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OFFICIAL REPORT
(HANSARD)

Thursday, December 15, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Thursday, December 15, 2016

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

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

December 15th, 2016

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 15th day of December, 2016, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace

The Honourable
The Speaker of the Senate
Ottawa

SENATORS' STATEMENTS

ACADIAN REMEMBRANCE DAY

Hon. René Cormier: Honourable senators, I rise today to commemorate one of the darkest days in the history of one of the founding peoples of our country. Two days ago, on December 13, we marked Acadian Remembrance Day in commemoration of the countless lives lost in the Great Upheaval.

The massive expropriation and deportation of Acadians between 1755 and 1763, during the British takeover of part of the former French colonies, changed the course of history for these French-speaking North Americans who settled on the shores of the Atlantic in 1604.

This deportation was an exercise in large-scale ethnic cleansing, given the demographics at the time. Seventy-five per cent of the Acadian population was deported. Of the 13,000 people living in Acadia, more than 10,000 men, women, and children were separated from one another, expropriated and deported.

December 13, 1758, was the deadliest day of the ethnocide. Among the 4,250 Acadians living on Isle Saint-Jean, or modern-day Prince Edward Island, 3,000 were deported and more than half succumbed to illness or drowned.

Sadly, our history books do not tell the whole story of this great human tragedy.

[English]

The history of Acadia is still unknown by a majority of Canadians. As a citizen candidly told me recently, "At school, of course we learned that you were deported, but the problem is that nobody told us that you came back." Well, not only did Acadians come back, but some of them managed not to be deported.

[Translation]

Today, most Acadians live in the Atlantic provinces, but they also reside in every Canadian province and territory, and together, they make a dynamic contribution to Canada's development.

Acadians were able to put down roots thanks in large part to the support of First Nations, especially the Mi'kmaq nation.

[English]

The support that the Mi'kmaq nation gave to our people during and after deportation was invaluable. We Acadians know how much we owe to this First Nation. *Welaliog!*

[Translation]

Acadia continues to flourish today thanks in large part to the Official Languages Act. It laid the foundation for the community's educational institutions and economic, cultural and social organizations, which contribute to Canada's growth and development.

The Act is central to our nation's identity and the vitality of all official language minority communities. Much more can be done to make them as functional and effective as possible.

Honourable senators, the reason I am talking about this tragic event today is to shine a light on what's happening now. According to the United Nations Refugee Agency, 65 million people worldwide were forced to flee their homes in 2015. Many of those families, like the Acadians, were separated.

[English]

In a few hours, we'll return to our respective homes to celebrate with our families and friends. Let us remember those millions of human beings who have been separated from their families because they were seeking freedom.

[Translation]

Let us ensure that history, education and culture serve to inform Canadians and enable them to work better together and in solidarity to build our country's future. Thank you.

Hon. Senators: Hear, hear!

[English]

MEMORIAL UNIVERSITY

Hon. David M. Wells: Honourable senators, you will recall that in May 2015 I provided to the Senate a report on the world class work being done by Memorial University of Newfoundland related to challenges and opportunities in our changing North.

Throughout its history, thanks largely to its location on the icy edge of the North Atlantic, Memorial has become a world leader in Arctic and marine research. Every day Memorial students, faculty and staff are making important research breakthroughs, developing leading-edge technologies, and acquiring the skills and know-how to ensure the safe and sustainable development of our oceans in the North and doing so in close collaboration with our communities and industry partners.

Memorial has taken its commitment to cold ocean and northern research a step further with the development of its COASTS Initiative. The Cold Ocean and Arctic Science, Technology and Society Initiative builds on the university's existing northern and ocean expertise and seeks to create opportunities to increase its positive impacts.

And, colleagues, it is paying off. Memorial University was successful in winning an historic \$94 million investment in the Ocean Frontier Institute through the highly competitive Canada First Research Excellence Fund. The Ocean Frontier Institute is a \$230 million partnership among Memorial, Dalhousie University and the University of Prince Edward Island.

The Ocean Frontier Institute will be the North Atlantic's first transnational research organization and a collaboration that includes four of the top five ocean institutes in the world, the Royal Canadian Navy, Fisheries and Oceans Canada, and the Canadian Coast Guard, among others. This investment further cements Atlantic Canada as a world leader in ocean science and technology.

The great news from Memorial doesn't stop there. Just last year, the world-leading cold ocean engineering R&D corporation, called C-CORE, celebrated its fortieth anniversary, and it is working with industry partners to establish the world's only

ice-capable oil spill research and response centre of excellence that will ensure the sustainable development of Arctic resources and safe operations in harsh environments.

• (1340)

Also, Memorial's Department of Ocean and Naval Architectural Engineering — home of the world's only Naval Architecture Co-op program — led the establishment of the new Canadian Network for Innovative Shipbuilding and Marine Research and Training, which brings together universities, colleges, research institutions, government and industry to design the next generation of Canadian ships.

Further, the Fisheries and Marine Institute at Memorial, Canada's most comprehensive centre for education, training, applied research and industrial support for marine industries, will partner with the town of Holyrood to create the Holyrood Marine Base. This base will feature facilities for technology development, R&D and incubation space for ocean tech start-ups. This will continue to transform the ocean tech cluster in Atlantic Canada.

These are just a few of Memorial's cold ocean and Arctic-related initiatives and capabilities that I'm proud to share with you today — and that, colleagues, is only the tip of the iceberg!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of students from the Jaanimmarik School, Kuujjuaq. They are paired with students from Ottawa's Glebe Collegiate Institute. They are the guests of the Honourable Senator Watt.

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

Hon. Senators: Hear, hear!

REPUBLIC OF KAZAKHSTAN

TWENTY-FIFTH ANNIVERSARY OF INDEPENDENCE

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I rise today to recognize a significant milestone of a country that shares much in common with Canada.

Tomorrow, December 16, will mark the Republic of Kazakhstan's twenty-fifth anniversary of independence from the U.S.S.R. Colleagues, I had the distinct pleasure of attending a reception last week in honour of that occasion.

Located in Central Asia, Kazakhstan is truly a beautiful country that has a land area equal to that of Western Europe, yet it has one of the lowest population densities globally. The country also boasts the ninth largest oil reserve in the world, which has greatly benefited their growing economy due to their strategic geographic location between Europe, China, Russia and South Asia. However, much like Canada, oil is not their only profitable

[Senator Cormier]

commodity. Kazakhstan has 15 per cent of the world's known uranium resources and, in fact, managed to replace Canada as the top uranium producer in the world in 2009.

Since 1992, Canada and Kazakhstan have enjoyed strong bilateral relations that still, to this day, continue to grow. Recently, in August of 2014, both Kazakhstan and Canada signed the Nuclear Cooperation Agreement facilitating the full bilateral cooperation between our two countries for the non-proliferation of weapons of mass destruction. This, however, is not the extent of our international cooperation. Together, our two countries are very active in many multilateral and international organizations.

Kazakhstan has made significant advancements economically and socially and will continue to grow through the implementation of their national program, entitled "The 100 Concrete Steps." It is an ambitious plan for institutional reform that aims to eventually establish Kazakhstan as one of the world's most developed countries.

Honourable senators, please join with me in congratulating the Republic of Kazakhstan on their twenty-fifth anniversary of independence as they continue down the road to a democratic society.

THE LATE LAWRENCE (WILBERFORCE) MCLARTY

Hon. Don Meredith: Honourable senators, there are people who are placed in this world with an abundance of courage, determination and sheer tenacity. They are blessed with the ability to overcome great obstacles and pave the way for others to follow.

Lawrence (Wilberforce) McLarty, Toronto's first African-Canadian police officer, was just this kind of a man. Lawrence, or Larry as he was known to those close to him, came from the island of Jamaica, where in his early life he gained experience as a Jamaica Constabulary Force Officer.

Once in Toronto, Larry had to struggle, like many immigrants, to find work and to have his professional experience taken seriously. He worked various jobs, including railway porter, a catalogue book packer, a night cleaner and a hospital kitchen cook, to take care of his family. Yet, Larry knew he had a higher calling, the duty to serve.

Lawrence applied to join the Toronto Police Service in a time when discrimination against African Canadians was commonplace and accepted. The first time he applied, he was denied for being one eighth of an inch too short. A few weeks later, while being measured for a suit, as he liked to be dapper, Lawrence discovered that he indeed met the requirements of 5 feet 10 inches by at least half an inch.

Lawrence applied once again, and this time he was successful in becoming Toronto's first Black police officer, on January 25, 1960.

A 1960's clipping from *The Globe and Mail* featured a short article and a photo assuring the public that the department had

not changed its policies, but that McLarty was "the first of his race to meet requirements."

Amazingly, honourable senators, the story doesn't end there.

For 32 years afterwards, Lawrence McLarty rose from working on the most dangerous streets in the city to being one of the initial members of Toronto's Emergency Task Force. When he retired in 1992, he was a detective sergeant.

This incredible story of courage, perseverance and service of Lawrence McLarty is one for Canada's history books. I'm certain that he has secured his place there.

His legacy lives on not only with his wife, children and grandchildren, but in the Black men and women in our police forces across the country, in individuals like Keith Forde, Canada's first Black Deputy Chief of Police; Peter Sloly, former Deputy Chief of the Toronto Police Service; Devon Clunis, former Chief of the Winnipeg Police Service and the first Black Canadian to serve in this capacity; or, now, Mark Saunders, the current Chief of the Toronto Police Service; as well as the hundreds of Black men and women who served this great country.

"We know and understand the struggle he went through. . . . He paved the road for us," said Sonia Thomas, an inspector at 53 Division, the second Black woman to join the Toronto police.

Honourable senators, I wish to honour the memory of Lawrence McLarty today in this chamber and send my condolence to those grieving the passing of this great man.

I wish you would join me in this condolence.

CHRISTMAS WISHES

Hon. Fabian Manning: Honourable senators, I would like to preface my main remarks today with the hope that by now all of you have received an envelope from my office bearing a small gift of quality products from Newfoundland and Labrador. I trust you all will enjoy them.

During my lifetime, I usually think things through before I act on them. This gesture of a gift to you is no different. But yesterday I had to pause for a moment and ask myself, what have I done here?

As I was disembarking the bus to enter the East Block yesterday morning, there were four security guards present outside when along came Senator George Baker and shouted out to me, "Thanks, Fabian, for the kisses last night!" Needless to say, I have been leaving by the rear entrance ever since.

PURITY FACTORIES LIMITED

Hon. Fabian Manning: Honourable senators, today I'm pleased to present chapter 12 of "Telling Our Story."

Purity Factories Limited began creating quality food products in 1924. It was in that year that three St. John's businessmen — C. C. Pratt, A. E. Hickman and W. R. Goobie — purchased a local confectionery and soft drink company and began production of what were to become instant classics: peppermint nobs, candy kisses and flavoured syrups. Using traditional recipes and only the finest quality ingredients, Purity became the sole producer of hard bread, a staple of the local diet which was used by fishermen as a bread substitute on their long journeys out to sea. It is also the main ingredient in the traditional dish known as "fish and brewis."

The triumph of hard bread was followed by the development of classic recipes for a variety of British-style crackers and biscuits such as cream crackers, ginger snaps, and the ever popular jam jams.

Since the early days of Purity many changes have taken place. There are now over 50 products available, but still, to this day, Purity continues to flourish because what has never changed is the same guarantee of quality that the Purity name stands for: its Purity freshness, Purity goodness and that great Purity taste.

These great products can be found in many stores in Newfoundland and Labrador and can now also be found in stores throughout Canada.

Purity products have garnered international attention, including a visit by Queen Elizabeth II during her trip to Canada in 1997.

• (1350)

On June 25 of that year, the Queen had a tour of Purity Factories and by all accounts was very impressed with the experience. The story is told that as she was on her walk-through, she stopped to speak to one of the men working there stirring up a batter of some sort. The Queen said, "Good day, sir, and what would you be making here?" The man replied, "\$6.50 an hour, ma'am." Leave it to a Newfoundlander!

Seriously, friends, the Purity name and Purity products have been a part of who we are for almost 100 years. From the happy memories of a children's birthday party to the sadness of an Irish wake, Purity has been as much a part of our lives in Newfoundland and Labrador as the water that surrounds our shores. Quality products are still enjoyed today by young and old alike because of the shared vision of three entrepreneurs so long ago.

With the Christmas holidays a few days away, I'm confident there will be Purity products in every home in our province during the festive season. Legend has it that when Santa Claus makes his final stop in Newfoundland a half hour later and finally empties his sack of toys, he then fills it right back up with a year's supply of Purity products.

I would like to conclude with a quote from Jolly Old St. Nick himself, "Merry Christmas and to all a good night."

Hon. Senators: Hear, hear!

HIS HIGHNESS PRINCE KARIM AGA KHAN

FELICITATIONS ON EIGHTIETH BIRTHDAY

Hon. Mobina S.B. Jaffer: Honourable senators, on Tuesday, December 13, over 15 million Ismaili Muslims residing in 25 countries around the world celebrated the eightieth birthday of His Highness Prince Karim Aga Khan.

Born in 1936 in Geneva, Switzerland, His Highness succeeded his grandfather as the forty-ninth spiritual leader of the Ismaili Muslims when he was only 20 years old.

For more than three quarters of his life, His Highness has worked tirelessly to make this world a better place. For his efforts, he has been recognized as an honorary Canadian.

To mark this special occasion, Prime Minister Justin Trudeau released a statement where he described the work of His Highness the Aga Khan as follows:

... His Highness has worked tirelessly to reduce hunger, poverty, disease, and illiteracy in developing countries. He is a beacon of acceptance and compassion, and an inspiration to both his community and the world.

Honourable senators, I have spent hours reflecting on the tremendous sacrifices that His Highness the Aga Khan has made throughout his lifetime, not only for Ismaili Muslims but for people all over the world, especially those who are the most vulnerable.

He has provided schools, hospitals and parks in many places in the world. I thought to myself how could you possibly repay someone who has given so much? It quickly became clear to me that the best gift we could give His Highness is to personify his values each and every day.

This means working hard to leave the world in a better place than it was when we found it. This means recognizing all countries are different in terms of history, culture, tradition, and that we cannot take a set of issues or values from one country and apply it to another. This means ensuring that difference is not seen as weakness but instead as a powerful force for good.

Honourable senators, I am sure you will agree that we are all incredibly fortunate to live in a country as great as Canada, where difference and diversity doesn't divide us, it defines us.

Not everyone in this world is as lucky as we Canadians. I truly believe that together we can make His Highness' vision of the world a reality so that men, women and children all over the world can be as fortunate as we are.

Honourable senators, I ask you to join me in wishing one of our honorary Canadians, His Highness the Aga Khan, bon anniversaire.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

[English]

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO THE UNITED
KINGDOM, FROM MAY 13-17, 2016—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I ask leave of the Senate to table the report of the parliamentary delegation of the Senate, led by the Speaker of the Senate, that travelled to the United Kingdom, from May 13 to 17, 2016.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

PARLIAMENTARY DELEGATION TO FRANCE,
JUNE 30-JULY 5, 2016—REPORT TABLED

The Hon. the Speaker: Honourable senators, I ask leave of the Senate to table the report of the parliamentary delegation of the Senate, led by the Speaker of the Senate, that travelled to France, from June 30 to July 5, 2016.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

PARLIAMENTARY DELEGATION TO SLOVENIA AND
THE CZECH REPUBLIC, SEPTEMBER 5-9, 2016—
REPORT TABLED

The Hon. the Speaker: Honourable senators, I ask leave of the Senate to table the report of the parliamentary delegation of the Senate, led by the Speaker of the Senate, that travelled to Slovenia and the Czech Republic, from September 5 to 9, 2016.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

INTERNATIONAL TRADE

OFFICE OF THE EXTRACTIVE SECTOR CORPORATE
SOCIAL RESPONSIBILITY COUNSELLOR—2016
ANNUAL REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the 2016 Annual Report to Parliament on the Office of the Extractive Sector Corporate Social Responsibility Counsellor.

