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OFFICIAL REPORT
(HANSARD)

Thursday, April 6, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Thursday, April 6, 2017

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

MONTFORT HOSPITAL

Hon. Thanh Hai Ngo: Honourable senators, two weeks ago, the Franco-Ontarian community celebrated an important anniversary. It is an event that is important to me, one that I am celebrating at the first opportunity today.

On March 22, 2017, Franco-Ontarians and Franco-Canadians celebrated the 20th anniversary of the movement that began in 1997, the start of a five-year battle that secured the survival of the Montfort Hospital in Ottawa-Vanier.

Ever since 2002, when the Ontario government recognized the hospital's constitutional protection, the Montfort hasn't stopped growing and modernizing, while remaining an important benchmark for the Franco-Ontarian community.

When the hospital's closure was announced in 1997, the community came together quickly to keep the hospital open and formed the S.O.S. Montfort movement in order to coordinate its efforts. Under the direction of the former mayor of Vanier, Gisèle Lalonde, S.O.S. Montfort organized a number of demonstrations with the support of members of the Franco-Ontarian community, including the Honourable Senator Jean-Robert Gauthier. On March 20, 1997, roughly 2,000 students formed a human chain around the hospital. Two days later, a crowd of roughly 10,000 people held a pep rally at the Civic Centre.

Their efforts paid off. In 1999, the Ontario Divisional Court ruled in favour of the hospital. In 2001, the Ontario Court of Appeal affirmed that the Montfort Hospital enjoyed constitutional protection. In 2012, 15 years after the demonstrations, the mayor of Ottawa, Jim Watson, designated March 22 Franco-Ontarian Solidarity Day.

Today, the hospital remains open and provides health services to more than 1.2 million people in Eastern Ontario from every linguistic community. Over the years, the hospital has undergone extensive renovations and expansion. Today it is a centre of research and specialized training that is teaching the next generation of francophone doctors. gild the lily, the Institut du savoir Montfort was just launched a few days ago. According to hospital administrators, the institute is the second of its kind in Canada and the first in a francophone community.

Honourable senators, the Hôpital Montfort stands as a symbol of Franco-Ontarians' fight for their rights. Like many newcomers who speak French, I consider myself a proud member of this community.

Linguistic diversity—

The Hon. the Speaker: I'm sorry, Senator, but your time is up.

Hon. Senators: Hear, hear!

UNE TRADITION ET UN DROIT, LE SÉNAT ET LA REPRÉSENTATION DE LA FRANCOPHONIE CANADIENNE

Hon. Claudette Tardif: Honourable senators, on April 4, I had the pleasure of attending the launch of the latest book by professors Linda Cardinal and Sébastien Grammond on the University of Ottawa campus.

These two distinguished individuals are University of Ottawa professors and researchers. Ms. Cardinal is with the School of Political Studies and Mr. Grammond with the Faculty of Law. Both are known for their work on official languages, indigenous and francophone minority rights, and constitutional policies in Canada and Quebec.

Their new book is *Une tradition et un droit: le Sénat et la représentation de la francophonie canadienne*. The book gives an excellent overview of the key role that francophone and Acadian communities and senators from those minority groups have played in shaping our Constitution, in formulating official language legislation and, ultimately, in the evolution of our country.

The book also delves into a constitutional convention that has been in place since Confederation: appointing francophone senators from francophone communities outside Quebec. It also substantiates the Senate's two fundamental roles: representing the interests of minorities and the regions.

Honourable senators, I recommend that you read this important book if the opportunity presents itself; indeed, it fills a major gap and sheds new light on a hitherto unknown part of our parliamentary history, which is nonetheless useful in helping us to better understand this institution that we senators proudly represent and are seeking to modernize.

Congratulations to the research professors and authors, Linda Cardinal and Sébastien Grammond, for this important reference book.

Hon. Senators: Hear, hear!

[*English*]

BATTLE OF VIMY RIDGE

ONE HUNDREDTH ANNIVERSARY

Hon. Patricia Bovey: Honourable senators, as we all know, Sunday, April 9, marks the one hundredth anniversary of the devastating Battle of Vimy Ridge and Canada's tremendous contribution to World War I. It is widely accepted that was the moment Canada came of age and gained independence. Canadian losses were many and horrific, yet the victory turned the tide. Time has now taken all the veterans of that conflict, and today I pay tribute to them, their families and those who have preserved the memory of their deeds.

Time has not, however, robbed their families of their personal histories. I have a little black notebook that was in my uncle's left breast pocket. A bullet hole goes three quarters of the way through, and that saved him. He gave us the booklet, but never talked about what he saw or did overseas during that war.

• (1340)

When war broke out first in 1914, Canada was not officially recording any of its events. The little combat photography which exists was primarily taken by the British Army. Soon, though, Canada's Defence Department became the first federal department to hire artists. Sir Max Aitken established the War Records Office to document action at home and abroad for posterity from a Canadian perspective. He commissioned Canadian artists. Some later formed the Group of Seven: A.Y. Jackson, Arthur Lismer, Fred Varley and Franz Johnston. Their work is compelling and horror filled. Varley's acrid greens and images of destroyed villages tell us so much. In my view, the art done on the battlefields and of the home war effort by these Canadians is as expertly executed as that by any international war artist from any country: British, French, Dutch or others.

Winnipeg's Mary Riter Hamilton, being a woman, was not eligible to be an official war artist, despite her protestations. A widow, she used her husband's inheritance to go to France immediately after the war. For three years, she painted the desolation of the Western Front, and her watercolours and oils are poignant. They, with those by our official war artists, are in our War Museum collection. This fall, scholars Sarah McKinnon and Catherine Young, and the University of Manitoba Press, are publishing an important book, for which I was delighted to be an early reader, on the work of Hamilton and her experiences.

Canada's War Museum has opened a special Vimy anniversary exhibition. Using personal artifacts and work by our war artists, it tells the battle's stories, recreating the sounds and smells of the trenches, gas warfare and life on the front.

Senators, we can only imagine what our soldiers endured because of Max Aitken's vision and the work of our artists who recorded the heroism, loss and devastation in their art. Thanks to them, we and future generations will never forget their ultimate sacrifices.

I am proud so many Canadians of so many generations are honouring this anniversary at the iconic, highly celebrated Vimy memorial monument by Canadian architect and sculptor, Walter Seymour Allward.

2017 SPECIAL OLYMPICS WORLD WINTER GAMES

DARLENE JAKUBOWSKI

Hon. Richard Neufeld: Honourable senators, I rise today to pay tribute to an incredible Canadian, a decorated athlete and an inspiring resident from Fort St. John, British Columbia: Ms. Darlene Jakubowski.

Last month, Darlene was one of 2,700 athletes from 107 nations to participate in the 2017 Special Olympics World Winter Games in Austria. Our colleague Senator Munson was one of the many supporters and family members who joined the 108-strong Canadian delegation in Austria and cheered them on.

I am delighted to report that Darlene returned to Canada with two new medals around her neck. She captured a gold medal in the women's singles level 6 figure skating event. She also won another medal after participating in a new off-ice dance demonstration event.

This was Darlene's third participation at the World Winter Games. Her new medals will be added to an already very impressive collection. At the 2013 games in South Korea, she won gold and silver, and another gold and silver at the 2009 games in Boise, Idaho.

This outstanding feat belongs to a 24-year-old woman who doctors said it was unlikely that she would ever learn to walk. If her performance on ice wasn't inspiring enough, this next anecdote will certainly move you.

Before her participation in each of the three winter games and after letting her hair grow for four years, Darlene cut her hair and donated it to make wigs for cancer patients. Last summer, she donated 18 inches of hair. As she put it, "It makes me feel really good to donate my hair for somebody who's going through something really hard."

Colleagues, I also want to highlight the fact that Team Canada finished the games with a total of 117 medals: 47 gold, 43 silver, 27 bronze. I am proud to say that all of the athletes from British Columbia came back home with medals.

In conclusion, I want to remind all honourable senators of the Special Olympic Athletes Oath:

> Let me win, but if I cannot win, let me be brave in the attempt.

Many of our athletes won medals at the games. While others may have returned to Canada without medals, one thing is for sure: They have definitely won the hearts of Canadians. Their courage and bravery remind us all that anything is possible.

Honourable senators, please join me in congratulating all of our Special Olympians, including one of Fort St. John's most decorated athletes and local stars, Ms. Darlene Jakubowski.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of participants of the Parliamentary Officers' Study Program who are the guests of the Clerk of the Senate.

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

Hon. Senators: Hear, hear!

[*Translation*]

BATTLE OF VIMY RIDGE

ONE HUNDREDTH ANNIVERSARY

Hon. Serge Joyal: Honourable senators, on Sunday, April 9, 2017, Canada, France and the United Kingdom will commemorate the Battle of Vimy Ridge, north of the city of Arras, 100 years after the four divisions of Canadian troops won a victory there over the German armed forces, who had occupied the ridge since October 1914.

[*English*]

Vimy was a strategic stronghold used by the Germans to control the entire industrial region of the north of France, rich in coal mines that were essential to supporting the German war effort.

Twice before, in the years preceding the Canadian attack of April 9, British and French forces had tried to take the German fortress at Vimy with no success but at great human expense, leaving behind 100,000 casualties.

What was unprecedented at Vimy that spring of 1917 was that, for the first time, the four divisions forming the Canadian contingent were united in a coordinated attack under the command of British General Julian Byng, assisted by Canadian Brigadier-General Arthur Currie.

[*Translation*]

The battle of Vimy Ridge was ferocious and tragic. On the very first day, Canada lost 4,344 men. It was the worst day of the entire war for Canada. At the end of the battle, three days later, 10,600 Canadians had been killed, most of them young men in their twenties.

Over the years, this battle has become symbolic for Canadians. In 1925, the government chose Vimy, France, as the site on which to build a massive cenotaph, the largest built by any of the Allies, to remember the 60,000 Canadians who died in the war. The names of the 11,285 Canadian soldiers whose bodies were never found and could not be buried are inscribed on the monument. Vimy is a symbol of Canada's war effort, which was considerable. Canada mobilized one of the largest forces of any Allies, with nearly 620,000 soldiers serving directly under the Canadian flag.

[*English*]

In order to better understand the meaning of Canada's participation in the Great War, we took the initiative three years ago, in November 2014, to organize a two-day symposium in the Senate under the patronage of Speaker Nöel Kinsella. A second session followed in the Assemblée nationale in Paris in May 2015. Advised by the retired professor of history Serge Bernier, the two-part symposium involved 20 noted historians: 10 Canadian and 10 French.

The basic purpose of the symposium was to better understand the transformative impact of the war on Canada as well as on France. The historians analyzed how the war affected the economy, the military and public finances; how the war impacted society and culture, censorship and propaganda, and even the evolution of the Canadian Parliament. Other contributions explored how the war altered the role of women; the status of ethnic minorities, including the Aboriginal peoples; and the significance and meaning of religion and art.

All these essays were then published in a richly illustrated volume of 650 pages. Senators, get a copy of it. It will be launched next Sunday at Vimy and be available at the new interpretation centre.

• (1350)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Monica Margaret Killoran Christensen, who served in World War II as a radio operator at Edmonton's No. 2 Air Observers School. She is visiting the Senate today with her son-in-law, Bruce Logan. They are the guests of the Honourable Senator Frances Lankin.

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

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, April 6, 2017

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FIFTH REPORT

Pursuant to its order of reference of February 16, 2017, your committee has considered practices relating to omnibus bills in the Senate. Your committee notes that there already exist processes allowing the Senate to initiate the division of bills, although they are rarely used. In the Senate there have been only two recent cases, in 1988 (Bill C-103) and 2002 (Bill C-10).

The process for dividing a bill may be summarized as follows:

1. The committee to which a bill will be or has been referred must be empowered by the Senate to divide the bill.

2. The committee reports how the bill should be divided, and returns part of it to the Senate.

3. The report is considered and adopted by the Senate, at which point there are, from the Senate's perspective, more than one bill where there was previously one.

4. Once the report is agreed to, the part of the bill reported by the committee goes on to third reading.

5. If that part of the bill is adopted at third reading, a message is sent to the House of Commons requesting that it agree to the division of the bill and pass the part to which the Senate has agreed.

6. If the House of Commons agrees to the division, then both houses are in agreement about the separate existence of the bills.

7. Once the Senate and Commons are in agreement on one of the bills, it can go to Royal Assent. The other part(s) would follow once the houses agree on it or them.

In addition, your committee notes that the Senate has developed a practice whereby, in the case of complex bills, different committees may be authorized to pre-study specific parts of the bill, in addition to one committee being authorized to study the entire bill. This practice has been applied to budget implementation bills, as was noted in a Speaker's ruling of February 3, 2015. In this way, committees can deal with specific parts of the bill relevant to their mandates, while one committee (up to early 2017, the National Finance Committee) retains a comprehensive view of the entire bill.

In light of the availability of a procedure for dividing any type of bill, as well as the other mechanisms available to facilitate the study of complex bills, your committee recommends that the *Rules of the Senate* not be amended at this time specifically in relation to omnibus bills. Your committee will, however, continue to monitor the issue as necessary, in case any adjustments may be appropriate in the future. Your committee also notes that the House of Commons will be considering the issue of omnibus bills.

Respectfully submitted,

JOAN FRASER

Chair

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

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

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE ACQUISITION OF FARMLAND IN CANADA AND ITS POTENTIAL IMPACT ON THE FARMING SECTOR—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Ghislain Maltais, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, April 6, 2017

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Thursday, October 6, 2016, to examine and report on the acquisition of farmland in Canada and its potential impact on the farming sector, respectfully requests funds for the fiscal year ending March 31, 2018, and requests, for the purpose of such study, that it be empowered:

(a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and

(b) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GHISLAIN MALTAIS

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 1518*.)

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

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

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON THE REGULATORY AND TECHNICAL ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED AND AUTOMATED VEHICLES—SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Michael L. MacDonald, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, April 6, 2017

The Standing Senate Committee on Transport and Communications has the honour to present its

SEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 9, 2016, to study the regulatory and technical issues related to the deployment of connected and automated vehicles, respectfully requests funds for the fiscal year ending March 31, 2018.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

MICHAEL L. MACDONALD

Deputy Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 1526*.)

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

Senator MacDonald: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be considered later this day.

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

Hon. Senators: Agreed.

(On motion of Senator MacDonald, report placed on the Orders of the Day for consideration later this day.)

[*English*]

UNDERGROUND INFRASTRUCTURE SAFETY ENHANCEMENT BILL

SIXTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE PRESENTED

Hon. Richard Neufeld, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 6, 2017

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill S-229, An Act respecting underground infrastructure safety, has, in obedience to the order of reference of December 6, 2016, examined the said bill and now reports the same with the following amendments:

1. *Clause 2, page 2*: add after line 36 the following:

"***province*** includes Yukon, the Northwest Territories and Nunavut. (*province*)".

2. *Clause 12, page 6*:

(*a*) Replace line 9 with the following:

"time specified in subsection (2), do any of the following:";

(*b*) replace line 15 with the following:

"**(b)**
provide to that person, in writing, an accu-"; and

(*c*) replace line 18 with the following:

"ground disturbance;".

Respectfully submitted,

RICHARD NEUFELD

Chair

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

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

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY—SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Richard Neufeld, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 6, 2017

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SEVENTH REPORT

Your committee, which was authorized by the Senate on Thursday, March 10, 2016, to examine and report on the effects of transitioning to a low carbon economy, respectfully requests funds for the fiscal year ending March 31, 2018.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

RICHARD NEUFELD

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix C, p. 1536*.)

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

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

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 11, 2017 at 2 p.m.

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

Hon. Senators: Agreed.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO SENIOR EXECUTIVE COMPENSATION IN THE LARGEST PUBLICLY TRADED COMPANIES

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

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues related to:

- determinants and trends in senior executive compensation in the largest publicly traded companies in Canada and around the world;
- existing measures or legislation implemented throughout the world on senior executive compensation and other potential and desirable measures and legislation; and
- any other matters deemed relevant on senior executive compensation;

That the committee submit its final report to the Senate no later than June 7, 2017, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

• (1400)

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF THE CHALLENGES ASSOCIATED WITH ACCESS TO FRENCH-LANGUAGE SCHOOLS AND FRENCH IMMERSION PROGRAMS IN BRITISH COLUMBIA WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Claudette Tardif: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, between April 25 and May 25, 2017, a report relating to its study on access to French-language schools and French immersion programs in British Columbia, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

BUDGET—STUDY ON THE CHALLENGES ASSOCIATED WITH ACCESS TO FRENCH-LANGUAGE SCHOOLS AND FRENCH IMMERSION PROGRAMS IN BRITISH COLUMBIA—THIRD REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

Hon. Claudette Tardif, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, April 6, 2017

> The Standing Senate Committee on Official Languages has the honour to present its
>
> THIRD REPORT
>
> Your committee, which was authorized by the Senate on Wednesday, April 20, 2016, to study the challenges associated with access to French-language schools and French immersion programs in British Columbia, respectfully requests funds for the fiscal year ending March 31, 2018.
>
> Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.
>
> Respectfully submitted,
>
> CLAUDETTE TARDIF
>
> *Chair*

(*For text of budget, see today's* Journals of the Senate*, Appendix D, p. 1544*.)

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

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

[*English*]

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before commencing Question Period today, I've been informed that there has been a change to the agreement of the leadership with respect to supplementary questions. Supplementary questions on regular days without a minister will be accepted; however, when a minister is in attendance, there will only be one supplementary question allowed to the Leader of the Opposition.

Hon. Senators: Hear, hear.

Hon. Elaine McCoy: Thank you. That's welcome news.

I just wanted to say thank you very much for that announcement right now. Yet, let the record show that I was not consulted in that leaders' agreement. But I will say that had I been consulted, I would have thoroughly agreed.

Some Hon. Senators: Hear, hear.

Hon. Peter Harder (Government Representative in the Senate): For the record, nor was I consulted, but I welcome the decision.

HEALTH

REDUCING THE STIGMA OF DEPRESSION

Hon. Larry W. Smith (Leader of the Opposition): I'm just happy to be here, to be honest with you.

