that every member of the Social Affairs Committee has listened to your concerns. I want to thank the many individuals who gave us such compelling evidence at committee, as well as the hundreds who took the time to write and meet with us. Colleagues, many of these stakeholders have been advocating for years. They are very tired, exhausted but hopeful for the immediate passage of this bill.

• (1930)

While no piece of legislation is perfect, I am confident that the bill before us gives us a solid foundation and permission to rebuild our culture in the years to come. A senator last week reminded me that there is progress and there is perfection. This bill is no different. Bill C-81, the time for all is now. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today also to speak very briefly at third reading of Bill C-81, An Act to ensure a barrier-free Canada. Bill C-81 enacts the accessible Canada act in order to enhance the full and equal participation of all persons, especially persons living with disability, in our society. This bill will require federally regulated entities across the country to ensure accessibility to workplaces, public spaces, employment, programs, services and information.

Bill C-81, as others have stated, is an important step in the right direction to address the barriers that many Canadians face. The message that we have heard from advocates has been the same: Bill C-81 is a good bill and deserves to be enacted into law but no one can be certain of the full effect that this bill will eventually have. This will require further knowledge and learning from a practical perspective and a commitment to work in consultation with stakeholders across Canada.

I want to associate myself with some of the very important comments that have been made in this chamber and especially recognize our colleague Senator Munson, who has dedicated so much of his life to really be quite a voice and a champion for Canadians with disabilities and, of course, on issues like autism. He has been a cosponsor on a number of events, and we have done some meaningful work together. I know that one of the motions that we cosponsored that recognized June as Deafblind Awareness Month recognizes this important subgroup of Canadians who are living with some incredible challenges.

This motion was adopted unanimously in 2015, and it was thanks to our retired former colleague Senator Vim Kochhar whom many of us know to be a real champion and a strong voice for Canadians living with physical disabilities as well as other disabilities. Through his outstanding effort and inspiration, we have worked together to achieve certain outcomes here in the Senate. Senator Kochhar also cofounded the Canadian Helen Keller Centre and Rotary Cheshire Home, which is said to be one of the only facilities in the world where those who live with deaf-blindness can live independently.

Some of the intervenors who have come to the Hill have spoken about their work to help Canadians living with deaf-blindness communicate. Their work is truly astonishing. It's a real calling for them to serve in this capacity. They work in a unique space where they allow those who cannot communicate otherwise to communicate with the outside world.

I also know that the work of our former colleague Senator Asha Seth also led to a motion to designate May as National Vision Health Month. That, too, was unanimously adopted in the Senate.

I stand together with many of you who have spoken on this measure and also recognize the great work of our Social Affairs Committee, the chair, the deputy chair and committee members to ensure that important amendments were adopted that will help towards ensuring a barrier-free Canada as is envisioned in this bill.

I had the opportunity to meet with the Canadian Association of the Deaf and President Frank Folino, who was also a witness during committee hearings on this bill, as well as Bill Adair,

Executive Director, Spinal Cord Injury Canada. They expressed their firm support of passage of Bill C-81 as a very important step, but they were also hopeful that there will be continued vigilance and effort towards proper implementation and, of course, that same intention beyond implementation. In some ways we have achieved this important milestone, but our work will begin to ensure that implementation and the work beyond implementation will be successful.

I recognize these men and others who have been the real heroes and champions who inspired this important legislation and once again thank our colleagues Senator Munson, Senator Ngo and members of the Social Affairs Committee for your leadership helping this chamber arrive at this significant moment in our legislative history.

Your Honour and honourable senators, I am definitely ready for the question.

Hon. Tony Dean: Thank you Senator Martin and others who have spoken. Thank you, Senator Munson, for your very fine sponsorship of this legislation.

I have some brief introductory remarks and then I want to speak specifically about the inclusion of communication in this bill as a category of challenge in the spectrum of disabilities.

I rise to add my voice to Bill C-81, An Act to ensure a barrier-free Canada. We all know now that the stated policy objective of this important and historic piece of legislation is to enhance the full and equal participation of all individuals, with a special emphasis for those living with disabilities. The bill is designed to achieve a barrier-free Canada through the identification, removal and prevention of barriers in areas of federal jurisdiction.

Many groups, including various disability advocacy groups, support Bill C-81 and are urging us to pass this bill before our summer break. Senate leaders met on April 4 to sign an agreement to ensure several pieces of legislation are voted on prior to the break and the next federal election. This bill is one of them.