NATIONAL ANTHEM ACT

BILL TO AMEND—NINTH REPORT OF SOCIAL
AFFAIRS, SCIENCE AND TECHNOLOGY
COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 15, 2016

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-210, An Act to amend the National Anthem Act (gender), has, in obedience to the order of reference of December 6, 2016, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN KENNETH OGILVIE

Chair

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

(On motion of Senator Lankin, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 12-26(2), I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Ethics and Conflict of Interest for Senators, which deals with the expenses incurred by the committee during the Second Session of the Forty-first Parliament.

[Translation]

THE SENATE

MOTION TO PHOTOGRAPH ROYAL ASSENT
CEREMONY ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That photographers be authorized in the Senate Chamber to photograph the Royal Assent ceremony today, with the least possible disruption of the proceedings.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

PROHIBITING CLUSTER MUNITIONS ACT

BILL TO AMEND—FIRST READING

Hon. Salma Ataullahjan introduced Bill S-235, An Act to amend the Prohibiting Cluster Munitions Act (investments).

(Bill read first time.)

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

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

[Translation]

QUESTION PERIOD

INDUSTRY

BOMBARDIER—FINANCIAL ASSISTANCE

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Just over a year ago, in November 2015, our national company, Bombardier, formally asked the Government of Canada for financial assistance.

Last April, I asked you what the Government of Canada intended to do to help Bombardier. You told me that the government was actively considering the issue. Eight months have passed since then, and the government has still not responded to Bombardier's request.

Can you tell us what the government intends to do to help Bombardier?

[Senator Bellemare]

• (1400)

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and would note that the Prime Minister in his press availability just earlier this morning was asked about this and repeated, as I will repeat, the commitment of the Government of Canada is to work with Bombardier on the best way in which the Government of Canada can support this important industry. The Prime Minister indicated that those conversations were active and ongoing, and he expected an announcement to be made reasonably soon.

HEALTH

MEDICAL ASSISTANCE IN DYING—INDEPENDENT REVIEW PROCESS

Hon. James S. Cowan: My question as well is for the Leader of the Government in the Senate. I gave his office notice this morning that I was going to ask about this issue.

It arises out of the bill that we passed in the spring dealing with medical assistance in dying. As a result of the work that was done here, the bill, now the act, contained a requirement for the government to initiate, not later than 180 days after the day on which the bill received Royal Assent, one or more independent reviews of issues relating to requests by mature minors for medical assistance in dying, to advance requests and to requests where mental illness is the sole underlying medical condition. Those reports are to be tabled in Parliament not later than two years after the day on which they are initiated.

Leader, your government the other day announced that they called upon the Council of Canadian Academies to conduct those reviews. The government news release said:

As part of the review process, the CCA will consider additional evidence from national and international experts, other levels of government, health care providers, and stakeholders impacted by the issues under review.

I will group my questions together, if I may. Will the CCA publicly identify the reviewers, the panellists who will be doing this? Will there be an opportunity for Canadians to make submissions to the panels in the course of their review, and will there be public hearings of these panels? I do have a supplementary that will arise out of that.

Hon. Peter Harder (Government Representative in the Senate): Before answering the specific questions posed by the honourable senator, I'd like to acknowledge that it is appropriate, for probably his last question posed in this chamber, to recognize the many questions that he has posed over the months that I have been here but also over a much longer period, and I think it is entirely appropriate that his last question be with respect to the implementation of Bill C-14, a bill on which his leadership was so outstanding to this chamber, both on the substantive side and on the procedural side, and which made us all proud of the work the Senate has done.

Hon. Senators: Hear, hear!

Senator Harder: With respect to the answer, I would acknowledge, as the question states, that the Council of Canadian Academies has been asked to conduct this review. The council is an appropriate body for this because of the manner in which it does its work. The objective of these reviews is to gather and analyze relevant information and evidence on the diverse perspectives and issues surrounding the requests for medical assistance in dying in the three study areas that have been identified.

There will be announcements reasonably soon by the academy itself on how it intends to conduct the review. It is the government's view that having an arm's-length agency in place to conduct this review is an appropriate mechanism, and allowing it to form its work plan commensurate with the time frame that has been provided is appropriate.

As you will know from the press release, the reports will focus on findings and will not include specific recommendations. This is the standard approach being taken by the Council of Canadian Academies, and it is the government's view that this important work will inform a broader public engagement and, indeed, potentially legislation, once the report has been concluded.

Senator Cowan: Thank you for that answer and for the compliment as well, leader. I think it's critically important, and I hope you would agree, that Canadians be given an opportunity to make submissions and that this not be a study conducted in private, with consultations taking place privately.

I would like your assurance that the government will press the CCA to ensure not only that the identity of the panellists is made public but that there will be an opportunity for ordinary Canadians to be heard.

That leads to my supplementary, which you anticipated. I was surprised to see that the background to the statement said that the reports will not provide recommendations but will summarize the findings of the reviews, leading to the kind of public discourse that you speak about.

I had hoped that there would be precise recommendations and that this would not be simply another study that would be received that would lead to more discussion. There has been a lot of discussion. I think Canadians are anticipating that the government will act, and I, and I think most people, expected that the panels would produce recommendations rather than summaries of hearings.

Senator Harder: I thank the honourable senator for his follow up questions. I can indicate that I'm informed that the CCA will consider additional evidence from national and international experts as well as other levels of government, health care providers and stakeholders involved in this, including Canadians at large. How they will do this is something the government awaits an announcement on from the CCA itself as they develop their work plan.

It is my information that the standard approach for the CCA's work is that it undertakes assessments and does not make recommendations, as such, but it does seek to identify the key

issues and assess the evidence that it has before it and applies its expertise. The panel itself will be broadly representative of the stakeholder interests that are involved.

JUSTICE

TRUTH AND RECONCILIATION COMMISSION RECOMMENDATIONS—MENTAL HEALTH SUPPORT FOR PRISON INMATES

Hon. Kim Pate: My question is for the Leader of the Government in the Senate. It has been more than nine years since the death of Ashley Smith. She died in segregation at the Grand Valley Institution for Women in Kitchener. Since Ashley's death, four other women have died in prison, all of whom had mental health issues, three of whom were indigenous.

The Minister of Public Safety, Ralph Goodale, has been mandated by the Prime Minister to work with the Minister of Justice and the Minister of Indigenous and Northern Affairs to address the significant gaps in services provided to indigenous peoples and those suffering from mental health issues throughout the criminal justice system.

During Question Period on Tuesday, December 6, 2016, the Minister of Justice and Attorney General of Canada, Jody Wilson-Raybould, was unable to provide concrete evidence that this mandate is being properly and collaboratively addressed. Despite the fact that Minister Wilson-Raybould did emphasize the importance of the issue and that the government needs to do better and is committed to doing better, Canadians have seen little progress.

As such, what timelines have been established and what concrete measures have been taken by these three ministers to ensure their respective and collective mandates will be realized, particularly in terms of the Truth and Reconciliation Commission's Call to Action No. 30, which says:

We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade and to issue detailed annual reports that monitor and evaluate progress in doing so.

I ask this on the anniversary of the Truth and Reconciliation Commission report. Secondly, what progress is being made on the Ashley Smith inquest recommendation regarding the need to transfer prisoners with significant mental health issues out of prisons to appropriate mental health facilities according to section 29 of the Corrections and Conditional Release Act?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and her devotion to this issue, which is evidenced by the inquiry that was tabled in this house last week.

The minister, as she indicated in the house when she appeared here earlier, is conducting a broad review of changes to our criminal justice system and sentencing over the past decade,

ensuring a fair, relevant and accessible justice system that reflects the Charter of Rights and Freedoms, and this is a top priority for the minister.

In fulfilling this commitment, the minister is undertaking a program of consultation and engagement with stakeholders through a series of regional round tables across the country. As the administration of justice is an area of shared responsibility, the minister is working closely and cooperatively with provincial and territorial counterparts on this matter.

• (1410)

With respect to the aspect of the question referencing the tragedy of Ashley Smith, the Minister of Justice is conducting a review of the changes in the criminal justice system and sentencing reforms and is hoping to, in working with her colleague the Minister of Public Safety, come forward with recommendations in the near future.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY—DETENTION OF REFUGEE CHILDREN

Hon. Mobina S.B. Jaffer: Leader, I have asked you and the Minister of Defence this question a number of times, and I haven't received a response as to what is happening. When will refugee children stop being detained?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and will take it on notice just so that I have the absolute up-to-date answer. As she knows, this question has recently been answered by the minister, and I just don't know whether there is further information from that date.

IMMIGRATION, REFUGEES AND CITIZENSHIP

DEPORTATION OF MEXICAN CITIZENS FROM THE UNITED STATES

Hon. Tobias C. Enverga, Jr.: Honourable senators, my question is for the Leader of the Government in the Senate.

President-elect Donald Trump has stated his intention to deport illegal aliens from the United States of America once he takes office. The majority of the estimated 11 million undocumented immigrants are from Mexico. This month, we learned that Canada is lifting visa requirements for Mexican citizens.

Is Canada prepared for a potential surge of Mexicans arriving to Canada as a result of being deported from the U.S.? What steps has Immigration, Refugees and Citizenship Canada taken to prepare for such an eventuality? Can Mexican citizens or others deported from the U.S. apply for economic refugee status? And

are we ready to accept and welcome them as we have welcomed other refugees for humanitarian reasons, like those newly arrived from Syria?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I would like to make one comment before I get into specifics.

I think it is important, as the honourable senator will know, that the definition of "refugee" is according to UN refugee legislation of 1957, and that legislation has a well-founded fear of persecution. We should not have a system that intermingles humanitarian and refugee determination, although there are legitimate occasions when humanitarian considerations do call for a response by the government. So in answering the question, I want to be clear as to whether we're talking about refugee determination under fear of persecution or a humanitarian response.

Having said that, I do think it's premature to comment on contingencies that might be consequential to a government that has not yet been sworn in and has not yet made a determination on how it might deal with what it might have said in an election campaign. Clearly, the Government of Canada is a responsible government in the sense of planning for potential circumstances, but those circumstances have not yet arisen and it would be inappropriate to comment publicly at this time.

Having said that, the decision with respect to the lifting of visa requirements on Mexicans is a long-considered and welcomed policy by both Canadians and, obviously, Mexicans involved.

HEALTH

ANIMAL TESTING

Hon. Carolyn Stewart Olsen: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Harder, yesterday in the latest edition of the *Canada Gazette*, amendments to the Toys Regulations governed by the Consumer Product Safety Act had listed in scheduling details the types of animal testing the government now requires. In one section, it actually says:

Use six albino rabbits for each test substance or stuffing material]. . . Hold the rabbit firmly but gently until it is quiet. Place the test substance or stuffing material in one eye of each rabbit. . . hold the lids together . . . and then release the rabbit.

In another section it says a rabbit is considered to have a positive reaction if the test has produced "an ulceration of the cornea," "an obvious swelling," et cetera.

In my work on Bill S-214, I discovered that many modern, validated, non-animal methods have been adopted as the OECD guidelines, which the amended regulations actually make reference to. With this in mind, can you please explain Health Canada's reasoning for stipulating obsolete animal-based methodologies in Schedule 3 of the amended regulations?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and will take note of it for an appropriate response by Health Canada officials.

FOREIGN AFFAIRS

SYRIA—CRISIS IN ALEPPO

Hon. Mobina S. B. Jaffer: Honourable senators, my question is also for the leader in the Senate.

Leader, we all know that as we sit here the tragedy in Aleppo is happening. I know for all of us the shine of Christmas festivities have diminished as a result.

Rupert Colville, the UN human rights office spokesperson, just reported that on Monday alone, pro-government forces operating in Aleppo have executed 82 civilians, including 13 children and 11 women. Although evacuation efforts are ongoing, the safety of 80,000 civilians trapped in a few square miles of East Aleppo under rebel control remains uncertain, especially as the Syrian Army advances over the district as we speak, with the help of Russia.

Honourable senators, we cannot stand by and watch as Aleppo becomes the scene of horrifying atrocities. These events bring memories of brutal genocide that took place in Rwanda in 1994, where an estimated 800,000 people died.

Leader, what is our government doing to help people in Aleppo?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her important question on this tragedy. The honourable senator, and I'm sure all senators, would agree with the Government of Canada in that it is appalled by the horrific civilian massacres of the Assad regime and its backers like Russia and Iran. They must be held to account and abide by Canada's and the world's call to uphold international humanitarian law and protect citizens and rescue workers.

To this end, the government is providing life-saving humanitarian assistance and bringing accountability by supporting evidence gathering of these war crimes and have welcomed tens of thousands of Syrian refugees to Canada.

On December 9, just last week, the Government of Canada led a United Nations General Assembly resolution that mobilized the support of 122 countries and passed it, demanding an immediate cessation of hostilities and unhindered access for humanitarian aid.

As you know, the government is part of the International Syria Support Group and its humanitarian and ceasefire task forces. The government has also committed some \$840 million in humanitarian assistance for the most vulnerable in the region, and they have marshalled the support of 71 countries at a session of the United Nations General Assembly.

Clearly the government remains in close contact with the United Nations humanitarian coordinator to maintain support. This situation is evolving tragically, and we must all be vigilant in the coming days.

Senator Jaffer: Thank you for that comprehensive answer. I appreciate that.

Leader, I know you were part of this group when Foreign Affairs was developing the responsibility to protect. What happened to that? Have we forgotten that Canada was at the forefront of going to the UN to say that every sovereign nation has a responsibility to protect the vulnerable? What happened to that?

Senator Harder: Again, thank you for the question. It's a subject worthy of a broader discussion.

It's important to remember that the responsibility to protect was based on the notion of a request from the United Nations, and that responsibility is not unilateral in that regard. There has not at this stage been a United Nations call for protection because of the powers of certain member states to thwart such a United Nations call.

It is in that context that responsibility to protect isn't the appropriate mechanism for Canada's response at this time. Of course, should the United Nations issue such a call, Canada would indeed be part of moving forward, I am certain.

• (1420)

TREASURY BOARD SECRETARIAT

COMMITMENT TO DIVERSITY

Hon. Ratna Omidvar: My question is to the Leader of the Government in the Senate. I had another question prepared, but Senator Jaffer asked it. It's always good to have another question in your back pocket. This is actually an easier one. Think of it as a bit of a Christmas gift.

I have in front of me a page from the Governor-in-Council appointments from the Government of Canada. It talks about an open and transparent process representative of Canada's diversity and merit base, and I think that is all wonderful. We have begun to see some of the results. My question is to measuring and reporting, because I've heard a lot of people here say that what gets measured, gets done.

The results are limited at this point to an orders-in-council database which one must literally dig through to figure out for yourself whether or not the aspirations of the government are reflected in the outcome. In other words, I don't believe that the results are either transparent or coherently presented.

How does the government intend to measure and report on its commitments on diversity of Governor-in-Council appointments?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. It's very appropriate and one that I appreciate, but one that I'm not able to answer at this stage. I will be happy to bring the question to the attention of those who are responsible for this area.

I want to, in doing so, reaffirm the commitment of this government to the diversity to which the honourable senator referred in her question. The government is also committed to ensuring public transparency in the reporting of results, and I'm sure that at the appropriate time and, perhaps with the prompting of this question, an answer will be forthcoming.