Some Hon. Senators: Hear, hear!

Senator Smith: My question is for the Leader of the Government in the Senate.

As the government leader may know, April 7 is World Health Day. Its theme this year is "Depression: let's talk." The World Health Organization identifies depression as the leading cause of ill health worldwide. According to the Canadian Mental Health Association, about 8 per cent of adults in Canada will experience

major depression at some point in their lives. Almost half of those who felt they have suffered from depression or anxiety have never, ever gone to see a doctor about this problem.

We know the stigma surrounding depression still exists. It is a major reason why people who are suffering do not get the support they need.

Mr. Leader, what is the federal government doing to help reduce the stigma associated with depression? If you're not able to answer the question, it would be nice to know some bullet points of actual facts and directional issues — things that they have done. Thank you, sir.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. He is raising a very important issue of health and public concern, and one around which the Senate has contributed to raising the awareness level across Canada over its many years of work.

As honourable senators will know, the Government of Canada has included benchmarking and expenditures for mental health as part of the negotiations with provinces, which have successfully concluded with 12 of 13 jurisdictions. I believe that has $5 billion of expenditures over 10 years. Expenditures are simply to ensure additional added resources to the issue, treatment and awareness of mental illness.

This is a high priority for the government, and it's an issue on which federal, provincial and territorial cooperation is required. It's not just a hospital or, frankly, a medical issue. It's a societal issue in terms of recognizing and awareness of mental health issues.

This is an issue that, again, the government is very committed to, and I would be happy to report to all senators the progress on the implementation of the announcements that have been made on this important issue.

Senator Smith: If you could just give a one-pager, that would be great. We don't need to have a brick of documentation. Something succinct and to the point would be very helpful so we could share with all colleagues in the house.

Senator Harder: I will do so.

SOCIAL ISOLATION AMONG SENIORS—NEW HORIZONS FOR SENIORS PROGRAM

Hon. Yonah Martin (Deputy Leader of the Opposition): My question for the leader is in honour of World Health Day and concerns depression among seniors in Canada. A study published by the National Seniors Council in 2013 stated that:

> . . . 1 in 4 seniors lives with a mental health problem (e.g. depression, anxiety or dementia) or illness, and 10 to 15% of adults 65 years or older and living in the community suffer from depression. The percentage of seniors in residential care who have been diagnosed with depression or showed symptoms of depression without diagnosis is higher at 44%.

Seniors with depression tend to become more socially isolated. In 2015, the previous Conservative government supported a series of projects through the New Horizons for Seniors Program to tackle social isolation among seniors and supported intergenerational learning projects that helped seniors develop new interests and share their knowledge and experience with others.

Leader, since taking office this past year and a half, has the government continued the good work of the previous government on reducing or targeting social isolation among Canada's seniors?

Second, would you be able to make an inquiry to find out and report back to us that the current Liberal government will continue to fund New Horizons for Seniors Program projects specifically targeting social isolation?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senators for her question and will indeed follow up as she is asking me to do.

I do want to again emphasize to all senators that in the negotiations and the agreements that have been reached with the provinces on targeted additional funding — the $11.5 billion — $5 billion, as I said, is for mental health. The other $5 billion is for home care and palliative. They are often aligned in the case of seniors. This is an additional important contribution to the increase, as the honourable senator has reported, of attention being paid to seniors, particularly seniors in isolation and at home.

Senator Martin: As a supplementary question, I am glad to know that kind of funding is being earmarked for palliative care. That's very important for us. I know that the intergenerational approach will also help in reducing social isolation.

• (1410)

Would you also inquire and report back to this chamber regarding the fact that social isolation of seniors remains a priority in the work of the National Seniors Council?

Senator Harder: I will indeed.

Senator Martin: Thank you.

[*Translation*]

CANADIAN HERITAGE

ABSENCE OF REFERENCE TO DEPORTATION OF ACADIANS IN CBC PROGRAM— *CANADA: THE STORY OF US*

Hon. René Cormier: Honourable senators, my question is for the government representative in the Senate. On March 26, our public broadcaster, CBC, broadcast the first episode of the

documentary *Canada: The Story of Us*, a 10-part series produced by Toronto-based production company Bristow Global Media to celebrate Canada's 150th anniversary.

I would ask honourable senators to consider the fact that this series is meant to be used as a teaching tool in our schools and at our tourist centres to share our common history.

I would also ask them to consider the fact that Bristow Global Media said the following, and I quote:

> Our series was ordered by the English language service of the CBC for the English-speaking audience.

And finally, I would ask that they consider that the first episode of the series ignores the fact that indigenous peoples were on this land for a thousand years and conveniently leaves out important historical facts, including one of the key events that shaped our country, the deportation of the Acadians, and how the indigenous and Acadian peoples contributed to the founding of Canada. In light of all of this, my question is as follows: Clearly the Prime Minister endorsed the content of this series, having delivered an opening message on the first episode, but can you explain to us what he plans to do to fix this unacceptable situation? Canadians, especially school-aged Canadians, will not gain an accurate knowledge of our history or a true understanding of what unites us.

Can I count on you to let the Prime Minister and the Minister of Canadian Heritage know in no uncertain terms how deeply disappointed the Acadian people are in this television series, which will only further Canadians' poor understanding of their history and further erode Canadians' trust in their public broadcaster, which has a mandate to be a true expression of Canada in all its diversity?

Hon. Peter Harder (Government Representative in the Senate): I thank the senator for his question. I will ask the Prime Minister and the minister responsible for an answer. I want to assure all senators that the government has the utmost respect for minorities across Canada, and I will get back to you with an acceptable answer.

Senator Mockler: CBC should apologize.

[*English*]

NATIONAL REVENUE

SMALL SEASONAL CAMPGROUNDS— SMALL BUSINESS TAX RATE

Hon. Frances Lankin: Honourable senators, my question is to the Government Representative in the Senate, who yesterday told us he is also the Senate representative to the government. So it's in that respect that I am asking you this question today.

Earlier today I met with representatives of the campground and RV industry. They are on the Hill today, talking to a number of people. I was appalled at what I heard. For a year they have been struggling with the Canada Revenue Agency to gain an understanding of a new interpretation of the tax code that is being applied. The CRA has begun reassessing small seasonal campgrounds and has in fact determined that they do not qualify under the tax code for the small business tax rate. The reason, senator, is not because they have grown too big for that; it's because they are too small. Apparently, you must have a certain number of full-time, year-round employees to qualify as a small business. I think it's five or six, but in the majority of these cases, for seasonal reasons, that is not true. In fact, I spoke to an operator from Cavendish this morning who has 60 employees in the camping season and one full-time, year-round employee.

There are over 2,400 of these campgrounds in the country, and many RV dealers and RV service companies rely on them. Gas stations, restaurants, grocery stores, and bait and tackle shops rely on these campgrounds. The industry estimates that this is in the several billions of dollars of economic output. It is part of our tourism industry.

This issue has been raised in the house. The minister has answered a couple of times, in October and in February. In the answers I have read, and this is almost verbatim, "We want everyone to pay their fair share," which everybody agrees with, "and we certainly know that these people are important."

Nothing has been resolved with the CRA. This is an untenable situation. Of the 2,400 campgrounds, the industry estimates that 1,700 could be driven into bankruptcy. I doubt the government wants that to happen. It may be that the code has to be changed, that they have not been enforcing it and now they are enforcing it. This issue has to be acted on. Many people in those communities are reliant on this.

I would hope that you would advocate from this Senate Chamber, with the support of other senators, to this minister to get a real answer and some real action.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senators for her question and will seek to have an answer that is more fulsome than the one that has been provided.

[*Translation*]

HEALTH

REDUCING THE STIGMA OF DEPRESSION

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. In a report published in September 2016, the Conference Board of Canada indicated how much the urgent need for mental health care is costing the Canadian economy. For example, it reported that depression and anxiety are costing the economy at least $32.3 billion and $17.3 billion a year, respectively.

The report also indicated that, if Canadians had access to better treatments and supports, no fewer than 352,000 Canadians could enter the workforce as fully functional employees each year until 2035, despite suffering from depression or anxiety.

Could the Leader of the Government in the Senate tell us what the Liberal government is doing and how it is working with the organizations responsible to implement the national standard of Canada for psychological health and safety in the workplace established by the previous Conservative government in 2013?

Hon. Peter Harder (Government Representative in the Senate): I thank the senator for his question. As I already said, the government has invested $5 billion to combat depression and improve the health of Canadians, in cooperation with the provincial and territorial governments. However, as the senator indicated, we need to work with other sectors, particularly the private sector, so that our country's workers and businesses understand the importance of well-being, particularly in the context of depression, and know that, as a society, we can combat this illness.

[*English*]

I will definitely report back to the Senate on all of the activities, not just the funding activities that have been committed, but the activities of working with other stakeholders to ensure that we have appropriate common effort in dealing with the stigma of mental illness, depression and other well-being associated with that, both for families and for those afflicted.

Senator Dagenais: I have a supplementary question. The standard gives employees the tools and resources they need to assess and reduce the risk of psychological harm at work. It promotes improved employee mental health and well-being. It is currently in place at hundreds of Canadian organizations on a voluntary basis.

A February 2 Ipsos poll revealed that employees suffering from depression who work in organizations that are implementing the national standard miss five fewer days of work per year.

Can the Leader of the Government tell us how the federal government is encouraging more employers to implement this standard and embrace the idea that workplace mental health is good for business?

Senator Harder: Again, I thank the honourable senator for his question. I want to make two points.

One, the Government is Canada is also an employer. It is important that the Government of Canada, as an employer, have the highest standard of approach to dealing with its workforce in respect of mental illness and depression. We heard from the Minister of Veterans Affairs the other day with respect to his portfolio. This is a matter that the President of the Treasury Board is seized of as well with broader public sector, for which he has responsibility.

• (1420)

Second, with respect to engaging other interests in the private sector, I will, as I indicated, be happy to report back on how the Government of Canada is working with lead organizations that have made this issue not only their number one public awareness issue but also best practices within their companies.

[*Translation*]

NATURAL RESOURCES

SPRUCE BUDWORM CONTROL INITIATIVES

Hon. Ghislain Maltais: Honourable senators, Eastern Canada's forests are in grave danger. From Newfoundland and Labrador to northern Ontario, including Nova Scotia, New Brunswick and Quebec, an insect called the spruce budworm is causing significant damage, even in your home region, Mr. Speaker. This tiny insect is destroying the beautiful forests of Newfoundland and Labrador, New Brunswick, northern Quebec and northern Ontario.

Provincial governments are taking action, of course, but since this really is a natural disaster, the federal government has a key role to play in assisting the provinces affected in order to help them preserve this important resource that was thought to be inexhaustible 100 years ago and that creates thousands of jobs in those provinces.

My question is for the Leader of the Government in the Senate. Does the current budget include any assistance for the provinces dealing with this scourge?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I am a little hesitant in answering because he, not too long ago, told me that he never asked a question to which he does not know the answer. I'm afraid I don't know the answer to his question, so I'm afraid he will get up and give me the answer.

I want to assure him that I will make inquiries to determine what efforts the government is making with respect to this attack on our forests and report back forthwith.

[*Translation*]

Senator Maltais: Here is my answer: I looked through your budget, but I couldn't find anything. However, this parasite requires immediate action. I would have thought that, in a budget that runs up a $20.8-billion deficit, the government could have found $50 million to save Canada's forests.

Senator Harder: I will ask the minister responsible to give me an appropriate answer.

[*English*]

HEALTH

GENDER DIFFERENCES IN YOUTH SUICIDE RATES

Hon. Nancy Greene Raine: My question is for the Leader of the Government in the Senate. As you know, tomorrow is World Health Day, and my colleague asked about what the government was going to do to continue the valuable New Horizons for Seniors Programs. Depression and other mental health issues impact not just adults in Canada, but our children and youth as well.

In January, Statistics Canada released a report that stated that about 11 per cent of 15 to 24-year-olds had experienced depression in their lifetime, and 7 per cent had experienced it in the past year. We also know that suicide is the second leading cause of death for Canadians aged 15 to 24, after motor vehicle accidents.

A BBC news story last month stated that over the previous decade suicide among young Canadian males had decreased by about a third, but suicide among young Canadian women had increased by 38 per cent.

Could the Leader of the Government please tell us if the Public Health Agency of Canada and Health Canada have supported any recent research looking into gender differences in youth suicide?

Hon. Peter Harder (Government Representative in the Senate): With respect to the specific question, I will inquire and report back. I do want to assure and remind senators that in the negotiations with the provinces, the sums to which I refer, the $11.5 billion, the $5 billion for mental health in particular, is partly targeted for those 500,000 Canadians under the age of 25 who have not had access to mental health services, to respond to exactly the needs that you have identified, senator. In that context, be assured that I'll respond to the question that you have asked specifically.

Senator Raine: Could you please ensure that they do target this incredible difference between decreasing rates among young men and increasing?

Senator Harder: Yes, I will, indeed. It gives me an opportunity to again credit the provinces that have signed on to this agreement, 12 of the 13 jurisdictions, because as all senators will know, this is an area of shared jurisdiction, and this additional amount, beyond the $37 billion that are in the generalized increase of the health transfer, which is higher than the previous year, this additional $11.5 billion is significant.

PRIVY COUNCIL OFFICE

PRIME MINISTER'S TRAVEL—TOUR TECHNICIAN

Hon. David Tkachuk: I'm rising to ask a supplementary to my question yesterday, Senator Harder. To remind you, I was asking about the Christmas holidays of the Prime Minister. It is not clear from the CBC report I referred to in my original question how the tour technician got to the private island. According to the CBC, he submitted expenses of $2,263 for transportation and another $1,349 for other transportation, but it's not clear what the other transportation was.

We know the Prime Minister flew the last leg of his trip to the island on the Aga Khan's private helicopter because, as he said, there was no other way to get to the island. Of course, the Prime Minister is being investigated by the Ethics Commissioner for this.

My question is: How did the tour technician get there, if not by air transportation, keeping in mind that the Prime Minister has said that the only way to get there was aboard a private helicopter? If he did get there by the helicopter, what portion of the $2,263 in air transport paid for the helicopter flight? If he didn't get there by the helicopter, how does this square with the Prime Minister's contention that there was no other way to get to the private island?

Hon. Peter Harder (Government Representative in the Senate): I guess I should say I prefer no supplementaries, but we're beyond that.

Let me simply assure Senator Tkachuk that I will seek response to the questions raised.

Senator Tkachuk: I have no supplementary.

[*Translation*]

CANADIAN HERITAGE

JUNO AWARDS—LINGUISTIC DUALITY

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate and concerns the recent Juno awards gala, which was attended by Prime Minister Trudeau and his wife who paid tribute to Montreal singer Leonard Cohen. The Juno awards gala celebrates the entire Canadian music industry. However, I noted that the Juno for Francophone Album of the Year was handed out at the pre-broadcast gala and was not televised.

Could the Leader of the Government point out this injustice to the organizers of the gala, which is sponsored by the Government of Canada? Francophone music is equal to and just as important as anglophone music, and the award for Francophone Album of the Year should not be handed out behind the scenes, but on the same stage where the awards for the Canadian music industry are presented.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I will ask the minister and those responsible for an answer. I would like to reassure the honourable senator that I recognize the importance of the equality of cultures across Canada, no matter the group, and especially for francophones.

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Peter Harder (Government Representative in the Senate): Colleagues, there have been discussions through the usual channels in support of the transparency that we're all seeking. With my colleague and other colleagues, we are now able to indicate to the Senate that we will conclude Senate consideration of Bill C-4 before the Easter break next week. With respect to Bill C-6, we will conclude by mid-week of the first week we are back. With this agreement and understanding, the motion put by Senator Bellemare with respect to this chamber rising at the end of the sitting today and resuming next Tuesday, will also, with your support, be agreed to.

• (1430)

An Hon. Senator: In the spirit of cooperation.

Hon. Elaine McCoy: I would like to speak to this. Thank you, Your Honour.

I wish to put on record that Senator Harder did indeed reach out to me today, just after noon, and informed me that he had spoken first with Senator Smith, and reached this agreement; then with Senator Day, and reached this agreement; and then he was reaching out to me. I asked him if he had consulted with the sponsor of the bill, Senator Omidvar, and he had not, but he had a call in for her. I said that I would speak to my people, my colleagues, and immediately reached out to Senator Omidvar, who was in a speaking engagement that took some time.

We are very pleased to take assurances from the leader of the Conservative caucus that the members of his caucus will do everything they can to progress the speeches, amendments and votes on Bill C-6. We were, therefore, very pleased to agree to sit tomorrow and Monday night, because we understand there is a large interest in that bill, and we thought this would help them to advance that bill before Easter.

We are all equally pleased that they are making efforts on Bill C-4, because we understand that, again, there is great interest in it. I will say the same of the members of the independent Liberal caucus.

This is where we stand on a motion to come back next Tuesday. We do not have sufficient votes to defeat that motion, because we understand that Senator Smith and Senator Day have agreed. We do not have 53 votes in this chamber, so when that vote comes up, we will indicate that we are not agreeing and the vote can go forward on division. However, we do ask, with all sincerity, that everyone's efforts proceed as expeditiously as possible, in particular with respect to Bill C-6.

I want to say one more thing, and that is I do thank Senator Oh for circulating the substance of his amendment to us just an hour ago, and with all his backup research and material. I really would have appreciated that even yesterday, or a little bit more in advance, but that practice will advance, I think, the understanding of all of us. I do think that we can begin to work out collaborative means of dealing with these issues.

I will conclude by saying that the collaboration we really need is not to have any leaders' agreements done on a *seriatim* basis. We need to all be present at the same time so we can discuss these matters, preferably with the sponsor of the bill in our presence. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): I thank honourable senators for explaining the discussions that have taken place thus far. I simply wanted to add that this morning at scroll with Senator Omidvar, the sponsor of the bill, as well as Senator Bellemare, Senator Tardif and me, we did have a lengthy discussion about all of the bills that have come to the fore as priority items for this chamber, and we did talk about the timeline. I wanted to add that bit of information.