I want to take this opportunity to congratulate the facilitator of the Independent Senators Group, the Leader of the independent Senate Liberals, the Government Representative in the Senate and the Senate Conservative Leader on this important modernizing step. You will know, I think, that I and others here believe that we could benefit greatly from more organized and effective business planning of this sort. Moreover, that's what Canadians expect of us, and they expect and deserve timely votes on all bills, but particularly on bills that are inclusive of all members of our society and that aim to protect some of our most vulnerable people, bills like Bill C-81.

An act to ensure a barrier-free Canada is a direct response to a 2016 federal budget announcement that made a commitment to "eliminate systemic barriers and deliver equality of opportunity to all Canadians living with disabilities."

Among other things, the bill aims to guide future interpretations of the accessible Canada act by setting out important principles and including a provision that states that all persons, regardless of their abilities or disabilities, must be treated with dignity, enjoy equality of opportunity, be able to fully and equally participate in society without barriers and have autonomy.

It also establishes the application of the accessible Canada act bringing greater clarification to which bodies and entities are bound by accessibility legislation and allows the Governor-in-Council to designate a minister to be responsible for this act.

Another important piece of this legislation is the proposed establishment of the Canadian accessible standards development office, CASDO, which Senator Munson has spoken about eloquently.

I emphasize that the CASDO would be overseen by a board of directors whose majority identify as persons with disabilities. The board would be responsible for setting the organization's strategic direction and managing the activities and affairs in accordance with its mandate.

The inclusion of people with disabilities on the board would ensure fair representation for the many Canadians who don't currently have a voice in accessibility standards.

Honourable senators, while no single area of accessibility is more important than any other, I would like to now focus some remarks on the issue of communication.

I am delighted that communication is recognized in key definitions in this bill, including in the definitions of barrier and disability. This legislation says that "barrier" means anything including physical, architectural, technological or attitudinal that is based on information or communications or anything that is the result of a policy or practice that hinders the full and equal participation in society of persons with a physical, mental, intellectual, learning, communication, sensory impairment or functional limitation.

• (1940)

It also defines "disability" as a physical, mental, intellectual, learning, communication, sensory impairment or functional limitation, whether permanent, temporary or episodic in nature that an interaction with a barrier hinders a person's full and equal participation in society.

This recognition of communication is critically important, as communication includes the half million Canadians who have speech and language disabilities that are not caused by significant hearing loss and who do not require or use sign language. They may have lifelong disabilities, such as cerebral palsy, autism, spectrum disorder, Down syndrome, learning or cognitive disabilities. Other people may have acquired disabilities that affect communication, such as traumatic brain injury, stroke, dementia, ALS, multiple sclerosis and much more.

Having a communication disability can affect one or more areas of a person's ability to speak, to understand what others are saying, read or write. People with these disabilities may

communicate using unclear speech, writing, typing, pictures, symbols, speech-generating devices, sign language interpreting, captioning and communication assistive devices.

Recognizing the broad scope of communication is also consistent with the optional protocol to the United Nations Convention on the Rights of People with Disabilities, of which Canada is a signatory. This is obviously important for many reasons, but I'd like to highlight a tangible example for honourable senators to consider.

Similar to the need for sign language services for people who are deaf or translation services for people who don't speak English or French, victims, witnesses and accused persons with speech and language disabilities may require appropriate communication supports in police, legal and justice services. Despite the fact that people with speech and language disabilities are at high risk for all types of abuses and crimes — and remember, for violators, the best victims are often the ones who are perceived not to be able to tell. Communication support services in police, legal and justice services are not routinely provided as an accessibility accommodation.

Communications intermediaries are qualified speech-language pathologists who have extra training from Communication Disabilities Access Canada, CDAC, to work in justice settings. CDAC maintains a database of trained intermediaries with limited funding from a small private foundation. These services are provided to people who require assistance, understanding questions posed to them or supporting them communicating what they want to say to police, legal and justice professionals.

In a case in Canada I recently learned about, an elderly woman indicated to her son, a police officer, that she had been sexually assaulted by a personal support worker in a retirement or long-term care facility. The woman had a stroke two years before the incident, which left her with aphasia, a communication disorder that results from damage to the language centres of the brain. She had difficulty understanding spoken language and expressing her thoughts in words, as well as difficulties in reading and writing. She communicated what happened using gestures, some speech and pointing to pictures.