[Translation]

AGRICULTURE AND AGRI-FOOD

BOVINE TUBERCULOSIS—SUPPORT FOR DAIRY PRODUCERS

Hon. Ghislain Maltais: Closer to home, the bovine tuberculosis crisis continues to wreak havoc. Since November 29, 18,000 animals have been destroyed and almost 26,000 placed in quarantine. The situation remains serious in Alberta and southwest Saskatchewan.

However, there is good news. The Minister of Agriculture and his officials promptly implemented the financial compensation programs for farmers. Winter will be less difficult for them. It is important to point that out.

My question is the following: A few weeks ago, Canada signed a treaty with Europe. The previous budget included \$4 billion in compensation for dairy producers, as needed. These funds would be disbursed only according to outcomes and not right away. Can the Leader of the Government assure us that Canadian farmers will have the same guarantees in the next budget?

The treaty will soon be implemented and farmers are worried because the sword of Damocles is hanging over their heads. This situation could destabilize the economy of Canada's agricultural regions.

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, and I appreciate his observations about how bovine tuberculosis is being handled at this point.

With respect to the specific question he asked, I am not in a position to confirm what will or will not be in the budget coming forward. I do know that the commitment of the government to implement CETA, should this Parliament accede to the bill that is before the other chamber, includes a series of measures, including the one to which he refers, that are crucial in the mind of the government to be part of the implementation strategy of the Government of Canada, irrespective of what year it comes into force.

[Translation]

Senator Maltais: You are right, senator. However, I believe that a consultation between the ten provincial agriculture ministers and the federal minister would provide strong reassurances for Canadian farmers. Of course, each province will be destabilized in one way or another. There will be pluses and minuses. However, we have to give the industry a chance to get back on its feet and become more competitive by ensuring that there are fewer imports in the dairy sector, including in Ontario, Quebec, the Maritimes and the western provinces. It is mainly this sector that is at risk, and farmers are worried.

A meeting with the 10 provincial Agriculture ministers could bring a little reassurance to farmers, who are concerned that they are going to fall through the cracks in the wake of the treaty's implementation.

[English]

Senator Harder: The honourable senator has an excellent suggestion. I will be happy to bring it to the attention of the minister, who I know is highly attentive to his federal and provincial colleagues and ensures that their meetings are regular and deal with the kind of issues that you have identified.

INDIGENOUS AND NORTHERN AFFAIRS CANADA

VACANCIES ON CO-MANAGEMENT BOARDS

Hon. Dennis Glen Patterson: Leader, Institutions of Public Government, or IPGs as we fondly know them, are co-management boards established under the Nunavut Land Claims Agreement, which ensure that Inuit are involved with governments in the regulation of development review and impacts, water, wildlife management and land use planning. The effectiveness of these IPGs are critical to an effective and efficient regulatory regime and welcoming investment climate in Nunavut.

The problem is that Indigenous and Northern Affairs Canada and the Governor-in-Council have not appointed new members to boards that are now facing serious challenges achieving quorum. Some of the boards have as many as six open seats. Some have been vacant for a number of years.

There are five IPGs dealing with vacancies or bare quorums: the Nunavut Planning Commission, the Nunavut Impact Review Board, the Nunavut Water Board, the Nunavut Wildlife Management Board and the Nunavut Surface Rights Tribunal.

My question is — I don't expect an answer at this moment — when will the Minister of Indigenous and Northern Affairs Canada and the Governor-in-Council begin appointing members so these boards can continue their good work effectively and efficiently?

Hon. Peter Harder (Government Representative in the Senate): In responding, I will meet your expectations and not provide an answer, but I will take notice of the question and ensure a response is forthcoming from the appropriate authorities.

Obviously, appointments to these bodies are important for the conduct of the business of these organizations, as is the issue of appropriate representation and diversity on all of these boards, agencies and commissions, and the government is diligently pursuing both objectives.

[Translation]

SCIENCE

ASBESTOS BAN—COMPENSATION FOR AFFECTED COMMUNITIES

Hon. Claude Carignan (Leader of the Opposition): Leader, the government announced this morning that it has decided to impose a full, nationwide ban on asbestos. That decision was certainly expected, but after the asbestos mines shut down in Asbestos and Thetford Mines, a tremendous amount of asbestos tailings were left behind. This pile of 400 million tonnes of tailings contains magnesium and nickel, in particular. That is a huge stockpile, which the community would like to capitalize on.

Does the government plan to invest in R & D for the development of new technologies in order to extract those minerals from the tailings, thereby creating jobs for the people of Asbestos and Thetford Mines, as well as creating added value and giving something back to the communities that will be hit hard by the asbestos ban?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. The issue of asbestos has been a challenge from a public policy point of view for many governments for a long time. I welcome the decision of the government with respect to compensation for Thetford Mines or support in developing new technologies that would assist the industries affected. I will take the question on notice and respond at the appropriate time.

• (1430)

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

DELAYED ANSWERS TO ORAL QUESTION

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table answers to the following oral questions: the question of the Honourable Senator Carignan on April 14, 2016, concerning the Magdalen Islands extension of airport runway; the question of the Honourable Senator Patterson on April 14, 2016, concerning the Airports Capital Assistance Program for northern and remote airports; the question of the Honourable Senator Carignan on April 19, 2016, concerning government support for Bombardier; the question of

the Honourable Senator Mockler on May 12, 2016, concerning workers injured or killed in the workplace; the question of the Honourable Senator Carignan on October 4, 2016, about fraudulent citizenship applications; the question of the Honourable Senator Cowan on November 15, 2016, concerning defined benefit plans; and the question of the Honourable Senator Enverga on November 16, 2016, concerning job opportunities for new immigrants.

TRANSPORT

MAGDALEN ISLANDS—EXTENSION OF AIRPORT RUNWAY

(Response to question raised by the Honourable Claude Carignan on April 14, 2016)

Our thoughts and support are with those affected by this tragic accident. The Government of Canada recognizes the importance of the Magdalen Islands airport and this is why on July 12th we announced the investment of \$26 million to upgrade the airport facilities, which consists of three components: renovating the airport, resurfacing the main runway, taxiways and traffic area, and retrofitting the garage.

At this time, Transport Canada evaluates that the airport's main runway, which is 4500 feet long, adequately meets the needs of the aircrafts of the air carriers serving the airport. Moreover, these carriers never reported to the Department that an extension of the runway was necessary in order to carry out their operations.

Transport Canada will not hesitate to take the action necessary to ensure the safe, secure and efficient operations of the airport.

TRANSPORT

AIRPORT CAPITAL ASSISTANCE PROGRAM—NORTHERN AND REMOTE AIRPORTS

(Response to question raised by the Honourable Dennis Glen Patterson on April 14, 2016)

The Government acknowledges the importance of small northern and remote airports for their communities. As such, we are actively looking at ways to address the current challenges in the context of the *Canada Transportation Act* Review.

Recently the Minister of Transport held a roundtable in Iqaluit on the “North” experience in order to hear from key industry players, systems users, academia and thinkers, and Indigenous groups on this important subject.

To date, over \$81 million has been invested at territorial airports through the Airports Capital Assistance Program (ACAP). This program provides federal funds to help eligible airports maintain and improve safety for the

Canadian travelling public. Since the program's inception in 1995, the ACAP has invested more than \$736 million for 848 projects at 179 airports across the country.

INDUSTRY

BOMBARDIER INC.—GOVERNMENT SUPPORT

(Response to question raised by the Honourable Claude Carignan on April 19, 2016)

Aerospace is one of the most innovative and export-driven industries in Canada, contributing over 211,000 jobs and \$28 billion annually in gross domestic product (GDP) to Canada's economy.

The Government continues to be engaged with the company in order to be part of a solution which can ensure that the aerospace sector can be successful and competitive in the long term. It is not a question of "if", but of "how".

The Government's priority is to ensure good quality jobs, research and development (R&D) investments, and head office remains in Canada.

The Government continues to be in discussions with Bombardier and the Government of Quebec on the shared commitment to ensuring a long-term vital aerospace sector in Canada.

Any action the Government takes with regards to Bombardier will be in the best interest of Canadians.

The Government is committed to working with Bombardier and the sector as a whole to keep Canada at the forefront of the global aerospace industry.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

WORKERS INJURED OR KILLED IN THE WORKPLACE

(Response to question raised by the Honourable Percy Mockler on May 12, 2016)

The Government of Canada recognizes that every worker has the right to a safe work place and the right to return home to their family at the end of the work day. The Minister of Employment, Workforce Development and Labour works collaboratively with her counterparts in the provinces and territories as well as employer and employee organizations to promote safe and healthy workplaces across Canada. To further this cause, the Minister is working with the Minister of Status of Women and other

ministerial colleagues to take action to ensure that federal institutions are workplaces free from harassment and sexual violence.

To support the Minister and promote compliance with Part II of the *Canada Labour Code* and its regulations, Labour Program officers investigate hazardous occurrences and complaints, and undertake preventative and proactive inspections. The Labour Program's proactive strategy includes an intervention model which: 1) focuses on prevention and education; 2) ensures consistent interventions in targeted high risk priority industries; and 3) engages employers and employees to take responsibility and be proactive in the prevention of accidents and fatalities in the workplace.

IMMIGRATION, REFUGEES AND CITIZENSHIP

FRAUDULENT CITIZENSHIP APPLICATIONS

(Response to question raised by the Honourable Claude Carignan on October 4, 2016)

Currently Immigration, Refugees and Citizenship Canada has 586 cases that are pending decisions of whether or not to revoke citizenship on grounds of misrepresentation, which includes cases identified by Royal Canadian Mounted Police investigations. The cases identified by the Office of the Auditor General's Audit into fraud in the citizenship program continue to be under investigation for possible revocation.

The Government of Canada does not keep statistics of Canadians living abroad or of Canadians with dual or multiple citizenships.

A 2011 report from the Asia Pacific Foundation of Canada, entitled "Canadians Abroad: Canada's Global Asset", estimated that there could be 2.7 million Canadians living abroad.

A 2011 Statistics Canada report, entitled "Canadians Abroad", indicated that the Organisation for Economic Cooperation and Development (OECD) estimated that 1.1 million people who were born in Canada were residing in other OECD countries at the beginning of the 21st century, and that the largest proportion (82%) lived in the United States.

EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

DEFINED BENEFIT PLANS

(Response to question raised by the Honourable James S. Cowan on November 15, 2016)

Bill C-27 proposes amendments to the *Pension Benefits Standards Act, 1985*, to provide a framework for Target

Benefit Plans (TBPs) for federally regulated private sector and Crown corporation pension plans.

TBPs represent a voluntary, sustainable and flexible pension option, which retain attractive features from both defined benefit and defined contribution pension plans, such as a lifetime pension that benefits from the pooling of market risk and protects retirees against the risk of outliving their savings and cost certainty for employers.

TBPs promote pension plan sustainability through the ability to adjust benefits and contributions in response to changing market conditions and provide more certainty to employees, retirees and employers on measures to be taken in surplus or deficit situations.

Under the proposed framework, a retiree's accrued defined benefit pension benefits can only be surrendered in exchange for benefits in a TBP with the individual informed consent of the retiree. To obtain consent, employers are required to provide an explanation of the TBP, written in plain language, to retirees to ensure they can make an informed decision. Retirees who do not consent would maintain their existing pension benefits in their current defined benefit plan.

JOB OPPORTUNITIES FOR NEW IMMIGRANTS

(Response to question raised by the Honourable Tobias C. Enverga, Jr. on November 16, 2016)

Employment and Social Development Canada (ESDC) provides a large range of services available to all Canadians including immigrants to promote labour market participation. These include the Youth Employment Strategy, and funding to Provinces and Territories in support of labour market training under the Labour Market Development Agreements and the Canada Job Fund. Additionally, through the Foreign Credential Recognition Program, ESDC works collaboratively with provinces, territories, regulators and stakeholders to improve foreign credential recognition processes for newcomers.

Immigration, Refugees and Citizenship Canada (IRCC)'s Settlement Program funds services directed at newcomers provided through over 500 service providers except in Quebec which delivers services to its own citizens. This includes *Direct Employment-Related Services* that support newcomers in finding and retaining employment, such as language classes — a key component of future labour market participation — employment counselling service, mentoring, networking, work placements and internships, and preparation for licensure or certification. The Settlement Program also provides *Indirect Employment-Related Services*, whereby IRCC engages with Canadian employers or employer associations to facilitate their hiring of immigrants and refugees and to help them benefit from a diverse workforce.

ORDERS OF THE DAY

CANADA PENSION PLAN CANADA PENSION PLAN INVESTMENT BOARD ACT INCOME TAX ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Griffin, for the third reading of Bill C-26, An Act to amend the Canada Pension Plan, the Canada Pension Plan Investment Board Act and the Income Tax Act.

Hon. Frances Lankin: Honourable senators, I rise to speak to Bill C-26, An Act to amend the Canadian Pension Plan, the Canadian Pension Plan Investment Board Act and the Income Tax Act.

I want to speak briefly to this to put on the record my support for this particular bill.

I feel a little tempted, like in my old days at political conventions or labour conventions, to rise to the mic and say I support this but it doesn't go far enough, and then proceed to speak against the motion. I'm not going to do that.

I will speak in favour of this. It is a major step forward. I could argue in other situations that much more needs to be done, both within the Canada Pension Plan and also in general with respect to addressing a range of issues that I have spent many of my adult years engaged in and working on, issues of poverty, social welfare, basic income, the growing wage gap, the change in employment, the growth in precarious employment. They are all related issues. Many Canadians continue to fall behind and do not have basic income security to live their lives and support their families, let alone plan for and fund their futures in retirement.

This is a major step forward and an important public policy development. It strengthens a cornerstone of our society and of our social welfare net that is an important part of uniting Canadians and ensuring standards of living in our country that benefit individuals, families, neighbourhoods and our country as a whole.

I have had the opportunity to be engaged in research and to study issues related to the things that I talked about in terms of poverty, in terms of increased precariousness of employment.

I note that 44 per cent of workers today, adults between the ages of 25 and 65, are in what we would call precarious employment. That often means short-term employment opportunities that come without health benefits, drug benefits or pension plans, some of the things that many of us in our generation thought were part of the employment benefit package that we were able to access when we contributed our labour to the productivity of the country.

That scene is changing. I won't belabour that now. I hope to have an opportunity to talk at greater length on that at some time in the future, to speak to Senator Eggleton's motion on basic income. There are related public policy issues there as well.

What I do know of those 44 per cent of working adults who are in precarious employment is that the majority of them are women, in particular racialized women, or they are racialized men and women, or they are youth. The youth particularly have a bleak future in terms of an employment situation that will help them support families, buy homes, have secure ways of contributing to community and be able to save for their retirement.

For many years in the province of Ontario, from whence I come, I have been engaged in calls on the federal government to enhance a range of programs, CPP being one of them. I have worked in the past on advisory committees like the Mowat Centre, which looked at employment insurance. That task force was co-chaired by our colleague, Senator Omidvar, and we were able to do good work calling on the federal government for changes.

I had an opportunity to work on the commission reviewing social assistance in Ontario, which I co-chaired with the former head of Statistics Canada. We called on the federal government to look at some of these gaps in the current-day employment situation and what it meant for marginal effective tax rates, what it meant for people being encouraged to leave disability support or to leave social assistance, and the way in which factors in the system were coming together and merging to be disincentives to people and to trap people in situations that were untenable in terms of living in poverty.

CPP has been a hallmark of this country's attempt to ensure that seniors can live with dignity in retirement. With changes and enhancements, it has done a much better job, but we have seen with a major change in the labour force that it falls short of what we will need for the future.