As well, I want to say that we were pleased to hear the adjournment motion earlier today, and it would be very good for us to be able to adjourn and meet on Tuesday. As Senator Harder explained, these discussions have taken place and we are fully aware of that.

CANADA LABOUR CODE

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C., for the third 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.
>
> And on the motion in amendment of the Honourable Senator Tannas, seconded by the Honourable Senator Unger:
>
> That Bill C-4 be not now read a third time, but that it be amended:
>
> (*a*) by deleting clause 1, on page 1;
>
> (*b*) by deleting clause 2, on pages 1 and 2;
>
> (*c*) by deleting clause 3, on page 2;
>
> (*d*) in clause 4,
>
> (i) on page 2, by replacing lines 30 to 36 with the following:
>
> **"4 Section 39 of the *Canada Labour Code* is replaced by the following:**

39 (1) If, on receipt of an application for an order made under subsection 38(1) or (3) in respect of a bargaining agent for a bargaining unit, the Board is", and

(ii) on page 3, by replacing line 1 with the following:

"satisfied, on the basis of the results of a secret ballot representation vote, that a majority of the employees in the bargain-";

(*e*) by deleting clause 5, on page 3;

(*f*) by deleting clause 6, on page 4;

(*g*) by deleting clause 7, on pages 4 and 5;

(*h*) on page 5, by adding after the heading "Public Service Labour Relations Act" after clause 7, the following:

"7.1 Paragraph 39(d) of the *Public Service Labour Relations Act* is replaced by the following:

(d) the authority vested in a council of employee organizations that is to be considered the appropriate authority within the meaning of paragraph 64(1.1)(c);";

(*i*) by deleting clause 8, on pages 5 and 6;

(*j*) by deleting clauses 9 to 11, on page 6;

(*k*) on page 6, by adding after line 35 the following:

"11.1 Subsection 100(1) of the Act is replaced by the following:

100 (1) The Board must revoke the certification of a council of employee organizations that has been certified as a bargaining agent if the Board is satisfied, on application by the employer or an employee organization that forms or has formed part of the council, that the council no longer meets the condition for certification set out in paragraph 64(1.1)(c) for a council of employee organizations.";

(*l*) by deleting clauses 14 and 15, on page 7; and

(*m*) by deleting clause 16, on pages 7and 8.

Hon. Pierrette Ringuette: Honourable senators, usually when a senator rises to speak in the chamber, they start by saying that it is their pleasure to speak on a bill or an issue.

Today, as I rise to speak on Senator Tannas' amendment that is removing — i.e., gutting — a major portion of Bill C-4, I openly admit that I am not happy to speak to this amendment, for the reasons that I am about to highlight.

Bill C-4, a government bill, is restoring workplace relations, the delicate balance that was completely distorted with previous private member's bills C-377 and C-525 within the federal jurisdiction. It also distorted the responsibility of the Canadian Labour Relations Board, a tripartite group of government, union and employer representation whose efforts in consensus building were completely sidetracked by Bill C-377 and Bill C-525.

Mr. Hynes, of FETCO, the employer representative on the board, indicated at the February 2, 2017 committee meeting that 90 to 95 per cent of the files they address are agreed upon by all. I believe that is a very impressive outcome.

He further said, in answer to a question by Senator Tannas:

> . . . I don't think we're always perfect on the employer side. There is a lot of blame to go around on these issues. I don't really think there is a perfect system.

In 2005, Sara Slinn from Osgoode Hall conducted a very impressive, major study of the different certification systems and came to the following conclusion:

> In particular, the change from card-check to a mandatory representation vote certification procedure increases the opportunities and incentives for employers to engage in unlawful union avoidance activities, reduces the incentives for unions to organize new members, and discourages employees from participating in the unionization decision.

Reviewing the testimony of the Standing Senate Committee on Legal and Constitutional Affairs of February 1 and 2, the witnesses brought forth interesting data with regard to complaints to the board.

Since 1980, 36 years before the implementation of Bill C-525, there have been 53 complaints by workers; 2 were upheld, 20 rejected and 31 settled. That is 1.4 complaints per year under the card check system.

More recently, in the last decade, from 2004 to 2014, the board received 23 complaints regarding intimidation during organizing campaigns. Six were upheld and four were intimidation by employers; i.e., there was twice as much intimidation by employers than by unions. That is 2.3 complaints per year in the last 10 years.

This speaks very highly to the efficiency of the card check model. However, in the last 18 months under Bill C-525 implementing mandatory voting, the board received 26 complaints. That is 17 complaints per year, compared to 2.3 in the last decade and 1.4 in 36 years with the card check system.

[*Translation*]

Honourable senators, these statistics don't lie. They confirm what the witnesses and Sara Slinn's study told us: Bill C-525 was looking for a problem. The evidence speaks for itself. Since Bill C-525 was passed, there have been 17 complaints a year compared to 2.3 complaints a year under the former card check system. One could even make the claim that Bill C-525 has created a major problem.

• (1440)

[*English*]

Honourable senators, since April 2014, for three years, we have been hearing from Conservative senators all possible arguments against the card-check system. The arguments range from undemocratic to intimidation. I personally find these arguments intriguing since the Conservative Party has a similar process for membership cards. They believe in the integrity and democratic nature of this system, yet argue against the system of union cards. One must respect the rules and value of a person buying a membership card. Whether for party politics, or anywhere else, it should be the same.

Honourable senators, the membership card system that Bill C-4 will reintroduce is no different from the democratic card process within the Conservative Party of Canada.

When one buys a membership in the Conservative Party, the Liberal Party or the New Democratic Party, it is because they support the principles and plan of the party. They support the platform and the plan to govern.

When one buys a union card, it is because they support the principles and plan of that union. They support the plan to get together for the goal of collective bargaining and their workplace governance.

So why are we arguing against the principles, value and democratic adherence to membership?

Honourable senators, in reviewing the arguments and amendments to Bill C-4 proposed by Senator Tannas — although he's a nice guy — and his questions at committee, I would like to clarify some of those comments.

Senator Tannas spoke about the timeline of Bill C-525 in comparison to Bill C-4 before us. One of the distinctions between these two bills is that Bill C-525 was a private member's bill while Bill C-4 is a government bill.

Bill C-525, private member's bill, was introduced in the Senate in April 2014, took four months at second reading, three days at committee, and passed third reading in the Senate two days after the committee reported — I repeat: two days after the committee reported.

Bill C-4, the government bill, was introduced in October 2016 and took two months for second reading, three days at committee, and now two months — not two days but two months — at third reading. This is a government bill.

Honestly, a government bill taking two months at second reading on the same issue that a private member's bill took two days under the previous government is very clearly dragging the puck.

Then Senator Tannas argued about a secret vote, the Leger Marketing Survey, emails on Bill C-377, not on Bill C-525, and union intimidation at WestJet in his question yesterday to Senator Lankin in the Senate.

What needs to be highlighted is that Bill C-4 does not remove the voting process. Voting may occur if the investigating officers of the tripartite labour industrial board reports inconsistencies or irregularities on the membership. The board will order a secret vote. In the past, the board has ordered secret votes for 15 per cent of applications they receive.

What needs to be highlighted is that the Bill C-525 mandatory vote requires the majority of employees in the bargaining unit to vote in favour of certification as opposed to a simple majority of those choosing to vote. If you do not show up at a vote, it will be counted. It has currently, under Bill C-525, been counted that you are against certification.

Honourable senators, our Senate voting system is a simple majority. What is wrong with our system?

In regard to email not referring to Bill C-525 and the issue of intimidation at WestJet, I want to read into our proceedings excerpts from an email that I received from a WestJet employee. I will not be releasing his name. I also have received a letter from WestJet management that was sent to employees. Again, I will not mention the name. You can evaluate for yourself the intent of these two items.

I quote from the email: "I'm a pilot with WestJet. I'm writing to you on behalf of some of my peers and professional pilots at WestJet for future pilots who will one day be hired. This is in regard to Bill C-4. I would like to express disappointment in the way this bill is being debated. I am aware that informed and balanced decisions take time. The bill has gone through Parliament and is now sitting idle in the Senate. Unfortunately of late, there appears to be stall tactics causing delays of this very important bill. This bill is not for only one particular group but for all labour in Canada. It is a pillar of our democracy to exercise our right to speak freely, without intimidation and veiled threats. These are not Canadian values by opposing oppressing labour. I am certain we all stand together as a nation in regards to being able to speak freely without prejudice. We do so by signing cards." I repeat: "We do so by signing cards."

The email continues: "There are many examples of the inefficiency of our present company-sponsored representation. They are not legally liable, and it is not arm's length or independent from the company. It is a system cleverly and deliberately structured to avoid certification. It is company-sponsored, with the illusion of engagement and representation. It does not exist. This is well documented in the biography of WestJet called 'Flight Path.' At this time, WestJet pilots are extremely vulnerable if there is an incident in regard to personal liability."

And I will move on.

There is a serious disconnect when profits and corporate greed can begin to cloud safety, which seem to be the major issues for the pilots. Safety at an airline or any corporation is paramount and crucial.

• (1450)

I will touch on one area of serious concern that all pilots in Canada and throughout the world are facing — fatigue. It is in our best interest as leaders to preserve our culture of safety, while maintaining a balance in keeping the company healthy and profitable for all employees for years to come.

The Hon. the Speaker: I'm sorry; excuse me, Senator Ringuette. Are you asking for five more minutes?

Senator Ringuette: Yes, please.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed.

Senator Ringuette: He concludes by saying: "I am kindly asking for Bill C-4 to be dealt with in a more expeditious manner and to know that we can have your support and consideration for this bill to be passed on behalf of all labour in Canada."

So that is one piece of information, one email, that I got.

I also received a copy of an email from WestJet management that was sent to all the pilots. It's very telling, and I will bring you some excerpts: "Expected legislation change: The current language of the Canada Labour Code requires a vote to be conducted, even if the union applying for certification has the membership support of the majority of employees. However, within a few weeks, it is expected that legislation will pass that will permit a union to certify without a vote, if it has membership support of over 50 per cent of the bargaining unit. This means that, in a few weeks. . . "In bold letters. Continuing: ". . . a signed ALPA membership card, which is the union organization campaign, could be equivalent to a vote of ALPA to unionize at WestJet. Certainly, on your part, when signing a card, it is particularly important because the expected legislative change would allow a union to certify at WestJet without a vote."

Bold letters again. And then he goes on: ". . . and there is no certainty with regard to how a union at WestJet could impact our pilots, our culture and our business, implying what?"

This is reflected in the following quote from Doug Taylor, an investment analyst from Canaccord, who stated the following on page 4 of his January 10, 2017, report: "Unionization: News source suggest the latest round of the unionization drive, both the pilots and the flight attendants, which began late last year, continues at WestJet. We believe unionization could present significant challenges to WestJet in terms of its culture and long-term cost structure. In the near term, the threat remains and overhangs on the stock."

That was sent to the employees. Further it goes on: "How to revoke a union membership card: I believe the timing of the ALPA certification drive is intended to take advantage of the expected change in the law so that it can certify without a vote."

And then it says: "Pilots who have signed a membership card but remain uncertain and who are opposed —" Well, if you bought a membership card you're not opposed. "— must know that it is not too late to revoke their membership once APLA applies to certifying the pilots. If you have already signed a union authorization card and want to cancel it, you have the right to rescind that card by sending a written letter, by fax or courier, to both the union and the Canada Industrial Relations Board, requesting a cancellation."

Then it says: "You should do the following as soon as possible —" And there's the address, "— send a signed and dated latter to ALPA informing it of your intent to withdraw your membership application —" And there's the address. "— and two, a copy of the letter must also be sent to the Canada Industrial Relations Board." With the address. And then, "No. 3. Finally, you should keep a copy of the letter for your records." Maybe you should put No. 4: Please send us a copy too.

The Hon. the Speaker: Excuse me, senator, but your time has expired again.

Senator Ringuette: Oh, gee.

The Hon. the Speaker: Are you asking for more time?

Senator Ringuette: Not even a minute to complete.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Ringuette: So, honourable colleagues, the last item certainly has highlighted — I would agree, and probably a lot of you would agree — intimidation issues.

Honourable senators, it was also mentioned that Bill C-4, or the removal from our legislation of Bill C-377 and Bill C-525, was not in the current government's election platform. Actually it was, on page 16 and 17, and it said the following:

> We will restore fair and balanced labour laws that acknowledge the important role of unions in Canada and respect their importance in helping the middle class grow and prosper. This begins with the repealing of Bills C-377 and C-525. . .

Honourable senators, it is evident that Senator Tannas's amendment aimed to destroy Bill C-4, which is the will of the people of the last election. It is not what our institution is about. We are asked to provide sober second thought on bills that should be serving all Canadians, not a select few.

I urge you to defeat this amendment.

Hon. Scott Tannas: Would the senator take a question?

The Hon. the Speaker: I'm sorry; in order to take a question, Senator Ringuette will require leave from the Senate. Are you asking for leave to answer a question?

Senator Ringuette: Of course.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Senator Tannas?

Senator Tannas: Thank you for reading the note from the WestJet management, which was done in the context of making everybody aware that they may have signed a union card in order to get a vote under the previous regime, which they did because the majority of them signed a card, but the majority of them did not certify the union in December. So I don't understand. Out of everything that you read there, what is intimidation, and what is a simple statement of information from an employer in that situation? I wonder if you could point specifically to intimidation.

The other question I have around intimidation: You reject the idea that there is any intimidation in the card check system. Senator, you are a formidable speaker and a formidable proponent of this bill. If you and Senator Lankin arrived at my door on a Saturday afternoon and asked me to support this bill, I would think very hard about doing it, and I would call it intimidation. But that is a card check system, and I wonder if you had any comments on that.

Senator Ringuette: Absolutely. In regard to the issue of intimidation, you have said, at both the committee hearings on this issue and here in this place — and you have just indirectly referred to it again — that you only see intimidation in regard to the WestJet issue coming from the union. From the reading of the email that I got from the airline pilots and from the reading that you had excerpted in regard to management sending email to all the employees concerning that union, there is certainly a grey zone. On that management letter, I have seen many in regard to management trying to deter unionization. But there is a grey line between deterring and intimidation. You have brought up the issue of unions intimidating the employees, but bear in mind that union campaigning cannot take place in the workplace. Yes, the people have to go knock on your door. If you're an airline pilot or airline attendant and you're in a situation of being overworked and you have to stay in hotel rooms, then the union has no choice but to go knocking where you are.

• (1500)

Senator Tkachuk: Secret ballot.

Senator Ringuette: Because they're not allowed in the workplace.

I want to point out that there is more to the WestJet issue of intimidation of meeting you in a hotel room or knocking at your door. This is using the workplace in regard to deterring what the employees should be legitimately able to do, and that is to buy or not buy a membership card within a union.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I would like to say a few words in support of the Bill C-4 amendment that Senator Tannas proposed earlier this week.

Forget for a moment that I'm a senator. For many years, I led a major worker association, so I am in a better position than most to talk about the importance of a secret ballot in union certification.

Contrary to what those who agree with the current government's position on Bill C-4 said, secret balloting is not a barrier to unionization.

Secret balloting protects the right of workers to express themselves freely for or against unionization.

It gives workers the right to express themselves without fear of reprisal on the part of colleagues or employers attempting to interfere in the democratic process. I just deliberately used the word "democratic." I chose that word because we are all here to defend democracy, the underpinning of our personal freedoms.

The freedom to vote for or against unionization is of utmost importance to me and should be for everyone in this place.

I urge you not to buy into arguments that the former government's Bill C-525 created an imbalance in labour relations in Canada because it required a secret ballot for union certification.

Just think for a moment and try to come up with one example from the past two years of mandatory secret balloting resulting in chaos in this country. Just one example. However, if we consider certain cases heard by the Commission des normes du travail, the opposite has occurred.

A secret ballot is required for a lot less than union certification to uphold everyone's rights. We do not elect a government by raising our hands. We do not vote in referendums by raising our hands. People should not decide whether to unionize or not by raising their hands.

The secret ballot is one more guarantee of union democracy. I think that is easy to understand and there is no reason not to amend this government's flawed bill. The decision we have to make is an important one. It is vital, even, for the democratic health of labour relations in Canada.

Before rejecting Senator Tannas' amendments, I urge you to take a few moments to recall some less-than-great moments in the union history of Canada. You have certainly heard stories of some of the tactics used by both employers and powerful unions. We call that intimidation. No one in this country should be exposed to that kind of behaviour.

[*English*]

Nobody in our country has to be intimidated when it's time to decide to join or refuse to join a union. It's basic for me.

[*Translation*]

I therefore urge you to resist the lobbying by this government and a few emissaries in this chamber.

You are free to have your opinions and make your choices, as senators; you do not have to act like them and bow to pressure from the powerful unions that, in exchange for campaign promises, helped get this government elected.

The right to unionize is of paramount importance in our country, but the decision of workers to unionize must be made with complete freedom and without fear of future intimidation. We are the ones, here, who have the power and the duty to guarantee this fundamental right to working men and women.

I encourage you to carefully consider and vote in favour of Senator Tannas' amendments, which propose maintaining secret ballot voting for union certification.

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

[*English*]

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Gagné, for the third reading of Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act, as amended.
>
> And on the motion in amendment of the Honourable Senator Griffin, seconded by the Honourable Senator Dean:
>
> That Bill C-6, as amended, be not now read a third time, but that it be further amended in clause 1, on page 2,
>
> (*a*) by replacing line 4 with the following:
>
> "**(d)** if under 60 years of age at the date of his or her ap-"; and
>
> (*b*) by replacing line 7 with the following:
>
> "**(e)** if under 60 years of age at the date of his or her ap-".

Hon. Ratna Omidvar: Honourable senators, I find I'm rising yet one more time to speak to you about Bill C-6. I wish that were not the case but I wanted to start off on a positive note.

Thank you, Senator Oh, for sharing your amendment with us and your notes. It makes all our jobs so much easier when we understand what you're thinking. I agree with our facilitator, Senator McCoy, that in fact this should become not just good practice but standard practice. I look forward to working with all those who make these agreements to further this idea.