The Crown attorney recognized that she would require assistance to communicate in court and engaged a communication intermediary who conducted an assessment. The intermediary concluded that the woman could effectively communicate in court if provided with appropriate communication intermediary support to ensure that she rephrase questions posed to her in ways she could understand and to facilitate her responses using pictures. The judge denied the woman access to the communication supports that she required to testify.

This case illustrates the lack of understanding about accessibility accommodations required by a victim, witnesses or an accused person who has speech and language disability.

Having strong accessibility legislation in place makes it mandatory for all justice services to provide people with the communication accommodations and supports they need, including communication boards, speech-generating devices, sign language interpretation, captioning and communications assistance devices, and is an important move in ensuring that the policy objectives of this bill are realized. Access to appropriate supports for people living with disabilities that affect communications would go beyond our justice system and would also include access to health services, education and more.

Honourable senators, I want to share with you one other brief story, the story of a friend of mine of 30 years who in the past several months came to know all too well the challenges associated with difficulty in communications. Kim Clarke Champniss, as some of you will recall from his work in the heyday of MuchMusic as a veejay, TV producer and a challenging interviewer of the world's top rock and roll artists, lost his voice permanently in the past months due to radical throat surgery that was used to address throat cancer.

I've watched Kim over the last weeks and months heroically take on this challenge, including the challenge of access to supports and technologies that would assist in his ability to continue engaging in the world with his upbeat energy and curiosity about the human condition. Kim will get through this. He would say, "I'm all right, Tone. I'm all right." But Kim would also wish for better services for those who were alongside him and those who will undoubtedly follow him with communications challenges.

I would urge the government to ensure someone with a disability that affects their speech, language and communication be considered as a member of the board of the proposed Canadian Accessibility Standards Development Organization, CASDO, which was mentioned earlier. Their contributions would greatly benefit the 500,000 people living with speech and language difficulties and ensure that no one is left behind.

I would also like to recognize that standards and regulations under Bill C-81 will need to be updated every five years, which allows for changes in innovation. They will also require public review before they are adopted.

I close by saying, senators, that Bill C-81 needs to pass now. We have an obligation as parliamentarians and senators to protect the needs of all Canadians, especially those who are among the most vulnerable in our society. I strongly believe that acknowledging this community is an essential part of meeting the objectives of this bill, which will ultimately aim to remove and prevent barriers for all people in this country.

I end by thanking Barbara Collier, who has been a tireless advocate for a communications amendment passed in the House of Commons. With these final words, I would ask my honourable colleagues to join me in voting in favour of Bill C-81, An Act to ensure a barrier-free Canada. Thank you, all.

[Senator Dean]

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

Hon. Senators: Agreed.

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

• (1950)

ADJOURNMENT

MOTION ADOPTED

Hon. Donald Neil Plett moved:

That the Senate do now adjourn.

He said: Your Honour, typically when we sit on Monday, we sit to deal with Government Business, and we are certainly supportive of that on this side. Since we are now finished with Government Business, I move that the Senate do now adjourn.

The Hon. the Speaker: It is moved by the Honourable Senator Plett, seconded by the Honourable Senator Wells, that the Senate do now adjourn.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on a bell?

Senator Plett: One hour.

The Hon. the Speaker: The vote will take place at 8:50 p.m.

Call in the senators.

• (2050)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	McCallum
Bellemare	Mégie
Boehm	Mockler
Boisvenu	Moncion
Busson	Ngo
Coyle	Oh
Dagenais	Patterson
Doyle	Plett
Duncan	Poirier
Eaton	Pratte
Francis	Ravalia
Frum	Richards
Gold	Seidman
Harder	Sinclair
Housakos	Smith
Klyne	Stewart Olsen
MacDonald	Tkachuk
Marshall	Wells—37
Martin	

NAYS
THE HONOURABLE SENATORS

Black (<i>Ontario</i>)	Joyal
Christmas	LaBoucane-Benson
Cordy	Marwah
Cormier	McPhedran
Dasko	Mercer
Dawson	Mitchell
Day	Miville-Dechêne
Deacon (<i>Nova Scotia</i>)	Munson
Deacon (<i>Ontario</i>)	Omidvar
Downe	Pate
Duffy	Petitclerc
Forest	Ringuette
Forest-Niesing	Saint-Germain
Gagné	Simons
Griffin	Woo—30

ABSTENTION
THE HONOURABLE SENATOR

Dean—1

(At 8:56 p.m., the Senate was continued until tomorrow at 2 p.m.)

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