At a certain point in time, after attempts to engage changes in the Canada Pension Plan within the province of Ontario, we turned our sights to the provincial government and looked to the potential establishment of a stand-alone augmentation of CPP benefits with a provincial pension plan.

Those efforts started to take form. I supported those efforts that were brought forward by the current government in Ontario. I would like to have seen them go further. What was important about the exercise they undertook and the base work that was done is that it was helpful for all the provinces and the federal government to discuss this issue to help move us to a more rational place.

I don't think a proliferation of provincial solutions and duplication of administration is to the benefit of Canadians, or a wise and efficient use of taxpayers' dollars. I don't think it is to the benefit of Canadians to have a patchwork of systems which can inhibit mobility under our Agreement on Internal Trade for people to move from jurisdiction to jurisdiction. I don't think it is ideal.

[Senator Lankin]

It is a move forward, even though I believe it falls short of what we would have accomplished in an Ontario-only plan. That said, it is a major force for economic security for the future generation.

I have listened to some of the arguments. There are cautions that we should, with any government-supported program, be aware of. The kind of transparency, reporting and assurances that have been sought are reasonable. They're not any reason not to support the establishment of enhancements to what is already a very important part of our national fabric.

The Canada Pension Plan, as it goes forward, will provide benefits to those people who immediately start paying at a reduced rate as they retire. However, it will not be years and years off, as some have suggested.

• (1440)

I am very supportive of the concept that years and years off today's youth, who are facing a very changed workplace and working conditions from what I faced as a young person, will have increased security. They will most likely not have access to a defined benefit pension plan, which at one point in my life I had, though it was legislated out of existence, so I no longer have that. They may well not have access to even a defined contribution plan, which, as members know, is fraught with all the risks of the market; it is perhaps a way of risky savings or investments for those who have the desire to invest in the market, but it is not a way of assured savings. Even group RRSPs don't provide that.

The Canada Pension Plan is an important backstop, and for the security of the youth of today, for their time as they become retirees, for their security in the future, I stand to support this bill. And I am grateful to be part of a body that will be able to make a change that will bring greater security for Canadians in the future.

Thank you very much.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I too rise to speak at third reading of Bill C-26, An Act to amend the Canada Pension Plan, the Canada Plan Investment Board Act and the Income Tax Act.

As other senators have stated, the CPP is important and is a good plan, but today we are debating its expansion, which I believe and even now Senator Lankin believes is an incomplete plan.

The government is telling us that there is a crisis. So where does the government see a crisis that demands the expansion of the CPP? They claim this crisis is based on evidence and fact. So is there really a crisis at hand?

Philip Cross from the Macdonald-Laurier Institute, who appeared before the House of Commons pre-study on Bill C-26, doesn't think so. He said:

Looking at both the living standards of retirees and the financial soundness of the CPP, one can only conclude that there is no actual or impending crisis.

Bill C-26 is designed to assist only a small group of retirees in the middle and upper middle class who appear to not be meeting an arbitrary threshold of savings set by this government — a threshold that does not take into account non-RRSP investments or the equity present in home ownership.

In truth, though I have listened carefully to what we are also trying to put in place to support our youth for tomorrow and their retirement, my objection to Bill C-26 is based on my concerns for three groups of Canadians who will be negatively impacted by this legislation.

First, the changes being proposed will increase taxes on businesses, particularly impacting small businesses, which comprise 70 per cent of private sector jobs and represent half of Canada's GDP. The changes are projected to negatively affect GDP and job growth and hurt businesses for over a decade, if not longer.

It is the small and medium enterprises that will realize the full effects of the CPP premium increases. The costs associated with the CPP changes will likely lead to layoffs and wage freezes for Canadians. Internal Finance Department projections say that the CPP premium increase will hamper our economy until 2030 and will likely suppress job growth until 2035.

Finance Canada's own analysis shows the economy will be damaged due to the higher pension plan premiums. Employment will be reduced by 0.4 per cent to 0.7 per cent, which translates to 1,050 fewer jobs per year for a decade.

Small-business owners don't have the luxury of socking away money to offset tax increases. If CPP is increased, two thirds of business owners indicated they would feel pressure to freeze or cut salaries, while nearly half would be forced to reduce investments in their businesses. This contradicts the government's plan to encourage innovation, investment in business and job creation in small enterprises.

Canadian businesses, economists and the Department of Finance have advised the Liberal government that this payroll tax increase will hurt the Canadian economy. The Department of Finance has admitted that the tax will reduce employment, lower our GDP, decrease business investment and hamper Canadians' private savings.

The government must realize that it isn't the time to be creating added costs on Canadians and businesses, while the economy struggles. I can actually speak for many thousands of small-business owners I know across Canada for whom 1 per cent of any increase means a difference between whether they stay open or they close their doors. They work 16-hour to 20-hour days, and this is a fact of life.

Furthermore, the two other groups that will be negatively impacted by the changes proposed in Bill C-26 are women and the people with disabilities. I'm very surprised and concerned by this government's failure to include a similar dropout provision included in the general CPP. This provision was to protect Canadians whose incomes are reduced due to taking time off to raise their children or who have income reductions due to a disability.

I'm aware that this concern was raised by senators during committee stage, and observations were attached to the report regarding this very fact. The lack of a dropout provision will mostly affect women and those living with disabilities. This is a clear oversight on the part of the government. In fact, François-Philippe Champagne, Parliamentary Secretary to the Minister of Finance, admitted as such:

We are aware that more could be done with respect to the dropout provisions, and we have stated that very clearly to the member. However, in order to make changes to the plan, we need agreement from the provinces.

Our intent is to pass the bill, as is; however, the Minister of Finance will then raise the dropout provisions at the next provincial and territorial finance ministers' meeting in December, in the context of the triennial review of the Canada pension plan.

Honourable senators, we are being asked to pass this bill as is and leave it up to the minister to potentially fix it at another time. The enhanced CPP is not set to come into effect until 2019, so why the rush to pass a bill with such a glaring oversight? Why didn't the government wait until after the next provincial-territorial ministers' meeting, add the dropout provision and then table a better bill?

Additionally, Mr. James Hicks, National Coordinator, Council of Canadians with Disabilities, stated:

In terms of analysis, it is the view of CCD that the implementation of the measures in Bill C-26 has the potential to negatively impact Canadians with disabilities in a manner that could increase the disparity in income levels between Canadians with disabilities and other Canadians. The removal of the drop-out options in the enhanced portion has the potential to further increase the disparity between disabled and non-disabled Canadians through a publicly designed pension scheme. This would be in contradiction to the intent of the UN Convention on the Rights of Persons with Disabilities, which Canada has signed and promised to uphold.

I do commend all the work done to date on this bill by many people, including Senator Dean, the sponsor, and our critic, Senator Stewart Olsen. But even with everyone's best effort there are potential unintended consequences for women or persons with disabilities or the negative effect on employment and growth. We must listen to the experts and witnesses. As such, senators, I will not be supporting this bill.

[Translation]

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I rise to participate in the debate on Bill C-26. I will not get into the details or the problems that Senator Stewart Olsen and Senator Martin raised. They made it clear how dangerous the bill is for Canada's economy and identified its flaws, which we are being asked to accept.

The government's job is to create wealth. Unfortunately, it is killing jobs by creating new taxes. Whether it is the income tax

hike for certain Canadians, higher pension plan contributions or the notorious carbon tax, the outcome will be the same.

Canada's small and medium-sized businesses will become less and less competitive. They are being weighed down by their tax burden and cannot compete with U.S. companies who are not facing the same hurdles imposed by their government.

• (1450)

Unfortunately, the Government of Canada is not creating jobs and does not seem to have a job creation plan. There are plans to create taxes and deficits, but no job creation plans.

Honourable colleagues, another point I want to raise before we proceed to the vote on this flawed legislation is that the government took a rather odd approach. It acknowledged that the bill is flawed, but it asked us to pass it anyway and then see what we could do about fixing it later.

Allow me to provide some examples, and let me remind you that we are talking about a government with one year of experience, not five or ten years.

At the National Security and Defence Committee, during consideration of Bill C-7 on unionizing the RCMP, committee members identified a number of problems with the bill. Minister Goodale proposed that we pass the bill and set up a task force to address the flaws. We rejected that idea and sent the bill back to the House of Commons with amendments. Despite the fact that the minister told us that we urgently needed to pass the bill and that its consideration in committee was a good idea, six months later the government still hasn't touched Bill C-7, and we are still waiting for the other place to send it back to us.

During our debates on Bill C-14 on medical assistance in dying, when senators raised questions about directives in the legislation, about patients with mental illness and about access to medical assistance in dying for minors, the government said that there was no problem, because we could pass the bill and it would study those issues later on.

This week we learned that that study will be done in December 2018, so, two and a half years after the bill was passed, and we have no way of knowing whether the government will take the report's recommendations into account.

Last week Senator Harder offered us a similar pact. He suggested that we should pass Bill C-29 in its present form so that the Standing Senate Committee on Banking, Trade and Commerce could present its recommendations after the fact. Senator Pratte described that suggestion as disingenuous, and I quite agree. Suddenly this bill, which apparently could not be amended by the Senate in any way, shape or form, was in fact amended, and of course the sky hasn't fallen, honourable senators, the earth is still rotating on its axis, and Canada still exists; in fact, it's doing even better.

Again just recently, the government suggested that the Senate should just pass Bill S-3 as a last-ditch effort and it would correct any flaws later on. The committee didn't fall for it. We will

evaluate the government's proposal when we see it, but the bill must not pass until the concerns raised by the Aboriginal Peoples Committee have been heard.

With regard to Bill C-26, although the Parliamentary Secretary to the Minister of Finance admitted that the bill, which we are studying today, has a gaping hole in it, he said that the Minister of Finance has raised the issue with his provincial counterparts and that, pending their recommendations, it's important that the bill pass right away, despite its flaws.

[English]

Colleagues, I submit to you that we are seeing a trend here. Step one: flawed legislation. Step two: When someone flags the problem, invoke urgency and offer consultation or another, similar trick, while insisting that the sky will fall if the bill is not passed quickly. And then, when pushed, step three: Acknowledge that the bill is flawed and sit on it.

Next time we will have a representative of the government telling us that, yes, there may be a flaw in the bill, but there is urgency and we will correct everything later.

Please, colleagues, proceed with caution and don't forget our role as a chamber of sober second thought. Remember what Prime Minister Justin Trudeau said to you before your appointment: Carefully examine legislation and fix it.

[Translation]

Dear colleagues, I believe that the bill before us must perforce be corrected because it does not meet Canadians' expectations. Therefore, I urge you to vote against Bill C-26. This would send the government the message that it must do its homework and that when it sends flawed legislation to the Senate, it must give us the opportunity to make amendments rather than crying wolf.

Thank you.

Hon. Senators: Hear, hear!

[English]

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Dean, seconded by the Honourable Senator Griffin, that this bill be read the third time. 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 will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on the bell? The vote will take place at 12 minutes past 3 p.m.

Call in the senators.

• (1510)

Motion agreed to and bill read third time and passed on the following division:

YEAS THE HONOURABLE SENATORS

Baker	Jaffer
Bellemare	Joyal
Bernard	Lankin
Black	Lovelace Nicholas
Boniface	Marwah
Bovey	Massicotte
Campbell	McCoy
Cordy	Mégie
Cormier	Mercer
Cowan	Merchant
Dawson	Mitchell
Day	Moncion
Dean	Moore
Downe	Munson
Duffy	Omidvar
Dupuis	Pate
Dyck	Petitclerc
Eggleton	Pratte
Forest	Ringuette
Fraser	Saint-Germain
Gagné	Sinclair
Galvez	Tardif
Gold	Wallace
Griffin	Wallin
Harder	Watt
Hartling	Woo—52

NAYS THE HONOURABLE SENATORS

Andreychuk	Manning
Ataulahjan	Martin
Batters	McIntyre
Beyak	Ngo
Boisvenu	Oh
Carignan	Patterson
Dagenais	Plett
Eaton	Poirier

Enverga
Frum
Greene
Housakos
Lang
MacDonald
Maltais

Raine
Seidman
Smith
Stewart Olsen
Tkachuk
Wells
White—30

ABSTENTIONS THE HONOURABLE SENATORS

Ogilvie—1

• (1520)

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gagné, for the second reading of Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act.

Hon. Daniel Lang: Honourable senators, I'm pleased to join the debate on Bill C-6 during second reading. Our immigration policy is one of the most generous and welcoming in the world. In fact, Canada grants over 500,000 temporary resident visas for landed immigrants, temporary foreign workers, foreign students and refugees. This is among the highest per capita in the world and is the size of a big city each and every year.

I note that the day we welcome our new citizens into the Canadian family, each new Canadian, young and old, repeats an oath of citizenship: “I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen.”

Unlike many other countries, Canada allows our new citizens, under most conditions, to retain the passport of their birth. These individuals become fully eligible for all the benefits from our generous social safety net that Canadians have worked so hard over generations to provide. These benefits include but are not limited to our universal health care system, Old Age Security, Guaranteed Income Supplement, as well as access to our educational system.

In turn, Canadians ask that their new neighbours learn one of the official languages, have some knowledge of Canada and our geography, and have a clear understanding of their rights as Canadians as well as their responsibility to our country as per the oath they swear. Finally, we ask that they respect our laws and be loyal to Canada.

Colleagues, Bill C-6 alters radically these terms and conditions, shifting and disturbing in revolutionary ways the “contract” that has so successfully managed the expectations and understandings between new arrivals and existing citizens.

Some honourable senators have expressed their concerns about the government's plan to weaken the residency requirements for the purpose of eligibility for Canadian citizenship. When this principle is examined at committee, it should be closely scrutinized, as I do not believe we should return to a situation in which our Canadian citizenship would once again become a passport of convenience for many.

Bill C-6 will eliminate the requirement for young teenagers 14 to 17 and applicants over 55 years of age from being required to meet a basic language and knowledge evaluation about Canada. The government's own statistics confirm that each year approximately 25,000 to 30,000 individuals will be exempted from this requirement — 300,000 individuals over 10 years — without having necessarily the skills of either the English language or the French language and also the knowledge requirements of our country.

The unintended consequence of relaxing these requirements for new Canadians will be that growing numbers of newcomers will be marginalized and alienated because they will not have a working knowledge of one of our official languages and they will not be able to take advantage of all the opportunities that Canada offers. Imagine that you were a new citizen in this country who couldn't understand the words to "O Canada."

The importance of integration and language skills cannot be overstated. This important aspect of good citizenship was highlighted earlier this week in the unanimous report of the Standing Senate Committee on Human Rights in relation to language training for Syrian refugees. If we all universally agree that language is of paramount importance, why would we eliminate that requirement in Bill C-6, causing up to 30,000 individuals annually to become Canadian citizens without knowing one or both of our two official languages?

Colleagues, I would like to draw your attention to the section of Bill C-6 that causes me the most concern and which, I believe, constitutes a public security risk that the Senate cannot ignore. This is the section that would allow dual-national Canadians convicted and sentenced for serious acts of terrorism to retain their Canadian citizenship.

This provision currently applies to seven dual-national Canadians who are presently in prison for terrorist activity that would have caused significant carnage in Canada if successful. These seven individuals were not born in Canada. They pledged an oath of loyalty to Canada and then, through their actions, sought to undermine our national security. In fact, these individuals planned to murder Canadians using terrorist means such as mass bombings and other acts.

Who are these dual nationals — convicted terrorists — who will benefit if Bill C-6 passes? I have prepared an infographic which I will distribute to all your offices and provide for you to review. I also intend to share this infographic with Canadians so they can identify the beneficiaries of the provisions in this bill and also give this information to Canadians so they can contact their senator and give their opinion directly to you.