I would also like to thank my colleague Senator Griffin for her interest and her contribution to the dialogue and debate on this very important bill. And in particular I want to thank her for her readiness and willingness to step up to the plate. I spoke to her yesterday — I think it was eight o'clock in the morning — and I asked whether she would be ready to speak on her amendment. She blinked maybe once and then said "yes," so kudos on your responsiveness, really.

I will say as much as I admire my colleague from beautiful P.E.I. — and I have learned something about P.E.I. in my conversations with her — I do not support this amendment and I will be voting against it.

First, honourable senators, let me remind everybody this is a repeal bill. It means it repeals certain provisions to take them back to where they were before, not to another place, not to tweak it, to massage it or find another playing field, but to bring it back to where we were before, and that was age 55.

Second, changes to the Citizenship Act were part of the election promise. The Liberal government was elected on a platform with a particular mandate and this change is part of it. As the Prime Minister said, "We will repeal the unfair elements of Bill C-24 . . . that make it more difficult for hard-working immigrants to become Canadian citizens."

Senator Griffin is absolutely right; she has done her research very well. There is no particular reference to age, but I believe that lowering the age exemption is part and parcel of this promise and one that I am personally delighted that the Prime Minister has chosen to keep.

Senator Griffin is proposing to raise the waiver age for exemption of language and knowledge testing from 55, which is in the bill, to 60 — five years. And I would like to focus my comments on why five years matter and to whom.

I would like to start with evidence, just as Senator Griffin did. She pointed to some research in the Mulroney and Chrétien eras. I won't dwell too much on this point. I just want to remind everyone that the source of immigrants to Canada has diversified significantly since then, especially in the 1990s, which would not be captured in the statistics available at that time. Policy recommendations at that time made sense, perhaps, for a country of primarily European immigrants.

• (1510)

But I wanted to look for recent evidence, so I turned to one of the most knowledgeable people in the field of citizenship, and that is Andrew Griffith, the former Director General in the Department of Citizenship and Immigration. He filed an access to information request to find the documentation behind the 2014 decision to raise the waiver age from 55 to 65, and the department returned his request with zero documentation. Mr. Griffith concluded: "We are in an evidence-free zone."

But did I find some evidence. I looked for it in a different place with a different lens, and I found it in the gender-based analysis that was conducted for Bill C-24. No gender-based analysis was conducted for Bill C-6 because it was felt it still held in that one year. This is what we know, because it is what the GBA said: that from 2000 to 2004, when the waiver age was 60, which is exactly what Senator Griffin is proposing to do, applicants aged 55 to 60 had a 5 per cent lower test pass rate than the rate of all other age groups. In other words, testing impacted those aged between 55 and 60.

I went back a little further in history, and I determined that it was in 2005, under Prime Minister Paul Martin, that the age was lowered from 60 to 55. The Minister of Immigration was Joe Volpe, in Prime Minister Paul Martin's cabinet. I just picked up the phone yesterday, called him and was lucky enough to find him. I said, "Mr. Volpe, can you remember if there was evidence behind your decision?" We are dealing with memory, I understand, but he was very clear when he said to me that he relied on evidence to make this decision, and the evidence was collected by the department and concluded that testing poses a particular barrier for older immigrants.

He went on to say that it didn't make sense to deprive them of the opportunity to become citizens. It didn't make sense that one could only be an exemplary citizen or a good citizen if you could pass a test.

There is some other evidence that I will cite briefly. We know there is a falling rate of applications for citizenship; this is documented, again, by Andrew Griffith. He found a nearly 50 per cent drop in applications in the first nine months of 2016 compared to the same period in 2015. I want to remind us all what Senator Eggleton said: The fees for citizenship applications have risen an astronomical 500 per cent. It costs roughly $630 per person to apply for citizenship.

I want you to consider someone who is 55 years old, who is lower income, who is supporting a family and putting food on the table, and they have to then put $630 on the table for a citizenship application test, and they are nervous about passing it. So I conclude that testing has a disproportionate impact on older immigrants and therefore constitutes a disincentive.

Let me talk a little bit about who this change will impact. It's a small minority, by the way, of citizenship applicants. Historically, only about 8 per cent of the total number of citizenship applications received each year has come from this age group. Who are they? We are not talking about people who choose to come to Canada for the labour market. Their age would, in fact, be a great disqualifier. We are talking about refugees, parents, grandparents and spouses. In particular, I am talking about women who have come to Canada as sponsored spouses, a parent or as a refugee.

Elke Winter, Associate Professor of Sociological and Anthropological Studies at the University of Ottawa, testified during witness hearings on Bill C-24 that, for the "less educated, non-European-language speakers, and the economically vulnerable," it makes citizenship much harder to obtain.

Let me restate what I have pointed out in both of my speeches on Bill C-6. Sadly, I think there are way too many people who need to hold down more than two jobs simply to make the rent and pay their bills. These people, again, many of them women, work in factories where they operate within a context where language acquisition either does not matter or is not necessary.

Again, these women aged 55 and over are good enough to work, good enough to raise their children, good enough to send them to university and good enough to pay taxes, but they are not good enough to become Canadians.

I have heard no credible evidence that changing the age one way or another is an incentive to learning a language. But I have heard that it is a real barrier based on your socio-economic status, your gender and your race. I feel I am hugely disadvantaged in this chamber because I do not speak French. I think it is a big disadvantage. I know I can try to learn it, but I figured out that it would be incredibly difficult to get up to the fluency of Senators Pratte and Dupuis. I try to listen to them, but I know it is hard. I am someone who has a natural tendency to learn languages — I speak six of them — but I know now it would be too hard to learn that language.

Barriers like being too poor, too busy, too badly needed at home, too fearful and too risk-averse: for vulnerable people, a barrier is a barrier. I'm afraid I cannot see an incentive in it.

Miss Avvy Go of the Metro Toronto Chinese and Southeast Asian legal clinic reminded us that your ability to learn a language depends on your mental health, family status, income, working hours and more.

I will agree with each one of you that we need to spend more money on languages. Language is invaluable for those who have it, and we should strive to open our official languages to include more of our citizens. But we should not do this by erecting barriers. We should not do it at the cost of disenfranchisement.

We heard yesterday that language requirements can be waived on humanitarian and compassionate grounds. Senator Eggleton posed the very pointed question: How many times has this policy actually been applied?

Today, in the morning, I was speaking to the director generals and deputy ministers of the department. I asked them this question, and there was, sadly, no answer.

Let me make an assumption: If passing a test is a challenge, I wonder how much more challenging it would be to arrange a waiver. But I do have some very concrete evidence about the good things that happen when you do become a citizen. It is scientifically proven that you have a greater attachment to the labour market. You develop a greater sense of belonging to Canada and its institutions. You have a greater investment in ownership, and you invest in this country in many ways. I really believe this is the spirit of what both Senator Griffin and I want.

Senator Griffin made a very interesting point about political participation. Her story, about the one vote being decided in a coin toss, was fascinating. Senator Griffin is rightly anxious that more people participate in the democratic process. But she is also anxious that they participate in it in an informed way. Well, frankly, I'm not sure whether other Canadians are well-informed about our system or not. We don't have a test for them, and they participate in it.

But I do know this: Immigrants have a knowledge of civics from an unusual source of information, and this is from a flourishing ethnic press, both online and offline. I spoke to Naomi Alboim, a distinguished professor from Queen's University, who said to me that not being able to speak the language does not mean you don't understand the democratic process and the rights and responsibilities attached to it. She pointed to the ethnic press and its prevalence and role in civic education.

So I did some research this morning. I had some fun. I discovered that the largest immigrant group on Prince Edward Island is Mandarin-speaking. There is a Mandarin-English publication called *Ni Hao PEI*. It's a quarterly newspaper. And I looked at the top news stories in 2017. They were not about mainland China politics. Here are three headlines: Get to know a farmer!; P.E.I. farmland — the new investment of choice; P.E.I. rural schools: natural decline or time for change?

• (1520)

I don't think we should assume that Canadian civics and curiosity requires a certain degree of English and language. You can get it from other sources.

I have a case in point. My mother lives with me; you have heard me talk about her. She is a delightful mother, close to 90 years old, although she wants to be 85. She got her citizenship in the late 1980s, when she was much younger. I do not remember what tests there were, but there were tests. In the meantime, the bars on language and knowledge testing has been raised. It's become digital. I doubt whether she would pass.

Here is also something that is true: She is up on politics, sometimes more than I am, because she is glued to the wonderful South Asian television channel called OMNI. She has her daily dose of Bollywood drama. But she quizzes me often, especially when I come home from the Senate, on things she has heard about on the South Asian news. This became really clear to me when we were talking about assisted dying, because it's a matter relevant to her. She asked me every day: What is the access? What are the provisions? Who will administer it? She really gave me the run-through.

I reject the notion that if your English or French is not good enough to pass a test it is not good enough to understand how to participate in the political process. Let us try telling that to all our Italian, Greek, Polish and Ukrainian immigrants.

Let me conclude with five years. Five years is a long time. I'm a rookie senator today. In five years, I hope to be a halfway competent senator. Let me think about what happens to a low-income woman who is 55 years old.

The Hon. the Speaker: Senator Omidvar, your time has expired. Are you asking for five more minutes?

Senator Omidvar: Two.

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

Hon. Senators: Agreed.

Senator Omidvar: Let's think about the low-income woman who is 55 years old. What may happen to her in five years? Her health may deteriorate. She may become a grandma and take on child care responsibilities again. She may see governments change and she may see her rights as a permanent resident expanded or restricted. She may lose her job.

All this time, her ability to learn a language will deteriorate. But I know for sure, if she is a citizen, she will have safety, security and permanence.

Senators, let's not hold back on inclusion. Society is not judged by how it treats its strongest, but how it includes its weakest. I urge you to vote with me against this amendment. Thank you.

Hon. Senators: Hear, hear!

Honourable Yuen Pau Woo: Senator Omidvar, will you take a question?

The Hon. the Speaker: Senator Omidvar is out of time. Do you want to ask for time to respond to a question?

Senator Omidvar: Always.

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

Hon. Senators: Agreed.

Senator Woo: The reason there is a large Mandarin-speaking community in P.E.I. is because of a large community of Buddhist monks and other immigrants from the mainland. They are responsible for the translation of *Anne of Green Gables* to be exported to China. What could be more civic-minded and in tune with P.E.I. politics than the translation of *Anne of Green Gables*?

Senator Omidvar, notwithstanding the difficulties of people 55 and older in learning languages, you will have to agree that having French or English as one of your working languages helps in participating in the workforce. This would be a particular concern if people who did not speak English and French were unable to participate in the workforce.

Can you tell us what the state of immigrants is in Canada when they do not speak English or French and what their participation is in the workforce?

Senator Omidvar: Thank you, Senator Woo. I agree completely with you, that being able to speak English or French better enhances your opportunities to work. But the National Household Survey of the past census told me a surprising fact. A full 250,000 immigrants are working without English or French. They are working in places where English-language or French-language proficiency is either not required, they are working in ethnically managed industries, or they are working in an occupation where language is not a necessity. To assume that people who don't speak English or French are not contributing to the economy is a mistake.

I will agree with you. It would be so much better if they had more opportunities, and language brings opportunities. Thank you.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Senator Griffin's amendment to Bill C-6, an act to amend the Citizenship Act.

Senator Griffin, I genuinely respect what you had to say yesterday, and I'm hoping, after this all is done, that you and I can work together to improve language training services around our country.

I often go to Quebec, and I see the kind of training that the Quebec government gives to immigrant women, especially refugee women. Not only do they provide training, they provide a wage and babysitting. If your child is sick, they provide someone to look after your child. That's when one can learn.

There are a lot of examples across the country where women can learn English, but it's a slow process. I hope to work with you in the future.

I know that all who immigrate to our great country want to speak English, French or both official languages. They wish to speak with their fellow Canadians.

My grandmother came here at the age of 99 when we were refugees. She was so frustrated. She said to me, "At home, my first relative was my neighbour. I could walk up to my neighbour and knock on their door and ask to borrow sugar." She really wanted to learn English. I buried my grandmother the following year at the age of 100. Unfortunately, she never learned English.

Without language, immigrants cannot communicate with their neighbours, much less borrow that cup of sugar.

When I came to this country 42 years ago, I was in absolute disbelief when I learned that the federal government did not offer lessons to women in either of our official languages. At that time, women were seen as people who were not joining the workforce and would not need to speak English or French.

In response, a few years later, a number of us women joined together across the country and formed a national organization, the Immigrant and Visible Minority Women. We also formed provincial organizations for the express purpose of forcing the federal government to provide language classes to immigrant women.

What was wonderful about this experience — and I often think about it — is that, on the one hand, we were taking on the government; and on the other hand, Minister Crombie from Toronto would teach us how to get organized, how to write letters to the Prime Minister and how to go about getting language lessons for immigrant women.

We were not successful. As a result, we took Prime Minister Mulroney and his government to court. As a result of this court action, English instruction was provided for immigrant women.

Honourable senators, I do know how important it is for Canadians to learn English or French. My mantra at that time was, "How can I borrow sugar from my neighbour if I cannot speak English?"

However, over the years, I have learned that learning a new language becomes difficult when we reach an older age. Honourable senators, I personally know this. You know this as well. Senator Petitclerc very eloquently told us yesterday about how difficult it is to learn languages. Those of us who are trying to be bilingual in the Senate know how hard it is to learn another language.

At a young age, around me, I learned six languages. It wasn't a big deal. That's what we did. But at this age, I can't even learn French fluently. It is not that I don't want to or I'm not able to; it's just not as easy. As a result, my views have shifted. I have learned that beyond even learning French or English, being able to call Canada your home is the most important thing. When you belong to Canada, when it is your home, you want to build your home and see Canada flourish, like any citizen would.

• (1530)

While I always believed that borrowing sugar from my neighbour is important, I now believe that borrowing sugar from your fellow Canadian is even more important. Together we can work to continue building this great country. We all need to belong. We all need to feel that we are Canadians, regardless of the difficulties we may face.

When I questioned Senator Griffin about her amendment, she said that provisions discussing compassionate grounds would cover exceptional cases where immigrants face challenges learning one of our languages.

Honourable senators, as you know, compassionate grounds are not covered by Bill C-6.

Second, humanitarian and compassionate grounds are covered by Senator McCoy's amendment, but that term only applies in instances of revocation for misrepresentation or fraud. Third, the only place where I found compassionate grounds was in subsection 5(3) of the Citizenship Act, whereby the minister can use their discretion to have any citizenship requirement, including language requirements, waived on compassionate grounds.

While it may seem that it covers these exceptional cases, I carefully read the law and policy behind it. It actually shows that this section of the Citizenship Act is very limited in its application. There is considerable evidence to show this.

First, a 2016 policy procedures and guidance memo from Immigration, Refugees and Citizenship Canada actually outlines how compassionate grounds can be used. These grounds focus primarily on extreme cases like those of physical or mental disabilities rather than the circumstances that might be present in a person's life.

For example, a deaf or a mute person would fall under this category. When you apply to have requirements waived on compassionate grounds, it states in this form, which is on the Internet, that the applicant has to provide a medical opinion or an audiology report in the case of people who are entirely deaf.

Honourable senators, the policy here is clear. Compassionate grounds only apply for people who suffer from mental or physical disabilities that make it implausible for a person to learn one of our languages. Even beyond the policy documents, I searched the case law last night to see if there was some definition of "compassionate grounds."

The most recent case that actually touches on this issue is *Kanthasamy v. Canada (Citizenship and Immigration)*, which appeared before the Supreme Court in 2015. While the case does not directly examine section 5(3) of the Citizenship Act, instead looking at the Immigrant and Refugee Protection Act, it does look at how another law interprets the words "compassionate grounds."

Since the term being examined remains the same, the law still applies. In their ruling, the Supreme Court stated that compassionate grounds involve situations where it would impose unusual hardship on an individual or place them in an extreme situation.

Some of the examples the court provided were factors in their country of origin. This includes but is not limited to medical inadequacies, discrimination that does not amount to persecution, harassment or other hardships, health considerations, family violence considerations, and consequences of the separation of relatives.

Honourable senators, once again, even the court sets out very limited scenarios where compassionate grounds can be used. It is only applicable for the most extreme of scenarios where fulfilling a requirement to become a citizen is not plausible for the person in question.

Having looked into the policy and the law, and having searched last night to see if I could find anything else on compassionate grounds, everything I read said compassionate grounds were an unusual situation.

As we studied Bill C-6 before the Standing Senate Committee on Social Affairs, Science and Technology, we heard from witnesses who brought their considerable experience to us.

So I went first to the citizenship site, and I have given you what the citizenship site said. I then went to look at case law, and I have told you what case law said. Then I went to the next source that we were presented with in the committee. Avvy Yao-Yao Go, Clinical Director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, appeared before the Senate committee. Ms. Go is a very respected lawyer, and she has often presented to our committees. She works with immigrants every day and truly understands the issues they face. In particular, she has represented some of the poorest and the most vulnerable immigrants.

Ms. Go articulated how difficult it can be for some of her clients to pass the language requirements and how damaging it can be to not be a citizen.

I believe that her explanation of the plight of one immigrant woman will provide a strong example of how inflexible our current system can be when considering compassionate grounds.

Ms. Go's client came with her husband and had four children here in Canada. Her husband was able to become a citizen because he passed the language requirement. However, due to postpartum depression and minor health issues, it was not as easy for her, and she failed the English test. When that happened, she tried applying on compassionate grounds by submitting a doctor's report to say she had issues with learning English. A citizenship judge accepted her circumstances, but the citizenship department and the Department of Justice appealed that case, believing that the medical report was not enough.

This woman was forced to go see Ms. Go and fight for her Canadian citizenship. This is how Ms. Go describes the case, and I'm quoting her:

> We went to the Federal Court and tried to convince citizenship again, based on the information that we have about her medical issue. The whole thing takes about three years. In the meantime, she is doing her job just like any other woman. She's raising her kids despite her disability. She was trying to work part-time in a restaurant to help support a family and was trying to integrate at the same time. That's why she wanted to become a citizen. It doesn't matter how hard she tried, she was not able to pass the citizenship test.

She then goes on to talk about how damaging this was for the woman, and she goes on to say:

> As I mentioned, she has depression and the sense that she is treated differently from the rest of her family. She feels she is not accepted as part of society, as an equal, which also adds to that depression and anxiety as well.

When Bill C-6 proposes loosening the language restrictions based on age, it considers cases far beyond those considered by compassionate grounds as set out in the Citizenship A-act and as mentioned by Senator Griffin. Bill C-6 considers cases like this of the woman who has worked around the clock for her family while struggling with health issues that made it difficult but not impossible to learn one of our languages. Rather than relying on exceptions like compassionate grounds, we must allow our laws to actively account for cases like the woman that Ms. Go spoke about.

[*Translation*]

Honourable senators, I would now like to speak about my experience with learning French and compare it to the experiences of my children and grandchildren.

My children and my grandson are bilingual. My granddaughter and daughter-in-law soon will be.

The other day, my granddaughter, who is three years old, approached her grandfather with a concern. How will she be able to converse with him if he doesn't speak French?

• (1540)

For my children and grandchildren, learning French is easier because they are young. For my husband and me, it was a very difficult challenge, as it is for all the unilingual people in this

chamber. I learned that, ideally, we would all be bilingual in this place, and we have all tried to learn a second language. This is why I do not support Senator Griffin's amendment, since it is my wish that all women —

[*English*]

May I have five minutes?

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

Senator Jaffer: It is my wish that all women in this country who want to become Canadian citizens are not forgotten simply because of poor language skills in English or French. I believe all of us are able to ask our neighbour for a cup of sugar, and that is important. Every newcomer wants to feel like he or she belongs, and our role as senators is to help make that happen.

[*English*]

Honourable senators, a few weeks ago I was doing a French lesson. My little granddaughter was sitting there. She was listening to me and was learning. That's when she turned around to my husband and said, "You're the only one who's not going to know French." He looked at me and said, "What have you started? At the age of 74, I'm not going to learn French."

What I'm trying to say to you is it's not that people do not want to learn English or French. There comes at a time when you don't have the ability.

To those of you who have doubts whether you should grant citizenship to a woman or a man who's 55, let me tell you, as somebody who is privileged to have been given that citizenship paper, that when you become a citizen, it is a paper of freedom.

When I'm a citizen, I can walk down Sparks Street. I have the same rights. If my boss doesn't treat me right, I can complain and not be sent home. If I have issues in my home, I can walk away and not suffer a violent situation. Most importantly, I can proudly say I am a Canadian.

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

Senator Jaffer: Yes.

Hon. Jane Cordy: Yesterday when I was explaining about the wonderful refugee family that I visited many times and the challenges that the parents were having in learning the language, when I explained to the sponsor of the amendment, she said, "Perhaps because they are trying hard and taking lessons, they could become Canadian citizens on compassionate grounds."

I was jotting notes down while you were speaking. You said that those who could receive citizenship and who don't speak the language, that it's very limited. Section 5(3) I think you said. I'm sure that both you and Senator Omidvar have spent the past 24 hours reading and doing more research on this amendment and also on the bill, so I greatly appreciate the time that you have both spent on this.

You did say that it was very limited, and that all of the research that you had done showed that you could only get compassionate grounds to receive citizenship, if you didn't know the language, because of physical or mental disabilities, and that you would have to have a medical opinion from a doctor and undergo a hearing test. Could you expand on that, please?

Senator Jaffer: I was surprised. I actually admit I felt quite stupid when I asked Senator Griffin the question and she said there were compassionate grounds. I thought, "Oh, my gosh. This is a question you shouldn't ask if you don't know the answer." I was going to go along with what she said, because if there's compassionate grounds, then what's the issue? We can change the age.

When I went back to the office and did research, I found that compassionate grounds only apply if there's a medical or physical disability. As Ms. Go says, she's gone to court and has not succeeded, so compassionate grounds just for medical and physical disability is not really compassionate grounds. There are many other reasons.

Senators, to learn French was hard enough for me, but at least the alphabet is the same kind of alphabet. The first thing I achieved, the first thing I learned, was all the same words that are English and French. That doesn't exist if you come here from the Middle East, China or India. The alphabet is different; everything is different. It takes longer.

When the honourable senator talked about what the compassionate grounds would be — could I just finish two sentences?

The Hon. the Speaker *pro tempore*: Two sentences.

Senator Jaffer: What the person who comes here at the age of 55 brings is they complete the family. If the family is happy, we are happy.

Hon. Victor Oh: Thank you, Senator Omidvar, for your kind words.

Honourable senators, I rise today to speak against the amendment introduced by Senator Griffin to Bill C-6.

The federal government has announced its intention to go back to limiting the language and knowledge requirements to applicants between the ages of 18 to 55. This change is a direct response to the decline in the number of applicants between those aged 55 to 64 in recent years.

Mary-Ann Hubers, Director, Citizenship Program Delivery at Immigration, Refugees and Citizenship Canada, testified at the Standing Senate Committee on Social Affairs, Science and Technology on March 1 and said the following:

> In the last year, the number of individuals aged 55 to 64, the age group you're looking for, was 2,317. That is a drop from previous years. The year before that it was 15,243.

It is also based on the realization that young applicants will learn one of the official languages in and outside of school.

Some have criticized this policy decision, but it is my opinion that it provides a pathway to citizenship for a small but important group. I would argue that this policy does not go far enough because the language and knowledge tests will continue to be burdensome for some applicants, specifically those who are from low-income backgrounds and who have little to no formal education. For refugees and sponsored parents or grandparents, it can be nearly impossible. Women are often negatively impacted because of family responsibilities and a lack of resources that may prevent them from enhancing their language skills. In some cases, permanent residents who have lived in Canada for years may be the only ones in their families who are not able to become citizens. This situation can have an enormous toll on individuals and their families.

We can all agree that it is extremely important to speak an official language and understand the responsibilities and privileges of being a Canadian citizen. However, an inability to meet these requirements does not mean someone is less emotionally committed to Canada or that they are not socially or civically engaged.

• (1550)

For example, many stay informed on current events through their third language media. Additionally, many do not need to communicate at a high level in English or French to work or volunteer.

Some of the obstacles preventing permanent residents from meeting the knowledge and language requirements could be overcome if the federal government makes a few changes. One would be to go back to allowing citizenship officers or judges to interview applicants to determine whether they meet the requirement of language skills. Another would be to increase investment on language training with income and child care subsidies.

The federal government should remove prohibitive barriers preventing applicants from acquiring citizenship. We should not be adding more. I met a group of immigrants regularly at Tim Hortons, and talking with new immigrants, one has become a good friend of mine.

Every morning, once a week, Charlie would go to the counter and come back and say to me, "Senator Oh, large double-double." And I said, "Thank you, Charlie." Charlie has come from a country that is not English speaking, but acquired a Christian name just to make it easier to move around, to mix with the community. I asked Charlie, "What do you do?" Charlie is doing a lot of volunteer work, taking patients to the hospital for cancer treatments, et cetera. I said, "How do you move around?" He said "Senator, GPS."

This is to tell you that my friend Charlie will never become CEO of Bombardier, but he is happily living in Canada.

An Hon. Senator: Question.

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

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore***:** All those in favour, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore***:** All those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore***:** In my opinion the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore***:** Are the whips in agreement as to the length of the bell?

Senator Mitchell: Fifteen minutes.

Senator Wells: Fifteen minutes.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Call in the senators. The vote will be at 4:08.

• (1610)

Motion in amendment agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	Marshall
Beyak	Martin
Boisvenu	McIntyre
Carignan	Mégie
Dagenais	Mockler
Dean	Neufeld
Doyle	Ngo
Duffy	Patterson
Dupuis	Raine

Eaton
Frum
Galvez
Greene
Griffin
Housakos
MacDonald
Maltais
Manning
Runciman
Saint-Germain
Seidman
Smith
Stewart Olsen
Tannas
Tkachuk
Wells—35

NAYS
THE HONOURABLE SENATORS

Bellemare
Boniface
Brazeau
Christmas
Cools
Cordy
Day
Forest
Fraser
Gold
Harder
Hartling
Jaffer
Lankin
Marwah
McPhedran
Mitchell
Moncion
Munson
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Tardif
Wetston
Woo—27

ABSTENTIONS
THE HONOURABLE SENATORS

Cormier
McCoy
Oh—3

Senator Oh: Honourable senators, I rise today to speak at third reading of Bill C-6, An Act to amend the Citizenship Act and to make consequential amendments to another Act.

Let me start by saying that I support adopting a more generous citizenship regime by making changes to provisions dealing with grants of citizenship by naturalization.

These include reducing the amount of time that a permanent resident must be physically present in Canada to apply for citizenship by one full year, crediting permanent residents for time spent in Canada as a temporary resident or protected person for up to one year, eliminating the half-year physical presence requirement, repealing the intent to reside provision and reinstating the previous age range for language and knowledge requirements.

These changes will allow permanent residents to fully integrate into the social, economic and political life of their communities and our country. However, I want to bring to your attention one very important omission that Bill C-6 does not currently address that requires our immediate attention. Certain provisions in the Citizenship Act prevent some minors who are permanent residents from making an application for citizenship for reasons that are outside their control. Citizenship applications for minors under the age of 18 are normally dealt with under section 5(2) of the Citizenship Act. This means that a minor's application is part of a family application and is, as a result, dependent on the parent or guardian's application, unless the parent or guardian is already a citizen.

Making citizenship applications for minors dependent on the application of an adult has serious implications. It leaves some minors with virtually no option but to wait until they turn 18 to apply for citizenship. This category includes unaccompanied minors, meaning those without a parent or guardian in Canada; minors whose family relationships have disintegrated because of neglect or abuse; minors whose parents cannot afford to pay the fees for citizenship applications; minors whose parents do not meet one or more of the requirements to be eligible for citizenship; minors whose parents or legal guardians fail or refuse to help them apply. This situation may arise if the parents are from a country that does not allow having dual citizenship, such as China, Netherlands, Norway, India and Iran.

In theory, citizenship applications for these minors can also be made under section 5(1) if the Minister of Immigration, Refugees and Citizenship uses his or her discretionary authority under subparagraph 5(3)(b)(i) to waive the requirement in paragraph 5(1)(b) that the applicant be 18 years on compassionate grounds.

However, this waiver mechanism is not an effective solution. Minors that may benefit from this discretionary decision may not be aware of its existence because it is hidden in the statute.

Those who learn about it need financial resources to obtain specialized legal assistance and then be able to prove that the waiver is needed because of exceptional personal circumstances. Moreover, it can take between three to four years for this request to be processed.

• (1620)

Justice for Children and Youth, a legal clinic that provides services to minors, criticized the waiver mechanism. In a briefing for the House of Commons committee that studied this bill, the clinic said:

> . . . this humanitarian exemption poses a generally insurmountable barrier for children wishing to access citizenship and is not a reasonable limitation or a satisfactory solution to issues raised by the age requirement provision.

Colleagues, restricting access to Canadian citizenship to children and youth who otherwise meet all requirements punishes our country's most marginalized groups for circumstances that are beyond their control. Highly marginalized minors with a less secure status risk deportation in their adult lives.

A recent case in the news involved a woman in her thirties who arrived in Canada at 8 years old and was placed in the care of child welfare authorities when she was 11. She suffered from the effects of violence and alcoholism in her home and is a survivor of violent sexual abuse. These circumstances played a factor in her conviction and incarceration in 2014. It was not until she was sent to prison that she learned that her social worker, foster families and biological parents had not applied for citizenship on her

:

behalf. She was placed in immigration detention for removal proceedings because her criminal record made her ineligible for permanent residence status.

After months of living in uncertainty and anguish, the former Minister of Immigration, Refugees and Citizenship intervened in her case to restore her permanent residency status on compassionate grounds.

While this case had a favourable outcome, many do not. These situations should not happen at all. While we cannot go back in time to help adults affected by discrimination on the basis of age in the Citizenship Act, we can ensure that eligible minors are given access to Canadian citizenship.

Numerous witnesses submitted briefs and testified in front of the House of Commons and Senate committees studying this bill. All of them drew attention to the consequences of restricting access to citizenship for vulnerable children and youth. These witnesses include the Canadian Council for Refugees, Justice for Children and Youth, the Quebec Bar and UNICEF Canada.

Two amendments ruled admissible at the committee stage in the House of Commons tried to address the current discrimination on the basis of age in the Citizenship Act but did not receive support from Liberal members of Parliament. These amendments were non-partisan, having been introduced by an NDP MP and a Conservative MP.

At this time, there is nothing in Bill C-6 that addresses discrimination on the basis of age in the act.

Article 3 of the Convention on the Rights of the Child, to which Canada is a signatory, requires that the best interests of the child are given primary consideration in all matters directly affecting children, including legislation.

Colleagues, we have a responsibility to protect and support vulnerable children and youth. We also have an opportunity to reaffirm our commitment to ensuring that this legislation prioritizes the best interests of the child.

I therefore plan to introduce an amendment that will ensure equitable access to citizenship for eligible minors who are discriminated against solely on the basis of their age.

The proposed amendment addresses this issue by making the following changes to the Citizenship Act:

It repeals the 18 years of age requirement in section 5(1).

It specifies that the language and knowledge requirements do not apply to minors as is currently intended by Bill C-6.

It ensures consistency with citizenship applications for minors dealt with under section 5(2). It incorporates the same language used in the Citizenship Regulations No. 2, paragraphs 4(a) and (b) in reference to who can apply for a minor and when an application has to be countersigned by the minors to those that will be made under section 5(1).

Note that the proposed amendment aims to allow minors to make applications for citizenship separate from the applications of a parent or guardian. However, an adult will still need to submit the application on their behalf and after the age of 14 the minor will need to sign the application unless he or she is prevented due to mental incapacity.

Finally, it authorizes the minister to waive the requirement that a minor's application must be made by an adult. Therefore, in exceptional cases, a minor will be able to submit an application for himself or herself.

Situations may arise where a minor has absolutely no one. In Ontario, the age range for child protection is 16 and under. Consequently, an unaccompanied or separated minor in the province over the age of 16 may be left without guidance, support and protection. While this is not a perfect solution, further improvements must also be made to protect minors at the provincial level.

I sincerely hope that you support this amendment to give minors a right to apply for Canadian citizenship and the freedom to choose Canada.

MOTION IN AMENDMENT

Hon. Victor Oh: Therefore, honourable senators, in amendment, I move:

That Bill C-6, as amended, be not now read a third time, but that it be further amended in clause 1,

(*a*) on page 1, by replacing lines 4 and 5 with the following:

"1 (0.1) Paragraph 5(1)(b) of the *Citizenship Act* is repealed.

(1) The portion of paragraph 5(1)(c) of the Act before subparagraph (i) is replaced";

(*b*) on page 2

(i) by replacing line 4 with the following:

"**(d)** if 18 years of age or more but less than 55 years of age at the date of his or her ap-",

(ii) by replacing ine 7 with the following:

"**(e)** If 18 years of age or more but less than 55 years of age at the date of his or her ap-"

(iii) by adding after line 26 the following: —

The Hon. the Speaker *pro tempore***:** Senator Griffin's amendment; so when you're talking about (d) if 18 — it should be 60 years, not 55.

. . . if 18 years of age or more but less . . . .

I think you said "55." It should be 60. We just passed Senator Griffin's amendment.

Senator Oh: Thank you. Do I carry on?

The Hon. the Speaker *pro tempore***:** Carry on, please.

• (1630)

Senator Oh: Continuing:

> **(1.04)** . When the application referred to in paragraph (1)(a) is in respect of a minor, it must be
>
> **(a)** made by either parent, by a legal or de facto guardian or by any other person having custody of the minor, whether by virtue of an order of a court of competent jurisdiction, a written agreement or the operation of the law; and
>
> **(b)** countersigned by the minor, if the minor has attained the age of 14 years on or before the day on which the application is made and is not prevented from understanding the significance of the application because of a mental disability.
>
> **(1.05)** If the Minister waives the requirement set out in paragraph (1.04)(a) under subparagraph 3(b)(v), the application referred to paragraph 1(a) may be made by the minor.";
>
> (*c*) on page 3, by replacing lines 2 and 3 with the following:
>
> **"repealing subparagraphs (i) and (iii), by adding 'or' at the end of subparagraph (iv), and by adding the following after subparagraph (iv):**
>
> **(v)** the requirement respecting who may make an application in respect of a minor set out in paragraph (1.04)(a)."; and
>
> (d) on page 6, by adding the following after line 38:
>
> **"17.1 Until the day on which subsection 1(6) comes into force, paragraphs 5(1)(d) and (e) of the** *Citizenship Act* are replaced by the following:
>
> **(d)** if 18 years of age or more but less than 65 years of age at the date of his or her application, has an adequate knowledge of one of the official languages of Canada;
>
> **(e)** if 18 years of age or more but less than 65 years of age at the date of his or her application, demonstrates —

The Hon. the Speaker *pro tempore***:** Senator Oh, we will suspend for a couple of minutes so that we all have the proper copy. Unfortunately, you have the wrong copy, the copy before the amendment, and it read "65" where it is "60."

I think we should suspend so that everyone has the right copy.

Senator Oh: I am sorry; I pulled the wrong copy.

The Hon. the Speaker *pro tempore***:** The pages are now distributing the correct copies, and as soon as they have done that, we will resume with Senator Oh.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

The Hon. the Speaker: Honourable senators, as there has been a slight error in the original text that was being followed, and the corrected text has been distributed, is it your wish that Senator Oh read right from the beginning or finish up with the corrected text, which will show on the record as corrected from where he left off?

An Hon. Senator: Finish it up.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Oh: I stopped on page 2:

> **(1.05)** If the Minister waives the requirement set out in paragraph (1.04)(a) under subparagraph(3)(b)(v), the application referred to paragraph(1)(a) may be made by the minor.";
>
> (*c*) on page 3, by replacing lines 2 and 3 with the following:
>
> **"repealing subparagraphs (i) and (iii), by adding 'or' at the end of subparagraph (iv), and by adding the following after subparagraph (iv):**
>
> **(v)** the requirement respecting who may make an application in respect of a minor set out in paragraph (1.04)(a)."; and
>
> (*d*) on page 6, by adding the following after line 38:
>
> **"17.1 Until the day on which subsection 1(6) comes into force, paragraphs 5(1)(d) and (e) of the** *Citizenship Act* are replaced by the following:
>
> **(d)** if 18 years of age or more but less than 65 years of age at the date of 60 years of age at the date of his or her application, has an adequate knowledge of one of the official languages of Canada;

• (1640)

> **(e)** if 18 years of age or more but less than 65 years of age at the date of his or her application, demonstrates in one of the official languages of Canada that he or she has an adequate knowledge of Canada and of the responsibilities and privileges of citizenship; and".