First is Mr. Tahawwur Hussain Rana, who was convicted in the United States in 2011. Citizenship: Pakistan and Canadian. He pleaded guilty and was convicted in a Chicago district court for

plotting to decapitate employees of a Danish newspaper. He and his associates were alleged to have also been behind the Mumbai terrorist act in 2008. Mr. Rana was sentenced to 14 years in prison in the United States. Previously, he co-owned a home right here in Ottawa.

Second is Mr. Zakaria Amara — 2006. Citizenship: Jordan and Canada. He was involved with the Toronto 18 and plotted to cause mass murder by bombing key areas in Toronto, including a military base, the Toronto Stock Exchange, CSIS regional headquarters, as well as attacking Parliament. He pleaded guilty in October 2009 and was sentenced to life imprisonment.

• (1530)

Third is Mr. Saad Khalid, 2006. Citizenship: Pakistan and Canada. He was also involved with the Toronto 18 and plotted with his associates to cause mass murder by bombing key areas in Toronto, including a military base, the Toronto Stock Exchange and CSIS regional headquarters, as well as by attacking Parliament. He pleaded guilty in October 2009 to committing an offence for the benefit of, at the direction of or in association with a terrorist group and was sentenced to 20 years.

Fourth is Mr. Saad Gaya, 2006. Citizenship: Pakistan and Canada. He was also involved with the Toronto 18 and plotted to cause mass murder by bombing key areas in Toronto, including a military base, the Toronto Stock Exchange and CSIS regional headquarters, as well as by attacking Parliament. He pleaded guilty in September 2009 to committing an offence for the benefit of, at the direction of or in association with a terrorist group and was sentenced to 18 years.

Fifth is Mr. Asad Ansari, 2006. Citizenship: Pakistan and Canada. He was involved with the Toronto 18 and plotted to cause mass murder by bombing key areas in Toronto, including a military base, the Toronto Stock Exchange and CSIS regional headquarters, as well as by attacking Parliament. He was found guilty by a jury in June 2010 of participating in the activities of a terrorist group and was sentenced to six years and five months.

Sixth is Mr. Misbahuddin Ahmed, 2014. Citizenship: Pakistan and Canada. He and his associate, Mr. Alizadeh, were planning to detonate a bomb armed with metal objects with the intent to cause mass casualties in our nation's capital, probably not far from where we are.

Honourable colleagues, Mr. Ahmed was convicted of participating in activity of a terrorist group and conspiracy to facilitate terrorist activity and was sentenced to 12 years. Colleagues, I draw to your attention the fact that Mr. Ahmed was planning to use his dual national status to visit Pakistan for terrorism training and to support a terrorist group.

Seventh is Mr. Hiva Mohammad Alizadeh. Citizenship: Iran and Canada. He and his associate Mr. Ahmed were planning to detonate a bomb armed with metal objects with the intent of causing mass casualties in our nation's capital. He pleaded guilty to possessing explosives with the intent to cause harm as part of a terrorist conspiracy and was sentenced to 24 years.

Those who support this bill are championing the rights of these seven convicted terrorists to retain their Canadian citizenship with

all the benefits of being Canadians, including their Canadian passport.

Supporters of this bill claim that these seven dual nationals are no different from any other Canadian. I disagree, colleagues. These seven are very different from the vast majority of Canadians.

Here is what the courts have said about terrorism. Quoting favourably Mr. Justice Durno, in the *Khalid* case, the Ontario Court of Appeal in *Khawaja* noted:

Terrorist offences are a most vile form of criminal conduct They attack the very fabric of Canada's democratic ideals. Those involved live by a philosophy that rejects the democratic process. Their motivation is unique and fundamentally at odds with the rule of law. It is an offence that has an enormous impact on the public. Their object being to strike fear and terror into the citizens in a way not seen in other criminal offences.

The Appeal Court quoted former Prime Minister Jean Chrétien, who stated:

It has become clear that the scope of the threat that terror poses to our way of life has no parallel

In responding to the worst terrorist attack in Canadian history, which claimed 331 lives, most of them Canadians, retired Supreme Court Justice John Major, Chair of the Commission of Inquiry into the Investigation of the Bombing of Air India flight 182, stated:

Terrorism is an existential threat to Canadian society in a way that murder, assault, robbery and other crimes are not. Terrorists reject and challenge the very foundations of Canadian society.

Colleagues, as you can see, I am not alone when I state that these dual national Canadian terrorists are not like every other Canadian, and they don't deserve the same rights and privileges as every other citizen.

Contrary to the distorted political narrative claiming that most terrorists are generally simply misguided youth with mental health and drug problems, these men are all well-educated and come from middle-class families. None of them were found by the courts to have been mentally incapacitated; all were found criminally responsible. They made the premeditated choice to give effect to an extreme religious doctrine of hate, with the objective of murdering and wreaking havoc on the Canadian population.

Their premeditated plot was described by the judge in the case related to Mr. Ahmed and Mr. Alizadeh. I quote:

What this case revealed was specifically the potential for the loss of life existed on a scale never before seen in Canada. It was almost unthinkable without the suggestion that metal chips would be put in the bombs. Had this plan been implemented it would have changed the lives of many, if not all Canadians forever.

Some have argued that if we revoke Canadian citizenship and deport these seven convicted terrorists, they will pose an even bigger danger to Canada and our allies. I reject this highly speculative argument.

What we do know is that keeping them in Canada allows them to radicalize others while increasing our security risks. It also promotes the impression that Canada is soft on terrorism.

Supporters of this legislation have not told us the cost of monitoring these seven dual nationals 24 hours a day, 7 days a week, if they were to remain in Canada. Will it be \$200,000 per year? Will it be \$1 million per year per individual? Will we need the FBI, like in the case of Aaron Driver, to keep an extra set of eyes on them? What will be the cost to our social systems, including welfare, unemployment and CPP? Do they deserve these benefits?

Supporters also fail to quantify the risk to Canada if these individuals were to radicalize others, attempt to return to terrorism and successfully carry out an attack in Canada.

Colleagues, our existing legal regime unites us shoulder to shoulder with 34 other countries that have legislated to revoke citizenship from dual nationals who are convicted of serious crimes. In fact, the United Kingdom has had 27 such revocations since 2006.

The United States, with which we share the world's largest open border, has laws that state a naturalized citizen or a dual national may lose their citizenship under various circumstances.

Colleagues, it has been said that this bill seeks to eliminate a two-tier level of Canadian citizenship, one for natural-born Canadians and another for immigrants who obtain citizenship. I want to draw your attention to this fact, as it is the main argument of Bill C-6 supporters.

Even if this bill is passed as presented, we will still have a two-tier definition of Canadian citizenship, as the government will be able to continue to revoke citizenship of dual national Canadians in cases related to fraud, misrepresentation and concealing material facts related to war crimes, crimes against humanity and other international rights violations.

Since 1977, 302 individuals have had their citizenship revoked.

To put this in context, dual nationals under the proposal before us in Bill C-6 can lose their Canadian citizenship for fraud, lying, misrepresentation or war crimes but not for serious convictions related to terrorism. Does this make sense?

Colleagues, I will conclude by reminding you that in the post-9/11 world, we are facing significant challenges related to terrorism each and every day.

We need every reasonable tool at our disposal to deter the terrorism threat that the world faces.

The Hon. the Speaker *pro tempore*: Senator Lang, your time is up.

Senator Lang: Could I have five minutes?

Hon. Senators: Yes.

Senator Lang: We need every reasonable tool at our disposal to deter the terrorism threat that the world faces. One of those tools is the ability to send a clear message to any dual-national Canadian who, having sworn an oath of loyalty to Canada, would contemplate committing a serious terrorist offence. The message? They will risk losing the extraordinary rights and privileges of being Canadian. They will lose their Canadian citizenship.

• (1540)

The Hon. the Speaker *pro tempore*: Senator Lang, would you take questions?

Senator Lang: Yes.

Hon. Jane Cordy: Senator Lang, do you have any idea how many dual nationalists there are in Canada? From your description it sounds like every dual national is a criminal. I know a number of dual nationals who are upstanding.

Senator Plett: I didn't get that.

Senator Cordy: The examples that you gave certainly would lead one to think that. Do you know how many dual nationalists there are in Canada? In some countries, like Syria and Iran, when individuals leave their country and don't want their citizenship, they are still considered to be dual nationalists. They can't just drop their citizenship from those countries.

Senator Lang: Let me cut to the chase here. First, I do know there are well over at least a million U.S.-Canadian dual citizens in this country, and many more above that.

Bill C-6 directly affects seven Canadians who have dual citizenship who are presently incarcerated and serving time in prison for the offences they committed.

We have to understand that these middle-class Canadians, who grew up in Canada in part, who attended our education system, intended and plotted to undertake the worst crime you could do against your country. Think about it. If they had been successful in bombing the Toronto Stock Exchange, bombing the CSIS regional office, attacking a military base and attacking Parliament, do you think this country would be what it is like today?

My point is that anyone that contemplates this and is a dual national, like the other 34 other countries with similar legislation to ours, they should reap the consequences of their actions.

Senator Plett: Absolutely.

Senator Lang: One thing we have is the ability to have Canadian citizenship.

Senator Cordy: Nobody is saying these people should not be punished if they commit a crime. We're fortunate in Canada because we have the Charter of Rights and Freedoms. Section 15 of the Charter says:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law

You are saying that some Canadians are less equal than others.

I'm not at all suggesting that dual citizens who commit crimes should not be punished. They should be punished.

But there was a recent example of someone in Nova Scotia who was brought to Canada as a very young child, didn't realize that she wasn't a Canadian, and was going to be sent back. We're not even talking about someone who was not a Canadian citizen. This bill is talking about dual citizens, people who have taken out Canadian citizenship. I believe that a Canadian is a Canadian. I believe that all Canadians should be equal under the law of Canada. I also believe —

The Hon. the Speaker *pro tempore*: Could you get to your question? Your time is running out.

Senator Cordy: Are you suggesting that dual Canadians are not as equal as I would be because I was born here?

Senator Lang: Honourable senators, I made it very clear in the presentation to the chamber that a Canadian is a Canadian is a Canadian. But if you plan a premeditated plot to do an act of terrorism in this country that will destabilize this country, you have committed one of the worst crimes against society that you could ever contemplate, which was verified by the judgments that came down in respect to these cases.

Perhaps you should go back to the transcripts when they're available. I clearly stated that the law presently allows for the deportation and the revocation of Canadians who have fraudulently entered this country. So you tell me: What is the difference and why do you think that perpetrating an act of terrorism is of less gravity than someone who commits a fraudulent act by signing a false affidavit?

Senator Plett: Absolutely. Good point.

Hon. Salma Ataullahjan: Senator Lang, would you take a question?

Senator Lang: Yes.

Senator Ataullahjan: You are asking if we need an FBI. Are we undermining our justice system? Do you think our justice system and police are not capable of handling a terrorist threat?

Senator Lang: Honourable senators, I'm very fortunate to be on the National Security and Defence Committee. I have had the opportunity to hear representatives of the law enforcement agencies, including CSIS, RCMP, FINTRAC and others who have come before our committee. We are very fortunate to have

the quality of people who have committed themselves to these organizations in doing everything they can to protect our public security. But I can tell colleagues —

The Hon. the Speaker *pro tempore*: I'm sorry, Senator Lang, but your time has expired.

Senator Lang: May I please have another five minutes?

Senator Carignan: No.

Senator Plett: Question.

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Omidvar, seconded by the Honourable Senator Gagné, that this bill be read the second time.

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

Some Hon. Senators: Yes.

Senator Carignan: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

An Hon. Senator: Never.

Hon. Ratna Omidvar: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

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

Some Hon. Senators: Agreed.

Senator Carignan: No, on division.

Senator Plett: On division.

(On motion of Senator Omidvar, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology, on division.)

CANADA LABOUR CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act.

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

Hon. Senators: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

BUDGET IMPLEMENTATION BILL, 2016, NO. 2

SEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE WITHDRAWN

On Government Business, Reports of Committees, Other, Order No. 1:

Consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (Subject matter of Bill C-29, A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures), tabled in the Senate on December 1, 2016.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I ask for leave of the Senate to withdraw this item, which is on the subject matter of Bill C-29.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Motion withdrawn.)

[Translation]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 14, 2016, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, January 31, 2017 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Murray Sinclair: Honourable senators, I rise today as this is the one-year anniversary of the presentation of the report of the Truth and Reconciliation Commission, and I wish to put some comments on the record with respect to that matter.

On December 4, 2015, His Excellency the Right Honourable David Johnston delivered his Speech from the Throne entitled "Making Real Change Happen." At that time, I was not a senator

in this august chamber; I was Chair of the Truth and Reconciliation Commission. Along with my fellow commissioners, Chief Wilton Littlechild and Dr. Marie Wilson, we were preparing to release the commission's final report and our calls to action to the parties to the Indian Residential Schools Settlement Agreement, to survivors of the residential school system, their families and to all Canadians. I rise today as a result of a commitment that was made in that speech.

• (1550)

In the Speech from the Throne, His Excellency announced:

... the Government will undertake to renew, nation-to-nation, the relationship between Canada and Indigenous peoples, one based on recognition of rights, respect, co-operation and partnership.

And that:

... the Government will work co-operatively to implement recommendations of the Truth and Reconciliation Commission of Canada, will launch an inquiry into missing and murdered indigenous women and girls, and will work with First Nations so that every First Nations child receives a quality education.

His Excellency reminded us that:

... Canadians have been clear and unambiguous in their desire for real change. Canadians want their government to do different things, and to do things differently.

They want to be able to trust their government.

Today I will respond to the Throne Speech in order to talk about the commission and its 94 calls to action.

I wish to remind you, honourable senators, that for over a century, the central goals of Canada's Aboriginal policy was to eliminate Aboriginal governments, ignore Aboriginal rights, terminate the treaties and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which we described as "cultural genocide."

The TRC report and calls to action stem from testimonies of thousands of survivors, families and witnesses from across Canada, along with several million documents spanning more than a century of the history of residential schools.

Since the release of the TRC's findings and calls to action, I have been personally inspired at the public reaction to what the commission has said, and I have been inspired at the efforts of so many segments of society to work for reconciliation. Canada's past treatment of indigenous peoples is nothing in which this country can take pride, but I sense we are on the cusp of something special, as this country begins to come to terms with our history.

Over the past year, I along with former commissioners have collectively received thousands of invitations from those who have taken steps to address the calls to action and from groups wanting to learn how to embark on reconciliation efforts.

In calls to action 62 and 63, for example, we called upon departments of education across Canada to look at changing school curriculum to be more inclusive of all peoples. My colleague Dr. Marie Wilson has observed that a key element of a better future, a future in which true reconciliation is possible, is coming to terms with how we understand and teach others about our past.

The Northwest Territories, Yukon and Nunavut have taken up this call to develop curriculum about residential schools and to include more indigenous content for students. Other provinces as well are following this lead.

Among the 29 calls aimed at the shared responsibility of the federal, provincial, territorial and municipal governments, Vancouver, Edmonton, Calgary, Winnipeg, Toronto and Ottawa are among those cities that have either passed resolutions of reconciliation, issued reconciliation statements and/or committed to cross-cultural education with all of their staff. The federal public service has also engaged in providing cross-cultural education to public servants that includes understanding the impact of residential schools.

The Ontario government has renamed its department responsible for indigenous issues to the Ministry of Indigenous Relations and Reconciliation and has included mandatory cultural awareness, competency and anti-racism training for all public servants.