The Hon. the Speaker: In amendment it was moved by the Honourable Senator Oh, seconded by the Honourable Senator Dagenais:

> That Bill C-6, as amended, be not now read a third time but that it further be amended in clause one —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: We're on debate. Did anybody wish to join debate?

An Hon. Senator: Question.

Hon. Kim Pate: Senator Oh, would you accept a question?

Senator Oh: Yes.

The Hon. the Speaker: Senator Oh, if you wish to take a question, you will have to ask for more time. Are you asking for five minutes?

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Pate: Thank you, Senator Oh, and thank you very much for referring to a case that, as we had an opportunity to discuss, I'm very familiar with. I very much appreciate the tenor of your recommendations and your amendment.

The woman who you spoke about however, Fliss Cramman, would not have benefited from this particular amendment. I rise to ask whether you would consider a further amendment to your provision which would allow for individuals who are taken into the care of the state and who don't know — most of those children actually don't know that they are not citizens often until they are adults, as was the case of Ms. Fliss Cramman, who did not know until correctional authorities inquired about her immigration status. It was at that stage that she discovered the state — she was taken into the care of the state, namely the province of Ontario — who had become her de facto parent, did not apply for citizenship status in her place. Therefore, she was not able to apply for citizenship status at that time because she was then deemed ineligible because of the charges against her.

I would ask whether you would consider a friendly amendment. I would work as quickly as possible to propose that to you at the next sitting.

Senator Oh: Senator, that's a good question. I would be happy to work with you on a further amendment.

Hon. Yuen Pau Woo: Would Senator Oh take a question, please?

First, thank you for this amendment and thank you for sharing it with us in advance so we had some chance to reflect on it, albeit not for very long.

There's a symmetry, of course, between your amendment and the amendment we just passed by Senator Griffin, but the major difference, of course, is that in the case of the age limit for language requirement we can only get older; we cannot get younger. In your case, however, there is the inevitability of a person who is not yet 18 eventually turning 18, unless some grave misfortune befalls him or her.

You were referring, of course, to landed immigrants or permanent residents under the age of 18 who are then given the right to apply for citizenship. My question is to ask you to help us to understand what additional privileges or protections would be provided to a landed immigrant under the age of 18 by getting citizenship, which that person does not already have as a landed immigrant. The one that I can think of, of course, is the right to vote. However, as we all know, the right to vote comes at the age of 18, which is to say that the incremental benefit of getting citizenship prior to the age of 18 is not even available to that person because that person has not reached the age of maturity.

At the same time, it would seem to me that that person has all of the rights and privileges of a landed immigrant already in Canada and, therefore, does not have grave or adverse circumstances by not applying for citizenship and waiting a few years for the eligibility to do so. Please elucidate us, senator.

Senator Oh: Thank you, senator, for the question.

My concern is mostly for the young people who have been here and who are spending most of their whole life or a longer period in Canada. As with the case that was mentioned earlier, it was the guardian, or the family who adopted her, or the child care authority that did not apply for her citizenship and she ended up with a problem in that she had to be deported. Recently, we heard about the case of a 60-year-old man who was deported back to The Netherlands — someone who was here their whole life and had a right to apply for citizenship during that time but was unaware; no one was helping him. Imagine spending your whole life in Canada and then having to be deported back to a country when all your friends are here; your contribution is here in this country.

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

Hon. Linda Frum: I have a question for Senator Oh.

The Hon. the Speaker: Senator Oh, are you asking for more time to answer another question?

Senator Oh: Yes.

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

Hon. Senators: Agreed.

Senator Frum: Senator Oh, you presented an amendment that I believe we all agree addresses something that we do not want to see happen, namely, that minors are unfairly penalized for circumstances that are outside of their control. We are speaking of vulnerable, unaccompanied minors who have, perhaps, been in foster care and must wait until they are 18 to apply for citizenship. However, I understand that similar amendments were attempted at the House of Commons during committee hearings there.

Can you tell us how your amendment is different from the amendments that were proposed at the House of Commons? I think it's really important we understand the difference between those amendments and the one you have just presented.

Senator Oh: Thank you, senator, for the great question.

Two amendments were introduced at the House of Commons during committee stage. Both were deemed admissible. Both tried to address this issue but adopted different approaches.

An NDP MP and a Conservative MP were involved. One tried to amend section 5(1) of the act but he used broad language as to what minors would be able to apply and did not address concerns related to minors applying on their own. The other tried to amend the current section for a citizenship application for minors. It also did not require that an adult continue to submit a minor's application.

The amendment that I am proposing will allow minors to apply for citizenship independent of their parents' application, following the regulations used for applications for minors under section 5(2) of the act. It is made clear that an adult will still need to sign a minor's application in order to submit it. However, the difference is that now the applications for minors are submitted as part of their family's application. Under the proposed amendments, applications for citizenship for minors can be submitted separately without depending on an adult's application.

The proposed amendment is in the best interests of a child because a child does not have a secured status and if they get into trouble with the law, currently minors can be deported in their early adult years, despite spending the majority of their lives in Canada.

• (1650)

So I ask senators to look into this seriously.

(On motion of Senator Jaffer, debate adjourned.)

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE MR. PATRICK BORBEY, PRESIDENT OF THE PUBLIC SERVICE COMMISSION, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of April 4, 2017, moved:

> That, at the end of Question Period on Tuesday, April 11, 2017, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission; and
>
> That the Committee of the Whole report to the Senate no later than one hour after it begins.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON APRIL 11, 2017

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of April 5, 2017, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, April 11, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. today, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. today, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. today, the sitting be suspended until that time for the purpose of holding Question Period.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ADJOURNMENT

MOTION 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(g), I move:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 11, 2017, at 2 p.m.

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

An Hon. Senator: No, on division.

The Hon. the Speaker: On division.

(Motion agreed to, on division.)

[*Translation*]

CANADA EVIDENCE ACT CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Claude Carignan moved third reading of Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources), as amended.

He said: Honourable senators, I apologize for addressing you at the end of the day, but given the importance of Bill S-231 and the issues it raises, I would like to share my position on this bill.

I would like to begin by thanking the members of the Standing Senate Committee on Legal and Constitutional Affairs for their excellent work and for supporting this important bill. In particular, I appreciate the contribution of Senator Pratte, who critiqued the bill throughout the study. I would also like to thank Senator Joyal for his significant contribution and for replacing Senator Baker yesterday.

I would like to remind everyone why Bill S-231 is so important. Here is how Éric Trottier of the Canadian Media Coalition, an association of major Canadian media outlets, put it:

> The current legislative framework is outdated. The proof of that is clear: warrants to put our journalists under surveillance can be obtained as they are investigating matters that do not constitute criminal acts, let alone serious ones. Nor do investigators have to justify violating the confidential nature of journalists' sources. Without guarantees against police intrusion, the protections provided by the Supreme Court mean nothing. So redressing the balance between police forces and the media is as necessary as it is urgent. The measures proposed in the bill re-establish this balance by tightening the procedure needed to obtain a surveillance warrant. . . .

Honourable senators, for the sake of the public interest, we must strike a balance between police investigative powers and protecting sources acting in the public interest and in everyone's interest.

Let me explain why Bill S-231 is so important.

I agree with the report adopted yesterday, which included all of the amendments proposed and adopted during the committee's study. The amendments seek to restore that important balance between investigative powers and protection of sources.

As you know, freedom of the press is one of our fundamental values in Canada. It is enshrined in the Canadian Charter of Rights and Freedoms. Our role in the Senate is to ensure that our laws are consistent with the Constitution, and to uphold the democratic values and rights and freedoms of all. It is also our role to set safeguards. Off-loading that responsibility to the courts might cause these violations of the freedom of the press to endure for several more years.

Honourable senators, recent events give us cause for concern for this freedom of the press that is fundamental to our democracy. Freedom of the press and journalistic sources go hand in hand. Journalistic sources are essential to investigative journalism. Michael Cooke of the *Toronto Star* told us, and I quote:

> Often if the story is important enough to the public interest, we get a public inquiry, or we get a criminal probe, or we get a change of our law. Sometimes we get all three, which is a glorious trifecta demonstrating the value of our free press.

Bill S-231 seeks to protect the confidentiality of journalistic sources, also known as whistle-blowers. It enshrines in Canadian law, for the first time in history, a class privilege, that of guaranteed anonymity of a journalistic source. This type of legislation already exists in several countries around the world. The Fédération professionnelle des journalistes du Québec was quite clear; according to the largest organization of journalists in the country, Canada is lagging behind when it comes to protecting sources.

Journalistic sources are necessary for holding government to account to the public. Without them, historic scandals such as "Shawinigate" or the sponsorship scandal would have never seen the light of day. Journalistic sources disclose irregularities, fraud, or misuse of public funds at great risk. If their identity is revealed, they are vulnerable to threats, exclusion, disciplinary action, intimidation, job loss, and in some cases physical retaliation and even death threats. Hence the importance of not only a bond of trust between the journalist and source, but also of a legal framework to put safeguards in place.

Investigative journalism is based on a relationship that is founded on the trust of the sources. Society as a whole suffers when the relationship between journalists and their sources is threatened, because we depend on sources if we are to shed light on issues of great public importance.

I introduced Bill S-231 in response to disturbing revelations that the Montreal police service and the Sûreté du Québec allegedly placed numerous journalists under surveillance. The police apparently obtained warrants giving access to journalists' cellphone and geolocation data. Following these disturbing revelations, a number of journalists told us in committee that their sources were panicking and no longer wanted to cooperate, or were changing their methods of contact to better protect themselves.

In recent days, we have also learned that devices for tracking our own cellphones had been set up around Parliament Hill, making it possible to intercept our communications and text messages.

It seems that Public Safety Canada is investigating this illegal interception and who is responsible for installing these catcher devices. How far do we have to tolerate these intrusions into our telephone communications and text messages? We certainly need to draw the line when our democratic institutions are concerned. The media is one of those institutions and needs special protection.

• (1700)

If we want to guarantee freedom of the press, honourable senators, it is our duty to take action. This bill has received considerable support from members of the essential institution that is the media and freedom of the press. *La Presse*, CBC/Radio-Canada, *The Globe and Mail*, *The Toronto Star*, and journalism associations support this bill without reservation.

I would now like to address some of its important elements.

Concerning the Canada Evidence Act, first, Bill S-231 defines journalist and journalistic source. The new version of the subclause, proposed by Senator Pratte, tightens the definition of what a journalist is by requiring that two criteria be met: main occupation and for consideration. This addresses a concern expressed by police about how the provisions would be enforced, from a practical perspective.

As Senator Pratte said, the amendment is intended to limit the definition of journalist to persons whose main occupation is journalism, if it is a paid occupation. This will provide the police with a more precise definition. That will enable them to enforce the new legislation more easily than under the former definition, which was broader and harder to interpret.

Only professional journalists would be covered by this legislation. We made this compromise in order to address police concerns. This is a significant compromise and a reasonable balance, seeking to reconcile the interests of the police, who want to investigate, and journalists, who want to be able to do their work without jeopardizing their sources' safety.

In short, with these amendments, we have tried to strike a fair and reasonable balance between the investigative power of the police and the search for the truth by protecting journalistic sources. We have done it with the fact in mind that Canada is one of the rare democracies in the world that does not have this kind of legislative protection. Without clear legislation, both police and judges are left to the vagaries of the case law. A case by case approach is not desirable in relation to the investigative powers of the police. Relying on the case law, in the increasingly complex world of communications and at a time when the profession of journalist is in a state of change, is not acceptable, and would mean tolerating violations for several years to come. It would amount to off-loading onto the courts our primary responsibility to protect our public institutions.

In proposed subsection 39.1(3), the bill also provides that a journalist may object to the disclosure of information or a document before a court, person or body with the authority to compel. The objection may be made on the grounds that the information or document identifies or is likely to identify a journalistic source.

Proposed subsection 39.1(7) provides that the court or body may authorize the disclosure of information or a document only if the court considers that the information or document cannot be obtained by any other reasonable means, and the public interest in the administration of justice outweighs the public interest in preserving the confidentiality of the journalistic source. There are therefore exceptional, grave and serious situations where the public interest will dictate that the protection must be lifted and the source's identity disclosed. In other cases, the public interest will dictate that anonymity must be maintained.

The court or body must have regard, first, to the essential role of the information or document; second, to freedom of the press; and third, to the impact of disclosure on the journalistic source and the journalist. Bill S-231 thus codifies the criteria that have already been established in decisions of the Supreme Court.

Proposed subsection 39.1(8) places the burden of proof on the person who requests disclosure.

With respect to the Criminal Code, section 3 governs the judicial process relating to the warrant, search warrant, and order. As you now know, the new version of subsection 488.01(3.1) gives the judge discretion, on the judge's own motion, to appoint a special advocate — what is commonly called an *amicus curiae*. The special advocate would present observations when the application was made for the warrant, but only when a judge considered it to be necessary. That amendment was requested by a large proportion of the committee members, in response to an amendment proposed by witnesses.

To quote the Canadian Media Coalition, a special advocate could, and I quote:

> . . . after reviewing the disclosure, make the necessary representations to the judge. This exercise would allow the judge to get a fuller picture of the situation and to benefit from the special enlightenment provided by a lawyer who is experienced in this particular field of the law.

In short, this amendment would give the judge a better picture of the situation and access to expertise in journalism, which would help him or her understand what journalists are within their rights to do or not do.

[*English*]

In the words of one of the important witnesses, Ms. Jennifer McGuire, General Manager and Editor in Chief of CBC News, an amicus curiae "could, after reviewing the disclosure, make the necessary representations to the judge. By accepting our suggestions, you can strike a better balance in achieving the core promise of this draft bill, protecting journalistic sources, while giving police the tools they need to do their jobs."

[*Translation*]

Senators, the amicus curiae will constitute an additional way of maintaining the investigative powers of the police.

In addition to that, the bill also narrows the definition of "journalist" in order to prevent the police from dealing with uncertainty when seeking and enforcing warrants.

Under proposed subsection 488.01(2), a search warrant, an authorization or an order relating to a journalistic source may be issued only by a judge of a superior court of criminal jurisdiction or by a judge within the meaning of section 552. That includes judges of the criminal division of the Court of Quebec.

This change increases the requirements for ruling on an issue as basic as the authorization of a search warrant. A search warrant, an authorization or an order may be issued only if, in addition to the required conditions, the judge is satisfied that:

> (a) there is no other way by which the desired information can reasonably be obtained;
>
> (b) the public interest in the investigation and prosecution of a criminal offence outweighs the journalist's right to privacy in the process.

These criteria weigh heavily and will ensure that, just because one is a journalist doesn't mean he or she is above the law.

Under new subsection 488.02(1), once the investigation is complete, all information obtained pursuant to a warrant, authorization or order is to be sealed by the court, and no one is to have access to it without authorization from the judge.

An officer who asks to examine or make copies of any documents that have been sealed must give the journalist and relevant media outlet notice of his or her intention under subsection 488.02(2). The journalist and relevant media outlet has 10 days to oppose the request for disclosure from an officer on the grounds that the document identifies or is likely to identity a journalistic source.

The judge may order the disclosure of a document only if he or she is satisfied that there is no other way by which the information can reasonably be obtained. Furthermore, the public interest must take precedence over the right of journalists to confidentiality. It is incumbent upon the Crown to convince the court that the information is vital to an investigation under way.

• (1710)

Journalists and their sources benefitted somewhat from the ruling in the *Globe and Mail* case. Today, with Bill S-231, their rights will be strengthened by legislation.

The confidential relationship between journalists and their anonymous sources must have a certain form of legal protection.

[*English*]

Confidential sources are key to the "responsible performance of the media's role" and "ought to be protected," said Justice Abella in the *National Post* decision.

[*Translation*]

We are trying to strike a fair and reasonable balance between the investigative powers of police and the search for truth made possible by protecting journalistic sources. We should bear in mind that Canada is one of the few democracies that does not have legislation in this regard.

Without clear legislation, the police and judges are working in a grey area. Is the case-by-case approach advisable for the investigative powers of police? The answer is definitely no. Relying on case law in a world where communications are increasingly complex and the profession of journalism is quickly changing is not acceptable.

Police officers told us that we do not need this legislation. I beg to differ.

Mr. Trottier, associate editor and vice-president, Information, of *La Presse* and member of the Canadian Media Coalition, was very clear on the existence of such abuses by police forces. He said:

> Let me remind you that CSIS cannot commit to saying that there has not been or will not be one. . . . Clearly, with the technology available to us, ambitious investigators would be foolish not to use all the means at their disposal. The intent of the bill is to stand in the way of this fine ambition of some of our police officers.

I am certain that Bill S-231, as amended, will strike a fair balance between the public interest in knowing the truth and the public interest in protecting journalistic sources that is essential to public discourse, democracy, and the accountability of an organization or government. The warrant, authorization or order may contain any conditions that the judge considers appropriate to protect the confidentiality of sources and limit the disruption of journalistic activities.

[*English*]

The RCMP and CSIS were invited to testify. However, they declined. Moreover, the Department of Justice provided us with a position on the bill, so I will be discussing with our colleague

Senator Pratte the possibility of an amendment to clarify certain decisions.

[*Translation*]

This bill carries historic weight. For the first time in the history of Parliament, legislation recognizing protection of the confidential relationship between a journalist and their source may become law. For all these fundamental reasons, I urge you, honourable senators, to support Bill S-231. Thank you.

(On motion of Senator Pratte, debate adjourned.)

[*English*]

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Petitclerc, for the third reading of Bill C-210, An Act to amend the National Anthem Act (gender).

Hon. David Wells: Honourable senators, I rise today to speak again on Bill C-210, An Act to amend the National Anthem Act (gender). I want to thank the Honourable senators who have added their voices and their views to the debate on this topic. While I do not agree with all of the points that have been raised, I want to acknowledge all of the passion and patriotism that has contributed to our deliberations.

Today, I am reminded of the quote by Roberta Jamieson, President and CEO of Indspire, the indigenous-led charity, who said:

> We have become a country that is willing to embrace its past and to act to build a future together.

That should be our goal as we move forward, not just on this debate, but on all our discussions in this chamber.

I do not wish to repeat all of my arguments from second reading, but I would like to note that none of the debate that followed my remarks has in any way diminished the validity of the case that I made at that time: namely, that we have an obligation to protect and preserve our traditions and that we should hold dear the symbols that define us as Canadians, including our flag and our national anthem.

We are all proud Canadians in this chamber.

> Whether we say it in French with a Saguenay accent or in English with an accent from Newfoundland, and wherever we came from or wherever we live, we all share the most precious heritage that can be given to humankind — our Canadian citizenship.

That, colleagues, was a quote from Kim Campbell, Canada's first female Prime Minister.

We also share a common path that led us here, that is paved with our openness to the world and our pride in our customs and traditions. We must wave them as proudly as we wave our Maple Leaf. And yes, we must hold on to some things, as well.

So, holding on and holding fast is something that is more important and truer than ever, as the winds of political change and turmoil reverberate around the world. Canada does need to stand proud, glorious and free. We can write a new story together for the future, but we cannot rewrite our history. That brings me to some of the points that several honourable senators have made, some in response to arguments that I have put forward.

First of all, with regard to my colleague, Senator Lankin, I am glad that you appreciate the "wisdom in my words" when it comes to the fact that while the proposed change is minor, its impact is not. I, too, care for the youth of this country, and I want them to feel involved and included in our society. But I would gently suggest that teaching them the actual history of our country is more important and valuable than making a text adjustment to our national anthem.

I also notice that, with regard to our collective Canadian history, several of my honourable colleagues have made note of our country's one hundred and fiftieth birthday. Surely, that is more reason to hold onto our traditions than change them. We celebrate our history and our ancestors by remembering our stories and re-telling them to our young people. They will write the new chapters; that will be their job. Ours is to protect the traditions that we already have.

As we talk about Canada's glorious history during this special year, I also want to talk a little about the history of my home province, Newfoundland and Labrador. In particular, I want to note one period before we joined this great Confederation.

One of our saddest moments as a province was during the First World War and the beginning of the Battle of the Somme. On one day, July 1, 1916, the Newfoundland Regiment, later to become the Royal Newfoundland Regiment, made a tragic advance at Beaumont Hamel, in France. On that one day, the regiment was almost completely wiped out. When the roll call was taken the next morning, only 68 men answered their names. Three hundred and twenty-four were killed, or missing and presumed dead, and 386 were wounded. It is no understatement to say that:

> The events of that day were forever seared into the cultural memory of the Newfoundland and Labrador people.

Each year at home, on July 1, in Newfoundland and Labrador, we hold two events. First, in St. John's and across the province, we stop and remember those brave men who fought and suffered and the many who died on our behalf. Then, later in the day, we celebrate Canada's birthday. Each is part of our past, our present and what we carry forward into the future.

The reason I raise Beaumont Hamel today is to remind us all that tremendous sacrifices have been made to get us to this place today, and to note that in our history, at that time, only men

served in the armed forces and in the Newfoundland Regiment. That is not taking anything away from the role that women played in supporting the war effort and other endeavours, but we cannot change that fact of history.

One of the many tributes paid to the families all over the province who lost sons, husbands, fathers, and brothers at Beaumont Hamel came from Sir Douglas Haig, Commander-in-Chief of the British Forces. He said at that time:

> Newfoundland may well feel proud of her sons. The heroism and devotion to duty they displayed on the first July has never been surpassed.

That is from the *Evening Telegram* newspaper on July 21, 1916.

We must never forget them, and in Newfoundland and Labrador we never will. We must honour their story and our history just as much. We are a part of where we have come from.

• (1720)

On a lighter note and coming back to today, it is true that we no longer use some gender-specific terms to describe some occupations. In Newfoundland and Labrador, some have come to say "harvesters" instead of "fishermen." That doesn't mean that we change our history or our customs or the names of our songs we have grown up with to meet the times.

We have a folk song in Newfoundland and Labrador called "Jack Was Every Inch a Sailor." So yes, in that song, the main character was every inch a sailor, which is an occupational term, but we don't change his name to Jill because we might say, "It's 2017." By the way, he was also a whaler, which is not a completely politically correct term, given our debate on Bill S-203, the whales and dolphins bill.

Yet, we — women and men, girls and boys of Newfoundland and Labrador — proudly sing "Jack Was Every Inch a Sailor," although I can assure honourable senators I have no intention to do so today. Okay, I may.

As I move nearer to the end of my remarks on this legislation, I would like to make a couple closing points. First of all, some people are claiming this legislation is a tribute to a former parliamentarian. I respect that view, but absolutely disagree with using public policy as any form of individual award or act of remembrance. Secondly, I have heard others claim that because this proposed act was put forward as a private member's bill it somehow is an act of independence to support it. I would remind honourable senators that independence also applies to how we vote in this chamber, especially these days. On this particular piece of legislation, there are no party lines, only our conscience.

I also want to talk about change, beginning with the remarks by Senator Cools in questioning Senator Lankin when she spoke on this legislation. Senator Lankin said that she believed that the language of "O Canada" should be changed for a number of reasons, all of which are valid to her, and I respect that. Senator Lankin used that argument to try and strengthen her view that many — she suggests a majority; I suggest otherwise — are clamouring for this change, and the intent of Parliament has been to consider changes.

I agree that the intent of many parliamentarians, especially in the other place, is to propose change. It is also a fact that we, in this glorious Senate, are a counterbalance to rash or incoherent change. We are the place of sober and considered second thought. We are also the holders of our history, customs and traditions.

Finally, I am not resistant or opposed to change. As Benjamin Disraeli once said, "Change is inevitable . . . . Change is constant." But I want any change to be for the better. Any change that takes something away that we cherish, love and celebrate is a mistake. I want to keep what we have and build on it for the future.

By all means, let us accept change as natural and evolving and something that will always be kept with us. But we should not be swayed by those who would limit our speech by what they deem to be politically correct, especially if it alters the accepted and acceptable customs of today and does not respect the traditions of our past.

If we were to start over today, there would no doubt be many things we would do differently. But we do not operate in a vacuum, without a past, as we continue our course for the future. We must make sure to take along with us on that journey the things and traditions that have served us well so far and will continue to do so.

The great Canadian historian Desmond Morris said the following:

> A cautious people learns from its past; a sensible people can face its future. Canadians, on the whole, are both.

I ask you to protect our past and move forward together into our future by rejecting this proposed change.

Hon. André Pratte: Honourable senators, it is getting late. I promise I will speak for much less than 15 minutes. I also promise, as Senator Wells did, that I will not sing.

[*Translation*]

I did not plan on speaking to this bill. I felt as though if I were to do so, I would be somewhat of an imposter, because the "O Canada" in Bill C-210 is not the "O Canada" I have been singing since I was a child. The tune is the same, of course, and they both celebrate the same country, but the lyrics and the language are different, except on some occasions, such as at Montreal Canadiens hockey games, where we sing the bilingual version of the national anthem.

I listened carefully to the excellent speeches given by the bill's advocates and opponents, and I gradually realized that I could not stay out of the debate, that it was, in spite of everything, my debate as much as it is the anglophone senators' debate, since it revolves around my country. In any case, I had a duty to learn more about it and reflect on it, since I would be called to vote on it.

Like all of you, I have a dilemma. On the one hand, of course I support gender equality and support women's full participation in society. Senator Nancy Ruth said, and I quote:

> "Thy sons" fails to reflect the role of "thy daughters" in events that shaped Canada. This part of the existing lyrics also precludes members of our population from fully identifying with the sentiments our anthem was written to ignite in the human heart.

Even though we have heard that we shouldn't take "thy sons" literally, that, at the time it was written, those words were likely meant to include women, the fact remains that the words do have meaning. Writers do not choose words arbitrarily. Words have a very powerful symbolic meaning, as the history of humanity has shown on many occasions, for better or for worse.

[*English*]

Senator Nancy Ruth said:

> Replacing words that suggest bias to some people with words that engage and acknowledge all Canadian citizens equally . . . far outweighs any excuse not to.
>
> Language and words are powerful.

Words can hurt, discriminate, exclude; but they can also heal wounds, unite and welcome.

Senator Omidvar said:

> Inclusion is about lending visibility to our diversity. Inclusive language is a significant step in this direction.

That is one side of the argument, and I wholeheartedly agree.

Nonetheless, I am fully convinced that traditions — and "O Canada" is certainly one of them — must be respected. As Senator Wells said at second reading:

> Traditions are important because they remind us who we are and where we have come from.

He continued:

> We can change a lot of things about ourselves, but we cannot change our traditions, because then we would lose something — a vital part of ourselves.

I am an adversary of political correctness. I consider it the murderer of thought, and its cousin, historical correctness. Barring a few exceptional cases, I am opposed, for instance, to the renaming of streets, parks and buildings that have been named after historical figures, simply because these individuals are now controversial or because it has come to light that they have made mistakes, even serious ones. History is rarely black and white, though we tend to look at it that way through our lens of certainty. These names of historical figures must not be obliterated; they can be reminders of a complex past, nuanced by shades of grey, and they can serve as lessons for the future.

So if you ask me whether the lyrics of our national anthem should remain unchanged, spontaneously, I would say yes. That is certainly the case for the French lyrics, even though they no longer reflect the secular and pacifist nature of most of today's francophone Canadians.

Faced with this dilemma — inclusion on one side, respect for tradition on the other — what should we do?

In my opinion, the answer lies in the fact that not all traditions take on the same importance as a foundation of our nation. Some do not fare well over time and eventually sink into oblivion. Others must be updated in order to live on and avoid suffering the same fate.

But the most important traditions, those closest to the heart of the people, will weather any storm, no matter how fierce. Allow me to quote another honourable senator:

> Do not forget that confidence in the future is built upon a knowledge and an appreciation of the past. And do not forget that the best way to generate a feeling of patriotism and pride in our country is to recall the glorious events of history.

These words were spoken by Senator James Gladstone on December 17, 1964, in opposition to replacing the Red Ensign with the maple leaf flag, a proposal that was very controversial at the time. The arguments against a new flag were very similar to those used today to oppose changes to the lyrics of "O Canada."

Canada had had the same flag for decades. It was a strong symbol of the country, dear to millions of Canadians, so why change it? What other changes would ensue? What disastrous consequences would this change have for the unity of the country?

• (1730)

We all know the outcome. Canadians enthusiastically adopted the Maple Leaf flag. Simply put, it was an idea whose time had come.

It did not mean that Canadians were willing to sweep away all of their traditions. They remained attached to the monarchy, for example, but the Red Ensign had had its day. Not all traditions are equal in people's hearts, and while the national anthem "O Canada" is certainly part of our traditions, it does not mean that every word is equally important in our collective psyche.

As several honourable senators have pointed out, like in "all thy sons command," other "O Canada" lyrics are equally out of step with what Canadian society has become. Yet, I am certain that Canadians would flat-out refuse to rewrite "O Canada, Our home and native land," or "God keep our land glorious and free," unless we find an alternative which, like the one proposed in Bill C-210, goes unnoticed and does not change the general theme of the lyrics that are sung.

But what could easily replace "native land"? Harder still, "God"? In my opinion, the fact that the bill proposes a change that does not impact the tradition of our national anthem explains why the public has been relatively indifferent.

Usually Canadians respond when any attempt is made to tamper with tradition. Social media goes abuzz, our inboxes overflow and protests and petitions multiply. Yet this time there was relatively little reaction.

Some have said that we're headed down a slippery slope, but I don't think that's the case. Replacing "thy sons" with "of us" does not mean we would be tossing away an important piece of our history and tradition all in the name of political correctness, as suggested by Senator Wells, for whom I must say I have the utmost respect.

Quoting Agnes Macphail, Senator Wells urged us as Canadians to be radical in our own way, that is, to be radical in a way that is in harmony with our national traditions and ideals. I think that is exactly what is at issue here. Bill C-210 proposes a minor change to gently brush away the cobwebs from a small piece of a great tradition. This tradition will henceforth also celebrate the millions of Canadian women who have shaped our country's history and will open its arms to the Canadian women who are shaping our present. What is more Canadian than this change, at once tiny and radical?

Senators Cools, Eaton, Fraser, MacDonald and Wells are right to remind us so convincingly that we must preserve our traditions and our history. I will stand by them as they lead that fight.

However, I will be voting in favour of Bill C-210 because, in that instance, it is not a matter of protecting our traditions; it is a matter of safeguarding our future. A tradition that fails to speak to all Canadians and to the new generations could lead to apathy. Millions of Canadians should not be singing the third verse of "O Canada" with a sense of indifference, sadness or, worse, resentment.

We have an opportunity to modernize our national anthem without distorting it. Such opportunities are rare because these issues are very sensitive. We must seize this opportunity and change the lyrics so that "Our home and native land, True patriot love in all of us command."

(On motion of Senator Bellemare, for Senator Harder, debate adjourned.)

CANADA PROMPT PAYMENT BILL

TWELFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-224, An Act respecting payments made under construction contracts, with amendments), presented in the Senate on April 4, 2017.

Hon. David Tkachuk moved the adoption of the report.

He said: Honourable senators, the twelfth report concerns Bill S-224, which is an act representing payments made under construction contracts and considered by the Banking, Trade and Commerce Committee, but there were a number of amendments that were made on that report, some 13 of them, so I will go through a quick explanation of each amendment. It shouldn't take me too long.

If you want to follow, you just have to get a copy of the bill here and I'll try to name the amendment.

It's under clause 3, the definition of "milestone."

This amendment clarified that a milestone may be either the completion of a specified portion of construction work or the expiration of a specified period of time when the period of time is greater than one month. The amendment also clarifies that a milestone is linked to a submission of a payment application in the construction contract.

Clause 3, definition of "payment application," the amendment clarifies that a payment application is strictly the one provided for in the construction contract.

Clause 7(3), the amendment allows for only one point from which to count the 20 days for payment to be made, namely, the approval or certification of the contractor's payment obligation.

And clause 8(1), the amendment clarifies that final payment is to be made on the earlier of the date provided in the construction contract or 20 days following approval or certification of the payment application.

Clause 9(3), the amendment changes the time period for payments from 30 to 23 days and allows for only one point from which to count those 23 days, namely, the approval or certification of the subcontractor's payment application.

Clause 10(1), the amendment clarifies that final payment is to be made on the earlier of the date provided in the construction contract or 30 days following approval or certification of the payment application.

Clause 11(1), the amendment clarifies that milestone payments in a construction contract with or among subcontractors are to be made at intervals no less frequent than those provided for in the construction contract between the government institution and the contractor.

Clause 16(1), the amendment provides that the payment application from a subcontractor is deemed approved or certified 20 days after its receipt.

Clause 17(1) to (3), the amendment to subclause 1 clarifies that the notice that the pay is required to give on default is a condition for the suspension of work under the contract, and the amendment in subclause (2) links the authority to suspend performance of the work to a failure to pay in accordance with the decision of the adjudicator made under section 20 within seven days or any other time period ordered by the adjudicator.

The amendment in subclause (3) makes the authority to suspend payment conditional on the pay having commenced and diligently continued adjudication.

Clause 18(1), the amendment ensures that the interest that may be charged on overdue amounts is the higher of the rate established in the contract and the rate prescribed by regulation.

Clause 19, the amendment in subclause 1 links the authority to terminate a construction contract to a failure to pay in accordance with a decision of the adjudicator made under clause 20, and the amendment in subclause (3) and (4) changes the time within which payment is to be made to 14 days.

And clause 20(3), new subclause (4.1), (4.2) and (4.3), and clause 20(6), a new subclause (6.1), the amendment and subclause (4.1) to (4.3) set out timelines and minimum requirements for the adjudication process. The amendment in subclause (6) ensures that the adjudicator's decision remains binding until the matter is fully determined by legal proceedings, arbitration or the agreement of the parties.

• (1740)

The amendment in subclause 6 required that the matter in subsection 6(1), formerly part of subsection 6, be dealt with in a separate subsection.

And there's a new section, 22.1, on holdbacks. This amendment adds a provision to the bill allowing the construction contractor to provide for the retention of holdbacks by a payer as long as the holdbacks in the contract, with or among subcontractors, do not exceed the holdbacks provided for in the contract between the government institution and the contractor.

If you think your eyes were glazing over over that, we defeated 15 amendments which, if they had passed, would have also been in this report. With that, thank you, honourable senators.

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

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I would like to take the adjournment of the debate under the name of Senator Grant Mitchell.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

The Hon. the Speaker: On division.

(On motion of Senator Bellemare, for Senator Mitchell, debate adjourned, on division.)

CONVEYANCE PRESENTATION AND REPORTING REQUIREMENTS MODERNIZATION BILL

BILL TO AMEND—EIGHTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on National Security and Defence (Bill S-233, An Act to amend the Customs Act and the Immigration and Refugee Protection Act (presentation and reporting requirements), with amendments), presented in the Senate on April 5, 2017.

Hon. Mobina S. B. Jaffer moved the adoption of the report.

She said: Honourable senators, I rise today to speak to the Standing Senate Committee on National Security and Defence's amendments to Bill S-233, the Conveyance Presentation and Reporting Requirements Modernization Act.

Senators, there are a number of amendments, and I will have to read these amendments. These amendments were presented in its eighth report.

Bill S-233 was introduced by Senator Runciman to simplify the customs reporting requirements for boats that enter Canadian waters from the United States but do not land or stop. The current Customs Act exempts boaters from reporting to Customs if they cross into Canadian waters on their way directly from one place outside Canada to another place outside Canada. However, they require fishermen or pleasure boaters who aren't on a direct route to report to Customs as soon as they cross into Canadian waters.