Commissioner Chief Wilton Littlechild stated at the release of the final report that at the highest levels, we need political will to move our country forward and towards reconciliation. The treaties and the UN declaration, if honoured and respected, provide solutions.

The Government of Canada is to be commended for the prompt announcement of the inquiry into missing and murdered indigenous women and girls, its commitment to implement the calls to action and to adopt the UN Declaration on the Rights of Indigenous Peoples.

I have read today, though, of the announcement by the Prime Minister in regard to the government's intention to address key actions, such as the process leading to the establishment of a national council for reconciliation, an Aboriginal languages act and funding for the National Centre for Truth and Reconciliation, along with child welfare and a distinction-based policy review process, but more needs to be done. There is a concern that the government response to some calls to action have lost the intention of what the commission hoped to achieve, such as the repeal of section 43 of the Criminal Code of Canada, sustainable funding for healing to address the long-term and intergenerational impacts of residential schools and a Royal Proclamation and covenant on reconciliation. The government has much work yet to do.

Churches and faith-based communities, however, have worked tirelessly with the TRC throughout its mandate and continue to work towards the goal to address the legacy of residential schools and advance the process of Canadian reconciliation. They are regularly hosting lectures, planning cross-cultural activities, publishing articles to educate their congregations and working with survivors on commemoration projects. Universities are addressing reconciliation in their mandates by requiring indigenous courses to be taken during the first year to receive a law degree and changing the names of their various programs.

The corporate sector is taking steps to be part of the reconciliation movement. The Canadian Chamber of Commerce has issued a document in which they declare that they see a business role in reconciliation, and the Canadian Council for Aboriginal Business is working to support economic reconciliation as the key to new relationships with indigenous peoples, communities and businesses.

The work of reconciliation will need to involve all Canadians. Gord Downie has proven that it is never too late to take action. He announced in his album "Secret Path" that he was trying in his small way to help spread what I have said, that this is not an Aboriginal problem; this is a Canadian problem.

Aboriginal people were demeaned in the public schools of this country for many generations. Their culture and languages were taken away from them, and they were told that they were inferior, they were pagans, they were heathens and savages and that they were unworthy of being respected. That message was contained in the approaches taken by Indian residential schools and was given to non-Aboriginal children in the public schools as well. They need to know now that this history includes them.

Getting to reconciliation is much harder than getting to the truth. It will require deliberate, thoughtful and sustained action. Education is the key to reconciliation, honourable senators, and if you have not yet had the opportunity, I once again encourage you to read the calls to action, read the summary report of the TRC and remember that it's about increasing your level of awareness as well. It's about getting involved.

Reconciliation activities are happening across Canada and all around you. The National Centre for Truth and Reconciliation has developed an online tool to monitor the efforts taking place across the country in response to the calls to action. This tool will update and connect those already taking action and those who are interested in taking action but are unaware of what is being done or where to begin.

I encourage you, honourable senators, to spread the word about the calls to action with your constituents. If they are looking at how to participate in reconciliation, ask them to visit the national centre's webpage.

Canada will be celebrating its one hundred and fiftieth anniversary of Confederation this coming year. Let's show the people of this country and the world that Canada has much to be proud of. Let's show that we are not afraid to learn from our mistakes. Let's show that we can take corrective measures to right

the wrongs of our past. The residential school system is older than Canada, and reconciliation will take generations of working together.

• (1600)

One of the goals set out in the Truth and Reconciliation Commission's mandate was to "witness, support, promote and facilitate truth and reconciliation events at both the national and community levels." "Witnessing," in this context, referred to the traditional and continuing Aboriginal practice of calling forth witnesses to validate moments of great historic significance. The honorary witnesses' roles were to recall, remember and care for the history that they witnessed and experienced, to share it more widely once they were back home and to carry the knowledge of it with others.

In its work, the commission called upon a number of prominent Canadians and international individuals, as well as a number of institutions to serve as TRC honorary witnesses. It is in this spirit that those witnesses accepted the sacred trust of bearing witness to the truths of residential school survivors and of contributing to the goal of ongoing reconciliation between the indigenous and non-indigenous peoples of Canada. It begins with sharing what we have heard and what they have learned.

His Excellency the Right Honourable David Johnston was an honorary witness for the TRC. He has done what we asked of him well. I would like to thank the Governor General for taking on this important role, for including this responsibility in the Speech from the Throne, for including it in the working that he has done since and for ensuring this message stays before all Canadians. In my language, I say to him *meegwetch*.

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Martin, for the third reading of Bill S-230, An Act to amend the Criminal Code (drug-impaired driving), as amended.

And on the motion in amendment of the Honourable Senator Sinclair, seconded by the Honourable Senator Baker, P.C.:

That Bill S-230, as amended, be not now read a third time, but that it be further amended in clause 2,

(a) on page 2, by replacing lines 32 to 41 with the following:

“(3.4) If a peace officer, based on the physical coordination tests provided for in paragraph (2)(a) and the results of the analysis provided for in paragraph (2)(b), or an evaluating officer, based on the evaluation conducted under subsection (3.1), has reasonable grounds to believe that a person's ability to operate a motor vehicle, a vessel, an aircraft or railway equipment is impaired by a drug or by a combination of alcohol and a drug, the peace officer may require the person, by demand made as soon as practicable, to comply with paragraph (a), or the evaluating officer may require the person, by demand made as soon as practicable, to comply with either or both of paragraphs (a) and (b).”; and

(b) on page 3,

(i) by replacing lines 1 and 2 with the following:

“(a) to provide, as soon as practicable, a sample of either oral fluid or urine that, in the peace officer's or evaluating officer's opinion, will enable a proper analysis to”, and

(ii) by replacing line 5 with the following:

“(b) to provide, as soon as practicable, samples of blood that, in the opinion of the quali-”.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion in amendment agreed to.)

The Hon. the Speaker *pro tempore*: Are senators ready for the next question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Martin, that this bill, as further amended, be read the third time.

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.)

[Senator Sinclair]

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Cordy, for the third reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

Hon. Donald Neil Plett: Honourable senators, before I begin my remarks on Bill S-215, I want to make a couple of personal comments.

First, I have not yet had the opportunity to welcome all the new senators to the chamber. I do that, and I look forward to getting to know and working collaboratively with all of you when we come back.

On behalf of my wife and myself, I would like to wish each and every one of you a Merry Christmas and a safe and enjoyable holiday spent with family. I already look forward to seeing you all at the beginning of February, but more importantly, I look forward to not seeing any of you until the beginning of February.

As a member of the Standing Senate Committee on Legal and Constitutional Affairs, I want to express my profound gratitude to members of the committee on all sides. First and foremost, to Senator Bob Runciman for his excellent chairmanship.

This is a committee made up of lawyers, constitutional experts and law enforcement professionals. Originally, I felt intimidated when I joined this committee. I want to thank all of you scholars for making a plumber from Manitoba feel welcome and for routinely encouraging my participation.

I learned a great deal from many of the witnesses but more from the senators around the table. In particular, I want to thank Senator Baker and Senator Joyal. I found it a pleasure watching them engage in debate with the witnesses and express their expert opinions.

With the latest committee realignment, I am no longer a member of the Legal Committee, but I know that the senators on the committee will continue to do a great job, and I look forward to my new role as a member of the Standing Senate Committee on Banking, Trade and Commerce.

With respect to Bill S-215, I want to commend Senator Lillian Dyck on her past and future work on this critically important and complex issue. For her, this is an emotional and personal issue, and she should be honoured for the tenacity and professionalism that she has displayed throughout this process. Seeing Senator Dyck's emotional reaction to the bill's passage at clause by clause was an inspiring reminder that we should all bring that level of passion to the issues that we are fighting for.

Bill S-215 would require the courts to consider the fact that when the victim of an assault or murder is an Aboriginal female, this constitutes an aggravating circumstance for the purposes of sentencing.

There is no question that the intentions here are good. However, as criminal defence lawyer Solomon Friedman said at committee:

... good intentions are insufficient to make good law, and Bill S-215 is not, in my respectful view, good law.

A recent report by the Department of Justice found that:

Perpetrators of violence against Aboriginal people are most often other members of the Aboriginal community such as spouses, relatives, or friends of the victim, and as such, victimization among Aboriginal people in Canada is often regarded as a mirror image of Aboriginal offending.

Mr. Friedman also quoted the Truth and Reconciliation Commission's report when he said:

Violence and criminal offending are not inherent in Aboriginal people. They result from very specific experiences that Aboriginal people have endured, including the intergenerational legacy of residential schools.

The Criminal Code treats Aboriginal offenders differently largely because of their overrepresentation in the Canadian criminal justice system, specifically with respect to incarceration. In *Gladue*, the Supreme Court of Canada ruled that the court must take into account all reasonable alternatives to incarceration when it comes to Aboriginal offenders.

How do we square this box? We know that Aboriginal men are most often responsible for violence against Aboriginal women, so the aggravating factor would most often apply to the sentencing of an Aboriginal man. Because of the *Gladue* principle, the judge has to consider all available sanctions other than imprisonment that are reasonable in the circumstances. With the new provisions, the judge will have to consider it an aggravating circumstance when the victim is an Aboriginal female. This will therefore work in direct contrast to the *Gladue* sentencing principle and, more importantly, to the overarching goal to reduce the number of Aboriginal people in Canadian prisons.

Senator Baker argued at committee that this bill would not violate the principles of *Gladue*. Senator Baker has always encouraged me to stay on and be part of this committee, stating that we need the opinions of common-sense people. Senator Joyal shared this sentiment. Well, senators, common sense clearly suggests that this bill works in direct contrast to *Gladue*, and this was substantiated by the legal experts who testified at committee.

My question to my friends Senator Baker and Senator Joyal is: At what point does common sense get pushed aside in order to support legislation initiated by one of our colleagues?

• (1610)

Yesterday, we spent nearly an hour talking about the placement of a few words in Senator Sinclair's amendment; a highly decorated justice brings in an amendment, and everyone that wanted to be a lawyer had better ideas than Justice Sinclair. Senator Sinclair's amendment resulted in the adjournment of the debate. But on this bill, which the committee evidence proved is so clearly flawed to the point that we are creating classes of victims, I hear not so much as a whimper from these same people.

Another lawyer at committee, Mr. Edward Prutschi added:

... the introduction of Bill S-215 is an invitation to those judges who wish to use whatever other measures they can find in the Criminal Code in order to send a tough-on-crime message to Aboriginal offenders. That's ultimately what's going to happen in most of the circumstances. We all know and recognize the statistics. The reality is that, ... disproportionately, this kind of bill is going to apply to Aboriginal male offenders rather than anyone else.

Most honourable senators in this chamber would know that, unlike the lawyer I quoted, I strongly support a tough-on-crime approach to violent offenders, and most certainly when it comes to violence against women and children. However, the specific focus on Aboriginal women will in turn disproportionately impact Aboriginal men, which could make the bill subject to a section 15 equality rights Charter challenge. I'm sure Senators Baker and Joyal would agree with that.

Perhaps most importantly, the bill will not solve this serious and extremely complex problem of violence against Aboriginal women, as there is no evidence to suggest that this will be a deterrent for perpetrators of violent crimes.

Another issue I want to flag is one that was first raised by Justice Sinclair, who as Senator Baker noted yesterday is a strong asset to the committee. I want to echo those comments and go further by stating that he will also be a huge asset to this chamber as a whole and will be a strong resource for all of us when it comes to legal expertise. The question he asked was with respect to the application of this law and the transgender community.

Senator Dyck made a very compelling case to illustrate the incredibly unique experience Aboriginal women in Canada face. In drafting of this legislation, she makes an important distinction between men and women, and rightly so. There is a marked difference between the experiences of men and of women with respect to perpetration and victimization. Senator Dyck also told this chamber how the societal perception of Aboriginal women differs from that of both non-Aboriginal women and men.

We also know that gender-based analyses have become an important tool in scrutinizing legislation from an equality standpoint. All in all, colleagues, gender distinctions have been and continue to be an important consideration in the implementation of social policy. Senator Dyck has made that expressly clear in this initiative.

We are, however, with another piece of legislation currently before the chamber, moving away from gender distinctions and moving toward viewing gender on a spectrum. Some proponents

of the gender identity bill consider binary genders to be arbitrary, obsolete and a tool to perpetuate the patriarchal society we live in.

This whole narrative, largely initiated by university social science departments, has led to a wildly increasing number of young adults identifying as gender non-conforming and non-binary. For example, this year at the University of Toronto, 7 per cent of enrolling students checked the box "other." This 7 per cent does not include transgender people who identify as the other gender. This includes only those students who belong to neither gender. That number is on the rise. So, some consideration must be given to the impact of that on legislation like this which clearly and deliberately distinguishes between men and women.

Following up on Senator Sinclair's line of questioning, I asked Senator Dyck about whether a transgender Aboriginal woman would qualify as an Aboriginal woman under this legislation. I also asked whether a biological woman, transgender man would qualify as an Aboriginal woman. Senator Dyck did not have a clear answer for that, noting that Bill C-16 is not yet law, and said it's a very complicated situation. Indeed it is.

I further asked her about the increasing number of Canadians who identify as gender-fluid, which of course means that they could identify as male one day and female the next. I asked what that would mean for the application of this law. She stated that it would apply, and I quote, "if the person was Aboriginal and they at the time said they were a female."

I asked this question: "At what time? Before or after?"

She responded: "At the time they were assaulted and/or murdered."

Colleagues the problem is evident.

Another question I would have liked to ask was about a person born female who grows up with the unique Aboriginal female experience that we have heard about and now does not identify as a woman, and whether that individual qualifies as an Aboriginal woman in law.

To be clear, my issue is not with the distinction made between men and women in this bill. My concern is how legislation like this will interface with the remarkably powerful push to move away from gender distinctions.

With respect to self-identification, lawyers at committee raised the issue of the victim being able to self-identify as Aboriginal. Senator Dyck confirmed that this would apply, even if the person happened to be 1 per cent Aboriginal, and even if the perpetrator is unaware of the victim's Aboriginal ancestry.

Mr. Prutschi said at committee:

In a scenario where we create a class of victims based on self-identification, I don't believe the Criminal Code can permit that.

He later said that defence lawyers will absolutely argue that the accused did not know that the victim was Aboriginal, and they could very easily make that case. The same principle applies when

a victim falls somewhere on the gender identity spectrum but identifies as female at the time of the incident.

Colleagues, as I said, Senator Dyck has fought vehemently for the protection of Aboriginal women and girls. She needs to be applauded for that. Nearly 1,200 Aboriginal women and girls have been murdered or have gone missing over a 32-year period. For that reason, it pains me not to be able to support an initiative aimed at reducing this statistic. However, I do not believe that this bill will achieve that. Further, I believe it will have a negative impact on the issue of overrepresentation of Aboriginal people in the criminal justice system. For that reason, colleagues, I cannot support this bill. Thank you.

Hon. Sandra Lovelace Nicholas: Honourable senators, over a year ago, Bill S-221 was introduced, and it was an outstanding bill. This bill protects employees in occupations such as transportation and policing by having stricter penalties for offences under the Criminal Code for those that have risky and dangerous jobs while protecting and providing service to the public, such as public transit workers, policemen, and also for the protection of animals. The bill granted that it protects some people, but in my opinion, it did not reach far enough to protect the most vulnerable and disadvantaged Canadians, Aboriginal women and girls. I am saying that no man or woman should fear being beaten, sexually assaulted or murdered, whether they are employed or not.

• (1620)

Senator Lillian Dyck's bill would provide the same consideration for stronger penalties under the Criminal Code when the person who is assaulted is an Aboriginal woman or girl. I am supporting the bill because of the insensitive attitude on the part of the police, media and the public when an Aboriginal woman or girl is sexually assaulted, murdered or missing.