This bill would exempt these boaters from reporting as well, provided they do not land, anchor, moor or make contact with another conveyance while in Canadian waters.

The committee has introduced several amendments to the bill.

1. Amend clause 2 by replacing line 11 on page 1 to line 16 on page 2.

This amendment establishes three goals:

It harmonizes the exemption condition for reporting by persons in all types of marine and air movements, both direct movements and for loop movements. The change also expands the scope of the exemptions to include international waters for vessels that leave Canadian waters and then re-enter Canadian waters without landing, anchoring, mooring or making contact with another conveyance.

Finally, this change simplifies the conditions for aircraft by using the term "landing" instead of mooring and tethering.

2. Amend clause 3 by replacing line 22 on page 2 to line 4 on page 3.

While the previous amendment to clause 2 related to reporting by persons, this amendment relates to reporting of goods. It is

otherwise identical, imposing the same restrictions and safeguards.

3. Amend clause 4 by replacing line 14 on page 3 and replacing lines 17 and 18 on page 3.

The previous amendments remove section 5(1) and added its contents within subsection 5. This amendment is required to remove references to subsection 5.1, which no longer exists.

4. Amend clause 5 by replacing line 20 on page 3 and adding after line 27 on page 3.

This amendment is to ensure officers have similar powers under the Immigration and Refugee Protection Act as those provided under the Customs Act in Bill S-233. It adds a discretionary or residual power to give officers the ability to examine exempted persons for immigration purposes.

5. Amend clause 7 by replacing line 6 on page 4 and replacing lines 8 to 37 on page 4.

This is an amendment to the coordinating amendment in the bill, which coordinates it with Bill C-21, introduced by the government last year. It is required because of the changes to section 12 of the Customs Act to ensure the language is the same for both import and export of goods.

It ensures consistency in the exemption for reporting of goods under both direct and indirect cross-border movements. It also adds discretionary officer powers regarding exports and provides the authority to create related regulations.

Honourable senators, this bill seeks to amend the Customs Act to ensure that our border laws will not unnecessarily penalize fishers or pleasure boaters as they move near our southern border. I believe the amendments presented today will ensure consistency and clarity as we apply these changes.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

The Hon. the Speaker: When shall this bill, as amended, be read the third time?

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. Kim Pate: Honourable senators, I'm pleased to rise today to speak to Bill S-206, an act to repeal section 43 of the Criminal Code of Canada.

In discussing why I believe section 43 must be repealed, I begin, for two reasons, with the Supreme Court of Canada's 2004 decision regarding this provision, *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*.

[*Translation*]

First, this decision illustrates the complex nature of this provision and insofar as section 43 is concerned, what we see does not necessarily reflect reality.

[*English*]

Section 43 is often understood as a defence against charges of assault for well-meaning parents or teachers, but there is massive confusion in the law surrounding section 43, including the elaborate Supreme Court criteria that attempt to narrow and interpret its application.

In his speech on this bill, Senator Sinclair provided an overview of the law surrounding section 43, in which he concluded that if the provision did ever happen to work as a defence for a parent, "it would be by sheer luck, given the vague and confusing state of the law of assaulting children."

I will not add to this apt assessment, except to say that it is confirmed by my own experiences. Not once throughout decades of work with marginalized and criminalized women have I seen section 43 used successfully to keep a vulnerable woman out of prison and to keep her child from going parentless.

Section 43 is also sometimes viewed as an affirmation that parents must decide on their own whether or not physical punishment is in the best interests of their children. But, despite finding section 43 to be constitutional, the Supreme Court also reiterated that physical punishment is not of any benefit to children.

In fact, not one single expert witness in the case suggested that there was any benefit to physical punishment. The Supreme Court's conclusion was not that physical punishment could be in the best interests of the child; rather, the court clearly held that

the best interests of the child, which would be served by preventing physical punishment, may be subordinated to other concerns in appropriate contexts.

Research by the Children's Hospital of Eastern Ontario, CHEO for short, makes clear that the myth that physical punishment is for a child's own good has been thoroughly debunked. Further, the CHEO clearly identifies:

> While many parents believe that physical punishment will keep their children out of trouble, delinquency and anti-social behaviour have actually been found to increase over the long term in children who are physically punished.

• (1750)

Physical punishment is "a risk factor for physical injury of a child and erosion of parent-child relationships."

Children who are routinely hit are also more likely to experience poorer psychological adjustment and increased levels of aggression throughout life.

Finally, as the CHEO points out, allowing the assault of children "perpetuates the use of violence by the next generation." It is with these consequences for the next generation in mind that I turn to the second reason that I refer to the Supreme Court's 2004 decision. This reason is a more personal one.

When the decision was released, my now adult children were children of the age targeted by the decision. My wonderfully astute son, Michael, was 13 years old and my equally wonderful daughter, Madison, was 5. My son had watched the case with interest and had his own older brotherly interpretation of its outcome, particularly the rule restricting physical punishment to children between the ages of 2 and 12. What was Michael's concluding pronouncement? "Nobody can hit me," he announced, "but we can all hit Madison."

What my son zeroed in on then, and what we must also now recognize, is an absurd and atrocious reality at the core of section 43. No child should have to wait until they are a teenager for the right to have legal protection from harm that we now enjoy as adults. Nor do we want them to risk learning that they deserve to be assaulted and that, worse still, it is for their own good. By the time they are older, children who are routinely assaulted as an intended means of correcting their behaviour may suffer in ways that significantly negatively impact them and future generations.

CHEO's joint statement on the physical punishment of children and youth is based on research that consistently associates physical punishment during childhood with higher adult aggression, criminal and anti-social behaviour, and abuse of one's own children and/or spouse.

[*Translation*]

These effects do not occur only in cases of serious abuse. They also occur when a child is punished with a spanking, which is often considered a minor assault.

[Senator Pate]

[*English*]

There can perhaps be no more clear or stark evidence of the imperative of ensuring that children are protected from assault than the mountains of evidence and testimony of the negative impact of corporal and other assaultive punishments and "corrections" on children documented in the painstaking and too often excruciatingly painful, albeit necessary, detailed descriptions shared in the report of the Truth and Reconciliation Commission.

The TRC's call for the repeal of section 43 emphasizes the role that physical punishment and the belief that it should be inflicted on children with impunity played in the abuses perpetuated in residential schools. The trauma experienced during childhood by survivors of Canada's residential school system has been ongoing and intergenerational, continuing to have not just negative but sometimes devastating consequences for their families and communities.

In the time since the 2004 Supreme Court decision, my children have now become adults. Their generation has grown up without any advances being made in the criminal law and with cycles of violence surrounding physical punishment of children continuing unbroken.

We owe it to all children, past, present and future, to remedy the gap in our law that still condones the assault of children. It is time to heed the calls from the Truth and Reconciliation Commission, from the UN Committee on the Rights of the Child, from the Children's Hospital, and the nearly 600 organizations that have endorsed its joint statement. It is long past time, my friends and colleagues, to repeal section 43 and finally provide children with full legal protection from assault. Thank you, merci, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON THE REGULATORY AND TECHNICAL ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED AND AUTOMATED VEHICLES—SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Transport and Communications (Budget—study on the regulatory and technical issues related to the deployment of connected and automated vehicles), presented in the Senate earlier this day.

Hon. Michael L. MacDonald moved the adoption of the report.

He said: Honourable senators, earlier in the day, Senator Day asked me why I was asking for leave today to put this on the Order Paper. On Monday evening we went to Internal Economy and we asked for the budget for Transport and Communications to travel. We are going to Toronto and Waterloo to initiate our study on automated vehicles.

The first trip will take place during the first break week and time is of the essence in terms of booking rooms and booking flights. We wanted to get the item on the Order Paper today so that people making the arrangements could get to work next week and book everything before the break arrives.

Hon. Joan Fraser: Would Senator MacDonald take a question?

Senator MacDonald: Certainly.

Senator Fraser: How much money are we talking about?

Senator MacDonald: The total amount is $87,000 for three trips.

Senator Fraser: It's $87,000?

Senator MacDonald: Yes, one is for a conference in Toronto, one at the University of Waterloo and the QNX facilities in Kanata.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1800)

The Hon the Speaker *pro tempore***:** It being six o'clock, do honourable senators agree not to see the clock, and continue?

Hon. Senators: Agreed.

MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO FEDERAL PUBLIC MONEY ON LOAN TO BOMBARDIER INC.— DEBATE ADJOURNED

Hon. Leo Housakos, pursuant to notice of April 4, 2017, moved:

> That the Standing Senate Committee on Transport and Communications be authorized to examine and report on issues related to the 373 million dollars of federal public money on loan to Bombardier Inc., including but not limited to the overall value for investment on behalf of Canadians; and
>
> That the committee submit its final report to the Senate no later than June 7, 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, I'm sure by now we've all heard the distressing news about the latest massive layoffs at Bombardier, compounded by the news at the same time of a select number of senior management at the company receiving bonuses of up to 50 per cent.

This is made all the worse by the fact that Bombardier, while a private company, has received close to $1.5 billion dollars in funds between the provincial Government of Quebec and the federal government, all without any apparent conventions attached for how that money is used to ensure against this type of travesty.

Despite using taxpayers' dollars, taxpayers apparently don't deserve to have any guarantee that the money will be spent wisely. As a matter of fact, both the provincial and federal governments think taxpayers have no right to even ask questions.

Quebec Premier Couillard said yesterday:

> If the government gives a signal to the world that when you come to Quebec with a company, the government will put its big paws in your business and run your company for you, we won't go far in Quebec.

That would be all well and good if we weren't talking about a company that keeps putting its big paws into the public coffers, looking for and receiving public money. The argument against probing a private company wears thin when you're using public money to stay in operation. We aren't talking about a completely self-sufficient private company, for example, like Bell. We are talking about a company that has received hundreds of millions — billions — of dollars from the Canadian public.

The Trudeau government made this loan to Bombardier under the Strategic Aerospace and Defence Initiative with little to no requirements regarding the use of the funds. They made it under the auspices of protecting and creating middle-class jobs but sought absolutely no mechanisms to guarantee that would be the case. As we now know, the very opposite has occurred.

If we're going to continue making loans or agreements like this, we must be both strategic and responsible about it. We are talking about public money here. Governments not only have to be truly transparent about the terms of these types of deals, but they also have to be responsible and put covenants in place on the use of the funds. Banks, other private lenders or investors are not afraid to put a long list of conditions, representations and warrantees in their deals to protect their interests. Don't taxpayers deserve the same sort of protection?

The previous government certainly thought so. In 2013, Air Canada was looking down the barrel of a gun, facing the very real possibility of being grounded as they struggled to deal with deficits in their pension plan. The Harper government knew it had to act. However, Finance Minister Jim Flaherty did not let the urgency of the situation force him to act irresponsibly or flippantly with taxpayers' money. Flaherty attached conditions in the government's deal with the airline, including a freeze on executive compensation tied to the rate of inflation, a ban on special bonuses and limits on executive incentive plans. It was the prudent thing to do then, as it is now, colleagues.

Another troubling aspect of the Trudeau government's loan to Bombardier is the aforementioned lack of transparency around the deal. Do Canadians not deserve to know even the most basic of details about a loan of this magnitude? It should come as no surprise that Bombardier doesn't think so. This is a company that

has been to court in the neighbourhood of 10 times in nine years to avoid having to divulge information about the government funding it receives. In light of recent revelations about executive compensation, I can only imagine why.

Bombardier usually cites competitive concerns to suppress information, despite the fact that in many cases, its industry peers allow that same type of information to be released.

Regardless of the government's excuse, the Trudeau Liberals love nothing more than to wrap themselves in the flag of transparency, but time and time again they prove they are anything but open and transparent. We aren't talking about design schematics or anything of the sort here. We are talking about the most basic information you would expect when you make a loan: What the repayment schedule is and whether the loan is interest free. Is it too much to ask? Well, apparently it is, as I found out myself when I was admonished by the government leader for daring to ask questions on behalf of Canadians in regard to their hard-earned dollars.

However, this government's cavalier attitude toward expenditures of public funds and their condescending attitude when asked to account for those expenditures won't and cannot be tolerated. Even if it is too late to do anything about this particular deal with Bombardier, then at least we will make sure that future deals of this kind will come with the utmost transparency and safeguards.

If the Trudeau government won't give Canadians the answers they deserve about the use of their tax dollars, then I believe the Senate must. That's why I move:

> That the Standing Senate Committee on Transport and Communications be authorized to examine and report on issues related to the 373 million dollars of federal public money on loan to Bombardier Inc., including but not limited to the overall value for investment on behalf of Canadians; and
>
> That the committee submit its final report to the Senate no later than June 7, 2017 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. David Tkachuk: Honourable senators, I would like to support this motion by Senator Housakos. Bombardier is on record as having said that they don't need any kind of bailout from the government. The Prime Minister has said that in regard to Bombardier, he believes the free market will sort things out.

The free market is not about greed. It is about self-interest. The shares of Bombardier have been in the tank for 10 years. Today, they languish at a little over $2. When the federal government loaned $370 million to Bombardier and the Quebec taxpayers invested over $1 billion in equity in Bombardier, I think we purchased the right to have a say in the compensation of the executives. If I were a shareholder in Bombardier, and luckily I'm not, I would want to fire the board for supporting this outright greed.

I fully support Senator Housakos's motion. Having been a member of the Senate Transport Committee, I am also confident that they will do a thorough and competent job for Canadians. I look forward to their hearings.

Hon. Frances Lankin: Honourable senators, I will be very brief. I want to say that I agree with the two previous speakers. The transparency on these kinds of loans and bailouts of large corporations is essential for all Canadians. It is certainly essential, as well, for the workers of those corporations. I believe that in the world of corporate governance these days, we also believe in the shareholders' say on pay rights.

All of these important issues come together for me not just in this case but in all cases. If we can bring forward recommendations on how this should be presented in a transparent manner and in a manner that guarantees Canadians that there is a value in deals to be done, that there is not just an economic value but a value to our communities and to the workers and their families, then it is a good project for the Senate to be looking at and to be making recommendations, not just with respect to Bombardier but on the broader basis.

[*Translation*]

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I move the adjournment of the debate in my name.

An Hon. Senator: No.

The Hon. the Speaker: The Honourable Senator Bellemare, seconded by the Honourable Senator Harder, moves that the debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

[*English*]

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 an agreement on the bell, or do you want to do the vote now?

An Hon. Senator: Fifteen minutes.

The Hon. the Speaker: The vote will be at 6:25.

Call in the senators.

• (1820)

Motion to adjourn debate agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Bellemare	Lankin
Boniface	Marwah
Brazeau	McCoy
Christmas	Mégie
Cools	Mitchell
Dean	Moncion
Duffy	Munson
Fraser	Pate
Gold	Petitclerc
Harder	Pratte
Hartling	Tardif
Jaffer	Woo—24

NAYS
THE HONOURABLE SENATORS

Beyak	Martin
Boisvenu	Oh
Carignan	Patterson
Dagenais	Runciman
Eaton	Seidman
Housakos	Smith
Maltais	Stewart Olsen
Marshall	Tkachuk
McIntyre	Wells—18

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY CANADIANS' VIEWS ABOUT MODERNIZING THE OFFICIAL LANGUAGES ACT

Hon. Claudette Tardif, pursuant to notice of April 5, 2017, moved:

> That the Standing Senate Committee on Official Languages be authorized to examine and report on Canadians' views about modernizing the *Official* Languages Act. Considering that the Act will be turning 50 in 2019 and that it affects various segments of the Canadian population, that the committee be authorized to:
>
> (a) Examine and report on young Canadians' views about the advancement of both official languages, how they identify with the languages and related cultures, the motivations for learning the other official language, the employment opportunities and future of bilingual youth, and what can be done to enhance federal support for linguistic duality;
>
> (b) Identify the concerns of official language minority communities — and their sector-based organizations (e.g., health, education, culture, immigration) — regarding the implementation of the *Official Languages Act*, and what can be done to enhance their vitality and to support and assist their development;
>
> (c) Examine and report on the views of stakeholders who have witnessed the evolution of the *Official Languages Act* since it was enacted 50 years ago, with a focus on success stories, its weaknesses, and what can be done to improve it;
>
> (d) Identify issues specific to the administration of justice in both official languages, potential shortcomings of the *Official Languages Act* in this regard, and what can be done to ensure respect for English and French as the official languages of Canada;
>
> (*e*) Identify issues specific to the powers, duties and functions of federal institutions with respect to the implementation of the *Official Languages Act* — particularly the roles of the departments responsible (e.g., Canadian Heritage, Treasury Board Secretariat, Department of Justice, Public Service Commission of Canada) and the Office of the Commissioner of Official Languages — and what can be done to ensure the equality of both official languages in the institutions subject to the Act; and
>
> That the committee submit interim reports on the aforementioned themes, that it submit its final report to the Senate no later than June 30, 2019, and that it retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

She said: Honourable senators, the very first Official Languages Act was passed in 1969 in response to the recommendations of the Royal Commission on Bilingualism and Biculturalism. Canada will mark the Act's 50th anniversary in 2019.

Not since 1988 has the Act been modernized to reflect changes to the sociolinguistic, demographic, technological and legal interpretation landscapes.

The Senate committee recognizes that the Act affects various segments of the population and wants to arrive at a comprehensive understanding of what Canadians think about modernizing it. Among other things, the committee wants to find

out whether the law in its current form still meets real-life needs in terms of ensuring the substantive equality of both official languages in Canadian society.

The purpose of the study is to collect comments and recommendations from various segments of the Canadian population.

Over the coming months, the Senate committee will solicit comments and recommendations from the following groups in particular: youth, official language minority communities, stakeholders who have witnessed the evolution of the act, the justice sector and federal institutions.

The committee will submit interim reports on the aforementioned themes and a final report will be tabled in the Senate no later than June 30, 2019.

In anticipation of the question from my honourable colleague, Senator Fraser, I will say that our committee intends to listen to and consult Canadians on this very important matter. We will begin our study with public hearings in Ottawa. There are no plans for travel before next fall.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, April 11, 2017, at 2 p.m.)

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