I recently heard an account of an indigenous mother's story of how she went to the police to report her daughter missing. The daughter had just celebrated her eighteenth birthday, and the comment from the police officer was, "Don't worry, she's probably on a week's drunk and will be back." It is now eight years later, and she hasn't returned.

In another recent incident in Ottawa concerning the death of an indigenous woman, the police officer made derogatory remarks about the way she died. The officer was basically given a slap on the hand.

A program that aired in both Canada and the United States featured the Highway of Tears in Canada, where women and girls have been murdered or have gone missing, and despite the fact that most of the murdered or missing women and girls were Aboriginal, the program focused mostly on three non-Aboriginal girls.

Over the past decade, we have been asking for an inquiry into murdered and missing women and girls. The last government refused and said it was not necessary, thereby failing Aboriginal women and girls. That action at that time was deplorable but reflects a lot of the attitude from people who don't understand the cause and effect of historical cruelty to indigenous people.

Dear colleagues, let's get collectively outraged and agree that the issue of murdered and missing women and girls has been pushed aside and ignored long enough. It is time to step up as leaders and legislators to assure the safety of Aboriginal women and girls by sending a very strong message to the perpetrators that the murder of our grandmothers, mothers, aunts, daughters and granddaughters is not going to be taken lightly.

I also appeal to the Minister of Indigenous Affairs, the Honourable Carolyn Bennett, and the Minister of Justice, the Honourable Jody Wilson-Raybould, to support Senator Lillian Dyck's private member's Bill S-215. As my colleague said, this is not an Aboriginal issue only. It is a Canadian issue.

Hon. Senators: Hear, hear!

(Debate suspended.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I know there is a least one other senator who wishes to take part in this debate, but for now, is it your pleasure, honourable senators, to suspend the sitting to await the Governor General?

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1650)

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Income Tax Act (*Bill C-2, Chapter 11, 2016*);

A second Act to implement certain provisions of the budget tabled in Parliament on March 22, 2016 and other measures (*Bill C-29, Chapter 12, 2016*);

An Act to implement a Convention and an Arrangement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend an Act in respect of a similar Agreement (*Bill S-4, Chapter 13, 2016*); and

An Act to amend the Canada Pension Plan, the Canada Pension Plan Investment Board Act and the Income Tax Act (*Bill C-26, Chapter 14, 2016*).

The Honourable Geoff Regan, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2017 (*Bill C-35, Chapter 10, 2016*)

To which bill I humbly request Your Excellency's assent.

His Excellency the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

(The sitting of the Senate was resumed.)

[English]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dyck, seconded by the Honourable Senator Cordy, for the third reading of Bill S-215, An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women).

The Hon. the Speaker: Honourable senators, we are resuming debate on the third reading of Bill S-215.

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

Hon. Senators: Question.

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

Senator Martin: On division.

(Motion agreed to and bill read third time and passed, on division.)

SENATE MODERNIZATION

SIXTH REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Wells, for the adoption of the sixth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Speakership)*, presented in the Senate on October 5, 2016.

Hon. Frances Lankin: Honourable senators, in its sixth report, the Special Senate Committee on Senate Modernization presented its recommendations on the speakership of the Senate of Canada, with the ultimate goal being the Senate's right to have a say in the selection of its most senior position and the proposition for having the Speaker and the Speaker *pro tempore* elected by a secret ballot. In the end, a recommendation that was a compromise with that suggestion came forward from the committee.

In the other place, of course, that is the way in which the Speaker is selected, and in many other democratic legislatures around the world, this movement has been given considerable momentum over the past few years.

As there is a wholly legitimate wish for senators to have a say in who is their presiding officer, many have put forward ideas on a new process to be established for the purpose of electing the Speaker. The experience of other legislatures in this regard has been closely examined.

• (1700)

In 1990, as a member of the provincial parliament in Ontario, I had the opportunity to participate in changing the rules in order to facilitate the very first election of the Speaker for the Legislative Assembly of Ontario, a democratic change that persists today.

We must remember, colleagues, that the Senate of Canada is not like any other legislature in the world. According to the Constitution Act, 1867, the Senate represents the sovereign, the Crown, the Governor General, the Queen of Canada, hence the red hue of our chamber. Senator Cools, I have indeed been listening. The chamber remains, as the Supreme Court recently affirmed, the foundational political institution of Canada. According to -section 34 of our Constitution, it is indeed a Royal Prerogative to appoint the Speaker of the Senate as this position holds the fourth place in the order of precedence.

As I have read, after hearing from numerous constitutional scholars, the committee came to a determination that any legislative effort that would trigger a constitutional amendment would not be a desirable outcome, given the considerable time and effort required on both national and provincial levels.

A week ago today, the committee had the pleasure of having Senator Mercer speak to his bill on establishing a process for the

Senate to elect, by secret ballot, both the Speaker and the Deputy Speaker.

Clause 1 of Bill S-213 seeks to amend section 34 of the Constitution Act, 1867, to establish a clear and orderly process for the Senate to elect its Speaker and Deputy Speaker.

Colleagues, I believe that senators and the Senate as a whole should have a right to have a say in the choice of Speaker, and Senator Mercer's bill presents one option. I look forward to discussing his bill in the future.

As the Modernization Committee was tasked with finding proposals for reforming the institution within the current constitutional framework, however, I believe that they have undertaken a considered process when recommending such fundamental change. That's why I support the reasons and rationale laid out by the Senate Modernization Committee in their *Moving Forward* report.

Recommendation 4 of the *Moving Forward* report outlines a process that would allow senators to express their preference for a Speaker within the current constitutional framework, by amending the *Rules of the Senate*.

The report calls on the Committee on Rules, Procedures and the Rights of Parliament to develop a process to nominate up to five senators to be considered for the speakership at the beginning of each Parliament.

Now, I may say that this process, in and of itself, is a challenge that the Rules Committee will have to deal with, given the ways in which the Rules dictate how a session of Parliament begins and what the rules are around the involvement of the Governor General and the need to have a Speaker in place. However, I'm sure we will find our way through that with some very studied work to be done.

I support the fact that the nominees, of course, would be for consideration by the Prime Minister to be recommended to the Governor General for appointment.

I support the premise that senators should have a say in the choice of their Speaker, and I trust that the honourable members of the Senate on the Senate Modernization Committee came together to recommend the most acceptable option in the current constitutional framework. Thus, I will support this motion.

(On motion of Senator Day, debate adjourned.)

THIRD REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Day for the adoption of the third report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Committees)*, presented in the Senate on October 4, 2016.

Hon. Donald Neil Plett: Honourable senators, had we been sitting tomorrow, I would certainly have been willing to speak on this, but in light of the late hour, unless we want to come back tomorrow, I will ask that we reset the clock on this and will take the adjournment for the balance of my time.

(On motion of Senator Plett, debate adjourned.)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Leave having been given to revert to Other Business, Senate Public Bills, Second Reading, Order No. 7:

Hon. Wilfred P. Moore moved second reading of Bill S-234, An Act to amend the Parliament of Canada Act (Parliamentary Artist Laureate).

He said: Honourable senators, this will be my last time doing this. I rise today to speak to Bill S-234, An Act to amend the Parliament of Canada Act, to create the position of parliamentary artist laureate.

First of all, this bill does not affect the office of the Parliamentary Poet Laureate; rather, it is to augment the Poet Laureate's office and to expand the types of artistic expression that depict Canada at home and abroad.

Government promotion of the arts dates back to the formation of the Massey commission in 1949, which, after studying the state of arts in Canada, recommended that federal funding be made available for a wide range of cultural activities. Also, that commission recommended the founding of the National Library, the National Gallery and the Canada Council for the Arts and the preservation of historic properties, amongst many other recommendations.

The report stated:

... it is in the national interest to give encouragement to institutions which express national feeling, promote common understanding and add to the variety and richness of Canadian life, rural as well as urban.

Since 1949, through the good work of these institutions, such as the Canada Council for the Arts, government funding has afforded many Canadian artists the opportunity to focus and develop their particular talents. The resulting work produced cannot help but be an expression of Canada and Canadian culture.

Furthermore, with this focus on the arts in Canada, we see many more types of artistic expressions of Canada through Canadian artists. I believe this expansion of artistic creativity deserves recognition in Parliament, much as poetry has been valued through the Poet Laureate of Canada.

For those who are students of numbers, Statistics Canada tells us that culture accounted for 3.1 per cent of Canada's gross domestic product in 2010. That would equal \$47.8 billion and 647,000 jobs or 3.7 per cent of total employment in the country. I thus suggest that it is deserved and appropriate that an artist laureate office be established to reflect the importance of these artists.

I acknowledge that the Governor General recognizes artists through the Governor General's Awards. Former Governor General Adrienne Clarkson was a tremendous supporter of the arts in Canada. Her Excellency added three awards to those already established, one of which is the Governor General's Award for the Visual and Media Arts.

The creation of the artist laureate as a parliamentary officer would add a more appropriate and influential outlet for the promotion of the arts in Canada. An officer working to promote the arts on a full-time basis from Parliament would be a tremendous boost to the arts community.

Recently, colleagues, the State of New York passed a bill to establish an artist laureate award, entitled the Edward Hopper Citation of Merit, which seeks not only to honour the artist but also to promote and support contemporary visual art. The winner of that award receives a monetary prize and two state-sponsored public exhibitions.

The bill before us provides that the artist laureate would be an officer of the Library of Parliament. The Speaker of the Senate and the Speaker of the House of Commons would select the artist laureate from a list of three names put forward by an independent committee. The committee would be composed of the Librarian and Archivist of Canada, the Commissioner of Official Languages for Canada, the Chair of the Canada Council for the Arts, and the President of the Board of Directors of the Society of Canadian Artists. The committee would be chaired by the Parliamentary Librarian.

The artist laureate would hold the position for two years, at the pleasure of the Speakers of the Senate and the House of Commons.

The mandate of the artist laureate would be to promote the arts of Canada through Parliament, including through fostering knowledge, enjoyment, awareness and development of the arts.

As part of this mandate, the artist laureate may: (a) produce or cause to be produced artistic creations at the request of either Speaker for use in Parliament or on occasions of state; (b), sponsor artistic events, including art exhibitions; (c), give advice to the Parliamentary Librarian regarding the collection of the library and acquisitions to enrich its cultural holdings; (d), perform such other related duties as are requested by either Speaker or the Parliamentary Librarian.

• (1710)

In the context of this bill, "arts" is defined as meaning drawing, painting, sculpture, printmaking, design, crafts, photography, videography and filmmaking. These are the visual arts areas

which I suggest should be represented through this office, and it may be senators feel other areas would also contribute to this definition.

The last part of this bill corrects a mistake which is present in the Poet Laureate legislation, which our drafters came across in the drafting of this bill.

Honourable senators, we have so many talented artists working in such areas as painting. For example, even this chamber is defined by not just those of us who work herein but by the artwork hanging on the walls that reminds us daily of the sacrifice of those who built this nation. It is time we celebrate these visual artists and their contributions to our culture and the expression of who we are by providing the position of an artist laureate to recognize and represent these exciting artists and their artistic creations.

I humbly ask for your support of this bill. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Bovey, debate adjourned.)

COMMITTEE OF SELECTION

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Committee of Selection, entitled *Committee membership changes pursuant to the orders of the Senate of December 7 and 12, 2016*, presented in the Senate on December 14, 2016.

Hon. Donald Neil Plett moved the adoption of the report.

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

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE *CONSTITUTION ACT, 1867* BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—DEBATE CONTINUED

On the Order:

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

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. **(1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.**

- (2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).**

2. **The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:**

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. **This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.**

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I wish to adjourn this item in the name of Senator Maltais.

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

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM

Hon. Jim Munson, pursuant to notice of December 14, 2016, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report issues relating to the human rights of prisoners in the correctional system, with emphasis on the federal system, and with reference to both national and international law and standards, as well as to examine the situation of vulnerable or disadvantaged groups in federal prisons, including indigenous people, visible minorities, women and those with mental health concerns;

That the committee submit its final report no later than October 31, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

He said: Honourable senators, our Human Rights Committee is anxious to get on with work again. We have just finished our Syrian refugee report, and we are going to be in the midst of having our library analyst and others working very hard over the month of January on this report, which is a report asking the Senate to authorize us to examine human rights of prisoners in this country in our correctional system. That would include not only federal systems but provincial systems and with reference to both national and international law as well as to examine the situation of vulnerable or disadvantaged groups in federal prisons. That includes indigenous people, visible minorities, women and those with mental health concerns.

If I can take your time, because I think this is extremely important. We focused in our Human Rights Committee on a lot of international issues, but I think we have to look closer to home. We have to understand what is happening in our prisons. I think the committee believes that there are some things that are not happening and that are happening that are not right. It has to do with human rights infractions against prisoners.

We have read about this in recent months, but it has been present for years. The concerns range in topics from solitary confinement, segregation, mental health, as I talked about, suicide, privacy rights, the over-representation of Aboriginals, access to counsel and legal materials as well as issues relating to legal frameworks for peace officers.

The new independent senators, by the way, have come with all kinds of ideas, too, within this report. I'm encouraged by that because we want to do a good job with this report.

For background, the Corrections and Conditional Release Act, the CCRA, is a human rights oriented legislative framework for federal corrections, and 2017 will mark its twenty-fifth anniversary. It would be fitting for the committee to review this framework in light of its anniversary, as several amendments to the CCRA have appeared to move away from a human rights approach. The CCRA was implemented to comply with the Canadian Charter of Rights and Freedoms in 1992.

Moreover, honourable senators, the Nelson Mandela Rules were adopted unanimously by the seventieth session of the United Nations General Assembly on December 17, 2015.

This updated the 1955 UN standard minimum rules for the treatment of prisoners and, therefore, our committee could assess Canada's compliance with these new rules in light of current federal correctional practices.

• (1720)

Furthermore, the Supreme Court of Canada rulings have clarified many prisoners' rights — voting, speech, denial of residual liberties, and protection from cruel and unusual punishment. The committee wants to examine if they're being carried out in practice as intended. Additionally, issues of oversight and accountability could be studied by the committee.

In closing, honourable senators, we will have many witnesses who are asking our Human Rights Committee members to come forward with new ideas and to have witnesses, but obviously we would like Minister Goodale to come before us. We would like to have Don Head, the Commissioner of the Correctional Service of Canada; Howard Sapers, the Correctional Investigator of Canada; and of course the John Howard Society, the Elizabeth Fry Society. So many groups work in this area.

We did have a forum for listening to prisoners at the Senate Liberal open caucus. This is where the idea came from. It is good to share what came out of that caucus. At that time I thought that people in Parliament were in a hurry doing something else, but we're not sitting back and looking at those who are behind bars. The whole idea is about rehabilitation. Somewhere along the way we may have forgotten that part.

We have former prisoners we hope to invite here who were before the Senate Liberal open caucus. I believe this will be a long study. It will be so long that I hope we can have interim reports so we can work in real time in standing up for the rights of prisoners who have lost their voice.

Hon. George Baker: I would ask the senator a question, or make a comment. There is a senator here who is an expert in this area. In the last eight months, in reading case law every morning, I have noticed that this particular senator has been representing prisoners in prison, visiting prisons and has become part of two cases. One is called *Oakes Re:* and the other is *Carter Re:*, and this is before the "not criminally responsible" board, and that is Senator Kim Pate.

Hon. Senators: Hear, hear!

Senator Baker: She has an outstanding history of representing prisoners that I hope she continues in her new position. The case law that I referred to is just three and four months old, and it is a remarkable story. She is well respected by our judges and by the review boards across the country.

Senator Munson: The good news is that Senator Pate is on the Human Rights Committee. That's extremely helpful. The other good piece of news is that we both live in the Glebe in Ottawa. Senator Pate has come to me: "You just live down the street, Munson, so I need to talk to you about a lot of these issues."

As a former journalist, I have visited a lot of prisons and have done stories on these prisons. I haven't been in one or incarcerated.

I was talking to the former Prime Minister Jean Chrétien today over lunch about when I was appointed as Director of Communications for the Prime Minister. I said, "I worked for you and I passed security, but I happened to spend time in prisons." He said, "Jimmy, those are five prisons outside the country in China, Egypt, Ireland, other places; that's okay. You were doing your job there." So I have an intimate knowledge of some of these things.

There's a great deal of enthusiasm about the overpopulation of Black men inside these prisons. We talk about the indigenous people, we talk about women, and we talk about others, but as Senator Bernard reminded me, our study should address that issue as well.

Hon. Senators: Hear, hear!

Senator Munson: Something wrong is going on, and our committee feels that we can add our voice into working towards rehabilitation and working towards giving voice to those who need our voice.

Hon. Joan Fraser: This is the point where I always rise like Scrooge and say, "How much are you going to spend?" Merry Christmas, Senator Munson. For the first time I'm going to say that I hope you spend a lot. I hope you can assure us today that you will travel across this country and visit, with any luck, many prisons and do hard investigation of what happens there.

This is a subject that has come up for years in the Legal and Constitutional Affairs Committee. There are so many scandalous aspects in our prison system, and I can't tell you how pleased I am that the Human Rights Committee will do this work.

I think your deadline is October. That doesn't sound like very long, so I hope that you can assure me that you will do the travel and any other expensive study that is needed to do this study properly and that you will come back and seek an extension of your deadline, if necessary. I'm encouraged by your promise of interim reports.

Senator Munson: Thank you, senator, for that.

[Senator Munson]

Senator Plett: That wasn't a question. It was a comment.

Senator Fraser: I asked him for assurances. Will you give me the assurances?

Senator Munson: I will give assurances, but I believe the time that we're living in right now is that I like to work and we like to work in real time. You might remember in the past Senate reports have taken a year, two years and so on.

A lesson was learned with our Syrian refugee report. We put out an interim report because things were evolving and happening. We put out observations at the beginning of that report, and then last week there were recommendations.

We knew that the Syrian community and advocates wanted something, so we had something, as you may remember, in June.

This will happen with this kind of report. I can assure you that it will go longer than October 2017.

I have four years and eight months to go here. I have only turned 70.

Just to give you a small list at the very beginning, if you want to know: Sainte-Anne-des-Plaines, the special handling unit, Millhaven, Grand Valley, Donnacona, Joliette, Kent, Fraser Valley, Edmonton, Saskatchewan, Stony Mountain, Okimaw Ohci Healing Lodge, Atlantic Institution, Nova Institution for Women. This is just a start. We will be on the road because you can't cover a news story here. It is happening out there.

Hon. Donald Neil Plett: In light of the Christmas spirit, I will not adjourn the debate, which I would like to do after hearing that speech. I'm, quite frankly, a little perplexed when we talk only about the disadvantaged in prison and those who have lost their right to speak.

From where I stand, most prisoners have given up their right to speak because they have committed a crime. I at least would like to have that on the record. Let's make sure that we recognize that people in prison typically aren't there because they have gone and committed all kinds of charitable events and been put in prison because they have done too many good things. They are there because of crimes they have committed.

Again, in light of the Christmas spirit — and that didn't sound very "Christmasy," I understand that — I won't adjourn the debate. I will let it go at that.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY A NEW RELATIONSHIP BETWEEN CANADA AND FIRST NATIONS, INUIT AND METIS PEOPLES

Hon. Lillian Eva Dyck, pursuant to notice of December 14, 2016, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on a new relationship between Canada and First Nations, Inuit and Metis peoples, including, but not limited to:

- (a) the history of the relationship between indigenous people and newcomers;
- (b) the main principles of a new relationship; and
- (c) the application of these principles to specific issues affecting indigenous people in Canada;

That the committee submit its final report no later than October 31, 2018 and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

She said: Honourable senators, this motion is to give the Standing Senate Committee on Aboriginal Peoples the mandate to study what the new relationship between Canada and its indigenous peoples will look like.

We were envisioning a three-stage approach. The first one would be collecting the foundational documents that describe the history and background information about our history and how we got where we are today. Our analysts would be looking at documents like the Royal Commission on Aboriginal Peoples, which I think was from 1996, the Truth and Reconciliation Commission report and various documents like that to summarize them for the committee but also for the general public, which doesn't really understand the history of indigenous peoples in Canada.

• (1730)

The second part, Part B, I think is really the unique part of this proposed study. That would be to hold round tables and call witnesses to Ottawa, where we would be bringing together community people, elders and youth leaders, so we can get their vision on where Canada and indigenous peoples should be. What do they think the new relationship should look like? I know the current government is calling it a nation-to-nation relationship, but we decided that "new relationship" was the more appropriate term because of the differences among the three groups: First Nations, Inuit and Metis peoples. There are different cultural backgrounds and there are also different political relationships with the federal government. So that part will be very interesting.

We are not going to talk only to the leaders of the Assembly of First Nations or the Métis Nation of Canada. We actually want to talk to the people who are affected. We are also going to investigate how much it will cost to videotape these sessions and

then edit those recordings and come up with a short video that could be shown to Canada, to see and hear what we actually heard.

Then we would look at Part C. With that relationship, what are the kinds of areas that the committee could study? For instance, we could be looking at the relationship with the federal government with respect to treaties. We could be looking at the relationship with the federal government with respect to resource development, the fiscal relationship, and so on. We are also envisioning a series of interim reports as we go through this. Our final date is October 31, 2018. We'll probably have seven or eight interim reports. Those reports would come and then we would have a final report that would wrap everything up and be a summary of the three different stages.

By granting us the permission to do this, it allows our analysts and researchers to look into the costs involved, which we don't yet know how much that will be. We envision travelling all across the country, holding these round tables and bringing witnesses in. They will be able to cost that out. Steering will be able to work with them during the month of January to put together perhaps some of the more concrete ideas on what the interim reports would cover.

I ask for your support to agree to this motion so the committee can continue to do its good work.

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

[Translation]

Hon. Renée Dupuis: Mr. Speaker, I have a question for Senator Dyck, to be sure I understand. The English version of the motion, at paragraph (b), reads as follows: "The main principles of a new relationship." The French version reads, "Les principes généraux de nouvelles relations", which is plural. If I understand correctly, you are talking about several kinds of new relationships because there are several different indigenous peoples.

[English]

Senator Dyck: Yes, it could be different relationships depending on the group. For example, many First Nations have treaties and modern self-governing agreements and land claims. That could be one type of relationship, but if it was the Inuit people, who already have some of their own agreements, it may be a different kind of relationship they envision.

The Metis people of Canada would have an even different relationship with the federal government, so it could be more than one, and that's what we will attempt to see, if there is any kind of common understanding and what those different relationships might look like. Thank you for that question.

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

[Senator Dyck]

Hon. Senators: Agreed.

(Motion agreed to.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. A. Raynell Andreychuk, pursuant to notice of December 14, 2016, moved:

That, pursuant to rule 12-18(2)(b)(i), the Standing Committee on Foreign Affairs and International Trade be authorized to meet in January 2017, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

FELICITATIONS

The Hon. the Speaker: Honourable senators, before calling for the adjournment, and with the consent of the Senate, I will call upon the leadership, who wish to offer a few words for the holiday season.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I will be brief. But I do want to say a few words of thanks to all senators for what we have accomplished collectively over the past, yes, 12 weeks in terms of this fall sitting. Not only have we welcomed 21 new senators from seven provinces, but we have also, thanks to cooperation on all sides, given expression to that arrival through readjusting membership on committees, and as of today, reflecting in specific appointments to the committees' membership in this chamber.

We have also, as a result of Royal Assent today, passed in this period of 12 weeks 6 government bills, and we advanced significant legislation from the government's perspective.

I would pay tribute to the work that has been done by standing committees on their inquiries on a variety of subjects. I won't enumerate them, but you know the good work that has been done, as well as the Senate public bills that have advanced, including the bill that advanced today.

So I do want to emphasize to all senators my appreciation for the cooperation and the progress this institution has made in these short weeks. I look forward to the return of the institution as we take up the work before us, such as in committees, as we anticipate bills that are before us and that will be arriving. The spirit in which we are closing this year is I hope a spirit in which we can reopen on January 31, 2017.

Honourable senators, the great poet Shelley said that poets are the unacknowledged legislators of the world. In that spirit a few months ago, I asked Canada's Parliamentary Poet Laureate, George Elliot Clarke, to write for us a few verses encapsulating the Senate's essence and potential. He obliged us with a wonderful composition that I would like to read. Before I do that, I would like to acknowledge —

[Translation]

I would like to point out that Mr. Clarke dedicated his poem to the memory of Senator Pierre Claude Nolin, who fought for Senate reform. He also called on his collaborator, Robert Paquin, to translate the poem into French, though it is more of an interpretation. Tonight, I will honour the integrity of his work by reading the English poem in its entirety.

[English]

With your indulgence, I will speak to this poem, which is entitled *The Senate of Canada: An Update-in-Progress*.

Whatever is Tradition
Is impervious to Fashion
But yet can evolve—
Via Reflection and Resolve;
Thus, to upkeep The Senate
“The Red Chamber,” demands we update
Law-making, so law lives vivid
(And scarlet defines the Chamber's red). . . .
For primary is “second thought”-
Preserving precious freedoms bought
Through battles, cataclysms, wars
And upholding rights with righteous Force
And insight grant through oversight
So flaws in law get brought to light
And whatever the House of Commons votes-
Is reviewed, revised, to clear all doubts:
But not as acts of Interference;
The Senate's probity is forbearance
Yet ensuring that elected Government
Enacts no law perverting Parliament
And probe bills with *recherche* Analysis
So legislated Good escapes paralysis
And to render transparent Omnibus
Bills (for what's opaque looks ominous)
And heed the needs of the regions
And prosper the labouring legions
Of minorities, and uplift Indigenous
Peoples: Here is The Senate's purpose!
Invention is craft; Improvement is art:
Honourable Senators, act this part.
“Sober second thought” isn't partisan
But, constitutionally, what is Canadian.

• (1740)

When we rise, I would invite you to my office for refreshments.

Hon. Senators: Hear, hear!

[Translation]

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, I am pleased to have heard this poem. Perhaps I will ask the Parliamentary Poet Laureate to write my speeches once in a while. He has truly captured the spirit and the importance of a chamber of sober second thought.

On behalf of myself and our entire team, I would like to sincerely thank you for the work we have accomplished this session. Much progress has been made on all levels: legislation, Senate operation, committee membership, and the resources required to do professional, independent work. I believe it is a credit to all members of the Senate who worked on different studies, sub-committees, committees, recommendations, and reports. Everyone did exceptional work.

I would be remiss if I did not mention that this is Senator Moore's and Senator Cowan's last day in this chamber. I greatly appreciated having the opportunity to work with both these colleagues. Although we were adversaries, Jim and I developed a great working partnership. In preparing my future speeches on the roles of the Leader of the Government in the Senate and the Leader of the Opposition, I will draw not only from the Parliamentary Poet Laureate's poems, but also from Senator Cowan's speeches.

I also wanted to thank the table officers, the staff of the Speaker's office, the pages, the reporters, and the interpreters and translators, whose work is outstanding. Your powers of concentration astound me. You always work so diligently and we are very impressed by your work. Thank you for everything you have done this year.

Lastly, if I may, I want to wish you all happy holidays. Enjoy this precious time with your family and loved ones. We should never miss an opportunity to say a kind word to our family members who are well and healthy today, because we never know what may happen. This is all the more reason to take a moment to share our feelings with them and tell them how important they are and that we love them. I hope you all come back healthy and recharged, ready to continue our work in January 2017. Thank you and good luck.

[English]

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I welcome the opportunity to join my fellow leaders in wishing happy holidays to honourable senators, as well as to the Senate staff and our staff in our offices who support us so very well and make us look better than maybe we sometimes should look. We certainly appreciate that. I do hope that all of them and all of you will have a happy holiday, and a safe, healthy and prosperous new year.

I hope everyone is able to take a little time with family and friends — as Senator Carignan indicated, that's an important part of our lives — to enjoy the season and rest up after a very busy fall here in the Senate.

It has been observed, honourable senators, that in this tradition of end-of-year remarks, we often neglect to offer greetings to the hard-working members of the Parliamentary Press Gallery. I would like to remedy that.

Happy holidays and best wishes to each of you in the Parliamentary Press Gallery. We hope to see more of you in this ever-evolving Senate Chamber.

We have had many new arrivals in recent weeks. When we return in January, we will be missing several retiring colleagues, including Senator Nancy Ruth, Senator Wilfred Moore and Senator John Wallace. We didn't have tributes for you, but, John, thank you for your service here.

Hon. Senators: Hear, hear!

Senator Day: The Senate is indeed changing in many ways.

There is one particular change coming in our own caucus that I believe warrants special mention. While he's still sitting here in the chamber, I would like to thank Senator Cowan for his years of leadership in our caucus and here in the Senate.

Hon. Senators: Hear, hear!

Senator Day: As everyone who has worked with him can attest, he represents the best of the Senate. He is dedicated to working to improve the laws and the lives of Canadians, and he is a man of principle, respect and genuine decency.

Jim, we will miss you.

[Translation]

On behalf of the group of independent Liberal senators, I wish you all a Merry Christmas and a Happy New Year.

[English]

Happy Hanukkah, happy holidays, everyone. I look forward to continuing to work with all of you in 2017.

Hon. Senators: Hear, hear!

Hon. Elaine McCoy: I, too, will be brief. I want to say that 2016 has been quite a journey for me, for many of our new senators, for our staff and for people who have worked with us from Senate administration, as well as Your Honour. You have all been very generous with your time and advice. I cannot tell you how many random acts of kindness we have enjoyed over the many months we have been together.

I will say this from my heart to yours: I have gotten to know many of you better than I ever have before, partly because the opportunities arose, partly because you've just arrived and partly because we had a few strenuous conversations together. My respect for all of you has grown tremendously, and I have come to like you a lot better because I've known you better. I hope that that continues for all of us.

I have said this to many of our newcomers: When we get to work with you, we do get to respect you, and we do come to like you. That makes the Senate so special. That's what we, therefore, contribute to Canadians as we work together on their behalf to improve legislation and civil society in every way we can.

Thank you, and have a wonderful holiday.

Thank you to our staff who have worked so very hard in our offices. I thank the Senate administration, who I know have worked very hard. I thank all the people who have supported the Speaker: the pages, our Mace Bearer and our Black Rod.

We look forward to many more opportunities to serve Canada with you in the new year. Happy holidays.

• (1750)

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, before we adjourn and return to our families and friends, I too wish to take a moment to extend my very best wishes for joyous and safe holidays to all senators.

To senators' office staff, employees of the administration and to all who make it possible for us as parliamentarians to carry out our duties and do the work we do, may you have a safe and happy holiday and may it be filled with the warmth and spirits of this wondrous season.

To our pages, I hope you have a very special and safe holiday with your families. Thank you for the great work that you do every day.

Hon. Senators: Hear, hear!

[Translation]

However you celebrate the holiday season, I hope you enjoy your time surrounded by family and friends. I look forward to seeing everyone again in 2017. I wish all honourable senators very happy holidays.

(The Senate adjourned until Tuesday, January 31, 2017, at 2 p.m.)

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